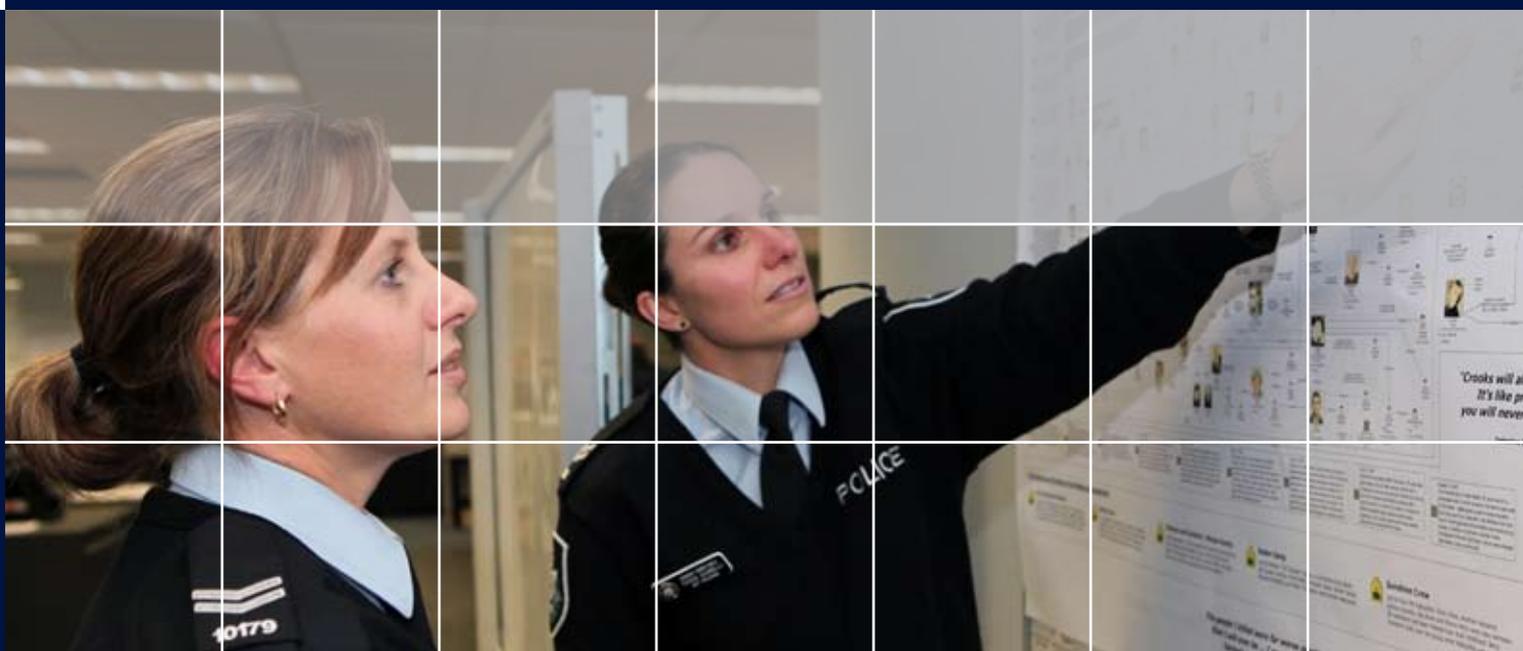




AFP
AUSTRALIAN FEDERAL POLICE

ACT Policing Controlled Operations Annual Report 2009–2010

SAFETY FOR THE COMMUNITY



Commonwealth of Australia 2010

ISSN 1838-2657

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GUIDE TO THIS REPORT

THE LEGISLATION

In August 2008, the ACT Legislative Assembly passed the *Crimes (Controlled Operations) Act 2008 (Act)*. The objective of the *Act* is to provide for the authorisation, conduct and monitoring of controlled operations, including operations conducted in the ACT and one or more other jurisdictions, or in one or more participating jurisdictions.

Controlled operations can be undertaken with respect to any serious Commonwealth offence or serious State or Territory offences. A controlled operation is defined as one that:

- (a) involves the participation of law enforcement officers
- (b) is carried out for the purpose of obtaining evidence that may lead to the prosecution of a person for a serious offence.

A serious offence, as defined by the *Crimes Act 1900* means an offence punishable by imprisonment for longer than 12 months.

IMMUNITY FROM CRIMINAL LIABILITY

The *Act* provides immunity from criminal liability and indemnity from civil liability for law enforcement officers and certain other persons who take an active part in or are otherwise in the commission of a Commonwealth, State or Territory offence during the course of an authorised operation, so long as the conduct does not involve the commission of a sexual assault against a person or an offence involving the death, or serious injury to a person.

If a controlled operation certificate is in force, a law enforcement officer who engages in conduct, that would otherwise constitute a Commonwealth, State or Territory offence, in the course of duty for the purposes of the controlled operation, is not criminally responsible for that offence. This is provided where the conduct of the officer does not involve intentionally inducing a person to commit an offence which that person would not otherwise have intended to commit.

In circumstances similar to these, immunity from criminal liability is also provided for a person other than a law enforcement officer. A law enforcement officer means any of the following:

- (a) a police officer
- (b) a member of staff of the Australian Crime Commission
- (c) includes a person who is seconded to a law enforcement agency, including (but not limited to) a member of the police force or police service, and a police officer (however described), of another jurisdiction.

SITUATIONS GIVING RISE TO THE ISSUE OF CONTROLLED OPERATION CERTIFICATES

Certificates authorising controlled operations are issued for the purpose of obtaining evidence that may lead to the prosecution of a person for a serious offence.

An authority to conduct a controlled operation may not be granted unless the Chief Police Officer for the ACT, or a delegate, is satisfied on reasonable grounds that:

- (a) a relevant offence has been, is being or is likely to be committed
- (b) the controlled operation will be, or is likely to be, conducted in the ACT, in the ACT and one or more other jurisdictions, or in one or more participating jurisdictions
- (c) the nature and extent of the suspected criminal activity justify the conduct of a controlled operation in the ACT, in the ACT and one or more other jurisdictions, or in one or more participating jurisdictions
- (d) any unlawful conduct involved in conducting the operation will be limited to the minimum necessary to conduct an effective controlled operation
- (e) the operation will be conducted in a way that will minimise the risk of more illicit goods being under the control of people, other than law enforcement officers, at the end of the operation than are reasonably necessary to enable the officers to achieve the purpose of the controlled operation
- (f) the proposed controlled conduct will be able to be accounted for in a way that will enable the reporting requirements of Part 4 of the *Act* to be complied with
- (g) the operation will not be conducted in a way that a person is likely to be induced to commit an offence against a law of any jurisdiction or the Commonwealth, that the person would not otherwise have committed
- (h) any conduct involved in the operation will not:
 - (i) endanger the health or safety of any person
 - (ii) cause the death of, or injury to, any person
 - (iii) involve the commission of a sexual offence against any person
 - (iv) result in unlawful loss of, or serious damage to property (other than illicit goods)
 - (v) any role assigned to a civilian participant in the operation is not one that could be adequately performed by a law enforcement officer.

GUIDE TO THIS REPORT

AUTHORISATION OF CONTROLLED OPERATIONS AND CONTROLLED OPERATION CERTIFICATES

An authority to conduct a controlled operation may be granted in writing, signed by the Chief Police Officer, or in the matter of an urgent application, if the Chief Police Officer is satisfied that the delay caused by granting a standard authority may affect the success of the operation, the authorisation can be given orally in person or by telephone, fax, email or any other means of communication to a delegate.

An authority, whether standard or urgent, must:

- (a) state the name and rank or position of the person granting the authority
- (b) identify the principal law enforcement officer and, if the principal law enforcement officer is not the applicant for the authority, the name of the applicant
- (c) state whether the application is a standard application or an urgent application
- (d) identify each person who may engage in controlled conduct for the purposes of the controlled operation
- (e) state the participating jurisdictions in which the controlled conduct is, or is likely, to be engaged in
- (f) identify the nature of the criminal activity (including the suspected relevant offences) in relation to which the controlled conduct is to be engaged in
- (g) identify in relation to the law enforcement participants—the nature of the controlled conduct that the participants may engage in
- (h) identify in relation to the civilian participants—the particular controlled conduct (if any) that each participant may engage in
- (i) identify (to the extent known) any suspect
- (j) state the period (not longer than three months for a standard authority or seven days for an urgent authority) of validity of the authority
- (k) state any conditions to which the conduct of the operation is subject
- (l) state the date and time when the authority is granted
- (m) identify (to the extent known)
 - (i) the nature and quantity of any illicit goods that will be involved in the operation
 - (ii) the route through which those goods will pass in the course of the operation.

The Chief Police Officer may delegate to a senior officer of the law enforcement agency any of the Chief Police Officer's functions under the *Act* relating to the authorisation of controlled operations (including the amendment and cancellation of controlled operations and notifications).

As defined by the legislation, a senior officer means a person for the time being holding office as:

- (a) in relation to the Australian Federal Police—a deputy chief police officer
- (b) in relation to the Australian Crime Commission, any of the following:
 - (i) the Director National Operations
 - (ii) a Director
 - (iii) an officer of the Australian Crime Commission that is prescribed by regulation.

TERMINATION OF A CONTROLLED OPERATIONS CERTIFICATE

The Chief Police Officer or an authorising officer may terminate a controlled operation certificate by providing written notification to the officer in charge of the operation. The notification must specify the time and date when the notification takes effect.

REPORTING REQUIREMENTS

The Chief Police Officer, as soon as practicable after 30 July each year must give the Minister a report setting out the details in relation to all controlled operations conducted on behalf of the agency during the previous financial year.

The report must include the following details:

- (a) the number of standard authorities that were granted or amended by the Chief Police Officer, and the number of standard applications for the granting or amendment of authorities that were refused by the Chief Police Officer, during the period to which the report relates
- (b) the number of urgent authorities or urgent amendments of authorities that were granted by the Chief Police Officer, and the number of urgent applications for authorities or urgent amendments of authorities that were refused during the period to which the report relates
- (c) the nature of the criminal activities against which the authorised operations were directed
- (d) the nature of the controlled conduct engaged in for the purposes of the authorised operations
- (e) if any of the authorised operations involved illicit goods a statement (to the extent known) of:
 - (i) the nature and quantity of the illicit goods
 - (ii) the route through which the illicit goods passed in the course of the operations
- (f) details of any loss of or serious damage to property, or any personal injuries, occurring in the course of or as a direct result of the authorised operations
- (g) the number of authorities cancelled by the Chief Police Officer or that expired during the period to which the report relates
- (h) any seizure, arrest and prosecution arising from the authorised operations.

The report must not disclose any information that identifies any suspect or a participant in an authorised operation or that is likely to lead to a suspect or participant being identified.

The Minister must present a copy of the report to the Legislative Assembly within 15 sitting days from the day the report is received by the Minister.

GUIDE TO THIS REPORT

MONITORING BY THE OMBUDSMAN

The Ombudsman must, from time to time and at least once every 12 months, inspect the records of a law enforcement agency to determine the extent of compliance with the *Act* by the agency and law enforcement officers of that agency.

For the purpose of an inspection the Ombudsman, after notifying the Chief Police Officer of the law enforcement agency, may enter premises occupied by the agency at any reasonable time; and is entitled to have full and free access at all reasonable times to all records of the agency that are relevant to the inspection.

The Ombudsman may require a member of staff (of the agency) to provide any information that the Ombudsman considers necessary, being information that is in the member's possession, or to which the member has access, and that is relevant to the inspection.

The Ombudsman must give a written report prepared under the *Annual Reports (Government Agencies) Act 2004*, on the results of each inspection in the preceding financial year. The report must include a report on the comprehensiveness and adequacy of the records of the agency and the cooperation given by the agency in facilitating the inspection by the Ombudsman of those records.

MATERIAL EXCLUDED FROM REPORTING

Subsection 5 of Section 28 of the *Crimes (Controlled Operations) Act 2008 (ACT)* states that the report must not disclose any information that identifies any suspect or a participant in an authorised operation or that is likely to lead to a suspect or participant being identified.

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

STANDARD CONTROLLED OPERATION NUMBER: 2009-10/01

Previous Applications

None

Date of Application

6 July 2009

Authorising Officer

Acting Deputy Chief Police Officer Francis Jamieson

Nature of Application

This application was made pursuant to Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Decision of Authorising Officer

At 4:12pm on Monday 6 July 2009, Superintendent Francis Jamieson, performing the duties of Deputy Chief Police Officer of ACT Policing, an authorising officer within the meaning of Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*, issued a certificate authorising a controlled operation to be undertaken.

Period of which the Certificate is in Force

The certificate was issued for the period commencing on the date of issue until 23 September 2009.

Grounds for Issue of Certificate

On the information provided, the authorising officer considered that:

The person or persons targeted by the controlled operation had committed or are likely to commit an offence of trafficking in controlled drug, against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)*, whether or not the controlled operation took place.

The offence of trafficking in controlled drug against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)* is a serious Australian Capital Territory offence and attracts a maximum penalty of imprisonment for life.

Conducting a controlled operation would provide police with an opportunity to identify those persons in the Australian Capital Territory involved in the commission of the offence, the subject of the controlled operation.

Conducting a controlled operation would enable the police to gather direct evidence of the involvement of those persons. Based on previous experience it is likely that, if confronted, the persons would deny all knowledge.

In deciding to give the certificate, the authorising officer took into account to a significant degree the seriousness of the offence in relation to which the certificate was given and any related suspected criminal activity.

Variation of Certificate

None

Review

None

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

Termination, Cancelled or Surrender

Cancelled – 13 July 2009 at 9:50am

Conduct of the Controlled Operation

No illegal conduct occurred as the controlled operation did not commence.

Target/s of the Controlled Operation

This information has been excluded under the provision of Subsection 5 of Section 28 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Civilian Participants

None

LEA Participants

This information has been excluded under the provision of Subsection 5 of Section 28 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Nature of Activities

The certificate authorised the controlled purchase of drugs within the ACT.

Illicit Goods

| | |
|---|-----|
| Type | N/A |
| Weight/Quantity | N/A |
| Current Location | N/A |
| Route through which the illicit goods travelled | N/A |
| Persons who had had possession of the illicit goods | N/A |

STANDARD CONTROLLED OPERATION NUMBER: 2009-10/02

Previous Applications

2009-10/01

Date of Application

13 July 2009 at 10:00am

Authorising Officer

Acting Deputy Chief Police Officer Francis Jamieson

Nature of Application

This application was made pursuant to Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Decision of Authorising Officer

At 10:00am on Monday 13 July 2009, Superintendent Francis Jamieson, performing the duties of Deputy Chief Police Officer of ACT Policing, an authorising officer within the meaning of Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*, issued a certificate authorising a controlled operation to be undertaken.

Period of which the Certificate is in Force

The certificate was issued for the period commencing on the date of issue until 23 September 2009.

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

Grounds for Issue of Certificate

On the information provided, the authorising officer considered that:

The person or persons targeted by the controlled operation have committed or are likely to commit an offence of trafficking in controlled drug, against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)*, whether or not the controlled operation took place.

The offence of trafficking in controlled drug against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)* is a serious Australian Capital Territory offence and attracts a maximum penalty of imprisonment for life.

Conducting a controlled operation would provide police with an opportunity to identify those persons in the Australian Capital Territory who are involved in the commission of the offence the subject of the controlled operation.

Conducting a controlled operation would enable the police to gather direct evidence of the involvement of those persons. Based on previous experience it is likely that, if confronted, the persons would deny all knowledge.

In deciding to give the certificate, the authorising officer took into account to a significant degree the seriousness of the offence in relation to which the certificate was given, and any related suspected criminal activity.

Variation of Certificate

None

Review

None

Termination, Cancelled or Surrender

Cancelled – 17 August 2009 at 2:00pm.

Conduct of the Controlled Operation

The controlled operation commenced on 13 July 2009 at 10:00am and concluded at 2:00pm on 17 August 2009.

Target/s of the Controlled Operation

This information has been excluded under the provision of Subsection 5 of Section 28 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Civilian Participants

None

LEA Participants

This information has been excluded under the provision of Subsection 5 of Section 28 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Nature of Activities

The certificate authorised the controlled purchase of drugs within the ACT.

Illicit Goods

| | |
|---|--|
| Type | There were no illicit goods involved (to the extent known) |
| Weight/Quantity | There were no illicit goods involved (to the extent known) |
| Current Location | There were no illicit goods involved (to the extent known) |
| Route through which the illicit goods travelled | There were no illicit goods involved (to the extent known) |
| Persons who had had possession of the illicit goods | There were no illicit goods involved (to the extent known) |

STANDARD CONTROLLED OPERATION NUMBER: 2009-10/03

Previous Applications

None

Date of Application

25 August 2009

Authorising Officer

Deputy Chief Police Officer Kevin Zuccato

Nature of Application

This application was made pursuant to Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Decision of Authorising Officer

At 4:00pm on Tuesday 1 September 2009, Commander Kevin Zuccato, performing the duties of Deputy Chief Police Officer of ACT Policing, an authorising officer within the meaning of Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*, issued a certificate authorising a controlled operation to be undertaken.

Period of which the certificate is in force

The certificate was issued for the period commencing on the date of issue until 17 November 2009.

Grounds for Issue of Certificate

On the information provided, the authorising officer considered that:

The person or persons targeted by the controlled operation have committed or are likely to commit an offence of trafficking in controlled drug, against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)*, whether or not the controlled operation took place.

The offence of trafficking in controlled drug against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)* is a serious Australian Capital Territory offence and attracts a maximum penalty of imprisonment for life.

Conducting a controlled operation would provide police with an opportunity to identify those persons in the Australian Capital Territory who are involved in the commission of the offence the subject of the controlled operation.

Conducting a controlled operation would enable the police to gather direct evidence of the involvement of those persons. Based on previous experience it is likely that, if confronted, the persons would deny all knowledge.

In deciding to give the certificate, the authorising officer took into account to a significant degree the seriousness of the series offence in relation to which the certificate was given and any suspected criminal activity that is related to that offence.

Variation of Certificate

None

Review

None

Termination, Cancelled or Surrender

Cancelled – 13 October 2009 at 3:12pm.

Conduct of the Controlled Operation

The controlled operation commenced at 12.00pm, 5 October 2009 and concluded at 6:00pm, 5 October 2009.

Target/s of the Controlled Operation

This information has been excluded under the provision of Subsection 7 of Section 28 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Civilian Participants

None

LEA Participants

This information has been excluded under the provision of Subsection 7 of Section 28 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

Nature of Activities

The certificate authorised the controlled purchase of drugs within the ACT.

Illicit Goods

| | |
|---|--|
| Type | There were no illicit goods involved (to the extent known) |
| Weight/Quantity | There were no illicit goods involved (to the extent known) |
| Current Location | There were no illicit goods involved (to the extent known) |
| Route through which the illicit goods travelled | There were no illicit goods involved (to the extent known) |
| Persons who had had possession of the illicit goods | There were no illicit goods involved (to the extent known) |

STANDARD CONTROLLED OPERATION NUMBER: 2009-10/04

Previous Applications

None

Date of Application

16 October 2009

Authorising Officer

Deputy Chief Police Officer David McLean

Nature of Application

This application was made pursuant to Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Decision of Authorising Officer

At 2:01pm on Tuesday 21 Wednesday 2009, Commander David McLean, performing the duties of Deputy Chief Police Officer of ACT Policing, an authorising officer within the meaning of Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*, issued a certificate authorising a controlled operation to be undertaken.

Period of which the certificate is in force

The certificate was issued for the period commencing on the date of issue until 16 January 2010.

Grounds for Issue of Certificate

On the information provided, the authorising officer considered that:

The person or persons targeted by the controlled operation have committed or are likely to commit an offence of trafficking in controlled drugs, against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)*, whether or not the controlled operation took place.

The offence of trafficking in controlled drugs against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)* is a serious Australian Capital Territory offence and attracts a maximum penalty of imprisonment for life.

Conducting a controlled operation would provide police with an opportunity to identify those persons in the Australian Capital Territory who are involved in the commission of the offence the subject of the controlled operation.

Conducting a controlled operation would enable the police to gather direct evidence of the involvement of those persons. Based on previous experience it is likely that, if confronted, the persons would deny all knowledge.

In deciding to give the certificate, the authorising officer took into account to a significant degree the seriousness of the series offence in relation to which the certificate was given and any suspected criminal activity that is related to that offence.

Variation of Certificate

Yes

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

Review

None

Termination, Cancelled or Surrender

Cancelled – 10 December 2009 at 4:15pm.

Conduct of the Controlled Operation

The controlled operation commenced on 11 November 2009 at 5:27pm and concluded at 12:05am on 4 December 2009.

Target/s of the Controlled Operation

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Civilian Participants

None

LEA Participants

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Nature of Activities

The certificate authorised the controlled purchase of drugs within the ACT.

Illicit Goods

| | |
|---|--|
| Type | Methylamphetamine |
| Weight/Quantity | 41.64 grams |
| Current Location | Retained by police. |
| Route through which the illicit goods travelled | The targets of the controlled operations passed methylamphetamine to a police operative whilst within the ACT. |
| Persons who had had possession of the illicit goods | This information has been excluded under the provision of Subsection 5 of Section 9 of the <i>Crimes (Controlled Operations) Act 2008 (ACT)</i> . The targets of the controlled operation were charged with two counts of trafficking in controlled drugs and two charges of possession of a prohibited drug. |

URGENT CONTROLLED OPERATION NUMBER: 2009-10/05

Previous Applications

None

Date of Application

2 December 2009

Authorising Officer

Deputy Chief Police Officer David McLean

Nature of Application

This application was made pursuant to Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Decision of Authorising Officer

At 12:05pm on Tuesday 21 Wednesday 2009, Commander David McLean, performing the duties of Deputy Chief Police Officer of ACT Policing, an authorising officer within the meaning of Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*, issued a certificate authorising a controlled operation to be undertaken.

Period of which the certificate is in force

The certificate was issued for the period commencing on the date of issue until 8 December 2009.

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

Grounds for Issue of Certificate

On the information provided, the authorising officer considered that:

The person or persons targeted by the controlled operation have committed or are likely to commit an offence of blackmail, against Section 342 of the *Criminal Code 2002 (ACT)*, whether or not the controlled operation took place.

The offence of blackmail against Section 342 of the *Criminal Code 2002 (ACT)* is a serious Australian Capital Territory offence and attracts a maximum penalty of imprisonment of 14 years and/or 1400 penalty units.

Conducting a controlled operation would provide police with an opportunity to identify those persons in the Australian Capital Territory who are involved in the commission of the offence the subject of the controlled operation.

Conducting a controlled operation would enable the police to gather direct evidence of the involvement of those persons. Based on previous experience it is likely that, if confronted, the persons would deny all knowledge.

In deciding to give the certificate, the authorising officer took into account to a significant degree the seriousness of the series offence in relation to which the certificate was given and any suspected criminal activity that is related to that offence.

Variation of Certificate

No

Review

None

Termination, Cancelled or Surrender

Cancelled – 10 December 2009 at 4:50pm

Conduct of the Controlled Operation

The controlled operation commenced on 2 December 2009 at 11:00am and concluded at 8:00pm on 2 December 2009.

Target/s of the Controlled Operation

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Civilian Participants

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

LEA Participants

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Nature of Activities

The certificate authorised the controlled delivery of a payment of money.

Illicit Goods

| | |
|---|--|
| Type | There were no illicit goods involved (to the extent known) |
| Weight/Quantity | There were no illicit goods involved (to the extent known) |
| Current Location | There were no illicit goods involved (to the extent known) |
| Route through which the illicit goods travelled | There were no illicit goods involved (to the extent known) |
| Persons who had had possession of the illicit goods | There were no illicit goods involved (to the extent known) |

STANDARD CONTROLLED OPERATION NUMBER: 2009-10/06

Previous Applications

None

Date of Application

17 March 2010

Authorising Officer

Deputy Chief Police Officer David McLean

Nature of Application

This application was made pursuant to Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Decision of Authorising Officer

At 11:33am on Thursday, 18 March 2010, Commander David McLean, performing the duties of Deputy Chief Police Officer of ACT Policing, an authorising officer within the meaning of Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*, issued a certificate authorising a controlled operation to be undertaken.

Period of which the certificate is in force

The certificate was issued for the period commencing on the date of issue until 8 June 2010.

Grounds for Issue of Certificate

On the information provided, the authorising officer considered that:

The person or persons targeted by the controlled operation have committed or are likely to commit an offence of trafficking in controlled drugs, against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)*, whether or not the controlled operation took place.

The offence of trafficking in controlled drugs against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)* is a serious Australian Capital Territory offence and attracts a maximum penalty of imprisonment for life.

Conducting a controlled operation would provide police with an opportunity to identify those persons in the Australian Capital Territory who are involved in the commission of the offence the subject of the controlled operation.

Conducting a controlled operation would enable the police to gather direct evidence of the involvement of those persons. Based on previous experience it is likely that, if confronted, the persons would deny all knowledge.

In deciding to give the certificate, the authorising officer took into account to a significant degree the seriousness of the series offence in relation to which the certificate was given and any suspected criminal activity that is related to that offence.

Variation of Certificate

Yes

Review

None

Termination, Cancelled or Surrender

Nil – expired on 8 August 2010 at 11:59pm.

Conduct of the Controlled Operation

No illegal conduct occurred as the controlled operation did not commence.

Target/s of the Controlled Operation

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Civilian Participants

None

LEA Participants

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

Nature of Activities

No illegal conduct occurred as the controlled operation did not commence.

Illicit Goods

| | |
|---|-----|
| Type | N/A |
| Weight/Quantity | N/A |
| Current Location | N/A |
| Route through which the illicit goods travelled | N/A |
| Persons who had had possession of the illicit goods | N/A |

STANDARD CONTROLLED OPERATION NUMBER: 2009-10/07

Previous Applications

None

Date of Application

29 March 2010

Authorising Officer

Deputy Chief Police Officer David McLean

Nature of Application

This application was made pursuant to Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Decision of Authorising Officer

At 2:01pm on Tuesday 30 March 2010, Commander David McLean, performing the duties of Deputy Chief Police Officer of ACT Policing, an authorising officer within the meaning of Part 2, Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*, issued a certificate authorising a controlled operation to be undertaken.

Period of which the certificate is in force

The certificate was issued for the period commencing on the date of issue until 24 June 2010.

Grounds for Issue of Certificate

On the information provided, the authorising officer considered that:

The person or persons targeted by the controlled operation have committed or are likely to commit an offence of trafficking in controlled drugs, against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)*, whether or not the controlled operation took place.

The offence of trafficking in controlled drug against Section 603, Subsection 1 of the *Criminal Code 2002 (ACT)* is a serious Australian Capital Territory offence and attracts a maximum penalty of imprisonment for life.

Conducting a controlled operation would provide police with an opportunity to identify those persons in the Australian Capital Territory who are involved in the commission of the offence the subject of the controlled operation.

Conducting a controlled operation would enable the police to gather direct evidence of the involvement of those persons. Based on previous experience it is likely that, if confronted, the persons would deny all knowledge.

In deciding to give the certificate, the authorising officer took into account to a significant degree the seriousness of the series offence in relation to which the certificate was given and any suspected criminal activity that is related to that offence.

Variation of Certificate

None

CERTIFICATES ISSUED BY AUTHORISING OFFICERS OF ACT POLICING

Review

None

Termination, Cancelled or Surrender

Cancelled – 3 June 2010 at 11:59pm.

Conduct of the Controlled Operation

The controlled operation commenced on 31 March 2010 at 2:00pm and concluded at 5:00pm on 5 May 2010.

The controlled operation involved a delivery of illicit substances from the target to the police operative and was subsequently passed onto NSW Police investigators.

Target/s of the Controlled Operation

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Civilian Participants

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

LEA Participants

This information has been excluded under the provision of Subsection 5 of Section 9 of the *Crimes (Controlled Operations) Act 2008 (ACT)*.

Nature of Activities

The certificate authorised the controlled purchase of drugs within the ACT.

Illicit Goods

| | |
|---|---|
| Type | Heroin |
| Weight/Quantity | 21 grams |
| Current Location | NSW Police |
| Route through which the illicit goods travelled | Controlled operation was conducted within the ACT. |
| Persons who had had possession of the illicit goods | This information has been excluded under the provision of Subsection 5 of Section 9 of the <i>Crimes (Controlled Operations) Act 2008 (ACT)</i> . The targets of the controlled operation were arrested and charged by NSW Police, within NSW. |

