

**Submission
No 5**

**INQUIRY INTO THE CONDUCT AND PROGRESS OF THE
OMBUDSMAN'S INQUIRY "OPERATION PROSPECT"**

Organisation: Police Integrity Commission

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The Hon Robert Borsak, MLC
Parliament House
Macquarie Street
SYDNEY NSW 2000

Attn: Mr Samuel Griffith

**RE: Inquiry into the conduct and progress of Ombudsman's inquiry
"Operation Prospect"**

Dear Sir

In response to your letter dated 2 December 2014 inviting submissions to the Select Committee's inquiry, please find below a brief outline of the role played by the Police Integrity Commission ("the Commission") in the matters referred to in the inquiry's Terms of Reference.

Background – Mascot/Florida

The Commission commenced an operation codenamed "Florida" in 2000 as a result of information supplied to it by the NSW Crime Commission ("NSWCC").

It is the Commission's understanding that in late 1998, a NSW Police Force officer approached the NSWCC with information regarding police corruption and criminal activity involving himself and other serving and former members of NSW Police Force over a significant period of time. In early 1999 the NSWCC, assisted by officers from the NSW Police Force, commenced an investigation codenamed "Mascot", and started inquiring into the allegations made by the officer.

In July 2000, the Commission joined the investigation. A memorandum of understanding was signed by the Commissioners of the Police Force, the NSWCC and this Commission in which they agreed to jointly pursue the allegations of police corruption. The officer, codenamed "Sea", continued to associate with his former police colleagues, while covertly gathering evidence, including by the use of concealed listening devices.

This Commission was not involved in the tasking of Sea or the obtaining of warrants for the purposes of the covert surveillance undertaken by him.

Between October 2001 and November 2002, the Commission held public hearings using evidence gathered during the investigation. The hearings exposed corruption in a number of police commands including the Manly/Davidson Local Area Command, the Chatswood, North Sydney and Gosford Offices of the Major Crime Squad North and the former Drug Enforcement Agency of the NSW Police. In June 2004 the Commission presented a report to

Parliament in relation to the matters which had been the subject of the Operation Florida public hearing. In the meantime, prosecutions of some of the involved officers had commenced.

First Inspector's Inquiry

In April 2002, the (then) Inspector of the Police Integrity Commission ("the Inspector") was requested by the (then) Minister for Police to inquire into one of the listening device warrants that included the names of 114 people (warrant number 266/2000) which had been disclosed in one of the abovementioned prosecutions. This Commission co-operated with the Inspector's inquiry.

The Inspector did not publically release his report but stated in his Annual Report for 2002 that he had conducted a preliminary investigation into the warrant and found that it was justifiably sought, it complied with the relevant legislation (subject to one minor irregularity which was of no substantial consequence) and that the material obtained was used appropriately.

NSWPF Strike Force Emblems

In 2003 the Commissioner for Police received a complaint from the Police Association concerning the listening device warrant referred to above. Strike Force Emblems was established to investigate the complaint. The Commission was not involved in that investigation. The Emblems report was not publicly released.

Ombudsman's Inquiry

In 2012 the (then) Minister for Police announced that the (current) Inspector of the Police Integrity Commission had been asked to examine the Emblems report and give advice regarding the recommendations in the report and examine whether the report could be publicly released. The Minister also announced that the Ombudsman had been asked to examine a number of further complaints and submissions about issues surrounding S/F Emblems. The Inspector subsequently advised that the Emblems report should not be publicly released.

In relation to the Ombudsman's inquiry (Operation Prospect), the Commission has received requests for assistance from the Ombudsman and the Commission has co-operated with those requests.

Yours sincerely

M M O'Brien

Assistant Commissioner