



**Victorian Inspectorate Report to the Parliament of
Victoria on Victoria Police pursuant to s. 39 *Crimes
(Controlled Operations) Act 2004*
2015-2016**

November 2016

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List of Abbreviations

CCO Act	<i>Crimes (Controlled Operations) Act 2004</i>
CCP	Chief Commissioner of Police
COR	Controlled Operations Registry
Fisheries Act	<i>Fisheries Act 1995</i>
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
GMA	Game Management Authority
IBAC	Independent Broad-based Anti-corruption Commission
Inspectorate	Victorian Inspectorate
PLEO	Principal law enforcement officer (in respect of a controlled operation)
TPU	Technical Projects Unit (Professional Standards Command)
Wildlife Act	<i>Wildlife Act 1975</i>

INTRODUCTION

This report is prepared for the Parliament of Victoria by the Victorian Inspectorate (the Inspectorate) pursuant to s. 39 of the *Crimes (Controlled Operations) Act 2004* (CCO Act). This report details the use of controlled operation provisions by, and the result of inspections undertaken at, Victoria Police during the 2015-2016 year, and the level of compliance with regulatory requirements achieved by the agency.

In the state of Victoria five law enforcement agencies are authorised to conduct controlled operations. They are

- Victoria Police,
- the Independent Broad-based Anti-corruption Commission (IBAC),
- the Department of Environment, Land, Water and Planning (DELWP),
- the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and
- the Game Management Authority (GMA).

Victoria Police and the IBAC are authorised to undertake controlled operations under the CCO Act. DEDJTR may undertake controlled operations pursuant to the *Fisheries Act 1995* (Fisheries Act), while DELWP and GMA are authorised to undertake controlled operations under the *Wildlife Act 1975* (Wildlife Act). The provisions of these Acts are generally similar, although the Fisheries Act and the Wildlife Act contain specific provisions limiting the types of offences that may be investigated and the operational scope of a controlled operation.

While the legislation provides for a single controlled operations report to be produced, the practical approach adopted by the Inspectorate is to prepare separate reports for each agency under applicable legislation.

FEATURES OF THE LEGISLATION

CRIMES (CONTROLLED OPERATIONS) ACT 2004

The CCO Act provides for the authorisation, conduct and monitoring of controlled operations. It defines a controlled operation as an operation that -

- (a) is conducted, or is intended to be conducted, for the purpose of obtaining evidence that may lead to the prosecution of a person for a relevant offence; and
- (b) involves, or may involve, controlled conduct.¹

Controlled conduct means conduct for which a person would, but for the indemnity provisions of ss. 28 and 35 of the CCO Act, be criminally responsible.²

Provision is made in the CCO Act for law enforcement officers of Victoria Police to apply for an authority to conduct a controlled operation.³ The authority, if granted, must be authorised in writing by the agency chief officer⁴ being the Chief Commissioner of Police (CCP), or otherwise by certain senior officers under delegation.⁵ The scope of the authority and any conditions attached to its exercise must be detailed within the authority document.⁶ A number of factors must be taken into account by the officer determining the application before an authority may be granted.⁷ Provision is made for the granting of urgent authorities, the variation of an authority for certain permissible purposes⁸ and the cancellation of an authority.⁹

Authority may be granted for three different types of controlled operation,¹⁰ as follows:

- **Local major:** a controlled operation investigating a relevant offence¹¹ and conducted wholly within the state of Victoria.¹²
- **Local minor:** a controlled operation investigating an offence punishable by less than three years imprisonment and conducted wholly within the state of Victoria.¹³
- **Cross border:** a controlled operation investigating a relevant offence¹⁴ that may be conducted in the state of Victoria as well as one or more participating jurisdictions.¹⁵

¹ section 6, Crimes (Controlled Operations) Act 2004 (CCO Act).

² Ibid s. 7.

³ Ibid s. 12.

⁴ Ibid s. 13.

⁵ Ibid s. 44.

⁶ Ibid s. 18(3).

⁷ Ibid ss. 14 - 17.

⁸ Ibid ss. 20 - 24.

⁹ Ibid s. 25.

¹⁰ Ibid s. 8.

¹¹ As defined in CCO Act s. 3.

¹² Ibid s. 10.

¹³ Ibid s. 11.

¹⁴ As defined in CCO Act s. 3.

¹⁵ Ibid s. 9.

The CCO Act provides for recognition in Victoria of corresponding controlled operation authorities issued in another State or Territory of Australia under legislation that has been recognised by Victoria as corresponding law.¹⁶

Certain different conditions apply to the granting of authority for the different types of controlled operation¹⁷ and the maximum period of validity of an authority depends upon which type of operation is authorised.¹⁸

The CCO Act requires that certain documents and a register be kept by Victoria Police.¹⁹ These obligations are the responsibility of the CCP. Inspection of these records by the Inspectorate²⁰ and a comprehensive statutory reporting regime²¹ are two important controls established under the CCO Act. The reporting requirements include a report from the designated principal law enforcement officer (PLEO) to the agency chief officer upon completion of each authorised operation²² and a six-monthly report by the CCP, as the agency chief officer, to the Victorian Inspectorate²³ covering the use of controlled operations by Victoria Police in the preceding six months. The nature and type of information to be included in these reports is set out in the CCO Act. There is also a statutory obligation to report the loss of or serious damage to property and also any personal injury that occurs in the conduct of an authorised controlled operation.²⁴

THE VICTORIAN INSPECTORATE

The Inspectorate provides independent oversight of the use made by Victoria Police of controlled operations. The Inspectorate is required to inspect the records of Victoria Police in order to determine the level of statutory compliance achieved by Victoria Police and its law enforcement officers.²⁵ To ensure an accurate assessment, the Inspectorate has established processes which involve reviewing applications, authorities, reports and other documents. This enables the Inspectorate to assess whether the authority for a controlled operation was properly issued and whether the operation was conducted in compliance with the CCO Act. A more comprehensive description of the role of the Inspectorate and the processes established for undertaking compliance inspections was provided in an earlier report.²⁶

¹⁶ Ibid ss. 8(a), 9, 15 and 35. Recognition requires that the law of the other jurisdiction be declared by the *Crimes (Controlled Operations) Regulations 2008* to correspond with the CCO Act.

¹⁷ Ibid ss. 15 - 17.

¹⁸ Ibid s 19.

¹⁹ Ibid ss 40 - 41.

²⁰ Ibid s. 42.

²¹ Ibid ss. 34(1), 37 - 39.

²² Ibid s. 37.

²³ Ibid s. 38.

²⁴ The PLEO is required under s. 34 of the CCO Act to inform the CCP of any loss or serious damage to property, and of any personal injury, occurring in the course of or as a direct result of an authorised operation. The CCP's report to the Inspectorate under s. 38 of the CCO Act must also contain those details.

²⁵ Section 42(1) CCO Act.

²⁶ Report of the Victorian Inspectorate for the year ending 30 June 2013 pursuant to s. 39 of the *Crimes (Controlled Operations) Act 2004* in respect of the Victoria Police.

As required by the CCO Act, the Inspectorate prepares an annual report of the work and activities of the agency during the year, a copy of which is provided to the CCP and the Minister and tabled in the Parliament of Victoria.²⁷

INSPECTION

The Inspectorate must inspect the records of Victoria Police from time to time but at least once every 12 months to determine the extent of compliance with the CCO Act.²⁸ The established practice of the Inspectorate is to schedule two inspections each year. These involve attending two work units within Victoria Police - the Controlled Operations Registry (COR) within the Crime Department and the Technical Projects Unit (TPU) within Professional Standards Command.

REPORTING

The annual report of the Inspectorate must be made as soon as practicable following receipt of the chief officer's second report to the Inspectorate for that reporting period.²⁹ Reports prepared by the Inspectorate include the following information:

- results of inspections undertaken at Victoria Police COR and TPU;
- an assessment of the level of compliance with the CCO Act;
- an overview of the work and activities of Victoria Police officers carried out pursuant to the provisions of the CCO Act; and
- comment regarding the comprehensiveness and adequacy of the reports provided to the Inspectorate by the CCP in his capacity as chief officer.

The Inspectorate's report must not include information that enables the identification of a participant in an operation. The chief officer must also advise the Inspectorate of any information that should be excluded from the Inspectorate's report if in his or her opinion the information may:

- endanger a person's safety; or
- prejudice an investigation or prosecution; or
- compromise any law enforcement agency's operational activities or methodologies.

²⁷ Section 39 CCO Act.

²⁸ Ibid s. 42.

²⁹ Ibid ss. 38 - 39. The second chief officer report is due as soon as practicable after 30 June of each year but no more than two months after this date.

ASSESSING COMPLIANCE

At each inspection the Inspectorate examines certain documents, records, reports and registers to assess and determine the level of compliance achieved by Victoria Police under the CCO Act.

Each inspection involves undertaking a detailed examination of:

- documents and records relating to completed authorised operations which are required to be kept by the agency; and
- the general register kept pursuant to section 41 of the CCO Act.

The content of each document is inspected to determine:

- whether each document included the information required;
- whether the information that had accompanied or formed part of each application was sufficient to enable the approving officer to properly determine whether to grant or refuse the application; and
- whether the operation for which authority was sought was consistent with the definition of a controlled operation as defined in the CCO Act.

The Inspectorate must also determine whether the reports of the chief officer were received within the required timeframes and assess the reports in relation to required content.

INSPECTION RESULTS

For the purposes of inspecting controlled operations records, the Inspectorate attended Victoria Police twice during 2015-2016, in December 2015 and June 2016. The number of records inspected does not directly correlate with the number of applications made or operations completed for the year as reported to the Inspectorate by the chief officer in the six monthly reports (and which are included in the appendices to this report). This is because in conducting an inspection, the Inspectorate officers view only those operations which have been completed and for which PLEO reports have been submitted. The reports of the chief officer provide required information relating to a six month period during which various reportable matters occurred and may therefore include controlled operations not inspected by the Inspectorate.

INSPECTION OF AGENCY RECORDS AND DOCUMENTS

A total of 98 controlled operation files were inspected during the 2015-2016 year. Fifty four completed controlled operation files were inspected in December 2015 and 44 completed controlled operation files in June 2016.

Tables 1 and 2 below summarise the principal compliance requirements of the CCO Act and the Inspectorate's compliance assessment. While it is not practicable to provide comment on each compliance requirement, further comment is made when, for example, a compliance issue has been identified.

Applications for authorities to conduct controlled operations - s.12

Section 12 of the CCO Act states that an application for a controlled operation may be made in writing and signed by the applicant. However, there is provision for the making of urgent applications where it is believed that a delay caused by having to make a formal application may impact on the success of the operation; in such a case an application (an urgent application) may be made orally (in person or by telephone), or by fax, email or any other means of communication. Section 12 of the CCO Act also states that the application must contain a sufficient level of information, state the type of controlled operation being sought and state if an operation has previously been undertaken in relation to the same criminal activity.³⁰

Of the 98 controlled operation applications inspected all were formal applications; no urgent applications were made. Three applications were identified as non-compliant. The low number of applications identified as non-compliant is consistent with the previous year's reporting and continues to demonstrate that Victoria Police has a thorough understanding of the requirements of s.12 of the CCO Act.

³⁰ Ibid s.12(4)(c)

Section 12 outlines the requirements for an application for the approval of a controlled operation.

As previously mentioned, three applications were assessed as non-compliant, two of these were the result of the inclusion of the suspect's alleged behaviour to include a criminal activity that was not possible for the suspect to engage in, but was the authorised activity to be performed by the law enforcement officer.

Discussions between the Inspectorate compliance officers and the Victoria Police COR officers on how to better record this type of application will mean that operations of this kind will be recorded in such a way to ensure compliance in the future.

Table 1: Compliance requirements with *Crimes (Controlled Operations) Act 2004*³¹

Compliance criteria	No. of records compliant	No. of records not compliant
Application for authority to conduct controlled operations (s. 12)	95	3
Determination of application (s. 13) (with consideration of relevant factors set out in ss. 14-17)	98	0
Form of authority (s. 18)	97	1
Duration of authorities and extensions by variation (ss. 19-20)	97	1
Applications for variation of an authority (s. 21)	57	0
Determination of application to vary authority (consideration of relevant ss. 14-17 factors) (s. 22)	56	1
Manner of varying authority and form of variation of authority (ss. 23-24)	57	0
Cancellation of authorities (s. 25)	15	0
Notifications requirements (loss of or serious damage to property or personal injury to any person (s. 34)	N/A	N/A
Principal law enforcement officers' reports (s. 37)	95	3
Documents required to be kept (s. 40)	98	0

³¹ One application was refused and is therefore only included in categories relating to s. 12, ss. 14-17 and s. 40 in Table 1 above.

Table 2: Compliance requirements ss 38 and 41

Compliance criteria	Level of compliance Fully compliant/Satisfactory/Unsatisfactory
Chief officer's reports (s. 38)	Satisfactory
General register (s. 41)	Fully Compliant

Form of Authority - s. 18

Section 18 of the CCO Act details the information that must be included in an authority (whether formal or urgent).

There was one file assessed as non-compliant with this section during the 2015-2016 inspection period, the reason being that it was not physically signed by the authorising officer.

Duration of an authority - s. 19

Section 19 of the CCO Act specifies the period of validity for each operation type. It is a requirement of s. 18(3)(j), to state the period of validity of the operation sought in accordance with the timeframes provided in section 19 of the Act.

Of the 98 files inspected, one did not meet the requirements of s.19 as an authority was purported to have been extended after it had ceased to be in force.

Principal Law Enforcement Officer's Report - s. 37

Section 37 of the CCO Act provides for the timeframe in which the PLEO report is due and specifies what information must be included in the report. A PLEO report is required for every controlled operation. Three PLEO reports were identified as non-compliant with these requirements.

In each case the cessation dates reported did not take into account variations granted to extend the period of validity, and in one case the report was made outside the required time frame.

CHIEF OFFICER REPORTS

Chief Officer reports made by the due date - s. 38

Section 38 of the CCO Act requires the CCP, as Victoria Police chief officer, to report to the Inspectorate as soon as practicable after each 31 December and 30 June, but not more than two months after each date. The reports must detail matters prescribed, including the number of controlled operation authorisations granted, varied or refused (if any) during the preceding six months, the nature of any controlled conduct engaged in, and the nature of the criminal activities against which any authorised operations were directed.³²

Each year two such reports are required to be made by the chief officer. In the 2015-2016 year:

- The first report was due no later than 29 February 2016
- The second report was due no later than 31 August 2016.

Both reports were received by the required date.

Comprehensiveness and adequacy of chief officer reports - ss 38 - 39

Under s. 39 of the CCO Act the Inspectorate must comment on the comprehensiveness and adequacy of the chief officer reports provided to it pursuant to s 38 of the Act. Although the two reports submitted to the Inspectorate for 2015-2016 have been assessed as generally satisfactory in that they addressed the prescribed information, that information contained some minor inaccuracies that were addressed by the COR staff once they were pointed out. It is pleasing to note that when there are issues of concern raised that these are reviewed and addressed promptly.

It is prescribed in the legislation that the chief officer must report on how many formal authorities were granted, varied and refused.

During the current inspection period there has been a significant increase in the number of authorities granted in comparison to previous years

In the second report for 2015-2016 the number of authorities reported as granted included 19 from the previous reporting period and 17 that are yet to be concluded.

³² Ibid s. 38(2)

WORK AND ACTIVITIES OF VICTORIA POLICE

Victoria Police utilises the controlled operations provisions more than any other Victorian agency. As was substantially the case during 2014-2015, illicit drug offending was targeted more frequently than any other offence type.

Victoria Police granted a total of 131 formal authorities during 2015-2016.³³ This figure is a significant increase on the number for the previous reporting year, where 106 formal authorities were granted (see Table 3 below for comparative figures).

Table 3: Comparison of number of authorities issued over 4 year period

Year	2012-2013	2013-2014	2014-2015	2015-2016
Number of authorities issued	114	100	106	131

Victoria Police has established a sound process for drafting and vetting an application before it is submitted for consideration. One application was refused, but considering the large number of applications that Victoria Police COR handle in a 12 month period, the Inspectorate is confident that Victoria Police has a very thorough pre-application vetting process in place. This confidence derives from the results of the Inspectorate's inspections, which found only a small number of errors among the large number of controlled operations files inspected.

Authorised controlled operations to be conducted wholly within Victoria are categorised as either local minor or local major. Local minor operations target offending which is punishable by less than three years' imprisonment and local major operations target offending punishable by three years' imprisonment or more. In 2015-2016, nine local minor operations were authorised by Victoria Police, while 118 were local major. The predominant criminal activity for local major operations was illicit drug offences which was a targeted offence in 44 controlled operations, notwithstanding that some of those operations targeted numerous other offence types as well. The clear focus of Victoria Police was seen to be on targeting serious offending. However serious unlawful criminal activity was also targeted under local minor operations, notwithstanding that the alleged offences were punishable by less than three years' imprisonment.

Of the 110 authorised controlled operations which ceased (expired or cancelled) during the reporting period, 56 were varied on 106 occasions. Consistent with previous years, the majority of variations were to extend the period of validity, however variations to add additional suspects or participants and to authorise alternate or additional conduct were also made during the reporting period. As noted in the Inspectorate's previous reports, Victoria Police rarely authorises a local major operation for the permitted maximum period of three months, but rather authorises it initially for a shorter period and

³³ These are the figures reported by Victoria Police in s. 38 Chief Officer reports as the number of authorities listed in each financial year. They are not the same as the number of completed authorities inspected by the Inspectorate in those periods.

varies the authority if operational circumstances so require. The Inspectorate continues to support this approach, particularly when civilian participants are authorised to engage in controlled conduct.

In 2015-2016 four cross border operations were granted, compared with five in 2014-2015. The CCO Act permits the authorisation of controlled conduct in jurisdictions other than Victoria provided that other jurisdiction is a 'participating jurisdiction' as defined in the CCO Act. Serious drug offending has continued to be the most common reason for undertaking a cross border controlled operation.

In 2015-2016, 15 authorities were formally cancelled pursuant to section 25 of the CCO Act, compared with eight in 2014-2015. Ninety five authorities expired during the period under report. The fact that Victoria Police cancels authorities and grants authorities for a period less than the maximum permitted highlights the tight control that Victoria Police exercises over the use of controlled operations powers and ensures that an operation does not continue longer than necessary.

Authorised controlled operations may target multiple types of offending during the one operation and, therefore, the authorised conduct may extend to include multiple offence types. As noted in Table 11 below, there are a number of operations in which no conduct was engaged in by the authorised participants. This can occur for different reasons, including targets having travelled out of Victoria and into a jurisdiction not covered by an authority, or situations where evidence was obtained by other means or when it was considered unsafe to deploy authorised participants.

Use by Victoria Police of controlled operations to obtain evidence for later use in a prosecution most often occurs in conjunction with traditional investigative methods. The nature and extent of the criminal activity targeted must justify the use and conduct of a controlled operation. It is apparent from inspecting the controlled operation records that these operations have been successful in uncovering evidence capable of supporting the prosecution of criminal offences or have otherwise provided a firm basis for the further investigation of criminal activity. Fifty five completed controlled operations reported on by Victoria Police resulted in illicit goods being obtained and in many other operations attempts were made to obtain illicit goods. Controlled operations are a valuable investigative tool for Victoria Police and while not all operations are successful in obtaining evidence that may be used to prosecute offending, many do, and in some instances the operation secures evidence which could not otherwise have been obtained.

Victoria Police continues to adhere to a rigorous application process which is well complemented by close monitoring. Such a process not only enables serious offending to be targeted, but also ensures community interests are protected.

STATISTICAL INFORMATION AND OVERVIEW OF OPERATIONS

The appendices to this report contain general statistical information. Some of that data has been referred to in the preceding sections of this report.

Appendix 1 - statistical information

Appendix 1 provides statistical data regarding the number of controlled operations granted, varied, cancelled and concluded in 2015-2016. Such information must be reported to the Inspectorate in the chief officer reports made pursuant to section 38 of the Act. The 2014-2015 data is also provided by way of comparison.

Appendix 2 - offences targeted and controlled conduct authorised

Appendix 2 provides general information about authorities granted in 2015-2016. It provides an overview of the criminal activity targeted (Table 8), the controlled conduct authorised (Table 9), and the number of authorised participants for those operations (Table 10). Data from earlier years is included for comparative purposes.

Appendix 3 - authorised participants, property damage and personal injury

Appendix 3 provides general information about the authorities which expired or were cancelled in 2015-2016. This includes a summary of the controlled conduct actually engaged in for completed operations (Table 11), the nature of the illicit goods involved in these operations (Table 12) and the resultant impact (if any) to property or to a person (Table 13). Appendix 3 also provides a summary of variation data for operations that concluded (either expired or cancelled) in the 2015-2016 period (Table 14). This includes the total number of authorities that have been varied and the total number of variations across all operations.³⁴ This shows a total of 106 variations were granted in respect of those authorities. This data should not be confused with variation data in Appendix 1, which refers to the number of operations varied during 2015-2016. Data from earlier years is included for comparative purposes.

Authorities granted but not completed within same reporting year

Appendix 2 provides information regarding all authorities issued in the 2015-2016 year. The results of controlled operations in Appendix 3 relate only to those operations completed in the reporting year. The results of operations authorised in 2015-2016, but not completed in the same year, will be included in the Inspectorate's next report.

³⁴ Authorities can be varied more than once and for any one of a number of permitted reasons. It should also be noted that a number of variations occurred outside of the 2015-2016 period. However the purpose of these figures is to provide insight into how many operations are varied and the number of variations that can occur during the life of an operation.

The level of detail reported

Whilst the Inspectorate's report must cover the work and activities of the agency under the Act, it must also take account of ss. 39(2)-(4), pursuant to which matters of a 'sensitive' nature must be excluded. Therefore, the level of detail in this report provides an overview of the work and activities undertaken by Victoria Police, without compromising any investigation or prosecution, the safety of any person, or the operational activities and methodologies of the agency.

SUMMARY

Victoria Police has continued to undertake a high number of controlled operations during the 2015-2016 reporting year. While the majority of controlled operations files inspected by the Inspectorate were fully compliant, there were some identified that were not fully compliant, which could have implications under s. 27 of the CCO Act regarding the validity of the authorities and s. 28 regarding the protections offered under the Act. Each error has been raised with Victoria Police which is receptive to the information the Inspectorate provides. Victoria Police has reviewed its processes and procedures as a result of these errors to ensure that they are not repeated.

The chief officer's reports for 2015-2016 were received on time however there were errors and inconsistencies that were detected in the first report for 2015-2016. Due to this, the comprehensiveness and adequacy of the reports has been affected and Victoria Police is not fully compliant with this particular requirement.

Victoria Police understands its legislative compliance requirements and notwithstanding that some compliance failures were identified during this reporting period, there is generally a good level of compliance in respect of the high number of controlled operations that the unit is involved with. Victoria Police is receptive to the Inspectorate's feedback and has answered all of the Inspectorate's requests for clarification or further information in a timely manner. The Inspectorate is confident that in the next reporting period the errors and inconsistency of information will continue to decrease.

RECOMMENDATIONS

No recommendations were made in the previous report.

No recommendations are made in this report.

ACKNOWLEDGEMENT

The Inspectorate acknowledges the total cooperation of the Chief Commissioner of Victoria Police and the COR staff with all aspects of the Inspectorate's role in the inspection of Victoria Police records.

REPORTING

The Inspectorate's next report on the work and activities of Victoria Police under the CCO Act is due as soon as practicable after 30 June 2017, following receipt of the CCP's second chief officer report (due no later than 28 February 2017).

A handwritten signature in black ink that reads "Robin Brett". The signature is written in a cursive, flowing style.

Robin Brett QC
Inspector
Victorian Inspectorate

APPENDIX 1 - GENERAL STATISTICS

General Statistics 2015-2016 with previous year comparison

Table 4: Formal authorities granted, varied and refused

Formal Controlled Operation Authorities					s. 38(2)(a)	
	Granted		Varied		Refused	
	2014-15	2015-16	2014-15	2015-16	2014-15	2015-16
Cross-Border	5	4	2	3	0	0
Local Major	98	118	52	81	1	1
Local Minor	3	9	0	0	0	0

Table 5: Urgent authorities granted and refused

Urgent Controlled Operation Authorities			s.38(2)(b)	
	Granted		Refused	
	2014-15	2015-16	2014-15	2015-16
Cross-Border	0	0	0	0
Local Major	0	0	0	0
Local Minor	0	0	0	0

Table 6: Cancelled authorities

Controlled Operation Authorities Cancelled		s.38(2)(g)
	2014-15	2015-16
Cross-Border	0	0
Local Major	8	15
Local Minor	0	0

Table 7: Expired authorities

Controlled Operation Authorities that Expired		s.38(2)(g)
	2014-15	2015-16
Cross-Border	5	4
Local Major	85	82
Local Minor	3	9

APPENDIX 2 - AUTHORISED CONTROLLED OPERATIONS

Table 8: Offending targeted by controlled operations - 3 year comparison

Offences Targeted by Authorised Controlled Operations						
Offending Targeted ⁵	2013-2014		2014-2015		2015-2016	
	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor
Arson	0	0	0	1	0	0
Drugs	5	78	4	93	2	69
Firearms and Explosives	0	9	0	8	2	10
Murder	0	3	0	2	0	4
Pervert or conspire to pervert the course of justice	0	3	0	1	0	0
Fraud and deception offences ⁶	0	4	0	1	0	1
Robbery and property offences ⁷	2	11	1	10	0	3
Solicitation	0	3	0	0	0	0
Unauthorised modification of data	-	-	-	-	-	4
Other	0	3	0	6	0	0

Table 9: Controlled conduct authorised - 3 year comparison

Nature of Controlled Conduct Authorised						
Conduct Authorised ⁸	2013-2014		2014-2015		2015-2016	
	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor
Bribery	-	-	0	1	0	0
Commit, or conspire to, damage to property	0	0	0	3	0	6
Conspire to commit or commit armed robbery, robbery, burglary, aggravated burglary and/or theft	0	2	0	1	0	2
Deal with property suspected to be proceeds of crime	0	1	0	0	0	2
Drugs - Cultivate a drug of dependence	0	0	0	1	0	0
Drugs - Traffick and/or possess drug of dependence	5	77	4	92	2	77
Drugs - Possess equipment for the manufacture of drug of dependence	0	1	1	1	0	2
Drugs - Possess precursor chemicals	0	1	1	0	0	0
Engage in illegal gambling	0	1	0	0	0	0
Explosives - Possess explosive substance	0	0	0	1	0	0
Firearms - Unlicensed or prohibited person possess firearm	0	7	0	4	2	6
Firearms - possess/dispose unregistered/prohibited firearms/weapon	0	8	0	8	2	5
Giving of or production of or use of or make false information or documents	0	2	0	1	0	0
Hinder Police	0	1	0	3	0	6
Offensive behaviour	0	1	0	3	0	6
Pervert the course of justice or attempt/conspire to	0	1	0	1	0	0
Purchase, handle, receive or retain stolen goods or attempt, conspire to	1	5	1	4	0	3
Loiter in a public place or solicit for the purpose of sex work	0	3	0	0	0	0
Trespass	0	1	0	3	0	6
Unauthorised access, use, disclosure or modification of restricted data	0	1	0	0	0	4

Table 10: Number of authorised participants - 3 year comparison

Number of Participants Authorised to engage in Controlled Conduct						
Authorised Participants	2013-2014		2014-2015		2015-2016	
	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor
Number of civilians authorised across all authorities ⁹	4	35	4	35	0	37
Number of law enforcement officers authorised across all authorities ¹⁰	125	1720	112	2484	81	1923

EXPLANATORY NOTES - APPENDIX 2

Reference ⁵ The authority documents prepared by Victoria Police detail the offending targeted, including the actual offence as described by common law or legislation. These offences have been grouped into broad offence categories to provide an overview of the type of offences for which controlled operations are utilised. The number of operations in each category will not correlate with the totals of authorities provided in Appendix 1 as some authorities are issued to target multiple offences.

Reference ⁶ Includes offences such as obtaining property by deception, fraud, identity fraud, dealing with proceeds of crime.

Reference ⁷ Includes commit or conspiracy to commit robbery, armed robbery, burglary, aggravated burglary, theft and handling or dealing in stolen goods.

Reference ⁸ The total number of operations in all categories will not correlate with the total number of authorities issued in the 2015-2016 year. Some operations involve multiple types of controlled conduct being authorised in order to target several types of offences.

Reference ⁹ The number of civilians stated is the number of persons authorised across all authorities, not the number of operations in which civilians (or law enforcement officers) were authorised.

Reference ¹⁰ The number of law enforcement officers authorised represents the number of persons authorised across all issued authorities, not the number of operations in which law enforcement officers

(or civilians) were authorised. In many covert operations a pool of officers is authorised so that when operational circumstances dictate it is possible to deploy officers, there are sufficient authorised officers immediately available. Certain officers may be authorised in relation to a number of concurrent operations. Consequently, of the pool of officers authorised for an operation many do not, in the event, actually engage in controlled conduct. That the number has increased over the past two years is explained by experience establishing the need for a bigger pool of authorised staff for certain types of operations.

APPENDIX 3 - COMPLETED CONTROLLED OPERATIONS

Table 11: Controlled conduct engaged in - 3 year comparison

Completed Controlled Operations - Controlled Conduct Engaged In						
Controlled Conduct Engaged In ¹¹	2013-2014		2014-2015		2015-2016	
	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor
No controlled conduct engaged in	0	28	2	36	1	27
Conspire to pervert the course of justice	0	1	0	0	0	0
Controlled or attempted controlled delivery of goods	0	2	0	4	0	0
Damage or destroy property	0	0	0	1	0	0
Deal with property suspected of being proceeds of crime	0	1	0	0	0	0
Drugs - Attempt to purchase materials used in the manufacture of a drug of dependence	0	0	0	0	0	2
Drugs - Conspire to possess, traffick or cultivate drug of dependence	0	0	0	1	0	1
Drugs - Purchase and/or possess, or attempt to purchase and/or possess, drugs of dependence	5	52	3	49	2	54
Drugs - Traffick a drug of dependence	0	0	0	0	0	0
Drugs - Traffick and/or possess precursor chemicals	0	4	0	5	0	1
Drugs - Supply, possess and/or repair laboratory equipment or equipment to manufacture	0	0	0	1	0	0
Explosives - Purchase and/or possess, or attempt to purchase and/or possess, an explosive substance	0	0	0	1	0	0
Firearms - Purchase/possess, or attempt/conspire to purchase/possess/sell a firearm or weapon or possess/purchase ammunition	0	6	0	3	1	4
Gained unauthorised access to restricted data	0	1	0	0	0	4
Loiter in public place and negotiate fees for sexual services	0	3	0	0	0	0
Make false report/create false document, or conspire to make and/or use false document or purchase/possess, or attempt to, false document	0	2	0	1	0	1
Participate in illegal gambling	0	1	0	0	0	0
Purchase and/or possess, or attempt or conspire to purchase and/or possess, stolen goods	1	3	0	3	0	2

Table 12: Illicit goods seized - 3 year comparison

Illicit Goods involved in Completed Controlled Operations With Three Year Comparison							
Illicit Goods		2013-2014		2014-2015		2015-2016	
		Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor
Drugs	Amphetamine and other synthetic drugs	5	25	2	17	0	39
	Cannabis	1	7	0	7	0	5
	Cocaine	0	2	0	1	0	13
	Heroin, morphine and other opiates	0	7	0	8	0	8
	Other chemicals ¹²	0	5	0	5	0	10
Firearms and explosives ¹³		0	4	0	2	0	4
False documentation or identification		0	0	0	1	0	0
Laboratory equipment and similar		0	1	0	0	0	0
Stolen goods		0	1	0	1	0	2

Table 13: Property loss or damage and person injury - 3 year comparison

Property Loss or Damage or Injury in Completed Controlled Operations						
Impact on Others	2013-2014		2014-2015		2015-2016	
	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor	Cross-Border	Local Major/Minor
Loss / damage to property	0	0	0	0	0	0
Personal injury	0	0	0	0	0	0

Table 14: Total number of Variations - 3 year comparison

Completed Controlled Operations that were Varied						
Variations	2013-2014		2014-2015		2015-2016	
	Cross-Border	Local Major	Cross-Border	Local Major	Cross-Border	Local Major
Number of Completed Operations with Variations (includes extension of period of authority)	1	32	2	33	3	55
Total number of Variations across all Completed Operations ¹⁴	1	66	6	55	3	106

EXPLANATORY NOTES - APPENDIX 3

Reference ¹¹ This data details the nature of controlled conduct actually engaged in by authorised participants and the number of operations in which such conduct occurred. In a number of controlled operations no controlled conduct eventuated for a range of reasons. Further, some controlled operations involve controlled conduct occurring in more than one category of conduct.

Reference ¹² This may include precursor chemicals or substances purporting to be drugs/chemicals but which in the result are not illicit substances.

Reference ¹³ This may include handguns, rifles, shotguns, explosives and tasers.

Reference ¹⁴ This figure represents the number of variations made for the entire period the operations were in force and necessarily includes some variations made during the 2015-2016 year.