

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

Name: Name suppressed

Date received: 10/01/2015

Partially Confidential

Submission to NSW Parliamentary Committee in relation to Operation Prospect

Dear Chairman and Committee members,

My name is _____ and I was a Detective in the NSW Police for a period of 17 years. In 2000, I was illegally targeted by former members of the Special Crime & Internal Affairs (SCIA) branch who were working out of the NSW Crime Commission (NSWCC) office in Sydney. Their investigations were associated with NSWCC references Mascot/Florida. I am sure that the members of the Committee are reasonably familiar with the background of these matters including the improper listening device (LD) warrant involving 100 senior Police obtained in 2000. As touched upon before the GPSC4, the current Dep Commissioner Catherine Burn, who was a senior member of that unit at the time, was heavily involved in the illegal and improper investigation of a large number of current serving and former NSW Police officers. That may have had something to do with the former Police Minister Mr Michael Gallagher's disgraceful attempts to stop Burn answering any questions about the Emblems matter during a meeting of the Standing Committee in 2012 (approx.)

There are two issues that I would like to bring to the attention of the Committee.

Firstly, in 2012 (approx.) I was provided with copies of certain documents by person/s unknown to me. The documents clearly evidence that I was illegally targeted and investigated by members of the SCIA unit during the Florida/Mascot investigation. Whilst I was not part of the 100 Police named in the false affidavit, I was apparently targeted due to a previous conflict that I had had with the Commander of the investigation A/Supt John Dolan. It was clear that there was no love lost between Dolan and I when we both worked at Task Force 1 of the Drug Enforcement Agency. Anyway, getting back to the crux of the matter, I have been informed that members of the SCIA team conducted 11 integrity tests on me over a period 7 months in 2000. These tests were conducted contrary to both the NSW Police Integrity Testing policy and s.207A of the *Police Act 1990*. According to documents I have seen, the illegal action against me included the swearing of false affidavits for both LDs and Telephone intercepts (TI) before a Justice of the Sup Court. In addition, I have also been informed that several other officers who were attached to the mentioned SCIA unit have since indicated that I was targeted illegally at the behest of A/Supt Dolan who was determined to "get anything he could on me". These various former members of that SCIA unit (some of whom are now current high ranking officers in the Police) have now apparently outlined instances of illegal targeting (incl integrity testing, LDs & TI's) against numerous other Police as well as myself. It is pertinent that at the conclusion of the investigation into my matter, I was not charged with any criminal or departmental charges. It was clear, according to the lead investigator in my matter at least, that there were various illegal acts conducted by those involved in targeting me, and that as a result, no action should be taken against me. If the information I have received is true and I was integrity tested on 11 occasions, it is quite clear any Listening Device and Telephone Intercept warrants in place must have been 'rolled over' every 21 days, as was the legal requirement at the time. By passing the first integrity test, integrity testing policy dictates that no further attempts can be made against a subject officer involving the same information. Unfortunately, because there were no

checks and balances or external accountability in place at SCIA at the time under Dolan/Brammer/Burn, they were simply allowed to roll over Supreme Court warrants just so they could continue to investigate me. The use of false affidavits to obtain LD and telephone warrants is clearly illegal and is one of many cornerstones of our civil rights to protect citizens (incl Police) from overzealous and improper targeting of citizens. As a result of their actions, I was illegally targeted, set up, removed from the State Crime Command and ultimately medically discharged from the Force in 2005.

When Operation Prospect was announced, I sent the Ombudsman an official letter of complaint relating to my specific circumstances. However, like many other former and serving officers affected by this illegal behaviour, I wasn't not overly confident from the outset that the investigation would be pursued as vigorously as it possibly should be, especially considering that Bruce Barbour was apparently a close friend of the former Premier Mr O'Farrell, who had ordered that the Ombudsman should investigate the matters referred to above. In my opinion and those of my former colleagues, the Government and former Government wanted to bury this Ombudsman's inquiry for a few years and hope that those affected would lose interest in achieving justice. The fact that Operation was to be heard in camera was absolutely ludicrous, in my opinion as transparency couldn't be guaranteed. According to those former officers I have spoken to, there is a very strong resolve amongst those affected towards seeing this matter through to its conclusion. That includes ensuring that appropriate charges are laid against those who have acted corruptly or who have committed criminal offences and compensation is paid to those in appropriate cases.

For your information, I have also attached correspondence sent to Ms Linda Waugh who I understand is the Deputy Ombudsman in charge of Operation Prospect. My letter and her response is also attached.

Regards

10 January 2015