



NSW Ombudsman

Firearm and Explosive Detection Dogs

*Review of the Firearms Amendment
(Public Safety) Act 2002*

April 2006



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(Public Safety) Act 2002
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April 2006

The Hon. Carl Scully
Minister for Police
Level 14
Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister

Under section 72E of the *Firearms Act 1996* I have been required to keep under scrutiny the exercise of the functions conferred on police for the use of dogs to detect firearms and explosives, and report to you and the Commissioner of Police on the exercise of those powers.

I am pleased to provide you with our report.

Section 72E of the *Firearms Act 1996* requires you to lay a copy of this report before both Houses of Parliament as soon as practicable after receiving it.

Yours sincerely

Bruce Barbour
Ombudsman



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April 2006

Commissioner Ken E Moroney APM
Commissioner of Police
Level 14
201 Elizabeth Street
Sydney NSW 2000

Dear Commissioner

Under section 72E of the *Firearms Act 1996* I have been required to keep under scrutiny the exercise of the functions conferred on police for the use of dogs to detect firearms and explosives, and report to you and the Minister for Police on the exercise of those powers.

I am pleased to provide you with our report.

In making my findings and recommendations, I have taken into consideration your comments on a draft of this report.

Section 72E of the *Firearms Act 1996* requires the Minister for Police to lay a copy of this report before both Houses of Parliament as soon as practicable after receiving it.

Yours sincerely

A handwritten signature in black ink that reads "B. A. Barbour".

Bruce Barbour
Ombudsman

Foreword

The *Firearms Amendment (Public Safety) Act 2002* commenced on 15 July 2002. Among other things, it inserted Part 6A into the *Firearms Act 1996* (the Firearms Act). Part 6A authorises police to use firearm and explosive detection dogs (FED dogs) in public places and in the normal course of police work. In addition to firearms and explosives, FED dogs are capable of detecting a variety of related items, such as ammunition and gunshot residue.

My office was required by s72E of the Firearms Act to keep under scrutiny the exercise of these powers for two years. In order to conduct this review, the Police Commissioner was required to provide us with information about the exercise of these powers.

Although the main objective of the legislation when it was introduced was to address firearm-related crime, NSW Police has increasingly used FED dogs to focus on terrorist-related crime, due to the explosive detection capabilities of FED dogs.

The legislation anticipated frequent interaction between the public and FED dogs, similar to the frequency of contact between the public and drug detection dogs. It may have been assumed that as a result, our review would focus on issues such as privacy, civil liberties and personal searches by police. However, these interactions have occurred only infrequently, and therefore this report does not make substantial comment on these issues.

In scrutinising the exercise of powers conferred on police to use FED dogs, we have closely reviewed how effective FED dogs are as a resource to NSW Police. Our findings and recommendations focus on better integration of FED dogs with other police operational units, and arrangements to increase the effectiveness of FED dogs and their handlers.

I trust this report provides a valuable contribution to the way FED dogs are deployed by NSW Police.



Bruce Barbour
Ombudsman

Glossary

ABDC	Australian Bomb Data Centre
ACS	Australian Customs Service
AIC	Australian Institute of Criminology
BOCSAR	NSW Bureau of Crime Statistics and Research
COPS	Computerised Operational Policing System
CTCC	Counter Terrorism Coordination Command (NSW Police)
FED dog(s)	Firearm and explosive detection dog(s)
Firearms Act	<i>Firearms Act 1996</i>
FRICS	Firearms and Regulated Industries Crimes Squad
HVP	High Visibility Policing
IED	Improvised Explosive Device (or a bomb)
LAC(s)	Local Area Command(s)
MP	Member of the Legislative Assembly of NSW Parliament
MLC	Member of the Legislative Council of NSW Parliament
NSWPD	New South Wales Parliamentary Debates (Hansard)
SOPs	Standard Operating Procedures
SPG	State Protection Group

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Executive Summary

Overview

The *Firearms Amendment (Public Safety) Act 2002* (the Act) commenced in July 2002. Although the focus of the legislation was on addressing firearm-related crime, the provisions also regulate the detection of explosives by firearm and explosive detection (FED) dogs. The Ombudsman has monitored the exercise of these new FED dog laws for a period of two years.

The Act gives police the power to use a FED dog without a warrant to conduct a 'general firearms or explosives detection', which means the detection of firearms or explosives in a public place. This includes the detection of live or spent ammunition and any residue from a firearm or explosive. When carrying out 'general firearms or explosives detection', police are required to take all reasonable precautions to prevent the dog from touching a person and to keep the dog under control.

In addition to the power to conduct 'general firearms or explosives detection', the Act allows police to use FED dogs where they are already authorised to search for firearms or explosives. For example, if police obtain a warrant to search a residential location for firearms, they would be permitted to use a FED dog to assist with that search.

During the two-year review period police used FED dogs to address firearm-related crime as well as terrorist-related crime, due to their explosive detection capabilities. While the policing of firearms has had a lengthy history in NSW and Australia, terrorist-related crime is a fairly new area of operational policing.

Results

Police conducted 1,618 operations using FED dogs during the two year period from 1 January 2003 to 31 December 2004.

For the vast majority of operations, no indications were made by FED dogs and no items were found (92.8% of operations or 1,502 of 1,618). There were 21 operations (1.3%) where a FED dog made at least one indication, but nothing was found.

An indication was made and an item was found in the remaining 5.9% of all FED dog operations (95 of 1,618). While we could confirm for 16 of these operations that the FED dog indication directly resulted in an item being found, in the remaining 79 either this could not be established, or it was clear the FED dog played no role. Items were predominantly found during search warrant operations and at crime scenes at residential locations.

Generally, FED dogs did not lead police to locate firearms that they previously had no information about. For example, there were two explosive devices found during the two year period, but in both cases the items were already found before the FED dog arrived at the scene. In addition, there were four firearms found in public places during the two year period, however, police already had information about each firearm prior to using the FED dog to search the location.

Items found during operations included firearms (30 operations), ammunition (32 operations) spent ammunition (19 operations) and fireworks (15 operations).

Of the small number of searches conducted as a result of a FED dog indication, there were very few *people* who were searched. The majority of searches were of residential buildings or crime scenes.

Community response

There has been a subdued public response to FED dogs. One of the likely reasons for the comparatively low level of debate in relation to FED dogs is that there is broad community support for FED dogs.

Another likely reason for the lack of vigorous debate and commentary is the fact that there were very few people searched as a result of a FED dog indication — this means that there were very few people who had any significant direct contact with FED dogs.

Findings and recommendations

The low numbers of people stopped and searched meant that we did not explore in detail issues relating to personal searches in this report. We did, however, examine whether NSW Police is making the optimum use of the current complement of FED dogs and FED dog handlers.

Use of FED dogs

Based on costs provided by the Dog Unit, we estimated the cost of the FED dog program at \$4.7 million for 26 dogs over eight years (eight years being the average working life span of a police dog). If the wages of each handler are included in the estimates, it brings the cost to \$18.5 million over eight years.

On average, only four FED dogs were deployed per day, out of the twenty-six FED dogs available for most of the review period. It was very rare for more than 15 FED dogs to be deployed for any given operation.

FED dog deployment

Additionally, we found that the types of operations FED dogs were sent to most (high visibility policing and improvised explosive device operations) seemed to conflict with the types of operations where they were most successful at locating items (search warrant and crime scene operations).

We note that this lack of success in the field may have been why there was minimal operational support for handlers from other police officers. This lack of support had the potential to leave handlers vulnerable in certain situations.

Search warrants and crime scenes

Search warrants and crime scene operations constituted some 20% of total FED dog operations during the review period (330 of 1,618). Items were found during 71 of these operations — a success rate of 21.5%. Clearly, FED dogs are a successful and valuable tool to assist in the execution of search warrants, and to screen crime scenes.

High Visibility Policing

HVP is an acronym for High Visibility Policing. The term 'HVP' is generally attributed to police operations where the principle objective is for police to be highly visible, thereby deterring crime and making people feel safer in public places.

We found that:

- FED dogs tend to make no indications at all during HVP operations. Only two of all indications made during the review period occurred during HVP operations. This is despite handlers spending 32% of their time conducting 514 HVP operations. This is an indication rate of 1 per 257 operations. Significantly, on both occasions police already had information about the firearms before the FED dog made the indication.
- Dog handlers do not support deploying FED dogs to HVP operations.
- Independent evidence suggests that firearm crime does not generally occur in public places, nor at the times that FED dogs were mostly deployed doing HVP.

For these reasons, we do not support deploying dogs to HVP operations unless there is some information, intelligence or evidence in respect of firearm or other crime.

Improvised Explosive Device operations

Improvised Explosive Device (IED) operations involve FED dogs screening a location for bombs. FED dogs were sent to IED operations 26.4% of the time (428 of 1,618).

While generally no items were found during these operations (1.4%, or 6 of 428), we support the use of FED dogs at IED operations as one measure to deter and detect terrorist-related activity at significant events or critical locations. In particular:

- It is more efficient to use a FED dog to clear an area where a specific threat has been identified than to use a number of police officers to search the area by hand.
- The use of FED dogs in IED operations at major events will help to ensure Sydney and other locations in NSW retain their capacity to secure and host major events.
- The deployment of FED dogs at key areas and at critical times will increase safety, and perceptions of safety.

However, we identified a number of limitations in the way that FED dogs are deployed to IED operations.

In particular, bomb sweeps have been potentially compromised by the failure to properly lock down premises prior to the sweep occurring. We also received information that FED dog handlers were not involved in decision making nor operational briefings.

In addition, much of the IED work of the Dog Unit has been self-generated. Our view is that this work should increasingly occur in close coordination with the Counter Terrorism Coordination Command. We have recommended that NSW Police address these issues.

Other areas for improvement

The accuracy of FED dogs was brought into question several times during the review. We examined this issue in terms of the accountability of the Dog Unit, the quality of the training program and the adequacy of records kept. We have recommended that NSW Police has the FED dog training program independently accredited and improve record keeping to aid this process. These steps should contribute to more transparent and accountable policing where FED dogs are involved.

Given our findings that FED dogs were often not deployed during the review period, and that their deployment appeared limited to certain types of operations in the Sydney metropolitan area, we also recommended that NSW Police explore new ways to deploy FED dogs. This includes increased use of FED dogs in regional and rural areas, and exploring how they might be used by other law enforcement agencies.

Finally, we recommended that the FED dog Standard Operating Procedures, which at present are inadequate, are fully revised so that they are more comprehensive and relevant to FED dog handlers.

Conclusion

In 2003 the government announced funding for a further 20 FED dogs. As yet, these further 20 FED dogs have not been acquired. However, if they were, this would bring the total number of FED dogs to 46. Based on our estimates, the cost of 46 dogs over eight years would be a total of \$8.3 million, excluding wages. If wages are included in the calculation, the total cost would be approximately \$32.7 million.

We recommend that NSW Police and the NSW Government carefully consider the demand or need for these additional dogs before investing further in the FED dog program, having due regard to available information about their use and deployment.

List of recommendations

	Recommendation	Para
i	NSW Police review procedures in place for utilising FED dogs during IED operations to ensure lock down procedures are fully effective, and police handlers involved are fully briefed and debriefed.	8.6.2
ii	The NSW Police Dog Unit collaborate directly with the NSW Police Counter Terrorism Coordination Command, to more strategically target terrorist-related crime.	8.6.2
iii	FED dogs are only deployed by NSW Police in HVP operations where there is some information, intelligence or evidence supporting their deployment.	8.6.3
iv	The NSW Bureau of Crime Statistics and Research report annually on firearms and violent crime in NSW, particularly reporting on the following: <ul style="list-style-type: none"> • the type of offence • the time of day that the offence occurred • the type of location that the offence occurred in, and • the area of NSW that the offence occurred in. 	8.6.3
v	NSW Police adopt an accreditation process for the training and appointment of FED dogs and FED dog handlers to the NSW Police Dog Unit which has been developed by an organisation independent of NSW Police.	9.1.4
vi	This independent accreditation process include a minimum of annual assessments about the abilities of the FED dogs.	9.1.4
vii	NSW Police ensure that the accreditation program is regularly updated in line with national and international best practice.	9.1.4
viii	NSW Police improve record keeping, and this information be considered during the accreditation process.	9.1.4
ix	NSW Police fully consider alternative models for the deployment of FED dogs on a trial basis to determine any other activities or deployments to which they may contribute. Any trial should include a concurrent evaluation of the merits of these alternative models.	9.2.2
x	The views of handlers should be given due consideration when NSW Police contemplates how to appropriately deploy FED dogs.	9.2.2
xi	NSW Police consider striking mutually beneficial arrangements with other agencies which use FED dogs.	9.2.2
xii	NSW Police develop more comprehensive SOPs, in consultation with FED dog handlers and other appropriate units within NSW Police, which specify the following: <ul style="list-style-type: none"> • the duties and responsibilities of FED dog handlers • how decisions about deployment are made • the optimum deployment conditions and types of operations for FED dogs • the use of training aids in the field • how FED dog handlers are to be supported in the field, and • any ongoing assessments of ability required. 	9.3
xiii	These SOPs are regularly reviewed, in consultation with FED dog handlers and other appropriate units within NSW Police, to ensure they remain relevant.	9.3
xiv	That NSW Police and NSW Government carefully consider the demand or need for additional FED dogs before investing further in this program, having due regard to available information about their use and deployment.	Ch 10

Chapter 1. Background

This chapter provides some background information for the body of this report, including the structure of NSW Police; a description of the relevant organisational units within NSW Police; a description of relevant legislative provisions; the history of firearm and terrorist-related crime regulation in NSW; and firearm and explosives-related crime statistics prior to, and during the review period.

1.1. The structure of NSW Police

NSW Police is divided into regional commands, as follows:¹

- Inner Metropolitan Region
- Greater Metropolitan Region
- Northern Region
- Southern Region, and
- Western Region.

Each region is comprised of a number of Local Area Commands (LACs). There are a total of 80 LACs across NSW. Local Area Commands are the primary management units of NSW Police and are responsible for strategic and business planning at a local level.

Figure 1. Map of NSW Police regional commands



Source: NSW Police Intranet

NSW Police also comprises a number of other specialised commands which relate to the policing of firearms and explosives-related crime. These are detailed below.

1.1.1. State Crime Command

The State Crime Command provides advice and direction on how NSW Police should respond to crime. The command is responsible for developing and implementing strategies, policies and intelligence reports.

The State Crime Command is divided into separate squads, according to particular areas of crime, which provide specialised investigators. Several squads focus on aspects of firearms and explosives-related crime. There are specialised squads targeting the following:

- child protection and sex crimes
- drugs
- drug and alcohol coordination
- property crime
- South East Asian crime
- gangs
- homicide
- fraud
- firearms and regulated industries crime
- robbery and serious crime, and
- Task Force Gain (outlined in more detail below).

1.1.2. Counter Terrorism Command

The Counter Terrorism Command was formed on 1 November 2002. The mission of the Counter Terrorism Command is to provide a comprehensive and coordinated response to acts of terrorism or politically motivated violence. The command aims to achieve this through the collection and analysis of intelligence, the investigation of terrorist activity and the provision of protection for dignitaries, national icons, business interests and critical infrastructure. The command also provides advice to the rest of NSW Police on how to deal with possible terrorist activity.

The Counter Terrorism Command produces a weekly intelligence summary for all officers which provides a brief of recent intelligence and news related to terrorism and politically motivated violence.

1.1.3. State Protection Group

The State Protection Group (SPG) is part of the Counter Terrorism Command.

The SPG provides NSW Police with specialised operational support services, including the services of police dogs. The SPG offers services in relation to rescue situations, support during siege and hostage situations, bomb disposal, witness security, negotiation services in high risk situations, escort and security of VIPs, building security and armoury services (which involves the purchase, issuing and maintenance of all NSW Police firearms and appointments).

1.1.4. Dog unit

In 1998, various NSW Police dog squads across the State were centralised to form the Dog Unit within the SPG.

The Dog Unit provides a number of different types of police dog services. These include:

- General purpose dogs, which can locate the scent of humans, so are used to locate items which have a human scent on them, or people or offenders who may be lost or hiding. General purpose dogs are also occasionally used in violent situations, to protect police and members of the public.
- Cadaver dogs, which are used to locate dead bodies.
- Drug detection dogs, which are used to locate certain illicit drugs. As with FED dogs, drug detection dogs operate within a legislative framework. The NSW Ombudsman is also responsible reviewing the drug detection dog legislation.²

FED dogs comprise another discrete service within the Dog Unit. FED dogs are trained to detect firearms and explosives in a range of situations and environments.

1.1.5. Firearms registry

The Firearms Registry of NSW Police administers NSW firearms legislation, and issues firearms licences and permits to clubs, businesses and individuals. The registry also provides customs clearances for imported firearms, and provides advice about licenses, firearms and permits.

1.2. The Firearms Amendment (Public Safety) Act 2002

On 16 May 2002, the then Minister for Police, the Hon Michael Costa MLC, issued a media release entitled 'Illegal firearms and gun detector dogs', which announced the introduction of new firearm-related laws and more resources to address firearm-related crime.³ We provide some context for the introduction of these laws in relation to the history of firearm regulation in NSW below.

The media release stated:

Mr Costa said that the latest crime statistics had shown firearm-related crime was a major concern for police and the community.

'NSW already has the toughest gun laws in the country. But we must continually update them to meet changing operational needs,' Mr Costa said.⁴

The media release announced a number of measures, including:

- the regulation of FED dogs
- an increase in the number of FED dogs from 6 to 26
- tightening of firearm licence regulations
- increased penalties for suppliers and manufacturers of illegal firearms
- amendments to laws related to knife searches and move-on powers⁵, and
- ongoing discussions at a federal level about improving international border controls.

In relation to FED dogs, the media release stated that:

The Firearm Detector Dog Unit would be deployed in known metropolitan and regional hotspots to work with frontline police. They would:

- *perform covert detection operations with plain clothes police; and*
- *conduct random detection sweeps to enhance crime prevention and improve feelings of public safety.⁶*

The media release also included an attachment which provided some examples of situations where FED dogs have been successfully used to detect gun shot residue, spent cartridges, firearms, explosives, ammunition and gun parts.

1.2.1. The legislative objectives

When the Minister for Police introduced the Firearms Amendment (Public Safety) Bill 2002 into Parliament, it was evident that the primary focus of the legislation was firearm-related crime:

Firearm-related crime is a major concern for both police and the community. In July 2001 the Government introduced tougher firearm trafficking laws designed to inhibit the illegal supply of firearms, and this bill is a further strengthening of our laws.

The Firearms Amendment (Public Safety) Bill will authorise the use of firearm detection dogs by police in public places. Under proposed section 72A, firearm detection dogs may be used in any place or premises open to the public or used by the public, as well as any road. That includes streets, public transport services, licensed premises and entertainment venues.

These provisions are based on the Police Powers (Drug Detection Dogs) Act 2001, which commenced in February this year. Our firearm detection dog teams will increase from six to 26. The dogs will be deployed in metropolitan and regional hot spots to work with local police. The dogs will perform covert detection operations with plain-clothes police, and random detection sweeps. The dogs are capable of detecting firearms, ammunition, gunshot residue and explosives. Any licensed firearm users who are detected by a dog will simply need to show their licence to police and explain the reason for their carriage of a firearm in a public place.

...

The Firearms Amendment (Public Safety) Bill builds on the 2001 firearm trafficking reforms to provide increased public safety in relation to illegal firearms. I reassure legitimate licensed shooters that this bill is aimed fairly and squarely at criminals and the illegal firearm market.⁷

The Minister then went on to describe other measures included in the amendments to the Firearms Act, including the introduction of new offences relating to the illegal manufacture, sale or possession of firearms, and the tightening of firearm licensing regulations.

1.2.2. Description of the FED dog provisions

The provisions give police the power to use a FED dog without a warrant to conduct a 'general firearms or explosives detection',⁸ which is defined as the detection of firearms or explosives in a public place.⁹ This includes the detection of live or spent ammunition and any residue from a firearm or explosive.

A public place is defined in the legislation as any road, building, structure, vehicle, vessel or aircraft that is open to the public or is used by the public.¹⁰ This means that a 'public place' covers public streets, public transport services, licensed premises and entertainment venues.

When carrying out 'general firearms or explosives detection', police are required to take all reasonable precautions to prevent the FED dog from touching a person and to keep the dog under control.¹¹

In addition to the power to conduct 'general firearms or explosives detection', the Firearms Act allows police to use FED dogs to search for firearms or explosives if they are already authorised to search for firearms or explosives.¹² For example, if police obtain a warrant to search private premises for firearms, they would be permitted to use a FED dog to assist with that search.

Since the introduction of the FED dog provisions, there have been a few of legislative events which have changed where these provisions are located. However, the content of the FED dog provisions remain the same. A detailed chronology of these events is provided in Appendix A.

1.2.3. Issues raised during parliamentary debate of the legislation

The legislation was supported by the Opposition when it was introduced into Parliament, with the Hon Greg Pearce MLC (Liberal Party) stating:

*... when it comes to firearms and weapons, the Opposition believes that police should be given adequate powers to assist in the prevention of crime. That does not mean that the Opposition supports police stopping every person on the street and searching them for weapons, but if there is a reasonable chance that a person is carrying a weapon, the police should have the necessary discretionary powers.*¹³

The legislation was also supported by independent members of Parliament, including the Reverend the Hon Fred Nile MLC (Christian Democratic Party), who stated that:

*We support the proposed authorised use of dogs by police to carry out random detection of firearms and explosives in public places. This is aimed at individuals, but because of the events of September 11 in New York, and other successful attempts to use explosives in other countries ... there is the increased possibility and danger of groups using explosives in public places. This is part of the rise in terrorism around the world. Again, prevention is the order of the day rather than waiting and reacting after something has happened.*¹⁴

The Greens expressed some opposition to the Bill, with Ms Lee Rhiannon MLC making the following comments:

*I think the best we can say is that the jury is still out when it comes to determining to what degree this legislation will reduce the number of firearms circulating in our society ... The use of sniffer dogs to search for guns has been canvassed many times in the House and the Greens are on record as having considerable concerns about the use of sniffer dogs to detect firearms in our community. I reiterate those concerns. Honourable members may not be aware that it is very disturbing to members of the Islamic faith to be touched by a dog.*¹⁵

Ms Rhiannon also expressed some concerns about civil liberties in general:

*I note that the Hon Charlie Lynn said that the dogs just sit down beside the person. That is certainly the way the Minister presents it, but the Greens have been informed of many incidents of dogs nuzzling, brushing, and touching people — a much different picture from that being presented. People's civil liberties and human rights should be respected and upheld by all Honourable members. The Greens will move some amendments to address some of these problems. Overall, I alert honourable members to this spin; it is not about substance. We need substance in order to make our community safer, and that is a real commitment of the Greens.*¹⁶

In response to Ms Rhiannon raising the question of civil liberties, the Hon David Oldfield MLC (One Nation) commented that:

*I very much support civil liberties, but to a point. We must all understand that unfortunately there are certain rights that, in the interests of protecting groups and individuals in society, cannot be afforded to us. That is because upholding those rights would protect criminals. If we focus our concern on the use of sniffer dogs to detect firearms, drugs or whatever, and the possibly minimal offence that might be caused to citizens by a sniffer dog wandering past them, we will fail to be appropriately concerned about what the sniffer dog is doing to prevent crime by identifying criminals.*¹⁷

The Greens moved an amendment which would have required police to record the use of FED dogs and make these records public. In comments accompanying the proposed amendment, Ms Rhiannon stated that:

The amendment will require officers to keep a specific firearms statistics logbook so that the impact of the bill can be assessed. The Government requires the Ombudsman to conduct a review, which the Greens obviously welcome, but there are no means by which statistics may be gathered to facilitate a proper review of the use of sniffer dogs in their operations. This amendment will make it possible to objectively assess the impact of the sniffer dog teams on firearms in circulation and on innocent people who might be sniffed by the dogs. It will create logs that detail the times when the dogs are used, the locations, the number of positive detection reactions from the dogs, the number of people spoken to by officers, and the weapons discovered, including modifications.

This information is sorely needed if police are to carry out effective operations. This amendment will enable police officers to judge how their operations are working and how to make them more effective. Surely this is the type of data they should collect. The information that the Greens suggest should be collected will be used to create statistics by which the approach to firearms and explosives detection may be assessed. I commend this amendment to the Committee and hope that members from the major parties will see their way clear to forget the differences we have from time to time and recognise that this amendment will strengthen what the legislation is designed to achieve.¹⁸

The government and the opposition did not support the proposed amendment, with the Minister for Police, Mr Costa stating that:

This amendment cannot be supported by the Government, but I make the point that there is a requirement for the Dog Unit to keep records. Those records are reviewed by the Ombudsman. The more sensible approach to this is to allow Dog Unit officers to sit down with the Ombudsman and work out the form that is suitable to both.¹⁹

Mr Pearce stated that:

The Opposition does not support this amendment. We were very comfortable with the provisions in proposed section 72E for monitoring by the Ombudsman within two years. I think that the process outlined by the Minister will operate quite well with the Ombudsman working with police on the records that they already have.²⁰

The amendment proposed by the Greens was not passed by the Legislative Council. The legislation passed through the Legislative Assembly without amendment and received assent on 4 July 2002. As mentioned above, the legislation commenced on 15 July 2002.

1.3. History of firearm regulation in NSW

This section outlines the history of firearm legislation in NSW, including the significant firearm-related crimes which appear to have influenced the introduction of legislation and policy. This section draws heavily from a briefing paper published by the NSW Parliamentary Library titled 'Firearm Restrictions: Recent Developments'.²¹ A summary of recent terrorist-related regulation is provided below.

To properly understand the recent history of firearms related crime and regulation in NSW, it is necessary to begin by revisiting the 'Port Arthur massacre' of 1996.

1.3.1. Port Arthur massacre

On 28 April 1996, 35 people were killed and 18 others wounded at Port Arthur, Tasmania by a man using a semi-automatic rifle. Although there had been other traumatic incidents involving firearms throughout the 1980s and early 1990s, Port Arthur was the catalyst for significant changes to the way firearms are regulated in Australia today.

A special meeting of all Australian police ministers was convened on 10 May 1996, where it was agreed that a national approach to firearm regulation was required. This meeting was the genesis for the National Firearms Agreement, which committed all states and territories to certain standards of firearms licensing and registration, as well as controls on the possession, sale, use and storage of firearms.

Following this resolution, the NSW Government introduced the Firearms Act, implementing commitments made in the National Firearms Agreement.

1.3.2. Gun buyback and amnesty

The federal government funded a buyback of prohibited firearms, with a corresponding one-year period of amnesty. This resulted in a nationwide surrender of about 640,000 illegal firearms.

In NSW, the buyback scheme also included a phase targeted at firearm dealers. A total of 192,263 firearms were surrendered in NSW, 155,774 of which were illegal.

1.3.3. Firearm audits

On 24 March 2003, all local area commands were directed to conduct audits of licensed firearm holders within their commands, to determine whether or not they were complying with the legal requirement to safely store legal firearms.²² The Firearms and Regulated Crime Squad (FRICS) under the State Crime Command is responsible for coordinating the firearm audits across NSW, and reports monthly to the Ministry for Police on the results of the audits.

1.3.4. Recent reforms

As outlined below, shootings toward the end of the 1990s were more pronounced in south-west Sydney. As the new millennium began, a number of firearm-related incidents in south-west Sydney covered extensively in the media.

After the FED dog provisions commenced in July 2002, firearm-related crime, or at least the media coverage of it, seemed to increase in 2003. Much of this firearm-related crime was reported to be the result of disputes between ethnic-based gangs or families. In addition to murders and drive-by shootings, there were an increasing number of reports about firearms being stolen. Below is a chronology of these events.

Table 1. Firearm-related crime 2002–2004

Date	Type of crime	Details
19 June 02	Firearms stolen	Four armed men raided the south-western Sydney firearms range at Condell Park. Two staff members were ambushed and 19 rifles and pistols (including one with a telescopic silencer) were seized from a glass display case. Nearly one and a half years later, Nassein Amood was sentenced in the District Court to 8 years imprisonment with a non-parole period of 5½ years, for his part in the raid. ²³
13 Dec 02	Murder	Dimitri Debaz was shot in the Sefton Hotel and died in the carpark. The murder, believed to be drug-related, triggered a series of drive-by shootings and firebomb attacks. Almost one year later, Dimitri's father was arrested and charged for the abduction and attempted murder of two men, one of whom was charged in relation to Dimitri's death. ²⁴
20 June 03	Firearms stolen	Six handguns were stolen from Fortress Security in Chinatown.
30 July 03	Shooting	Khaled Taleb was wounded after being shot four times at a Halal butcher shop in Bankstown.
27 Aug 03	Shooting, no injuries	More than 50 shots were fired into a house at Condell Park, although no one was injured. Approximately three months later, two brothers, Abdul Darwiche and Adnan Darwiche, were charged in relation to the incident. ²⁵
29 Aug 03	Shooting	Three gunmen wearing balaclavas and armed with semi-automatic weapons shot Ali Abdulrazak dead when he returned to his car after prayers at the Lakemba Mosque.

Date	Type of crime	Details
30 Aug 03	Shooting, no injuries	Shots fired into two houses within 20 minutes of each other. More than 50 shots were fired into the second house. No one was injured.
31 Aug 03	Firearms stolen	Three revolvers and 31 Glock pistols were stolen from Obliging Security Services in Chester Hill, when armed men in balaclavas held up an unarmed guard.
9 Sept 03	Firearms stolen	Armed men held up two Armaguard officers at Windsor, stealing cash and the guards' .38 calibre revolvers.
22 Sept 03	Shooting, no injuries	A house in Miami Close, Greenfield Park, was shot at.
14 Oct 03	Murder	More than 100 bullets fired into a house at Greenacre, killing a man Ziad Razzak, who is the nephew of Ali Abdulrazak. Razzak was on parole for drug related offences at the time. Also killed in this incident was a woman named Mervat Hamka. ²⁶ Investigations reveal that the weapons used were high-powered assault rifles. ²⁷
17 Oct 03	Shooting	A 15-year-old boy who was walking with a friend was shot in the arm by a motorist in the outer south-west suburb of Macquarie Fields.
19 Oct 03	Firearms stolen	Eight Glock pistols and a Ruger pistol were stolen from a house at Greenacre connected with JAF Management Services. Six guns were stolen from a Castle Hill private property.
20 Oct 03	Firearms stolen	One handgun was stolen from a guard at Drummoyne RSL. Two handguns were stolen from Brinks security guards at the Liverpool Catholic Club.
21 Oct 03	Shooting, no injuries	Bullets were fired into the front door and windows of a home in the western suburb of Mays Hill at 10.15 pm before a car sped away.
27 Oct 03	Firearms stolen	Two .38 calibre pistols and \$100,000 were stolen at 9.30 pm from security officers who were re-stocking an ATM in Foveaux Street, near Central Station, by two armed men wearing balaclavas. ²⁸
30 Oct 03	Murder	Ahmad Fahda, who is allegedly associated with the Razzak family, was killed by two gunmen armed with pistols as he filled a car at a petrol station in Punchbowl.
6/7 Nov 03	Firearms stolen	Four rifles and two shotguns were stolen from a secured steel cabinet at private premises in Marulan, in the Southern Highlands.
17 Nov 03	Shooting, no injuries	Shots were fired into a house at Naranghi Street, Busby.
26 Nov 03	Firearms stolen	A man with a replica pistol stole a revolver and cash from a Chubb security guard emptying an ATM in Belrose. ²⁹
7 Dec 03	Murder	Sayeh Frangeih, 59, was shot dead with a high-calibre handgun on the verandah of his home in Merrylands. It was reported that a previous attempt was made at the same address on 25 September 2003. ³⁰ Police also believed that the attack was intended for the man's two sons who were inside the house at the time of the shooting. ³¹ His sons had been released from prison earlier in 2003 after serving sentences for drug supply. ³²

Date	Type of crime	Details
7 Dec 03	Shooting	Shots were fired at the rear of a licensed premises in South Hurstville, including dozens of shots into parked cars, after an altercation between a number of men. Police stated that two men shot at Ramzi Aouad and Naseam El Zeyat, causing them to shoot back, and that police believe the shooting was connected to the murder of members of the Razzak family and the murder of Ahmad Fahda. One man was injured and a stolen Glock pistol was recovered from the scene. ³³
9 Dec 03	Shooting, no injuries	Two men in a car were fired upon in Rhodes Avenue, Guildford, around 1.30 pm. The incident was believed to involve a dispute between two groups of men who knew each other. ³⁴ In a separate incident, two police officers were fired at in Burwood by a driver of a car that had been stopped for speeding.
11 Dec 03	Firearms stolen	Two security guards were robbed of their revolvers while conducting a night check on a bank at Auburn.
11 Dec 03	Shooting, no injuries	Two gangs of young men were engaged in a shoot-out at Wattle Grove. Two houses were hit during the shootings but no one was injured.
17 Dec 03	Firearms stolen	Tens of thousands of dollars and two .38 calibre Smith and Wesson revolvers were stolen from Armaguard security guards during a robbery at Broadway Shopping Centre. One of the thieves was armed with a single-barrelled shotgun.
19 Dec 03	Shooting, no injuries	Shots were fired into the front door and windows of a house in Chipping Norton by two men in a car. The three men inside the house were not injured. ³⁵ The occupants of the house were later revealed to be the Hannouf brothers, who were apprehended in January 2004 by Task Force Gain for drug, car re-birthing, and firearms activities. ³⁶
22 Dec 03	Firearms stolen and shooting	In Hornsby men disguised in balaclavas stole the guns of three Chubb security guards outside a bank. No cash was taken but a 17 year old girl standing inside the bank was hit by a stray bullet fired by one of the bandits.
26 Jan 04	Shooting	Shots were fired from a passing car into a crowd of people queuing outside a club at Star City Casino. Three members of the public were hit by ricocheting bullets. ³⁷
1 Feb 04	Murder	Mark Nicholls was shot dead at his friend's smash repairs workshop in Condell Park. The friend was a protected witness whose information assisted police to conduct a 'sting' operation and raids on members of the Hannouf family. Early reports suggested that the killing may have been a case of mistaken identity. ³⁸

Source: February 2004, Briefing Paper No. 3/2004 by Rowena Johns, NSW Parliamentary Library

1.3.4.1. Further funding for FED dogs

The NSW government announced a series of measures during the period of time covered by the above events, aimed at reducing firearm-related crime. In particular, a package of measures announced on 23 September 2003 included commitments for an additional 20 FED dogs. The package also included:

- the announcement of raids conducted in October targeting concealed handguns
- enhanced police powers to search for handguns
- harsher sentences for handgun crimes
- legislative changes clarifying the possession of a gun in a 'public place', new offences for stealing firearms, firearms trafficking, forging firearms licences and selling firearm components
- tracking the sale of ammunition
- regulating the security industry
- Operation Vulcan inviting people to phone police with information about illegal firearms, with rewards of up to \$5,000 for information leading to a conviction, and
- additional officers for the NSW Police Firearms and Regulated Industries Crime Squad.

1.3.4.2. Other measures

On 22 October 2003, the then Minister for Police, the Hon John Watkins MP, announced the formation of Task Force Gain, comprising of 160 officers, including investigators, general duties officers, highway patrol units and Target Action Group officers. This Task Force was to particularly focus on shootings and theft of firearms in South-West Sydney. The Task Force was also responsible for investigating extortion, drug trafficking and car re-birthing.

Task Force Gain has had a number of successes, including raids which resulted in the seizure of illegal firearms, the arrest of persons involved in the disputes between families that had resulted in a number of the shooting incidents outlined above, and who were also involved in drug dealing. Task Force Gain was ultimately made a permanent force, whose aim was:

...to focus on shootings and gun thefts in Sydney's south-west. The Task Force will also examine extortion, drug trafficking and car rebirthing, and is funded by the sale of assets seized under proceeds of crime legislation. The 160-member Task Force comprises 80 investigators, 40 uniformed general duties officers, 20 highway patrol units, and 20 Target Action Group officers.³⁹

On 22 December 2003 the Minister for Police, the Hon John Watkins MP, announced the formation of Strike Force Brown whose aim was to investigate attacks on security firms.

1.4. History of regulation aimed at terrorism in NSW

The attacks on the World Trade Centre in New York on 11 September 2001 have had a profound effect on the way governments and police services across Australia deal with terrorist-related crime.

Like the Port Arthur massacre, this tragic event was a catalyst for cooperation between governments to address the possibility of terrorist-related crime occurring in Australia. There had previously been no specific anti-terrorism laws in Australia.⁴⁰

It is worth noting that since the September 11 attacks, there have been several further terrorist attacks which have been covered extensively in the Australia media, including the terrorist attack in Bali on 12 October 2002, the bombing of trains in Madrid on 11 March 2004, the bombing of the Australian Embassy in Indonesia on 9 September 2004, the bombing of trains and a bus in London on 7 July 2005, and another bombing in Bali on 1 October 2005.

In April 2002, the Leader's Summit on Terrorism and Multi-Jurisdictional Crime was held, and marked 'the beginning of a new era of cooperation between Australian, state and territory governments'.⁴¹ The leaders agreed to form the National Counter-Terrorism Committee, which was officially established in October 2002. The role of the committee is to ensure nation-wide cooperation to counter terrorism, and it meets twice a year.

Since 2001, the Federal Parliament has passed a series of Acts aimed at dealing with terrorism. State parliaments have also introduced legislation which aim to target terrorism.

The first piece of NSW legislation designed to target terrorism was introduced into Parliament on 13 November 2002. The legislation aimed to enable the Federal Parliament to enact commonwealth legislation in this area of law.⁴² Several Acts have been enacted to address terrorist-related crime in NSW, as outlined in Table 2.

Table 2. NSW legislation addressing terrorist-related crime

Act	Purpose	Commencement date
<i>Terrorism (Police Powers) Act 2002</i>	Expands the powers of police to deal with an imminent terrorist attack.	13 December 2002
<i>Freedom of Information Amendment (Terrorism and Criminal Intelligence) Act 2004</i>	This Act exempts certain documents relating to counter-terrorism and criminal intelligence from being disclosed under freedom of information laws. This Act also exempts the NSW Crime Commission from freedom of information laws in certain situations.	28 May 2004
<i>Bail Amendment (Terrorism) Act 2004</i>	Creates a presumption against bail for persons charged with terrorist-related offences under Commonwealth legislation.	4 June 2004
<i>Terrorism Legislation Amendment (Warrants) Act 2005</i>	This Act allows police to conduct covert search warrants in certain circumstances. The NSW Ombudsman is required to review this legislation.	13 September 2005
<i>Terrorism (Police Powers) Amendment (Preventative Detention) Act 2005</i>	This Act allows police to hold persons in preventative detention in certain circumstances for up to 14 days. The NSW Ombudsman is required to review this legislation.	16 December 2005

Source: NSW Parliamentary Counsel's Office website, www.legislation.nsw.gov.au, accessed in December 2005

As outlined above, the NSW Police response to terrorism included the formation of the Counter Terrorism Command on 1 November 2002.

1.5. Crime statistics

This section includes statistical information about the rate of firearm-related crime, and where it is available, explosives-related crime.

1.5.1. Existing studies into firearm-related crime

A considerable amount of resources have been dedicated to collecting statistics about firearm-related crime, both at a state and federal level. Below is a summary of the various sources of these statistics.

1.5.1.1. The Australian Institute of Criminology

The Australian Institute of Criminology (AIC) has a national armed robbery monitoring project, which reports annually on armed robbery across Australia. The 2003 report (the most recent data available at the time of writing) found that more than half of all armed robberies in Australia (59%), occurred in NSW.⁴³ The report also found that firearm robberies comprised 22% of all armed robberies across Australia (48% involved knives).⁴⁴

Across Australia, armed robberies mostly occurred between 6pm and 3am. Public space robberies (recreational and transport settings, street and footpath) usually occurred in the late evening (9pm to midnight). Service stations were often robbed between midnight and 3am.⁴⁵

The AIC also conducts a National Firearms Monitoring Program which collects data relating to firearm offence patterns; the numbers and types of registered firearms in each Australian jurisdiction; the number of people licensed to possess and use firearms; deaths and injuries committed with the use of firearms; and firearms-related offences generally.⁴⁶ The most recent report from this program, 'Firearm Related Deaths in Australia, 1991-2001'⁴⁷ found that there was a 47% decrease in firearm-related deaths during that period. The report also found that the majority of firearm-related deaths were suicides (77%). Homicide accounted for 15% of firearm-related deaths, and accidents accounted for 5% of firearm-related deaths.

The AIC also conducts a National Homicide Monitoring Program which has reported annually on homicide in Australia for 14 years. The most recent report analyses data between 2002-2003.⁴⁸ According to the report, homicide is a relatively rare type of crime, and overall homicide has remained fairly stable over the last 14 years. The report states that the majority of homicides are spontaneous acts of violence with unpremeditated fatal outcomes, perpetrated against one or more victims known to the offender. The report states that:

*There is a tendency for the media to focus on the use of firearms in violent offences, yet the reality is that knives and other sharp instruments are the most commonly used weapons in homicide offences in Australia.*⁴⁹

In 2002-03 there were 297 homicide incidents, with the highest number of homicides occurring in NSW (99). Of all homicides, 16% (or 53 of 297) involved firearms.

1.5.1.2. Bureau of Crime Statistics and Research

The Bureau of Crime Statistics and Research (BOCSAR) periodically looks at firearm-related crime. For example, in 2001 they released a report on the involvement of firearms in violent crime.⁵⁰ This report was in response to several tragic deaths involving firearms in NSW between 1997 and 2000, many involving handguns.

The study found that in general, the prevalence of firearm offences, particularly handgun offences, remained low. The study reported that between July 1998 and June 1999 there were 64 firearm-related homicides recorded across Australia, which equates to 3 firearm homicides per one million persons. By comparison, the study reported that in the United States, 10,973 firearm-related homicides were recorded in 1998, which is a rate of 41 homicides per one million persons.

The study also found that firearms are used in robberies more often than they are used in any other offence, and that NSW had the highest rate of robbery per capita in Australia. However, the study emphasised that firearm robberies are much less prevalent in NSW than they are in the United States. In NSW, the rate of firearm robberies was 10.1 per 100,000 population, while in the United States it was 58.7 per 100,000 population. In addition, the report noted for comparative purposes that at the time of the study, the rate of fatality or serious injury from driving was 87.3 per 100,000 population.

In addition, the study also found that murders involving firearms had actually declined between 1995 and 2000 and that robberies involving firearms had declined between 1997 and 2000.

Furthermore, the study found that 'shoot with intent' had risen between 1995 and 2000, and that the increase in firearm offences had been most pronounced in south-west Sydney (Fairfield-Liverpool and Canterbury-Bankstown) which were areas known for significant drug trafficking problems. In the United States, a big rise in firearm-related homicides between 1985 and 1991 was attributed to an increase in activity in the drug market.

In 2005, BOCSAR released a brief report entitled 'NSW Shooting Incidents 1995-2004' reporting on the offences of 'shoot with intent to murder' and 'shoot with intent other than to murder'. The report showed that in this 10-year period, shooting incidents in NSW peaked in 2001 at 115 incidents, but by 2004 had dropped to 69, which was similar to the 1995 figure of 63 shooting incidents.

BOCSAR also annually publishes recorded crime statistics. The 2004 report showed that there was no significant upward or downward trend in robbery with a firearm.⁵¹

There was however a general downward trend in property crime, including robberies without a firearm. BOCSAR attempted to explain this drop in a separate report,⁵² which found that several factors may have contributed to the downward trend, including a fall in heroin consumption; a rise in average weekly earnings; a rise in the number of heroin users in methadone treatment; an increase in imprisonment sentences for burglary offences in NSW courts; and possibly a fall in long-term unemployment among young men.

We note that BOCSAR did not directly attribute a drop in property related crime to the activities of law enforcement agencies such as NSW Police.

1.5.2. COPS firearm incidents data

Given the absence of any recent comprehensive study of firearm-related crime in NSW, we decided to examine relevant recorded crimes on COPS (Computerised Operational Policing System). We asked BOCSAR to compile statistics from COPS data on the incidence of certain offences from 2001-2004 inclusive in an attempt to provide a picture of firearm-related crime over the past four years.

Please note that this information relates only to the number of times police recorded that a particular type of criminal incident occurred. A criminal incident is defined as an activity recorded by police. Some limitations to note are that one incident may involve more than one offender; and one 'crime' may involve more than one recorded criminal

incident — for example, an offender may commit armed robbery as well as an assault and this would be recorded as two separate criminal incidents.

We also emphasise that this data has not been subject to any detailed statistical analysis, as this was beyond the scope of our review. This section simply reports on the numbers of incidents recorded.

1.5.2.1. Homicide⁵³

The COPS data indicates that the total number of homicides recorded on COPS appears to have been dropping since 2001, and is now half of what it was in 2001. Homicide with a firearm has remained stable as a proportion of all homicides since 2001 (approximately 25%).

The COPS data also indicates that the number of firearm homicides committed in public appears to have been steadily falling as a proportion of all firearm homicides.

1.5.2.2. Shoot with intent other than to murder

Like homicide, the number of shootings with an intent other than to murder is relatively low in NSW. In the past four years, there were a total of 222 incidents, with just under half of these occurring in public places. The number of incidences ranged between 49 and 67 per year. According to data from COPS, after a peak in 2003, there appears to have been a slight decrease in the incidence of this crime in 2004.

1.5.2.3. Assault⁵⁴

Over the past four years, assault with a firearm has dropped from 299 (in 2001) to 226 (in 2004). The proportion of assaults with a firearm that occurred in public has remained steady at about 50% over the past four years.

1.5.2.4. Robbery

COPS data confirms that robbery with a firearm between 2001 and 2004 comprises a small proportion of all robberies in NSW (between 7-8%). In addition, the data confirms that robbery offences continue to drop.

The COPS data indicates that the majority of robberies with firearms occur in public places, either in business/commercial premises, outdoor or in licensed premises. We note that robbery figures do not include the incident called 'break and enter' which generally involves theft from residential premises.

1.5.3. Explosives-related crime

There appears to be a dearth of information about explosives-related crime. This perhaps reflects the relatively low level of criminal activity in this area. We draw on two sources for information about explosives-related crime here: the Australian Bomb Data Centre and NSW Police COPS records.

1.5.3.1. Australian Bomb Data Centre

The Australia Bomb Data Centre (ABDC) was first opened in 1978. According to their charter, the ABDC's objective is to:

*...collect, collate, interpret and disseminate data gathered from Australia and overseas, concerning the illegal use of explosives/incendiaries, whether commercial, military or improvised and matters incidental thereto.*⁵⁵

The ABDC collects information from bomb squads in law enforcement agencies across Australia. It is ultimately at the discretion of the individual police service as to what information they report to the ABDC. For example, while one police service might report mainly on incidents attended by its bomb squad, others might report on every incident attended by any police officer that involves an explosive device.

The ABDC disseminates confidential information on a regular basis to approved police, military and intelligence agencies. However, they report publicly on some of this information in their annual report.

When reporting publicly, the ABDC does not currently differentiate between serious incidents and minor incidents. Therefore, the information might include incidents where a letter box has been blown up with an explosive device as a prank. We are advised that in future annual reports, the ABDC will be differentiating between serious incidents and minor incidents.

The ABDC 2003 Annual Report provides information about bomb related incidents over the past 10 years. We note that historically, vandalism has been the primary motive for bombing incidents, comprising 66% of all bombing incidents over the past 10 years.⁵⁶ The remaining 34% of incidents comprised of motives described in the following

ways: outlaw motorcycle gang; domestic; drug; experimentation; family law; not reported; nuisance/prank; other; political; revenge; robbery; and unknown.

The main targets in the past 10 years were characterised as private (78%). Just over half of these private targets were letterboxes. Government targets comprised 14% and commercial targets comprised 8% of the total.

The table below contains information from the most recent ABDC Annual Report about incidents that occurred in NSW in 2003.

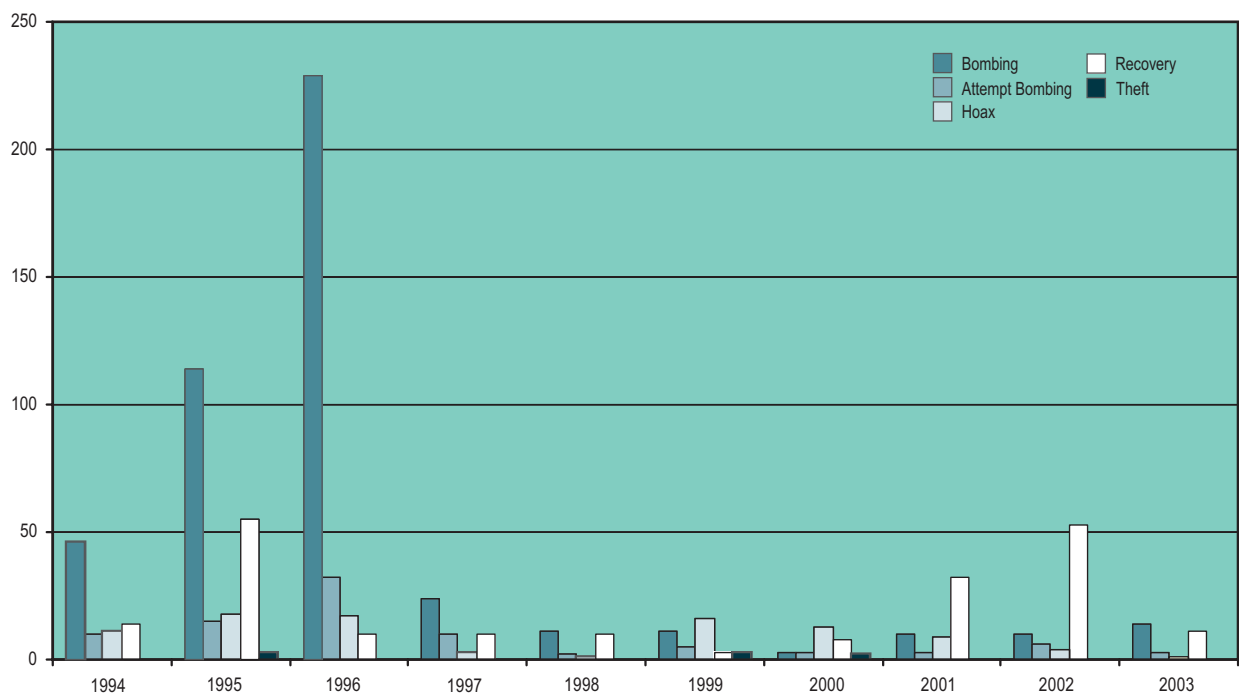
Table 3. Incidence of bomb related activity in NSW in 2003

Type of incident - explanation	Number of incidents
Bombing — An incident where an Improvised Explosive Device (IED) has functioned as designed.	14
Attempted Bombing — An incident where there has been an attempt to function an IED. The item has subsequently failed to function as a result of design or construction flaws, or as a result of reactive measures undertaken by response personnel.	3
Hoax — An item that is placed, designed or manufactured in a manner that is intended to cause another person to believe that it is an IED.	1
Recovery — Location of explosive components or other IED components that have been identified as stolen.	11
Theft — The theft of explosives and associated materials.	0

Source: ABDC 2003 Annual Report, page 19

The figure below shows the past 10 years of data for NSW. It illustrates that bombing incidents in NSW peaked at about 225 in 1996, but have since dropped to 14 in 2003.

Figure 2: Incidents reported — NSW



Source: Extract from ABDC 2003 Annual Report, page 28

We were advised by the ABDC that the reason for the peak in the mid 1990s was an increase in the reporting of the incidence of bombing incidents involving 'soda bulbs', not necessarily an increase in actual incidents.⁵⁷ These were typically used for minor explosions in letterboxes, for the purposes of vandalism or experimentation. There was also an increase in other letterbox incidents, including firecrackers in letterboxes.

1.5.3.2. NSW COPS records

We asked NSW Police to provide us with information about relevant types of charges NSW Police laid over the last five years (2000-2005) in relation to certain types of offences related to explosives. Unfortunately COPS does not distinguish between explosives, fire and other harmful substances for some offences.

Apart from the crime of maliciously damaging property by fire or explosives, which is most likely to be largely comprised of arson offences, the incidence of this type of criminal activity appears to be very low.

Table 4. Number of explosives-related charges between 2000-2005

	2000	2001	2002	2003	2004	Total
Harm to person						
Maliciously placing any corrosive fluid or any destructive or explosive substance, with intent in any such case to burn maim disfigure disable, or do grievous bodily harm	2	4	4	6	9	25
Possess non-firearm capable of bodily harm in a public place	0	4	4	8	2	18
Place explosives near building with intent to injure	1	2	0	0	1	4
Make/manufacture explosive/gunpowder with intent to injure	0	0	1	1	1	3
Possess explosive/gunpowder with intent to injure	0	2	1	0	0	3
Cause explosive to explode with intent to injure	0	1	0	0	1	2
Possess explosive/gunpowder to enable another to injure	0	1	0	0	0	1
Possession of dangerous articles other than firearms capable of discharging any irritant matter in liquid, powder, gas or chemical form or any dense smoke in public place	3	5	6	13	3	30
<i>Total harm to person</i>	6	19	16	28	17	86
Damage to property						
Maliciously damage property by fire/explosives	239	347	344	244	304	1478
Dishonestly destroying or damaging property by fire/explosive for financial gain	8	5	8	16	14	51
Maliciously damage property by fire/explosive with intent to injure	5	7	12	9	7	40
Destroy/damage building by explosive with intent to murder	4	0	0	0	1	5
<i>Total damage to property</i>	256	359	364	269	326	1574
Total explosives-related charges	262	378	380	297	343	1660

Source: NSW Police charge information extracted from COPS

Endnotes

- ¹ It is noted that as of 1 January 2006 the Inner and Greater Metropolitan regions were divided into three new regions: the Central Metropolitan Region, North West Metropolitan Region and the South West Metropolitan Region.
- ² Please contact our office or visit our website for information about our review of the drug detection dog legislation.
- ³ Minister for Police, 'Illegal Firearms and Gun Detector Dogs', Media Release, 16 May 2002
- ⁴ Minister for Police, 'Illegal Firearms and Gun Detector Dogs', Media Release, 16 May 2002, page 1
- ⁵ These were dealt with through a separate Act — the *Summary Offences Amendment (Public Safety) Act 2002*
- ⁶ Minister for Police, 'Illegal Firearms and Gun Detector Dogs', Media Release, 16 May 2002
- ⁷ The Hon Michael Costa MLC, New South Wales Parliamentary Debates (NSWPD), Legislative Council, 18 June 2002, pp 3208-3209
- ⁸ Section 196, *Law Enforcement (Powers and Responsibilities) Act 2002*
- ⁹ Section 193, *Law Enforcement (Powers and Responsibilities) Act 2002*
- ¹⁰ Section 3, *Law Enforcement (Powers and Responsibilities) Act 2002*
- ¹¹ Sections 196(2) and 196(3), *Law Enforcement (Powers and Responsibilities) Act 2002*
- ¹² Section 195, *Law Enforcement (Powers and Responsibilities) Act 2002*
- ¹³ NSWPD, Legislative Council, 26 June 2002, page 3749
- ¹⁴ *ibid*, page 3752
- ¹⁵ *ibid*, page 3754
- ¹⁶ *ibid*, pages 3754-3755
- ¹⁷ *ibid*, page 3757
- ¹⁸ *ibid*, page 3759
- ¹⁹ *ibid*, page 3759
- ²⁰ *ibid*, page 3759
- ²¹ Johns, R. 'Firearm Restrictions: Recent Developments', NSW Parliamentary Library Research Service, Briefing Paper no. 3/2004, February 2004.
- ²² Police Notice 03/18, 'Safekeeping of handguns in residential premises', *Police Weekly*, v15(11), page 18
- ²³ 'Eight years' jail for gun theft', *The Daily Telegraph*, 4 December 2003, p 29
- ²⁴ Les Kennedy, 'Swoop on homes nets huge cache of weapons', *The Sydney Morning Herald*, 8 November 2003, p 13
- ²⁵ Angela Kamper, 'They came at dawn — nailing the gun gangs', *The Daily Telegraph*, 29 November 2003, p 2
- ²⁶ Neil Mercer and Les Kennedy, 'Shots that shook Sydney', *The Sydney Morning Herald*, Weekend Edition 18-19 October 2003, p 37
- ²⁷ Angela Kamper, 'They came at dawn — nailing the gun gangs', *The Daily Telegraph*, 29 November 2003, p 2, quoting Detective Chief Superintendent Bob Inkster
- ²⁸ Vanessa McCausland, 'Van guards' guns stolen in ATM raid', *The Daily Telegraph*, 28 October 2003, p 2; and Les Kennedy, 'Robbery steals police thunder', *The Sydney Morning Herald*, 18 December 2003, p 2
- ²⁹ Matt Sun, 'Guard's gun stolen', *The Daily Telegraph*, 27 November 2003, p 2
- ³⁰ John Stapleton, 'Fatal shooting linked to gun-crime rampage', *The Australian*, 8 December 2003, p 3
- ³¹ Louise Perry, 'Botched killing to escalate violence', *The Australian*, 9 December 2003, p 3
- ³² Louise Perry and John Stapleton, 'Drive-by targets were drug dealers', *The Australian*, 10 December 2003, p 3
- ³³ Louise Perry, 'Botched killing to escalate violence', *The Australian*, 9 December 2003, p 3
- ³⁴ 'Shooting incident — Guildford', on NSW Police website www.police.nsw.gov.au, accessed on 10 December 2003
- ³⁵ Erin Miller, 'Eight bullets fired into home', *The Daily Telegraph*, 20 December 2003, p 15
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- ⁴¹ 'National counter-terrorism arrangements', http://www.nationalsecurity.gov.au/agd/www/nationalsecurityhome.nsf/Page/Protecting_National_Security, accessed December 2005.
- ⁴² This refers to the *Terrorism (Commonwealth Powers) Act 2002*, which was commenced on 13 December 2002
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- ⁴⁴ *Ibid*, page 9
- ⁴⁵ *Ibid*, pages 12-13
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- ⁴⁷ Mouzos, J. and Rushforth, C. 'Firearm Related Deaths in Australia, 1991-2001', Australian Institute of Criminology, Trends and issues in crime and criminal justice, No. 269, November 2003.
- ⁴⁸ Mouzos, J. and Segrave, M. 'Homicide in Australia — 2002-2003 National Homicide Monitoring Program (NHMP) Annual Report', Australian Institute of Criminology, Research and Public Policy Series No. 55, 2004
- ⁴⁹ *Ibid*, page 3.
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- ⁵¹ Moffatt, S., Goh, D. and Fitzgerald, J., *New South Wales Recorded Crime Statistics 2004*, NSW Bureau of Crime Statistics and Research, 2005

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- ⁵² Moffatt, S., Weatherburn, D. and Donnelly, N. 'What caused the recent drop in property crime?' NSW Bureau of Crime Statistics and Research Crime and Justice Bulletin Number 85, February 2005
- ⁵³ Homicide includes the following types of COPS incidents: murder, attempted murder (which includes shoot with intent to murder) and manslaughter.
- ⁵⁴ Assault includes the following categories of incidents: actual bodily harm, assault common, assault officer and grievous bodily harm (including malicious wounding). Please note that this does not include sexual assault, nor does it include shoot with or without intent to murder.
- ⁵⁵ ABDC website: <http://www.afp.gov.au/afp/page/GovCorporate/ABDC/ABDCprofile.htm>, accessed in June 2005.
- ⁵⁶ ABDC 2003 Annual Report, page 24
- ⁵⁷ Correspondence from the Australian Bomb Data Centre, undated, received October 2005

Chapter 2. Methodology

This chapter outlines the different types of research conducted for our review.

2.1. Information agreement with NSW Police

In the early stages of the review period, we established an information agreement with NSW Police about the type of information we would require to conduct our review. This included:

- statistical information about the use of FED dogs
- all documentation relating to the use of dogs such as request forms
- search warrants and reports
- training documentation
- legal advice, and
- standard operating procedures (SOPs).

This agreement also stipulated that we would be conducting interviews, focus groups and observational research for the purposes of the review.

2.2. COPS

COPS is the primary computer system used by police officers to record and retrieve information for the day to day work. For any given activity undertaken, a police officer may record on COPS the date, time, location, offence involved, offender details, victim details, witness details and many other details. A police officer may also record a 'narrative' of events, which is an account of what happened in the officer's own words.

There are many different types of records available on COPS. However, the records relied upon for this review include event records, which are records of incidents that police attended, and charge records, which are records of charges laid by police officers.

We relied upon COPS to find out more information about particular incidents, by looking up event numbers which had been provided to us by NSW Police.

We also used COPS to generate statistical information about the incidence of firearm-related crime and explosives-related crime. While the information in COPS is a good source of data about crime, there are some limitations, as described below:

- **Variable recording practices:** There may be variations in the way that police officers record information about their activities. There are a number of factors influencing police recording practices, including time constraints and the complexity of recording information on COPS (a relatively dated system).
- **Unreported crime:** Many crimes are not reported to police and are therefore not recorded.
- **Influence of operational priorities:** The recording of information on COPS is influenced by police operational practices. For example, if police are concentrating on the detection of drink driving offences or drug offences, the recording of these crimes may rise. The statistics generated from this period would therefore indicate a rise in drink driving or drug use/supply, however, there may be no correlation between those statistics and the actual incidence of these crimes.

2.3. Monthly spreadsheet from NSW Police Dog Unit

As part of the information agreement mentioned above, we requested that the Dog Unit record how FED dogs were used, and the results, so that we would be able to properly report on the performance of FED dogs. In addition to coordinating requests for the use of FED dogs, the Dog Unit collected and entered information about results of operations into a master spreadsheet. Each month the Dog Unit provided us with a spreadsheet containing information about requests and results.

As noted above, the legislative review period was between July 2002 and July 2004. However, the dogs were not fully operational until January 2003. Therefore, we requested a further six months of data after the review period ended in order to be in a position to review two full years of data. In other words, the spreadsheet data used in this report is from January 2003 till December 2004, which we will call 'the data period'.⁵⁸

2.3.1. Data limitations

While the spreadsheet was an important source of information about the use of FED dogs, it was not without limitations. When attempting to analyse the records, we discovered a number of limitations which made analysis of the information quite difficult.

The main difficulty with the data was that it contained a lot of repetitious information.

For example, if five dogs were sent out to the same operation, there would be five records created in the spreadsheet. In addition, if police visited several locations during one operation, a new record might be created for each location visited, by each dog. Finally, if a dog made an indication during a particular operation, the spreadsheet might record that the dog both did, and did not, make an indication. Hypothetically, if five dogs attended an operation aimed at 10 licensed premises, and only three dogs made an indication, there would be 53 records created. If none of the dogs made an indication, there would be 50 records created. If the operation was instead aimed at a suburban CBD area and no indications were made, there might only be five records created. In our view, this should have only been **one** record, which made note of how many dogs attended, how many indications were made, and the fact that it was aimed at licensed premises.

The other major difficulty we encountered was that the description of the types of operations and locations that the FED dogs were not consistently applied. We found that in the original data, a shopping mall was variously described as a recreation/entertainment location, an outdoor/public place or a retail/commercial area.

In addition, it was sometimes difficult to reconcile the category applied by the Dog Unit with other information in the spreadsheet. For example, we found that an operation described as having the objective of being highly visible to the public recorded as taking place in bushland.

Furthermore, it was sometimes difficult to understand the reasoning behind the creation and application of certain categories. For example, the Dog Unit advised that the difference between the category called 'IED (Improvised Explosive Device) Clearance Screen' and 'Search for Explosives' was that the former included all jobs where an area was cleared for explosives, whereas the latter included those where they were searching for explosives. In our view, these two categories were essentially describing the same type of operation.

Moreover, there were several miscellaneous discrepancies in the original data. For example, the Dog Unit advised that some recorded operations involved the handler, mostly *but not always*, with their dog.⁵⁹ Apparently, some of these operations involved police driving past a site without actually getting out of their vehicle. Unfortunately, the Dog Unit could not provide any information about what proportion of these jobs may not have involved a FED dog. Therefore, we have treated these records as though they did involve a FED dog.

We also found that information about results was sometimes incomplete or inaccurate. This was a separate and distinct problem to the data repetition we encountered, and is described below in more detail at paragraph 6.1.

Compounding our difficulty in analysing the data was the fact that we found that there was no consistency about these limitations — sometimes they applied and sometimes they did not.

We raised these issues with the Dog Unit on several occasions at the end of the review period. These discussions ultimately led to the provision of a revised set of data by the Dog Unit, including a rationalisation of the categories of locations and types of operations. This reduced the number of records from 3,724 down to 3,678. However, not all of the issues we raised were addressed. We therefore remained concerned that the data did not provide a reliable record of the way FED dogs were being utilised.

2.3.2. Data restructure

We decided to restructure the data provided to us by the Dog Unit into an improved spreadsheet. This was necessary to allow us to properly analyse the data, and to present information obtained in a meaningful manner. The statistics in this report are derived from the restructured data.

The restructure involved closely examining 3,678 records with the following goals:

- to eliminate repetition
- to establish some consistency, and
- to allocate the most accurate description of the incident category and location based on information within the spreadsheet.

This resulted in a reduction of records from the original 3,678 down to 1,618. It also involved the use of categories of locations and operation types which differed from the original police nomenclature, as well as removing original location and operation types.

In his formal response to a draft version of this report, the Police Commissioner noted that the quality and accuracy of data is currently being addressed by NSW Police, stating that:

Concerns raised in your draft report regarding the quality and accuracy of data are one such matter that will be dealt with as part of the Business Processes Project. The key objective of the current Business Processes Project is to devise an accountable and transparent method of capturing all requests, deployments and statistics for the Dog Unit.

...

NSW Police has recognised that the tools for record keeping by the Dog Unit are insufficient. A number of factors have impacted on the ability of the Dog Unit to gather, record and analyse data, particularly the outdated computer systems, hardware/software issues and conflict between NSW Police corporate systems and the current Dog Unit database. A formal business case has been prepared by the Dog Unit's Implementation Project Team to address these factors.⁶⁰

We have since provided all data and detailed advice about our changes to NSW Police and invited specific comment on any concerns. While again conceding the inadequacy of information provided by the Dog Unit, the Commissioner reiterated his view that the data does not accurately reflect the FED dogs' work.⁶¹ However, no reasons for this or alternative analysis was provided. In these circumstances, it is entirely appropriate to rely on the data as we have restructured it. It is clearly the most accurate picture of the use of FED dogs during our review.

We have provided a detailed account of the Commissioner's original concerns and our response to those concerns in Appendix B.

2.4. Audit of NSW Police Dog Unit records

In July 2004, we conducted an audit of the request applications submitted by Local Area Commands (LACs) to the Dog Unit to deploy FED dogs. For an example of an application form, see Appendix C.

In order to choose which records to audit, we first looked at the request spreadsheet which was supplied to us by the Dog Unit. This indicated that a number of records were self generated (that is, decisions to deploy the dog were made by the Dog Unit itself), cancelled or were requests for cadaver dogs. We eliminated these records from the sample, as well as the records which indicated that the request was for a FED dog to attend the execution of a search warrant. We did not include requests for attendance at search warrant operations because when the requests were made a search warrant was usually already granted, and it was not appropriate for this review to examine the circumstances which lead to a court granting such a warrant.

This left a pool of approximately 600 eligible records for us to choose from. We selected 60, or 10% of these records to analyse more closely.

2.5. Observational research

Direct observation of police operations is one way to obtain an independent and first hand understanding of the use of police powers. We conducted all of our observations in cooperation with police, who allowed us to observe police briefings and debriefings, observe interactions with members of the public, and obtain operational documentation.

We observed nine FED dog operations over the review period, as follows:

- a high visibility operation in a major CBD
- a high visibility operation in a high crime suburb
- a bomb sweep of a large sports stadium prior to a major sports event
- a session instructing police officers about the use of FED dogs
- screening spectators arriving at a rugby league game at a large stadium
- screening the luggage hold of a train for an operation targeting interstate trafficking of drugs and firearms
- screening spectators arriving at a major international sports event (on two occasions), and
- screening people attending a court hearing where a protected witness was testifying and a potential threat of violence had been identified.

2.6. Community consultation

We released a discussion paper in April 2004 and invited submissions.⁶² Appendix D lists the organisations who made submissions in response to the discussion paper.

We also invited comment from members of the public through a variety of means, including newspaper advertisements and email discussion groups.

Endnotes

⁵⁸ This excludes 11 records which occurred prior to January 2003 — one which occurred in September 2001, and 10 which occurred between 29-31 December 2002.

⁵⁹ Reference number 25 — correspondence from Dog Unit, 31 March 2005

⁶⁰ Correspondence from Police Commissioner, 15 November 2005

⁶¹ Correspondence from Assistant Commissioner Reg Mahoney, Commissioner's Inspectorate, NSW Police, 31 January 2006

⁶² The discussion paper is available on the NSW Ombudsman website: <http://www.ombo.nsw.gov.au/publication/discussion.asp>

Chapter 3. The use of FED dogs in Australia

Although law enforcement agencies all over the world use dogs to detect firearms and explosives, it appears that NSW is the only jurisdiction where their use is specifically regulated by legislation.⁶³

In most jurisdictions, the use of dogs to detect firearms and explosives is regarded as an extension of existing police powers. Therefore laws which exist to define police powers and protect civil liberties, whether codified or common law, also apply to police dogs.

This chapter outlines the purposes for which dogs are trained and used in other jurisdictions to detect firearms and/or explosives, and how their use is regulated.

3.1. Australian Federal Police

The Australian Protective Service is a division of the Australian Federal Police (AFP) and deploys explosive detection dogs for various purposes, including airport security.

The Australian Capital Territory (ACT) Police are an arm of the Australian Federal Police.

ACT Police has a Canine Operations Team, which provides dogs for a number of purposes including searching buildings, tracking offenders, searching open areas, crowd control, high profile foot patrols, drug detection and firearm/explosives detection.⁶⁴

In particular, the ACT Police firearms and explosive detection canine team has developed experience in supporting police for visiting dignitaries, including Prince Charles, and the Presidents of Israel and Indonesia.

The use of these dogs is largely unregulated, however section 12A of the *Australian Federal Police Act 1979* provides for the entry of police dogs onto particular premises.

3.2. Australian Customs Service

The Australian Customs Service (ACS) runs an extensive Detector Dog Program, which trains dogs not only for the use of ACS, but also for use by other agencies including Australian Federal Police, Australian Army, Australian Quarantine and Inspection Service and state and territory police.

The dogs are used by the ACS to prevent the importation of illicit drugs and firearms/explosives.

The ACS also uses its dogs to support work done by state and federal law enforcement agencies, and also cooperates with international law enforcement agencies in a number of ways. For example, the ACS provides training assistance to countries such as Indonesia, Guam, Papua New Guinea, China, Japan, New Zealand and Thailand.

The use of dogs by customs officers is regulated by the *Customs Act 1901*, which provides that customs officers may use dogs to assist them to search aircrafts and vessels.⁶⁵

3.3. Northern Territory

Northern Territory Police acquired two drug detection dogs in late 2005.⁶⁶ Their use by police in the Northern Territory is not specifically regulated by legislation.

3.4. Queensland

Queensland Police has 67 police dogs at their disposal for a variety of purposes, including tracking offenders from crime scenes, searching for missing persons, escapees, property, drugs, explosives and assisting to detain people threatening violence.⁶⁷

Provisions exist to protect police dogs from harm or injury, and to create offences for obstructing a police dog.⁶⁸ In addition, in late 2005, legislation was enacted which regulates the use of dogs to detect drugs in public places without a warrant.⁶⁹

3.5. South Australia

South Australia Police have a Dog Operations Unit which consists of ten general purpose dogs, and five dogs trained for either drug detection or explosive/firearm detection.⁷⁰

3.6. Tasmania

Tasmania Police utilise explosive detection dogs, search and rescue dogs, and loan the use of drug detection dogs from Australian Customs Service.⁷¹

Section 85 of the *Tasmanian Police Service Act 2003* allows police to use a 'police dog' when entering a particular place in the performance of his or her duties. This section also provides immunity for the dog handler from personal liability arising from the use of a police dog. The use of dogs by police is otherwise unregulated by legislation.

3.7. Victoria

Victoria Police train and deploy dogs for general purposes (tracking, locating property, apprehending criminals), to detect drugs and explosives. The Victoria Police Dog Squad has 32 dogs.⁷²

The use of dogs by Victoria Police is not specifically regulated by legislation.

3.8. Western Australia

Western Australia Police use dogs to apprehend violent offenders, track offenders, locate weapons and stolen property, support police in civil disobedience situations, detect drugs and assist with traffic management. The Western Australia Police Canine Section has 11 general purpose dogs and five drug detection dogs.⁷³

The use of dogs by Western Australia police is not specifically regulated by legislation.

Endnotes

⁶³ With the exception of using dogs to detect drugs and firearms/explosives, the use of dogs by NSW Police for all other purposes is not specifically regulated by legislation.

⁶⁴ ACT Police Annual Report 2004-5, pages 48-51

⁶⁵ Section 185(2B), *Customs Act 1901 (Cth)*

⁶⁶ Northern Territory Police Annual Report 2004-5, page 8

⁶⁷ Queensland Police 2004-05 Annual Report, page 36

⁶⁸ Respectively, s10.21B of the *Police Service Administration Act 1990* and section 444 of the *Police Powers and Responsibilities Act 2000*

⁶⁹ Part 2A of the *Police Powers and Responsibilities Act 2000*

⁷⁰ From South Australia Police website: http://www.sapolice.sa.gov.au/operations/Star_Group/dog.shtml, accessed January 2006

⁷¹ According to <http://www.police.tas.gov.au/home>, accessed January 2006

⁷² Victoria Police Dog Squad Information Booklet, 25 August 2005

⁷³ From Western Australia Police website: <http://www.police.wa.gov.au/aboutus/SupportServices.asp?PoliceCanineSection>, accessed January 2006

Chapter 4. Training, policies and procedures

This chapter outlines the training, policies and procedures which govern the use of FED dogs by NSW Police. All detection dogs purchased by the NSW Police Dog Unit are Labradors. The Dog Unit is selective in their purchase of dogs and aim to acquire Labradors which are predicted to be suitable to detection work.

We note that from the beginning of this review, NSW Police has been reticent to reveal the finer details of the FED dog training program. We received substantial training material at a very late stage of our review process. This prevented us from properly incorporating this information into our research strategy.

4.1. Program background

In response to a draft version of this report, the Police Commissioner provided some background information about the development of the FED dog program:

NSW Police identified a need to develop and maintain a canine Explosive Detection capability leading up to the Sydney Olympics. The then Dog Unit Commander and Training Coordinator carried out a study of Explosive Detection Dogs utilised during the 1996 Atlanta Olympics. As a result of that study tour, four NSW Police Dog Trainers undertook a 16 week training program at the Alcohol, Tobacco and Firearms Bureau (ATF) in Front Royal Virginia, USA in 1998. The second part of that program involved an additional four NSW Police attending and being trained as Police Dog Handlers. All four trainers attained an international ATF Canine Trainers Accreditation. These police employees returned to the NSW Police Dog Unit and adopted this training from the United States into courses undertaken by NSW Police. The NSW Police Dog Novice Detection Handlers course is underpinned by the training and program obtained from the United States.⁷⁴

4.2. Training

The first six weeks of training are focused on 'imprinting' target odours onto the dog. This means reinforcing to the dog that the target odours (in this case firearms, ammunition and explosives) are associated with a food reward. After this initial six weeks of imprinting, a further 10 weeks are spent training the handler to work with their dog in specific situations.

4.2.1. Skills acquired

The dogs are trained to be passive alert dogs, which means that they are trained to give a passive response to the target odours. The classic passive response is sitting down, however, detection dogs sometimes give other responses to the target odours that the handler can recognise.

The dogs are trained to screen a specific area for target odours, such as a luggage hold or a house. The dogs are also trained to pick up target odours when they are not screening a specific area, that is, if target odours are travelling in the air, the dog can pick up the scent and then locate the source of the odour.

The handlers are taught a range of skills including how to maintain the dog's health and cleanliness, and to ensure its safety. They are also taught how to deal with occupational health and safety issues.

Handlers are specifically taught how to direct the dog to begin working by saying 'seek, seek' to the dog. The handlers are taught to be alert to the dogs' moods and stamina as they are susceptible to becoming tired after 30-45 minutes and can lose motivation if not stimulated frequently enough. The handlers are taught to use training aids to motivate their dog if they recognise 'signs of flagging interest'.⁷⁵

4.2.2. Target odours

The target odours for a FED dog are explosives and a 'scent picture' of a firearm.

In order to detect explosives, the dogs are exposed to the scents of a multitude of explosives components so that they learn to recognise a wide range of explosive materials and chemicals.

The training material provided to us did not outline how FED dogs are trained to detect firearms. However, the training material does state that the dogs are trained to detect spent and unspent rounds of firearms.

A senior officer of the Dog Unit described the 'scent picture' as follows:

We look at the components of the firearm and the things that are consistent in the firearm. And one of those things is residue from it being fired, the powder...then there are other contributory, although not necessarily stable, parts of the picture. So the gun can be made of steel... So the picture has variables to it. So what we do is we try and expose the dogs to as many of those variables, but we keep... constant... the residual of the discharged firearm and the powder substances - we keep that constant.⁷⁶

The ability to detect a 'scent picture' of a firearm appears to be quite a unique ability, as we have not been able to uncover any other law enforcement agencies which similarly train dogs to detect a 'scent picture' of a firearm. It was not clear from the training material whether the dogs are trained to detect unfired, as well as fired, firearms.

Usually, dogs which are trained to detect explosives are also able to detect spent ammunition and gun powder because they share similar characteristics. It is in this way that most explosives detection dogs are also capable of detecting firearms.

4.2.3. Ongoing training

The training material we received from NSW Police did not contain any information about ongoing training. However, we are aware that this occurs on a regular basis. In response to our discussion paper, the Police Association of NSW advised in relation to training that:

The dogs also partake in daily scent recognition for feeding purposes.⁷⁷

A senior officer of the Dog Unit alluded to this ongoing training as well:

...the commitment to training and quality control in the program is absolutely essential. So there should never be down time. It should be just preparation time for when you are operational.⁷⁸

Essentially, ongoing training involves reinforcing to the dog the association between the target odours and the food reward, in a training environment. At the Dog Unit kennels, items that have the target odour are placed on people (usually other police officers at the Dog Unit) or in objects for the dog to indicate.

As well as this daily reinforcement in a training environment, handlers are encouraged to reinforce training during operations. This doubles as training **and** motivation. As mentioned above, motivating the dog is an important part of the handler's responsibilities. This is all the more true in the case of FED dogs because, as outlined later in this report, FED dogs are unlikely to make an indication during an operation.

The training aid used in the field is an item with any one of a number of odours which the FED dogs are capable of detecting. The training aid is used in two ways. Firstly, it is placed in a location, such as a shrub, for the dog to detect. Once the dog has indicated the correct item it is rewarded with food and praise.

Second, handlers utilise 'hots'. 'Hots' are people who have the training aid somewhere on their person, who walk past or near the dog.

In a formal response to a draft of this report, the Police Commissioner confirmed that this ongoing training occurs:

All detection dogs, once accredited by the NSW Police Dog Unit, are provided with on-going training. The process of the on-going training is linked to their maintenance feeding and operational deployments with the handlers required to keep strict daily records of maintenance feeding process.⁷⁹

4.2.4. Accreditation

The training material provided to us by the Dog Unit contained no information about a formal accreditation process. However, the Police Association of NSW submitted that:

...the FED dog and handler have to pass an annual accreditation.⁸⁰

The Dog Unit has advised us that each handler and dog must pass an annual assessment by the training supervisor (who is an accredited workplace assessor).

Unlike a traditional accreditation process, the handlers and dogs are not required to meet a standard recognised by an external educational institution. Rather, they must meet criteria set by the training supervisor within the Dog Unit. Thus accreditation of the dogs and handlers is a purely internal process.

4.3. SOPs

In preparation for implementing the legislation, police drafted Standard Operating Procedures (SOPs) which outlined procedures for using FED dogs. FED dogs were fully operational in January 2003 however the draft SOPs were not finalised until July 2003.

4.3.1. Drafting the SOPs

The first draft of the SOPs was quite extensive. It provided information in relation to the different types of screening that FED dogs conduct, including vehicle screening, people screening and search warrants. It also included specific procedures for when an item was found on a person, and specified that a minimum of two police officers would support the FED dog handler during operations. For example, the SOPs stated that when the dog makes an indication, the handler should say:

Police, don't move. I am Constable... from the NSW Dog Unit. This is a firearm detection dog that has indicated that you may be armed...

The SOPs also advised handlers:

In all cases, watch the suspect's hands and be mindful of officer survival techniques.⁸¹

However, these aspects of the SOPs do not appear in the final version of the SOPs.

4.3.2. Finalised SOPs

The final version of the SOPs were included as a chapter within the broader Dog Unit SOPs. This is in contrast to drug detection dogs, who have stand alone procedures which apply only to them.

The finalised SOPs include a brief amount of information in relation to the following:

- the types of operations to which FED dogs can be deployed to
- the broad capabilities of the FED dogs (types of searches they can conduct)
- the handlers' duties and responsibilities
- procedures to follow at search operations (these seem to apply only to IED searches of specific locations)
- ongoing training
- assessments, and
- responsibilities of the trainers.

The SOPs advise that when attending an operation the handler should consult with the leader of the police searching team and establish: the area to be screened; the threat level assessment; whether anyone has been in the area; any hazards; any plans or diagrams of the area; and adequate communication channels for the FED dog handler.

Other than this information, the SOPs do not include any specific detail about how the handler should be supported during operations.

Should an indication be made, there is some advice about explosive devices as follows:

Once an indication is detected:

- *Confirm indication if necessary*
- *Vacate area as soon as possible*
- *Advise team leader.*

...

Absolute adherence to the rule of don't TOUCH, TILT or TAMPER is paramount as the results could be fatal not only to the handler and dog but to those working around them.⁸²

In relation to firearms, the following is stated:

Other searches such as those for firearms and ammunition will have to be conducted on their merit as with most routine police searches.⁸³

A senior officer of the Dog Unit explained this statement in the SOPs. The officer told us that all indications from the dog need not be responded to as though it were an indication that the person had a firearm in their possession:

One thing that we need to emphasise is just because a dog gives an indication, that doesn't give the handler the... [cause to] jump straight to assumption level and start... throwing people on the ground and then treating them in another fashion. It is an inquiry... [which is] usually conducted by the support police. Unless there is intelligence to indicate otherwise.... And it is likely then that you wouldn't use a dog to screen those people. You would have intelligence saying that person is usually armed, and then there would be a different approach to it... they are all police officers and they are all trained in... officer survival tactics. This is just an extension of that.⁸⁴

4.3.3. Operational Safety and Training Unit

In addition to the SOPs, the Dog Unit also consulted with the NSW Police Operational Safety and Training Unit to obtain some advice about how to best handle a situation where a person is indicated by a FED dog. As the person might have a concealed firearm, this is potentially a very dangerous situation.

The Dog Unit received a number of ideas from this consultation process, including the idea of having supporting police walk in a triangle shape formation behind the dog handler. These ideas are not reflected in the SOPs.

Figure 3. Formation to support FED dog handlers



Source: Diagram observed during an observation session, reference number 602 — observation notes

According to this model, if the FED dog made an indication to the handler, the first support officer was to approach the person indicated and tell them that they were going to be searched.

We observed this formation being outlined at the briefing for two operations. However, during these operations, the formation was rarely adhered to, and at times appeared impractical. At the second of these operations that we observed, our observer noted the following:

He [the FED dog handler] said that they should try to stick to the formation as much as possible, but that it's hard in a crowd.⁸⁵

This is discussed in more detail in Chapter 8 'Improving the effectiveness of FED dogs'.

4.4. Kennelling

Most drug detection dogs are home kennelled. This means that they live at home with their handlers. However, FED dogs are centrally kennelled, which means that they live at the Dog Unit. This is because the FED dog handlers joined the Dog Unit when the applicable award did not provide the extra allowances required for home kennelling.

This issue was the subject of an industrial dispute for most of the review period. In August 2004 the Minister for Police decided that dogs should be kennelled at the homes of their handlers.⁸⁶ At the time of writing, this was still in the process of being implemented, because the details of home kennelling, such as how to maintain the integrity of the training, are still being negotiated.

4.5. Number of dogs

We asked the Dog Unit to provide us with the number of FED dogs stationed at the Dog Unit. We also sought information about when and why the number of FED dogs changed during the review period.⁸⁷

At the beginning of the review period, there were eight dogs which could detect explosives. In November 2002, 20 dogs were trained to detect firearms, and two of the original eight moved to another section within the Dog Unit. Therefore, at this time, there were 26 dogs, six of which could detect explosives, and 20 of which could detect firearms.

In May 2003, all firearm detection dogs were trained to detect explosives.

Since October 2002, more than nine handlers left the Dog Unit, for various reasons. The Dog Unit was unable to specify when or why handlers left the Dog Unit.

Since October 2002, nine dogs have been 'retired', also for various reasons, including failing to meet accreditation, being unsuitable to an operational environment, or injury. The Dog Unit was unable to specify how many dogs were deemed unsuitable to an operational environment. The Dog Unit was also unable to specify why, or when FED dogs were retired.

Therefore at the time we received advice from NSW Police about the number of FED dogs, there were 18 FED dog handlers and FED dogs that were operational. Handlers and dogs were being trained to replace those who left, to bring the FED Dog Unit back to a complement of 26 FED dogs and handlers.

Table 5. Time line of the number of dogs at the Dog Unit

Month-Year	Number of dogs
July 2002	6 explosives detection dogs
November 2002	20 firearm detection dogs 6 explosives detection dogs
May 2003	20 firearm and explosives detection dogs 6 explosives detection dogs
July 2005	18 firearm and explosives detection dogs 8 handlers and dogs being trained (to complete in November 2005)

Source: Reference number 525 — via email from NSW Police

For most of the review period, there were 26 FED dogs and handlers. We note that in late 2003, the government announced a package of measures to target firearm crime, including the addition of:

...20 firearm detector dogs to be deployed from the 2004-5 financial year to support searches, high-profile street policing, crime scene investigations and screening of public places and vehicles.⁸⁸

These additional dogs have not yet been purchased or trained by the Dog Unit. However, an additional 20 dogs would bring the total number of FED dogs to 46.

We note that whether or not the Dog Unit obtains these extra 20 dogs has been the subject of some discussion between NSW Police and the Minister for Police. We understand that an 'Operational Needs Analysis' has been conducted by NSW Police and addresses the issue of the number of FED dogs required by NSW Police. We have not been provided with this analysis. We are therefore unaware what NSW Police has taken into consideration in conducting their analysis and what their findings were.

A senior officer of the Dog Unit commented that there are a number of commitments in the near future which might necessitate the additional 20 dogs:

And of course coming out now we have got the APEC in 2007 and then there is the G20, which is next year, and so that is going to be significant - very, very significant - and it is essential that we keep our dogs' capabilities at the highest possible level...what I have been advised is that our commitment to both the G20 and the APEC will be far greater than that of the Olympics. They will have a lot more dignitaries there than were there for the Olympics and we'll have many, many more venues, and rather than it being for a two-week period, it will be for a two-year commitment...you know, when we did the Olympics, it was for a two-week period and we only had a limited number of venues, we had 30 dogs. Now we are talking about something that goes for a couple of years and there is numerous venues with a lot more people that have to be protected during that time, so there is going to be a large commitment from the explosive detection side of what they do, that I'm sure is going to require all the resources we have. And that is coupled with the search warrants we do, the community events that we currently support.⁸⁹

We make further comments about the number of FED dogs Chapter 8 'Improving the effectiveness of FED dogs'.

Endnotes

- ⁷⁴ Correspondence from Police Commissioner, 15 November 2005
- ⁷⁵ Reference number 299 — training documentation received from NSW Police Dog Unit, page 88
- ⁷⁶ Reference number 272 — interview with senior officer of the NSW Police Dog Unit
- ⁷⁷ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004
- ⁷⁸ Reference number 272 — interview with senior officer of the NSW Police Dog Unit
- ⁷⁹ Correspondence from Police Commissioner, 15 November 2005
- ⁸⁰ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004
- ⁸¹ Draft SOPs provided on 3 January 2003
- ⁸² Chapter 9, NSW Dog Unit Standard Operating Procedures, pages 21-22
- ⁸³ Chapter 9, NSW Dog Unit Standard Operating Procedures, page 22
- ⁸⁴ Reference number 272 — interview with senior officer of the Dog Unit
- ⁸⁵ Reference number 602 — observation notes
- ⁸⁶ Media release 'Police Dog Decision Is Good News', NSW Police Association, 13 August 2004
- ⁸⁷ Reference number 525 — Information obtained via three emails, dated between 23 June 2005 and 27 July 2005
- ⁸⁸ The Hon John Watkins MP, Minister for Police, NSWPD, Legislative Assembly, 29 October 2003, pages 4352-4353
- ⁸⁹ Reference number 272 — Interview with senior officer of the Dog Unit

Chapter 5. How FED dogs were utilised

As discussed in Chapter 2 'Methodology', we relied upon NSW Police to supply information about how FED dogs were utilised. Primarily, we relied upon a spreadsheet of information compiled by the NSW Police Dog Unit, which contained information about each job a handler attended, such as the date and location of the operation, the type of operation and the results. However, we decided to revise the original information and it is the revised information that is relied upon in this chapter.

As the dogs were not used until six months after the review period began in July 2002, we will discuss data which relates to a two year period between January 2003 and December 2004, which we have called 'the data period'.

5.1. Number of operations

According to the revised data, there were 1,618 operations conducted during the data period.⁹⁰ An operation includes occasions where one or more FED dogs were sent to a particular location on a particular date for a particular reason.

5.2. The number of dogs per operation

As shown in the figure 4, one dog was deployed for the majority of operations. For the remaining operations, two or more dogs were deployed.

5.3. Why FED dogs were deployed

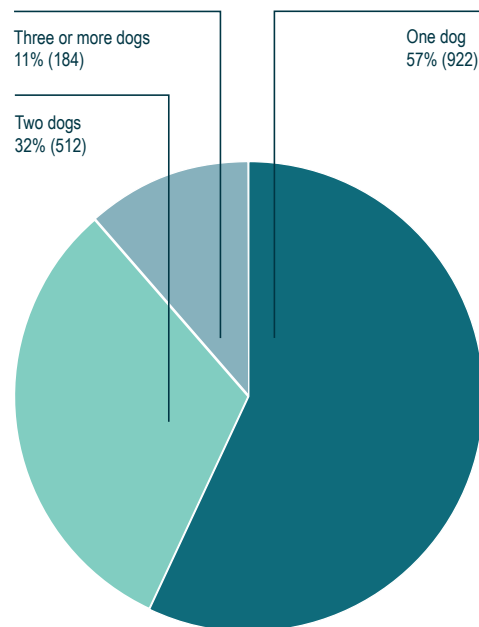
In this section we discuss how police decided FED dogs should be deployed.

5.3.1. Requests and self generated operations

There are two main ways that FED dogs are deployed to operations. Predominantly local area commands make a request to the Dog Unit in writing for a FED dog to attend a particular area for a particular reason. The form required to be completed by the LAC is attached at Appendix C. According to the form, the FED dog co-ordinator and the Commander of the Dog Unit must both approve the operation before a FED dog can be deployed.

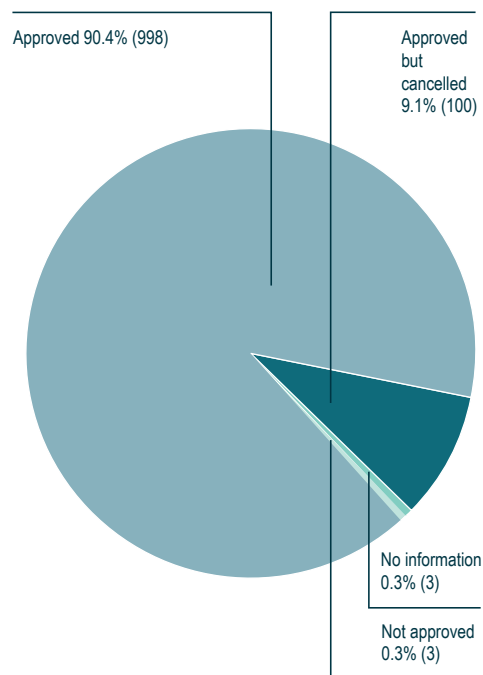
Figure 5 shows that there were 1,104 requests made to the Dog Unit for a FED dog during the data period.⁹¹ The majority of requests were approved, with only 0.3% (or 3 of 1,104 requests) not approved. According to the spreadsheet, one operation was not approved

Figure 4: Number of dogs per operation, n=1,618.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004

Figure 5: Numbers of requests approved, n=1,104.



Source: NSW Police Dog Unit Request Spreadsheet, January 2003 — December 2004

because the request was too close to the time the explosive device was threatened to detonate to attend the location, and two were not approved because no handlers were available.

Another way that a FED dog could be deployed to an operation is for the Dog Unit to initiate the operation itself, or 'self-generate' the operation. In this scenario, if a handler is rostered on for duty and has not been requested for an operation, the Dog Unit may choose a location or several locations to patrol, and these are recorded as 'self-generated requests' on the spreadsheet. As shown in figure 6, there were 410 self-generated requests, the vast majority of which were approved.

Figure 7 shows that of all the operations that were conducted, approximately one third were self generated. We note that there are more operations than requests because one request may apply to an operation lasting several days, or cover more than one location. As we have stated, one operation includes any occasion where FED dogs were sent to a particular location on a particular day for a particular reason.

On some occasions, a LAC may request a drug detection dog, but end up deploying a FED dog. This might happen where the Dog Unit is unable to supply a drug detection dog for the particular day or to the particular place requested by the LAC. On these occasions, the Dog Unit might suggest that a FED dog be deployed instead. For example, during one HVP (high visibility policing) operation we observed, the operational commander told the briefing that he had originally wanted a drug detection dog, but they couldn't get one, so they got FED dogs instead.⁹² The operational commander inadvertently referred to the FED dog as a drug detection dog for the rest of the briefing. These types of operations were still recorded as requests for a FED dog. The Dog Unit did not record operations where the original request was for a drug detection dog.

We discuss requests from LACs and self-generated operations in more detail below.

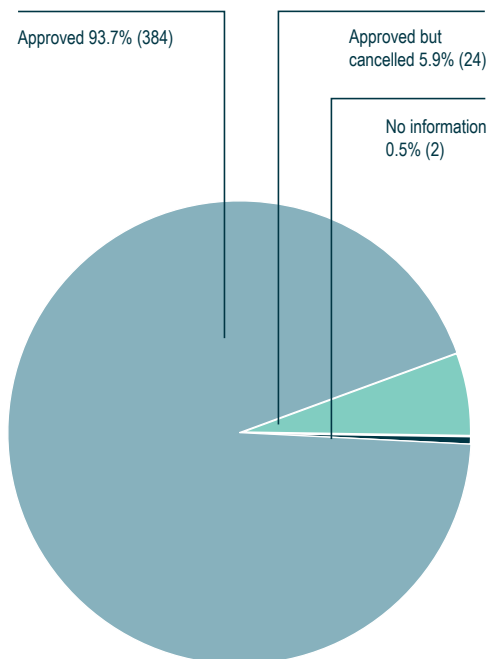
5.3.2. LAC requests

More than two-thirds of operations were a result of a request to utilise a FED dog. In order to make the request, a formal application to the Dog Unit has to be made by the requesting police officer. On the basis of this application, the Dog Unit decides whether or not to deploy a FED dog to the operation.

We conducted an audit of formal applications, which involved the analysis of 60 request forms.⁹³

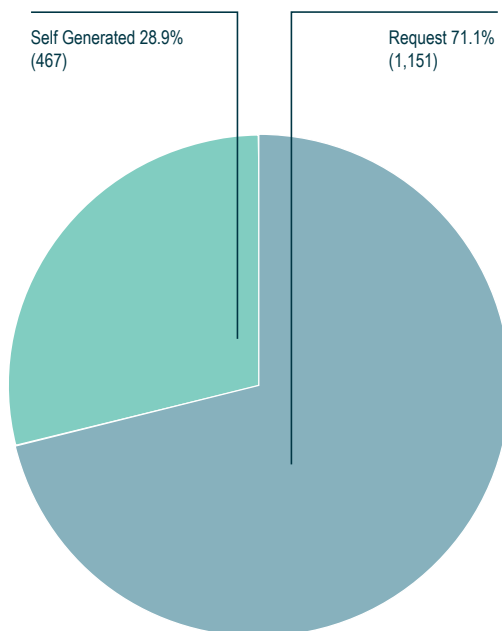
Of the 60 request forms we analysed, four (6.7%) included substantial information about the operation that was to take place. These four applications

Figure 6: Numbers of self-generated operation requests, n=410.



Source: NSW Police Dog Unit Request Spreadsheet, January 2003 — December 2004

Figure 7: Number of operations conducted during data period, n=1,618.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004

featured either profiles of known offenders, operational orders, a reference number to a more detailed report or relevant intelligence.

Twenty-three or 38.3% of the request forms included only a short descriptor, such as 'crime scene' or 'HVP' as the reason for the request for the FED dogs, and nothing more.

The majority of request forms that we analysed (33 of 60, or 55%) provided a brief description of the operation. Sometimes these descriptions did not provide much more information than the short reason for request, for example:

*FED to be utilised in the [***] and [***] LACs on 11/01/03.*⁹⁴

*Required for operation in [***] Mall, Rail/Bus Interchange and 2 licensed premises. Date of operation 17 June 2004.*⁹⁵

Other descriptions were more specific:

*To provide HVP presence on the streets to identify and remove persons carrying firearms, or knives and persons involved in street crime, drug activity, violent crime and other anti-social behaviour, within the environs of major tourist destinations, licensed premises, transport corridors, shopping centres and the CBD. Operation on [***],[***]and [***] LACs.*⁹⁶

*Check for explosive devices at [***] Court prior to high profile court hearing involving 11 extremely high security risk inmates. Also to screen members of the public going into the court room.*⁹⁷

*Assist correctional staff in the detection of firearms, explosives and drugs.*⁹⁸

*Proactive operation to prevent violence between [ethnicity identified] males in the [***] CBD. Possibility of firearms involved. Date of operation: [date provided].*⁹⁹

*Bomb search of [***] Hotel Ballroom... luncheon to be attended by [a number of international dignitaries]. Operation date [date provided].*¹⁰⁰

For other descriptions, the necessity for the FED dogs to attend the operation was not readily apparent:

*Intelligence and statistics indicate that [***] LAC has a number of persons who drive whilst their license is disqualified, cancelled or suspended. During this phase of the Vikings operation, the primary focus is to enforce all road rules. The main effort will be to target: Alcohol/drug impaired drivers, excessive speed, no wearing of seat belts, driver compliance and parking offences, driver fatigue, heavy vehicles.*¹⁰¹

It would seem from this audit that the Dog Unit did not ordinarily require substantial information about the purpose or intelligence basis for an operation to make a decision about whether or not to deploy a FED dog. It appears that a short description was sufficient. It also appears that some operations were accepted where no direct information about the reason for FED dog deployment was identified.

It is possible that further discussions took place after the application was received to clarify the parameters of the operation before approval was given to send a FED dog to an operation. However, we are not aware of any records of such discussions.

5.3.3. Self-generated operations

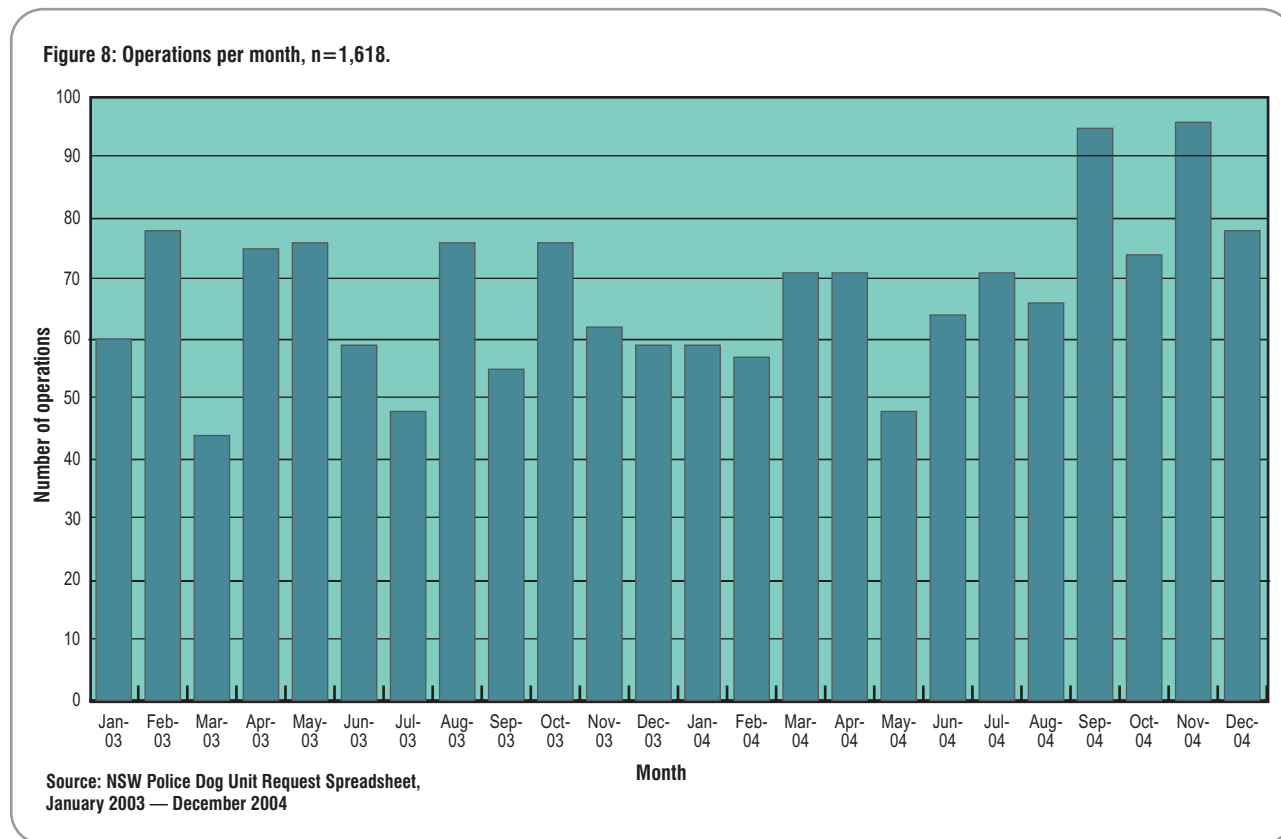
Self-generated operations were primarily HVP (306 of 467, or 66%) or IED (146 of 467, or 31%) operations. HVP and IED operations are described in more detail below.

Self-generated HVP operations generally took place at various public places, which means a combination of CBD areas, shopping areas, railway areas and licensed premises. Self-generated IED operations generally took place at 'landmark' locations such as courts, hospitals or significant buildings.

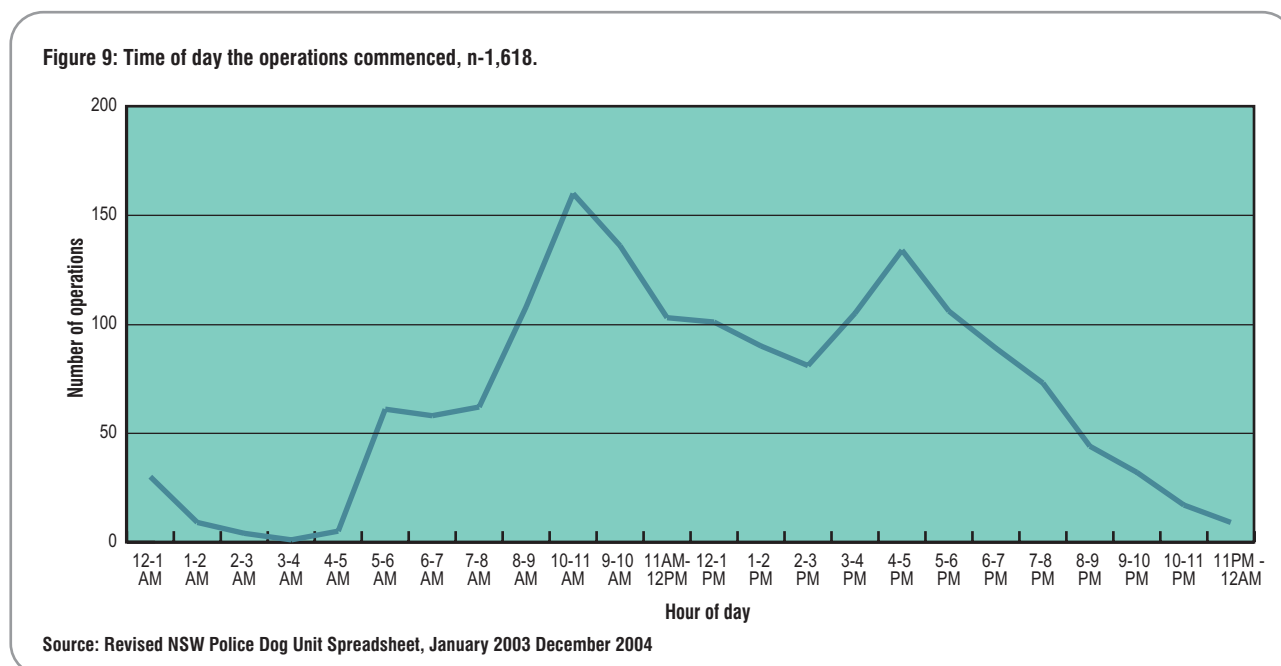
We have no significant information on the basis for these deployments because the Dog Unit did not keep records detailing the reason and/or intelligence basis for the deployment of a FED dog where the operation was self-generated.

5.4. When FED dogs were deployed

Figure 8 below illustrates the number of times one or more FED dogs were deployed to an operation per month. It shows that there was a general increase in the number of operations that FED dogs attended toward the end of the two-year data period.



We also looked at what time of day operations were commenced. Figure 9 below illustrates that most operations commenced in the middle hours of the day. Although information about the duration of an operation was not always entered into the spreadsheet, we estimated that the average operation was approximately two hours long. This estimate is based on information where duration details were recorded.



5.5. Where FED dogs were deployed

There are two ways to describe where FED dogs were deployed: which areas of NSW they were deployed to and what types of locations they were deployed to, for example, in a street mall or at a railway station.

5.5.1. Areas where FED dogs deployed

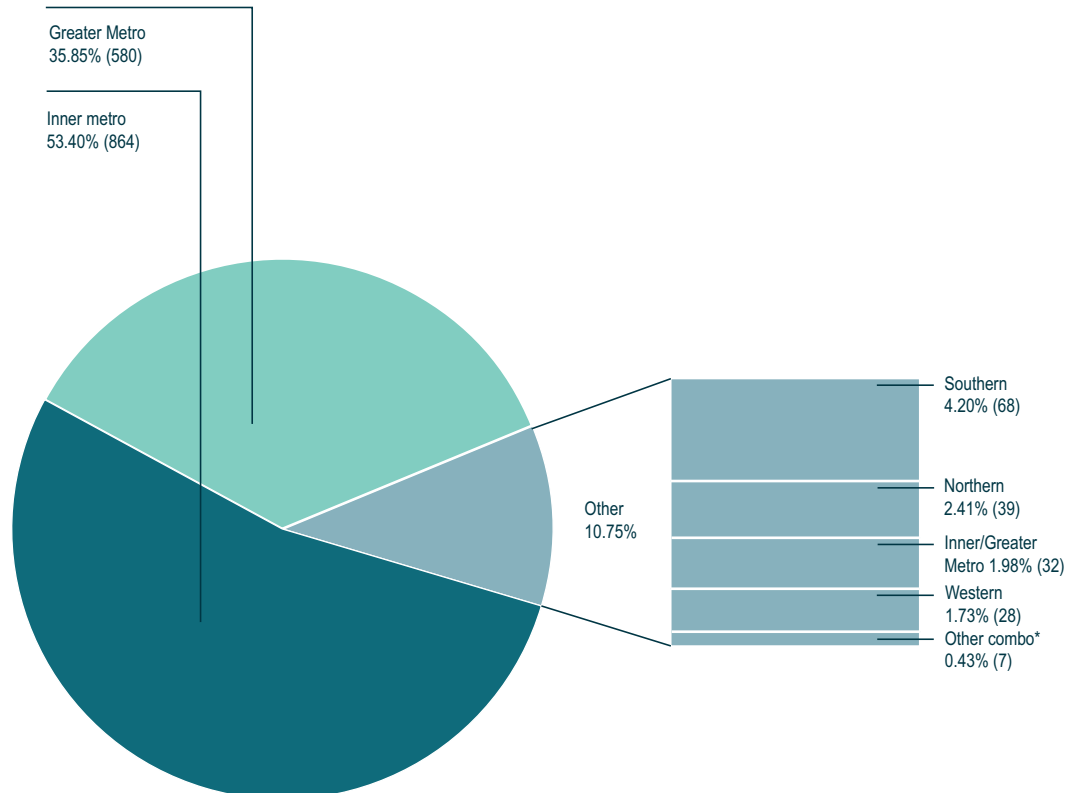
FED dogs were overwhelmingly deployed either to the Inner Metropolitan police region (generally covering the Northern Beaches, North Shore, city, eastern, inner-west and southern suburbs of Sydney) or the Greater Metropolitan police region (generally covering the north-west, west, and south-west suburbs, and much of the Blue Mountains and Southern Highlands). On a very small number of occasions, dogs were deployed to more than one region, for a single operation.

In the Inner Metropolitan region, City Central LAC was the highest user of FED dogs, utilising FED dogs for 186 operations, or 21.5% of all Inner Metropolitan region operations.

In the Greater Metropolitan region, Flemington LAC was the highest user of FED dogs, deploying them to 149 operations, or 24% of all Greater Metropolitan region operations. Flemington LAC is the LAC responsible for policing activities which occur at the Homebush Showgrounds, such as the Royal Easter Show, the Rugby World Cup and other major sports events.

Bankstown LAC was the next highest user in the Greater Metropolitan area, with the records showing that FED dogs were used in 96 operations, which was 16.6% of all Greater Metropolitan operations.

Figure 10: Region where operations occurred. n=1,618.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004

* 'Other combination' includes Inner Metro/Southern, Greater Metro/Northern and Greater Metro/Western.

5.5.2. Types of locations

Figure 11 displays the types of locations at which FED dogs were utilised.

The figure indicates that there was great variety in the types of locations at which FED dogs were deployed. However, FED dogs were most frequently deployed to either public areas, residential locations or 'landmark' locations.

'Various public areas' signifies that FED dogs visited several different locations during one operation. Typically, these locations included a combination of CBD areas, shopping areas, railway areas and licensed premises. The following are some examples of locations listed as being visited during these operations:

*Auburn CBD & Railway/Lidcombe Railway/Strathfield CBD & Railway*¹⁰²

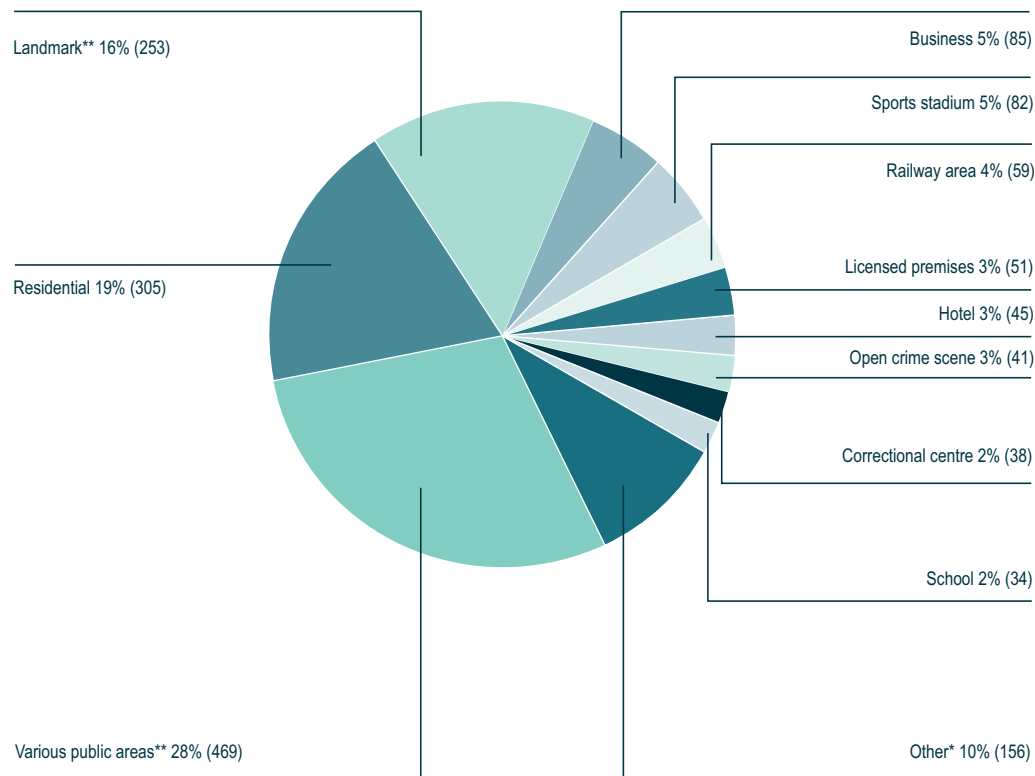
*Fairfield Shopping Centre/Fairfield RSL/Fairfield Railway*¹⁰³

*Circular Quay, Sydney CBD, The Rocks, Darling Harbour*¹⁰⁴

'Licensed premises' signifies that FED dogs visited one or more licensed premises during the operation without visiting any other types of locations. Similarly, 'Railway area' indicates that FED dogs only went to railway stations during the operation.

'Landmark' locations were those identified as potential targets of an unspecified threat. These locations included courts, hospitals, the Harbour Bridge, the Opera House, Parliament House, places of worship, industrial areas, town halls, consulates, airports and utility providers.

Figure 11: Types of locations, n=1,618.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004

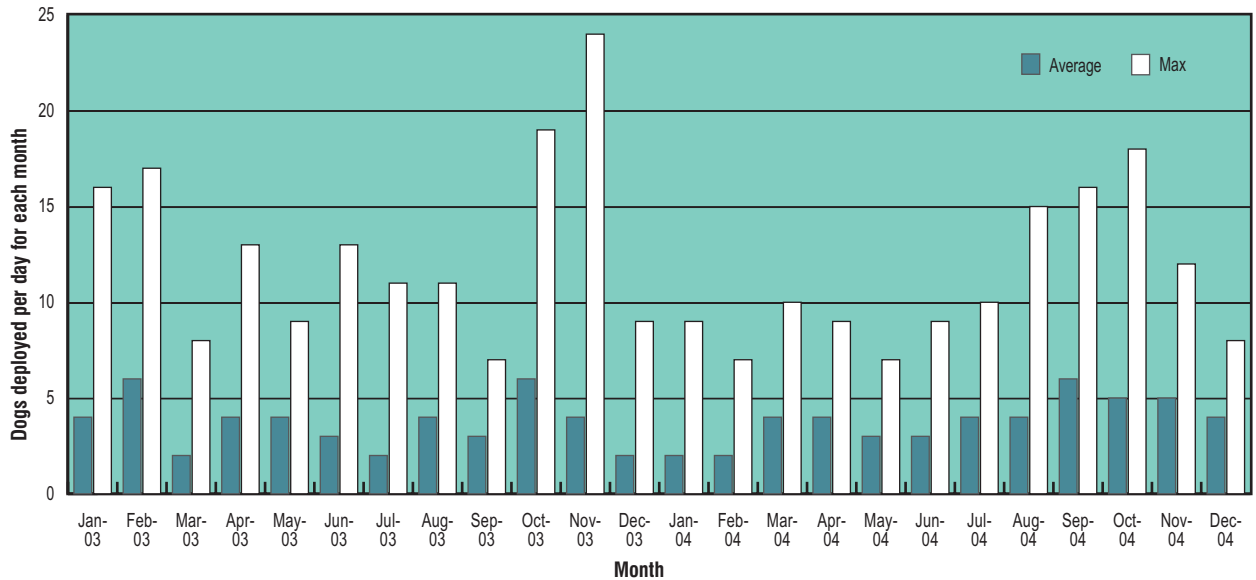
*'Other' includes Park, Vehicle, Showgrounds, Police, Vessel, Music festival and Olympic torch relay route.

** Explained in further detail above.

5.6. How often FED dogs were deployed

To gauge how often FED dogs were deployed, we analysed how many dogs were used for each day of the data period. As we have noted, for most of the data period, there were 26 FED dogs at the Dog Unit.

Figure 12: Average and maximum number of dogs deployed each day per month n=1,618.

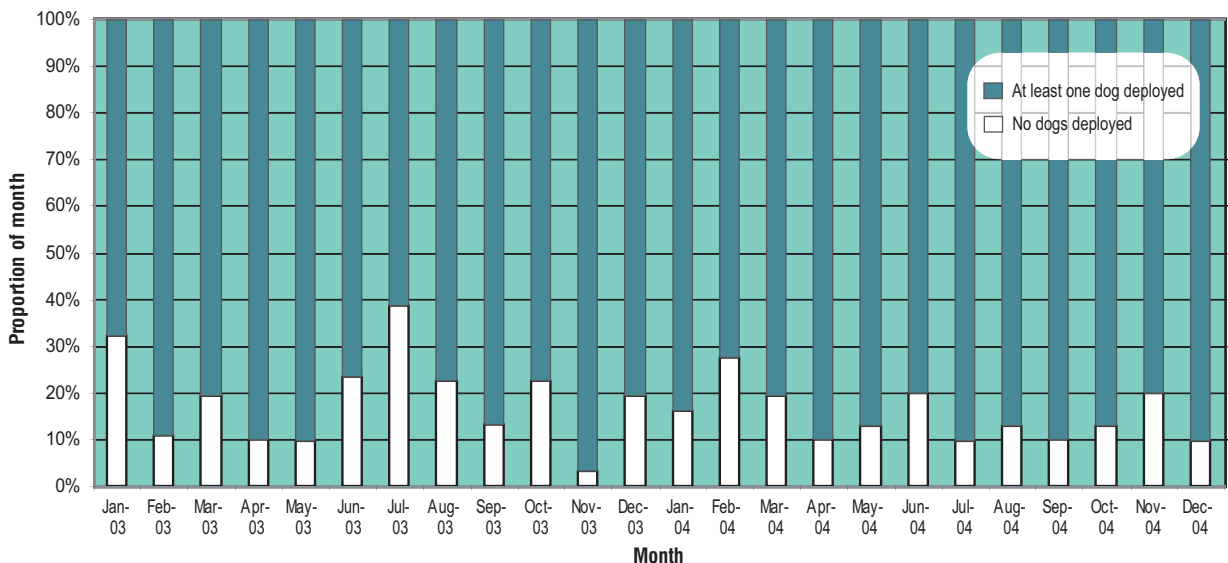


Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004.

Figure 12 shows that the average number of dogs deployed per day for each month was never above seven. The average for the entire period was slightly less than four dogs per day. The figure also shows the maximum number of dogs deployed on any day for each month was usually above ten. Despite the occasionally high numbers of dogs deployed, the number of dogs deployed was normally quite low relative to the number of dogs available.

Figure 13 below displays the proportion of days each month where at least one dog was deployed, compared with the proportion of each month where no dogs were deployed at all.

Figure 13: Proportion of month that no dogs were deployed compared to proportion where at least one dog was deployed, n=1,618.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004.

5.6.1. Factors affecting the utilisation of dogs in the field

The average number of dogs deployed per day was just below four. Given that there are 26 FED dogs available, this suggests that FED dogs were not utilised very often during the data period. There are a number of possible explanations for this seemingly low deployment rate.

First, it should be noted that although there are 26 FED dogs at the Dog Unit, for various reasons all 26 would not have been available for every day of the data period. These reasons include rostered days off, sick days, travel days, and days required for training and maintaining the dogs' health. Dog handlers are also expected to complete a certain amount of desk, or paper, work, or may have been required to attend court as police witnesses.

Another possible reason for the low deployment numbers could be that there was simply not a constant demand or need for a high number of FED dogs during the data period. A senior officer of the Dog Unit explained that in all likelihood this was the case:

*It appears more and more that the requirement for their existence... though [it] change[s], seems to continue to be there. When one situation finishes and...focus on this particular event may diminish...another event is very quickly on the horizon to take its place. And so we are constantly being challenged by the need for these dogs. That doesn't mean that you don't have pockets of time that there is not an overwhelming demand for their services.*¹⁰⁵

This is borne out by the figures. As shown above, although the average number of dogs required was low, during most months there was at least one day where the number of dogs required was above ten, and for 25% of these months, at least 15 dogs were required. This suggests that the number of dogs required fluctuated greatly.

In a formal response to a draft of this report, the Police Commissioner advised that:

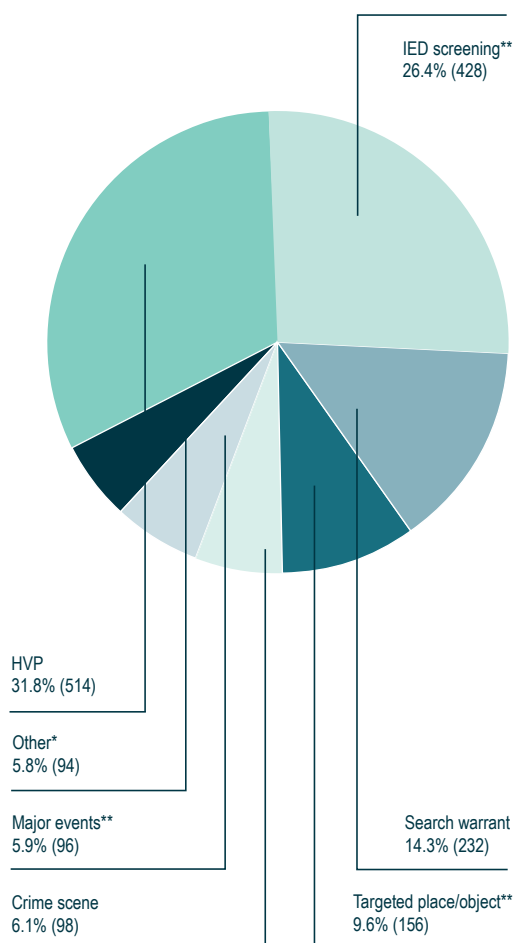
*The Dog Unit reports that since the data collection there has been a significant increase in the demand for detection dogs, particularly in support of Counter Terrorist Coordination Command operations. The Dog Unit advises that there are minimal occasions where FED dogs do not have operational jobs to attend and when this does occur they are rostered to perform counter terrorist taskings in the City of Parramatta.*¹⁰⁶

We have not been able to independently verify this advice for this review.

5.7. How FED dogs were deployed

We found that high visibility policing, or HVP, operations made up the majority of the types of operations that FED dogs attended, with almost one in three operations attended by a FED dog being an HVP operation. This is illustrated in figure 14 above. HVP operations typically involved a FED dog handler patrolling 'various public areas' within a given LAC with the primary purpose of being highly visible.

Figure 14: Type of operations, n=1,618.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004

Other includes protective detail, licensed premises and promotion
 **Explained in further detail below

Improvised Explosive Device (IED) screening operations also formed a large proportion of operations attended by FED dogs. IED screening operations were those operations where FED dogs were deployed specifically to screen a location for an explosive device.

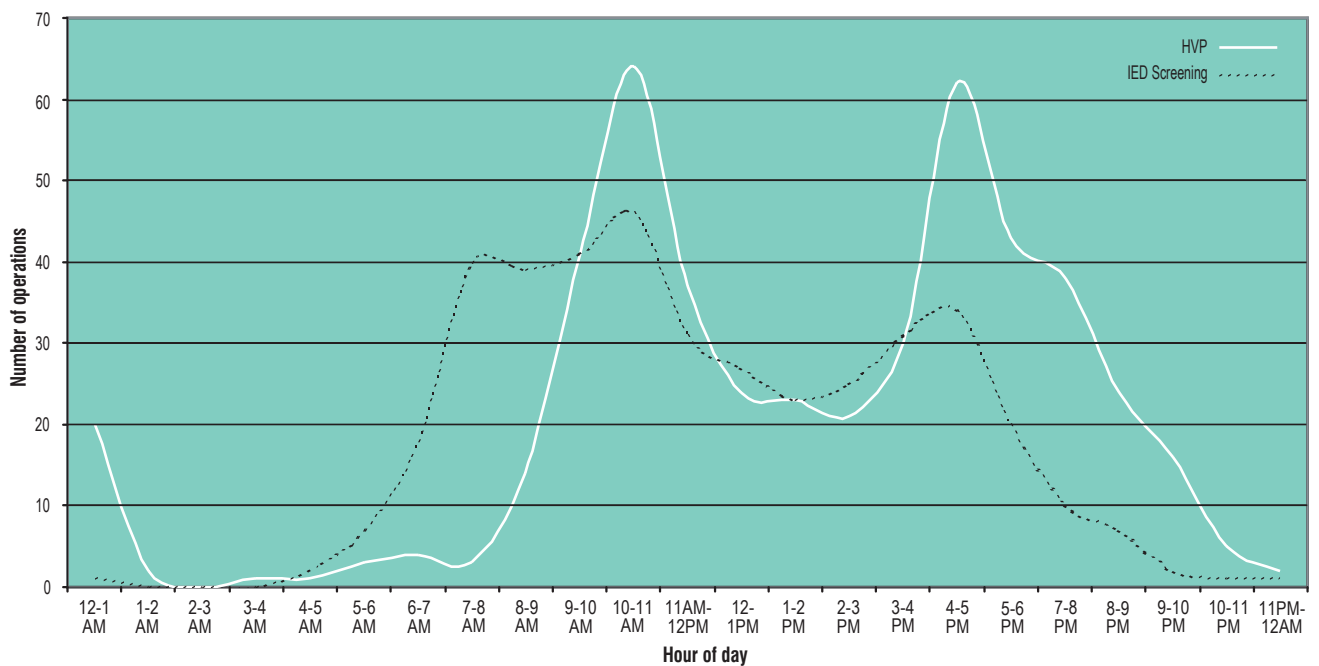
As the name suggests, search warrant jobs were those where a FED dog was required to assist with the execution of a search warrant.

A targeted place/object was a specific place (usually a residence being searched with the consent of the owner, but also including correctional centres) or object (usually a vehicle) that was searched without a warrant, and for a specific investigative purpose. For example, if a phone call had been made to police about gun shots being fired from a particular residence, and police attended the scene and asked permission to search the residence in question, and permission was given, then this would be categorised as a targeted place/object operation.

'Major events' includes all major community events attended by FED dogs including the Rugby World Cup, the Tamworth Music Festival, the Big Day Out, the Royal Easter Show and football games.

As HVP and IED operations formed the majority of operations attended by FED dogs we had a look at what time of day these operations were commenced. The figure below shows that these operations usually started between 9-11am or between 4-5pm.

Figure 15: When HVP and IED operations were commenced, n=941.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004

Endnotes

- ⁹⁰ The data given to us by NSW Police Dog Unit originally included 3,678 records. As we have described in Chapter 2, 'Methodology', we revised the original data because we identified several limitations.
- ⁹¹ This does not directly correlate to the number of operations attended because it does not include self-generated operations. In addition, some requests were for more than one day, and we have determined that one operation is where a FED dog attended a particular location for a particular reason on a particular day. This is explained in more detail in Chapter 2.
- ⁹² Reference number 602 — observation notes
- ⁹³ Please see Chapter 2 'Methodology' for information about how the audit was conducted.
- ⁹⁴ FED dog application form audit record number 1
- ⁹⁵ FED dog application form audit record number 56
- ⁹⁶ FED dog application form audit record number 2
- ⁹⁷ FED dog application form audit record number 6
- ⁹⁸ FED dog application form audit record number 60
- ⁹⁹ FED dog application form audit record number 47
- ¹⁰⁰ FED dog application form audit record number 23
- ¹⁰¹ FED dog application form audit record number 35
- ¹⁰² Reference number 695 — record of request for FED dog
- ¹⁰³ Reference number 456 — record of request for FED dog
- ¹⁰⁴ Reference number 591 — record of request for FED dog
- ¹⁰⁵ Reference number 272 — interview with senior officer of the NSW Police Dog Unit
- ¹⁰⁶ Correspondence from Police Commissioner, 15 November 2005

Chapter 6. Results

We relied upon the revised the Dog Unit spreadsheet to determine the results of operations that FED dogs attended. After discussing some of the limitations on the results data, we report on the number of indications made, the types and number of items found, and charges brought as a result of FED dog operations.

6.1. Results data limitations

While our data restructure addressed concerns about data repetition and categorisation, it could not remedy the limitations we encountered about results. As mentioned in Chapter 2 'Methodology', the results data limitations were separate and distinct from the other limitations we have described so far.

For example, information about the type of result was recorded inconsistently throughout the spreadsheet.

We did attempt to remedy these limitations, however, we found that this was not possible because most records had no further information available, or the available information was not clear about whether a FED dog was involved in locating an item. For several operations, we found the information to be incorrectly recorded. To some extent this was a consequence of the information provided to the Dog Unit about results. This information was received from dog handlers and also from event reports in COPS.

Despite not being able to verify most of the records, and despite finding errors in a few records, we have generally relied upon the information in the spreadsheet to report on results because it is the best information we have. That is, much of the information about results in this chapter have been reported taking the information provided to us by NSW Police at face value.

In the next section, we describe in more detail some of the results data limitations we encountered. However, as we have mentioned, these limitations have not been taken into account in reporting on the results in this chapter.

6.1.1. FED dog indications and finding items

In reviewing FED dog operations, we included records where items were found which were not firearms or explosives, but were within the FED dog's capabilities of detecting. This included records where the following types of items were found: replica firearms, starter pistols and firearm accessories (such as vision scopes and holsters). We decided to include these because, as discussed above, FED dogs are trained to detect a 'scent picture' of a firearm, which includes more than just the chemical components of explosives and ammunition.

Table 6. Revised results

Revised results	Number of operations	Proportion of operations where item found
Item found as a direct result of a FED dog indication	16	16.84%
Item not found as a direct result of a FED dog indication	8	8.42%
No information or available information not clear	71	74.74%
Total number of operations where item found	95	100.00%

Source: NSW Police Dog Unit Spreadsheet, January 2003-December 2004

As the above table indicates, there were at least eight occasions where the item recorded as being found in the FED dog spreadsheet was clearly not found as a direct result of a FED dog indication.

We confirmed that an item was found following an indication from a FED dog for 16 records. However, for the majority of the records (71 of 95 or 74.74%), we had no information, or the available information did not clearly indicate whether the FED dog played a role in locating the item.

The Dog Unit advised us that the spreadsheet included a combination of information provided to them by the handlers and information from records on COPS. They added that 'Sometimes though it is very hard to determine [the results]'.¹⁰⁷

The three types of revised results are discussed in more detail below.

6.1.1.1. Items found as a direct result of a FED dog indication

There were 16 records for which we can confidently state that the FED dog assisted in locating the item found. Below are some examples of these records.

In one incident, the FED dog helped police to confine the area in which police conducted their search which then led to the location of a piece of shrapnel:

*Indication/change of behaviour in long dense grass...area in question is open to the road by a large driveway and is directly opposite shooting. Search of area and possible path of round...small piece of shrapnel located on edge of footpath next to indentation in footpath caused by round from firearm.*¹⁰⁸

In another incident, described below, although the item found was not illicit, it was an item which a FED dog is capable of detecting:

*...Firearm and Explosive Detection Dog... has indicated on the mentioned POI's front left pocket. Police have stopped the POI and spoken to him concerning the actions of the Detection Dog. The POI has openly admitted to using Magnesium at school during the day and mistakenly leaving a small magnesium flake in his cargo pants pocket.*¹⁰⁹

Below are extracts from other records which indicate the involvement of the FED dog in locating illicit firearms and explosives:

*FEDD [name of dog] has indicated several times during the search warrant in the downstairs area of the house. As a result of these indications hand searches have located a plastic bag containing fireworks, several spent shot gun casing buried under rocks and four Winchester shotguns located in the ceiling of the downstairs premises.*¹¹⁰

*During the search, the dog gave a number of indications. One indication was in the corner of a wardrobe next to a TV cabinet... During the hand search a box of point .22 calibre ammunition was located. Also located nearby was a Phoenix brand .22 calibre pistol. FEDD [name of dog] gave another strong indications in a shipping container which was filled with numerous tools. With this indication, I located a .22 calibre Jennings Brand silver and black self loading pistol.*¹¹¹

*A further search of the boot area located a small red camera bag containing 26 x 7.62 calibre rounds. The search was stopped and a firearms detection dog was called for. Dog [name]... attended and commenced a search of the vehicle... The dog indicated numerous areas within the boot and the rear seat area. The dog also indicated near the front passenger door... after the indication by the firearm detection dog, police searched the front passenger door. The door had a pocket attached to the bottom of it. Inside this pocket was located a single black magazine for an SKS rifle... After the indication by the firearm detection dog, police searched the boot area. Police removed a blue vinyl bag. Inside the bag was located a metal tin believed to contain 500 x 7.62 calibre rounds and 4 SKS rifle magazines... Police further searched the rear seat/boot area of the vehicle and... a distinct lump was noticed underneath the carpet leading back into the boot. Police lifted the carpet and noticed a green canvas rifle cover. The cover was removed and inside the cover was a fully operational but unloaded SKS Chinese assault rifle, complete with bayonet.*¹¹²

*The ballistics dog located another spent casing and further live rounds near the deceased.*¹¹³

*The Police Dog indicated the presence of explosives and a search of the vehicle found the fireworks secreted in a cooler box and amongst bags of clothing in the vehicle and trailer.*¹¹⁴

*Dog gave change and investigated in main bedroom before indicating. A loaded .32 revolver was located by search team in a purpose made 'slit' in mattress.*¹¹⁵

6.1.1.2. Item not found as a direct result of a FED dog indication

There were eight records which indicated that the FED dog had no involvement in locating the items found.

An example of a record included in this category was a domestic violence incident, where a man had threatened to kill his wife with a loaded rifle. The victim fled the scene, and police later recovered one firearm in the house. The defendant admitted during the subsequent police interview that he owned a total of three rifles. The next day, the victim searched the house herself and located the two further rifles, then handed them in to police. It was at this point that the record indicates police searched the house again, this time with a FED dog. Police did not find anything further during this second search.¹¹⁶ In this instance, even though firearms were involved, the further two firearms were found without the assistance of police, and well before the FED dog arrived at the location.

In the incidents below, the persons involved showed police where the illicit items were:

...prior to entry, the defendant admitted to Police he had two firearms upon the premises... The defendant led Police to the first floor bedroom, and located just below the window from which the delivery driver alleges the firearm was produced from was a rifle case containing the two firearms... The defendant did not declare anything else to Police, so a Police ballistics dog was brought in to conduct the rest of the search. All rooms were search with no further adverse findings.¹¹⁷

The skipper was asked if there was any firearms onboard to which he surrendered an unregistered...rifle. He stated that the firearm was left on the vessel by an old crew member. A drug detection dog and firearms dog screened the vessel with the drug detection dog locating the scent of cannabis...¹¹⁸

The owner of the vessel consented to the search. Police inquired as to the presence of firearms onboard the vessel. The owner informed police that he did in fact have a firearm onboard. A .308 calibre Mauser rifle was located in the forward berth of the vessel.¹¹⁹

Also included in this category was one incident that did not appear to involve explosives or firearms at all, or any items that a FED dog would be capable of locating. This incident involved the search of the house of a known member of a motorcycle gang. This record indicates that a number of illicit items were found, including drugs and a taser/stun gun (an electric shock device). But there was no record that firearms or explosives, or anything remotely similar to a firearm or explosive, were located.¹²⁰

These records also include incidents where the FED dog was recorded as confirming that an item was already there. This includes the two incidents described below at paragraph 6.3.2 where explosive material was found before the FED dog arrived at the scene.

6.1.1.3. No information, or available information not clear

For the majority of records (71 of 95, or 75%) we were unable to determine what the FED dog's involvement was because there was no information available other than the description on the spreadsheet; or the available information was unclear.

Of the incidents for which we did have a COPS event number reference, the report was usually very detailed. However rather than providing detail about the search or search procedures, the event record usually focused on other important aspects of the incident, such as the items found, the charges brought and the arrest and custody procedures. The following extracts of COPS reports are some examples of this:

*Police attached to Strike Force *** executed a search warrant at ***. Present at the location was the accused...who was handed the occupier's notice. A subsequent search of the premises located a number of rifles, shotguns, handguns, silencers, ammunition, which were located in a false floor of the spray booth. A handgun and two bullet proof vests were found in the office area. The accused was arrested and cautioned and taken to *** Police Station...The accused declined the opportunity to be interviewed and was subsequently charged.¹²¹*

Police utilised a firearm and drug detection dog during the search warrant. Police located in the rear shed of the premises a loaded Rossi brand pump action .22 calibre rifle... Police searched the house and located two rounds of .455 calibre bullets inside a black zip bag.¹²²

Members of the Dog Unit attended the premises and the accused was asked if there was anything in the premises, which was outlined in the search warrant. The accused informed Detectives that there was an amount of amphetamines in the kitchen. Following this, members of the Dog Unit and their dogs made a search of the premises in the presence of the accused and investigators. At the completion of this search, members of the search warrant team began to make a search of the premises. Throughout this search, police located the following...8 x Firecrackers...¹²³

Some reports described ongoing investigations, of which the search was one small component, or where more than one search was conducted. For example, one narrative described the case of a man who was intimidating and threatening his ex-girlfriend. The narrative described three separate incidents, and a court matter in which the man was charged with malicious damage and given bail on the condition that he did not contact his ex-girlfriend. Towards the end of the narrative, there is one line that describes how the firearm came into the possession of police:

Firearm was seized at the LOC [location] and entered into exhibit book... at... police station.¹²⁴

As was often the case, the FED dog was not mentioned at all in the above narrative.

6.1.1.4. Unreliable data

It would have been preferable if police had kept better records of FED dog operations where police reported that an item was found. The fact that we were able to determine that eight incidents did not in fact involve a FED dog throws some doubt on the validity of the records we were not able to verify.

Accurately recording this type of information would allow NSW Police to monitor the ability of FED dogs to find explosives or firearms outside of a training environment. This may allow improvements to training to be made where necessary. It would also allow police to better analyse the effectiveness and value of the dogs. We discuss this further in the context of cost effectiveness below (see paragraph 9.1.2).

6.2. Indications

The spreadsheet results demonstrate that for the vast majority of operations (93% of operations or 1,502 of 1,618), no indications at all were made by the FED dogs.

There were 95 operations (5.9%) that FED dogs attended where an item was recorded as being found. There were 21 operations (1.3%) where a FED dog made at least one indication, but nothing was found.

6.3. Items found

As mentioned above, we looked more closely at the 95 operations where an item was recorded as being found.

As figure 17 shows, of the incidents where an item was found, spent ammunition was found most often. Firearms in combination with ammunition and firearms alone were found in equal proportions, about 16% each. Therefore 30% of these operations resulted in a firearm being found.

Ammunition alone was found in almost 15% of these operations, and fireworks were found in approximately 14% of operations where items were found.

Ammunition in combination with spent ammunition was found in approximately 3% of operations where an item was found. Replica firearms and ammunition in combination with fireworks were found in approximately 2% of all operations where an item was found.

Among the remaining items found, a great variety of discoveries were made including explosive components (eg detonators or firework wrappers), explosive tools (eg nail gun), firearm accessories (eg rifle covers, magazines, bolts or scopes) and residual powders.

Although these items were found during operations that FED dogs were involved in, it was not always the case that an indication from the FED dog was what led police to the location of the item.

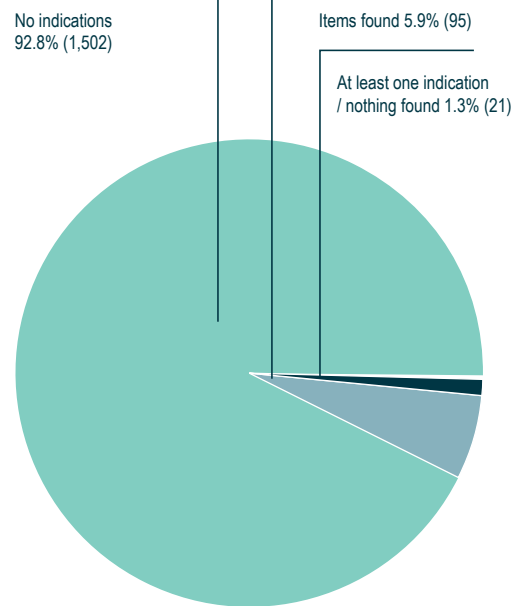
It is noted that no IEDs (improvised explosive devices, or bombs) were found as a result of a FED dog indication.

We have provided detailed information about items found and the circumstances which led to their discovery below. We note that this information is subject to the limitations about the results data which we have outlined above at paragraph 6.1.

6.3.1. How items were found

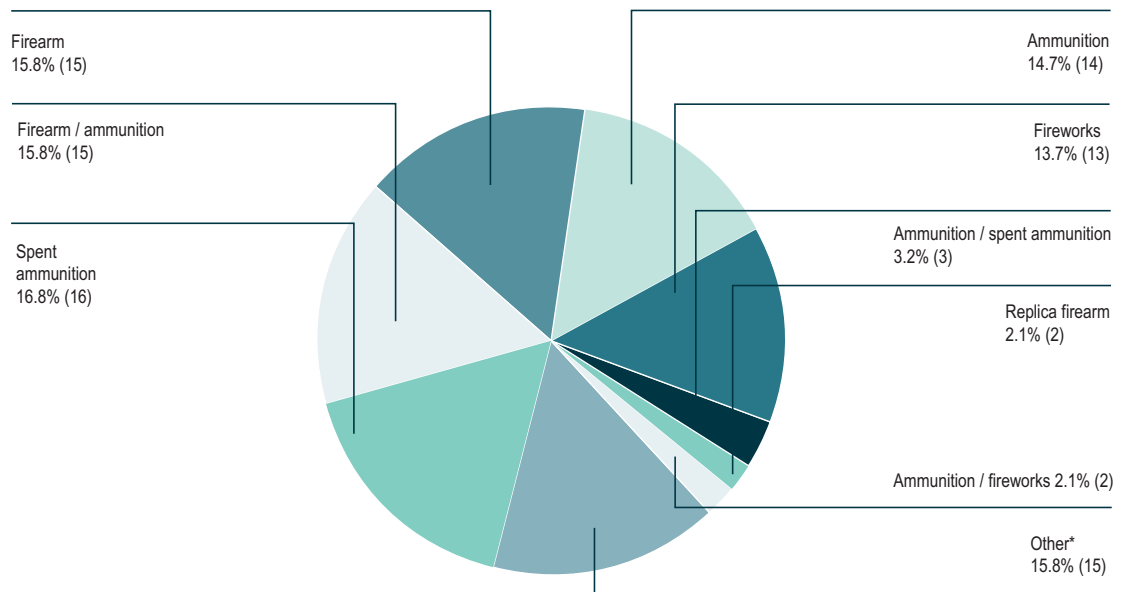
Figure 18 shows the types of operations during which items were found. As expected, items were predominantly found during search warrants or at crime scenes. It is noted that, as detailed above, search warrants comprised 14% of all operations, and crime scenes comprised 6% of all operations.

Figure 16: Recorded results, n=1,618.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004.

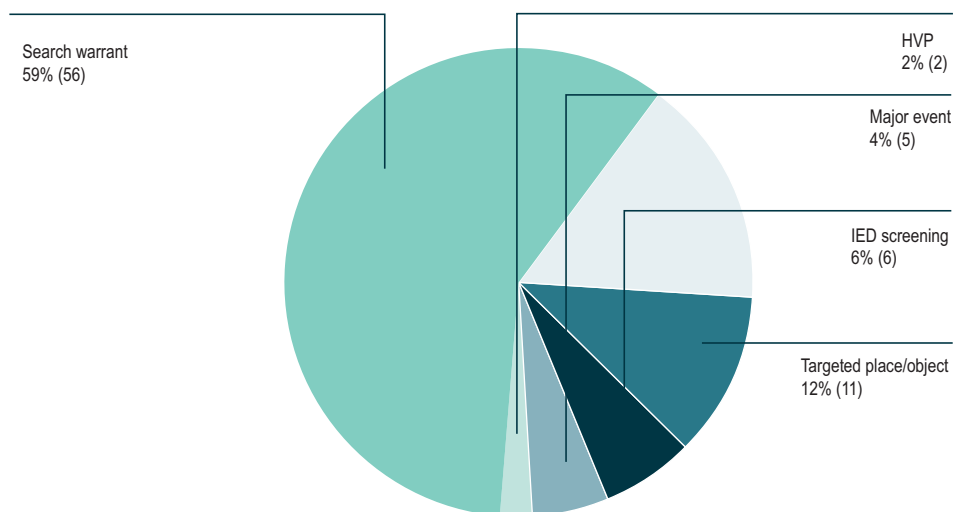
Figure 17: Types of items found, n=95.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004.

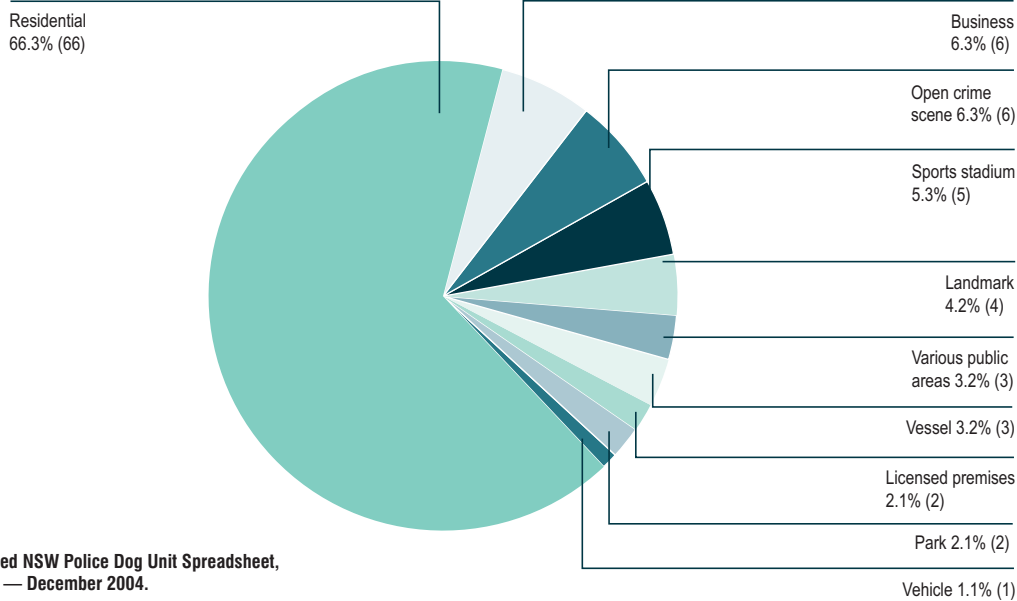
* 'Other' includes one each of the following combination of items:
 Ammunition/explosive components, Ammunition/spent ammunition/residue,
 Explosive components, Explosive tool, Explosive tool/accessory,
 Explosives/fireworks, Firearm/accessory/ammunition/spent ammunition,
 Firearm/Ammunition/fireworks, Firearm/fireworks/spent ammo,
 Firearm/spent ammo, Fireworks/drugs, Replica firearm/starters pistol,
 Residue, Spent ammunition/residue and Ammunition/explosive
 tools/firearm/firearm accessory/fireworks.

Figure 18: Type of operations where item was found, n=95.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004.

Figure 19: Type of locations where item was found, n=95.



Source: Revised NSW Police Dog Unit Spreadsheet, January 2003 — December 2004.

Figure 19 shows the types of location where items were found. The figure illustrates that, items were predominantly found in residential locations, which are also the locations where most search warrants were executed and most crime scenes established. It is noted that residential locations comprised 19% of all jobs attended by FED dogs (see paragraph 5.5.2).

6.3.2. Improvised explosive devices found

There were two occasions during the data period where an explosive device, or bomb, was reported as being involved. However in both cases the FED dog was not instrumental in locating the IED.

On the first occasion, a man called police when he noticed a suspicious object on the bonnet of his wife’s car.¹²⁵ After inspecting it, the man took the object off the car and put it on the ground. He then called the police. The police report says that the object contained a ‘firework bungler’, one litre of turpentine in a plastic bottle and a pressure pack can of spray paint, which was all taped together. The bungler had already been lit and exploded — the other two items had not ignited. The FED dog indicated near the bonnet, which confirmed that the object had been ignited on the bonnet of the car, but did not make any other indication. The police bomb disposal unit determined that this was a serious attempt to cause damage. Investigating police could not locate any fingerprints on the object, and the victims could not provide any information to assist with a prosecution. No charges were laid as a result of this incident.

The second occasion was a highly publicised incident at the Virgin Blue terminal of the Sydney Domestic Airport.¹²⁶ During this incident, an item which was thought to be a bomb was found in the cargo hold of a plane at Sydney airport. The item was described as explosive chemicals ‘wrapped in a cardboard toilet roll tube with a firework sparkler attached’.¹²⁷ A baggage handler removed the item from the plane. When the FED dog attended it confirmed the presence of the explosive device. The item was later reported to be a home made firecracker that had fallen out of the luggage of a teenager who was a passenger on the plane.¹²⁸ The teenager was not charged.

6.3.3. Explosive material and tools

There were four operations during which explosive materials or tools were found.

On each occasion, the FED dog was not pivotal in leading police to locating the items. The FED dog may have assisted police to hone in on where the item was located. As discussed further below, the involvement of the FED dog was not always clear.

On the first occasion, explosive material was found, although not in the form of a bomb. Police received information from a member of the public that a man was involved in making explosives. The man was stopped in his vehicle and searched. The FED dog helped police to locate an ‘old bungler’ in the car. Police also found business cards in the vehicle advertising a firework business which operated from the man’s home. Police accompanied by a FED dog then executed a search warrant at the man’s apartment, and found a variety of explosives and explosives devices. Bomb technicians who attended the scene said that there was enough explosive material in the man’s unit to destroy

the entire residential building.¹²⁹ The man was charged and convicted on four charges, namely 'unlawfully possess or control explosives', 'make explosives', 'goods suspected stolen in/on premises', and 'use, consume, divert etc electricity unless authorised'. For each offence he received a nine month good behaviour bond.¹³⁰

On another occasion, police found several railway detonators at a man's residence. Railway detonators are signal devices made from explosive material that are sometimes used on railway tracks to warn other trains that a track may not be clear. This item was found when police obtained a search warrant to search the man's house, on the basis of information received that the man kept a handgun in the top drawer of his bedside table. Police also found three rounds of ammunition (which police believed were collected out of interest rather than for use) in the bedside table. Police also located a toy gun and a pistol shaped cigarette lighter. A FED dog accompanied police during the search warrant but any involvement by the FED dog in finding the items is not recorded.¹³¹

On two other occasions, police found what they described as 'explosive tools'.¹³² These were what are known as 'powder actuated tools' which are used in construction, and operate like firearms in that they must be loaded with ammunition and are 'fired' onto a surface. The most commonly known device of this nature is a nail gun. On both occasions, these were the only explosive items listed as having been found. Both occasions involved a search warrant being executed at residential premises. There was no further information available about these incidences or the involvement of a FED dog.

6.3.4. Incidences where items were found in public places

There were 16 incidences where items were found in public places. The table below details these 16 incidences. We have provided more detail about the four incidences where a firearm was found in a public place further below.

Table 7. Items found in public places

Type of location	Type of operation	Items found	Number of incidences
Landmark	IED screening	Fireworks	2
		Spent ammunition	2
Licensed premises	Targeted place/object	Ammunition	1
		Firearm/ammunition/fireworks	1
Park	Targeted place/object	Firearm	1
		Spent ammunition	1
Sports stadium	Major event	Ammunition/fireworks	1
		Fireworks	3
		Fireworks/drugs	1
Various public areas	Crime scene	Spent ammunition	1
	HVP	Firearm	1
		Firearm/ammunition	1
Total number of incidences where items found in public areas			16

Source: NSW Police Dog Unit Spreadsheet, January 2003-December 2004

According to the spreadsheet, the first incident involved a firearm being found during the search of a licensed premises, where there was no warrant. However, the event record describes the execution of a search warrant.¹³³ Moreover, the court records indicate that the FED dog was involved in the execution of the warrant.¹³⁴ Specifically, the owner of the licensed premises told police that there were firearms located in a large safe, and the FED dog was taken to this safe to assist police in locating the firearm. Ultimately, none of the charges, including the firearm-related charges, were upheld.

The second record of a firearm being found in a public place occurred at a park. According to the event report, this incident involved a man who was stalking his ex-girlfriend.¹³⁵ After the woman had obtained an Apprehended Violence Order, which prohibited the man from having any contact with her, the man approached her and her friend and yelled

at them to get into his car. The friend of the woman said that she would not because he had a handgun in the front of his pants. The man then threw the handgun into some bushes of a park. Police later attended the park and located the firearm. There is no record of any involvement of a FED dog. The spreadsheet indicates that the man was arrested for other unrelated offences.

According to the Dog Unit spreadsheet, the third record of a firearm being found in a public place occurred during a HVP operation. However, the event record indicates that the operation was not a HVP operation.¹³⁶ Rather, the person involved was already under investigation and surveillance by the NSW Police Firearms and Regulated Industries Squad and the Australian Crime Commission for suspected supply of 'key ring' pistols — guns which have the appearance of a small remote control door opener. The suspect was stopped while he was in his vehicle and arrested. His vehicle was searched, and police found 80 'key ring' pistols and ammunition for the pistols in the vehicle. The person's residence was also later the subject of a search warrant, where another 'key ring' pistol was found. The person was then charged with a range of offences relating to the supply and possession of firearms. The event record does not indicate at what point the FED dog was involved, nor whether it had a role in locating the pistols. The man was convicted on all charges and sentenced to four years and eight months imprisonment.¹³⁷

The fourth record of a firearm being found in a public place also occurred during an HVP operation.¹³⁸ This HVP operation was conducted by the NSW Marine Command. General patrols were conducted in public places such as the Manly Wharf and Darling Harbour, with a focus on marinas and vessels attached to wharfs. In this incident, police boarded a fishing boat, and spoke to a man on board. He said that there was a firearm in the accommodation area of the boat, and ammunition under a seat. Police found the items in the location that the man said that they were. Police also found an amount of cannabis on the boat. The man was charged with possessing a prohibited drug, possessing an unregistered firearm, possessing an unauthorised firearm, not keeping a firearm safely and possessing ammunition without a licence. He was fined \$200 for the cannabis offence, and given a good behaviour bond for 18 months for the firearm and ammunition offences.

6.4. Charges brought

In total, there were at least 50 matters for which charges were brought, the majority of which were the result of search warrant operations. In most of these cases it appears that police had information about the location of firearms within the premises before the warrant was executed and the FED dog requested.

We requested court transcripts for the matters which did not involve a search warrant but where an item was found and charges were brought. None of the transcripts we examined revealed any significant discussion about the involvement of the FED dog in locating items which led to the arrest. Nor has our attention been brought to any court matters where the integrity or validity of the FED dog screen been brought into question.

There were four matters where no indications were made but charges were brought as a result of the involvement of the FED dog. Two of these were offensive language charges in which the interaction between police and the person charged was triggered by the presence of the dog, and will not be outlined here. The other two are described in detail below.

6.4.1. Cruelty to animals

We are aware of one incident which involved an act of cruelty committed against a FED dog.

The incident occurred one day prior to the commencement of the data period, that is, 31 December 2002 or New Year's Eve. Police were patrolling a busy street with the FED dog when, without provocation, a man approached police and kicked the FED dog. The police report indicates that the man appeared to be heavily intoxicated at the time.¹³⁹ The man was immediately arrested and taken to a nearby police station. He was charged with committing an act of cruelty upon an animal. The man pleaded guilty to the charge and was given a \$600 fine by the court.¹⁴⁰

6.4.2. Possession of drugs

During one HVP operation, police located drugs as a result of having a FED dog as part of the operation.

In this incident, police were patrolling the car park of a fast food restaurant. A man was standing next to his car in the car park and as police approached, they saw him walk over to a small garden in the car park and throw something away. Police approached the man and saw a small plastic satchel in the small garden. When asked what was in the satchel, the man said, 'It looks like ecstasy'.¹⁴¹ The man was arrested and charged with the possession of a prohibited drug. During the police interview the man said 'I saw you guys coming so I threw it away'. The man pleaded guilty to this charge, and was given a \$600 fine.¹⁴²

We are not aware of any other FED dog operations where a person was arrested for possession or supply of drugs because they mistook a FED dog for a drug detection dog.

Endnotes

- ¹⁰⁷ Reference number 475 — email from Dog Unit
- ¹⁰⁸ Reference number 549 — COPS event record
- ¹⁰⁹ Reference number 991 — COPS event record
- ¹¹⁰ Reference number 128 — COPS event record
- ¹¹¹ Reference number 800 — COPS event record
- ¹¹² Reference number 784 — COPS event record
- ¹¹³ Reference number 505 — COPS event record
- ¹¹⁴ Reference number 755 — COPS event record
- ¹¹⁵ Reference number 661 — COPS event record
- ¹¹⁶ Reference number 285 — COPS event record
- ¹¹⁷ Reference number 30 — COPS event record
- ¹¹⁸ Reference number 655 — COPS event record
- ¹¹⁹ Reference number 983 — COPS event record
- ¹²⁰ Reference number 954 — COPS event record
- ¹²¹ Reference number 734 — COPS event record
- ¹²² Reference number 466 — COPS event record
- ¹²³ Reference number 402 — COPS event record
- ¹²⁴ Reference number 516 — COPS event record
- ¹²⁵ Reference number 367 — COPS event record
- ¹²⁶ Reference number 198 — record of request for FED dog
- ¹²⁷ 'Airline admits blunder over device on plane', 23 September 2004, *Sydney Morning Herald*, www.smh.com.au/articles/2004/09/23/1095651420208.html
- ¹²⁸ 'Suspect item on plane a homemade firecracker', 24 September 2004, *Sydney Morning Herald*, www.smh.com.au/news/Anti-Terror-Watch/Suspect-item-on-plane-a-homemade-firecracker/2004/09/24/1095961858012.html
- ¹²⁹ Reference number 875 — COPS event record
- ¹³⁰ Reference number 330 — police charge record
- ¹³¹ Reference number 41 — COPS event record
- ¹³² Reference number 623 and 197 — COPS event records
- ¹³³ Reference number 483 — COPS event record
- ¹³⁴ Reference number 208 — court records
- ¹³⁵ Reference number 516 — COPS event record
- ¹³⁶ Reference number 288 — COPS event record
- ¹³⁷ Reference number 370 — court records
- ¹³⁸ Reference number 54 — COPS event record
- ¹³⁹ Reference number 406 — COPS event record
- ¹⁴⁰ Reference number 439 — court transcript
- ¹⁴¹ Reference number 529 — COPS event record
- ¹⁴² Reference number 596 — court records

Chapter 7. Community response

In comparison to the introduction of drug detection dogs, which has been the subject of vigorous debate and commentary in the public arena, there has been a subdued public response to FED dogs. Of the commentary that does exist, the majority are expressions of support. In this chapter, we explore these sources of community support as well as some of the possible reasons for the relatively low level of community discussion about FED dogs — positive or negative.

7.1. Community has not expressed objection to FED dogs

One of the likely reasons for the comparatively low level of debate in relation to FED dogs is that there is broad support for dogs which can detect firearms and explosive devices. There is evidence to support the position that the community is generally positive about the use of the dogs.

Alternatively, it may be because there is little knowledge about the use of FED dogs in the community.

This is discussed further below.

7.1.1. Media

Whilst the media extensively reports on any incidents involving firearms or explosives, FED dogs were rarely the subject of any scrutiny by the media.

On a few occasions during the review period, FED dogs were the focal point of print media articles. However, these articles were usually 'human interest' stories and had a predominantly descriptive, rather than investigative, focus. Some of the headlines for FED dog articles were as follows:

*Police take aim at gun hot spots*¹⁴³

*Gun dogs move in at first sniff of danger*¹⁴⁴

*Police dogs help kick off security blitz*¹⁴⁵

Typically, the article described what the dogs are capable of detecting and how FED dogs are used. Here is an extract of an article of which FED dogs were the subject:

Dynamic duo dog streets of Tamworth¹⁴⁶

...

Meet special constables York and Kostya of the NSW Police.

They are Labradors of renown — with noses as sensitive as metal detectors — who are on special duties at the Tamworth Country Music Festival.

If guns or explosives are in the vicinity, York and Kostya let their handlers know in a hurry.

They are a new breed of specialist sniffer dogs used by NSW Police.

Some dogs are trained to look for drugs and others for contraband. York and Kostya specialise in explosives and guns.

If they sense either in the vicinity they convey their feelings to their handlers with a series of personality changes.

If the dogs are certain they are close to explosives or guns they simply sit and their handlers take it from there.

"You get to recognise changes in behaviour," York's handler Senior Constable Paul Harriss said. "They might be reacting to something they are scenting in the air from somewhere else. They let you know with the way they react.

"We don't check people and we don't look for drugs. The dogs are not trained for that.

"We check areas like drains and other places where other things could be hidden."

7.1.2. Complaints

We are only aware of one complaint made about FED dogs during the review period. The complaint was of a relatively minor nature. If not for the fact that the complaint was sent to our office, police would not have been required to directly notify us about it. This is because the complaint came within an administrative agreement between NSW Police and the NSW Ombudsman, under which NSW Police do not have to directly notify the NSW Ombudsman about less serious complaints.¹⁴⁷

The complaint was made by someone who observed an incident involving NSW Police and three youths described by the complainant as being of Arabic, Slavic or South American appearance. The complainant said that NSW Police directed a dog toward the three youths, and that the dog was allowed to sniff at the pockets and crotches of all three for 'what seemed an excessive amount of time, given that the dog obviously did not find anything of concern to the dog/officer'.¹⁴⁸ The complainant was concerned that the youths were targeted because of their age and/or ethnicity. The complainant considered that the youths were well dressed, supervised by an adult and had no bags in which to conceal illicit items. The complainant said that she did not see any merit in using detection dogs in a random manner, and that such dogs should only be used where there is an identified risk or a reasonable suspicion of criminal activity.

We wrote to the complainant and informed her of our review of FED dog legislation. We advised the complainant that the complaint did not constitute an allegation of police misconduct, and that we did not require NSW Police to investigate the complaint.

We regularly audit complaints that are not notified to this office. Our audits have not revealed any other complaints made about FED dogs.

7.1.3. Observations

As mentioned in Chapter 2 'Methodology' we observed FED dogs during several operations. Predominantly, we observed that members of the community had no objection to FED dogs. Indeed, we heard many supportive comments from members of the public ranging from 'nice doggie' and 'good boy' to 'Good on you dog! Do your job!'.¹⁴⁹

In situations where police could explain the purpose of the dogs, such as during major sporting events, we observed several people making explicit statements of support. Some comments we observed in this context included:

*Thank you for all your efforts.*¹⁵⁰

*I feel pretty safe right now!*¹⁵¹

*Hello lovely dog — they're doing a good job, they're for explosives.*¹⁵²

In addition, FED dogs were frequently mistaken for drug detection dogs, as they are the same breed (Labradors). Some examples of common comments we observed are:

*Ah, the drug squad.*¹⁵³

*I only have metho [methadone] with me.*¹⁵⁴

*Oh it's a drug dog!*¹⁵⁵

*I already smoked all my drugs.*¹⁵⁶

During a focus group, the FED dog handlers confirmed that this was often the case.¹⁵⁷ In addition, we are aware of two incidents where a member of the public mistook a FED dog for a drug detection dog which led to criminal charges. In one of these cases, this mistaken impression led to a charge of possession of prohibited drugs (described at paragraph 6.4.2). In the other, a man was charged with offensive language and intimidating a police officer because the person reacted negatively to the presence of the dog.¹⁵⁸

Through research independent of this review and for our review of drug detection dogs, we found that the converse was sometimes true. That is, during some drug dog operations we observed, drug detection dogs were mistaken for FED dogs on a small number of occasions.¹⁵⁹

On far fewer occasions, we observed the FED dogs being correctly identified. Some examples of these types of comments are:

*It's probably a bomb dog.*¹⁶⁰

*Are they explosives dogs?*¹⁶¹

*Oh, there's the gun sniffers.*¹⁶²

We had the opportunity to observe two searches of people indicated by a FED dog, during which neither person searched expressed any strong objections to the search or the purpose of the search (see paragraph 9.1.1).

7.1.4. Submissions

We sent our discussion paper to a wide variety of organisations, including gun clubs, sporting shooter associations, members of Parliament, NSW Police and community legal centres — just under three hundred copies were distributed in total. We also advertised our review in major regional and metropolitan newspapers.

We received ten submissions in total, a relatively low level of response. None of the submissions we received expressed any objection to the use of FED dogs.

7.2. Low numbers of people stopped and searched

In addition to broad based support for FED dogs, and the fact that people mistake FED dogs for drug detection dogs, it is possible that the low numbers of people stopped and searched was a contributing factor to the low level of community response to FED dogs.

As detailed in Chapter 6 'Results', there were very few indications at all during the two-year data period. Of the small number of searches conducted, there were very few *people* who were searched as a result of FED dog indication. The majority of searches were either a result of a FED dog indicating on residential buildings or at crime scenes.

This means that few in the community had any direct contact with FED dogs at all. At most, people may have been present when the dog sniffed around them. This minimal level of intrusive contact is one possible reason for the low level of interest in FED dogs' activities. This was articulated by NSW Privacy in their submission to our review:

Using sniffer dogs to detect firearms and explosives in public places may be experienced differently because fewer individuals feel they are being targeted and those affected are likely to be made to feel more secure by the presence of dogs. Using sniffer dogs for drug detection may be experienced as more intrusive, because a greater portion of the population has some contact or experience with illicit drugs and there is less of a social consensus about controlling drug use through law enforcement. The use of sniffer dogs in public places tends to target people's recreational activities and to this extent may be experienced as more intrusive. While explosive detection dogs are also deployed in recreational areas, their presence can be seen as more incidental and less directly related to the reasons people gather in such places.¹⁶³

7.3. Impact on the community's fear of crime and on crime prevention

The impact of FED dogs on the community's fear of crime and on crime prevention have been cited as two potential benefits of FED dogs. Indeed, several submissions mentioned these aspects of FED dog operations.

It was beyond the scope of this review to comprehensively quantify the impact of FED dogs on the community's fear of crime or the impact on crime prevention. However, we have conducted some research into the impact of drug detection dog operations on the community's fear of crime for the purposes of our review of the drug dog legislation.

Endnotes

- ¹⁴³ Raylene Bliss, *Inner Western Suburbs Courier*, 29 September 2003
- ¹⁴⁴ Kara Lawrence, *Daily Telegraph*, 17 December 2002
- ¹⁴⁵ Les Kennedy, *Sydney Morning Herald*, 10 October 2003
- ¹⁴⁶ Ray Chesterton, *Daily Telegraph*, 23 January 2003
- ¹⁴⁷ This agreement is permitted under certain Acts and is periodically reviewed. For more information, please contact our office.
- ¹⁴⁸ Reference number 242 — correspondence initiating complaint
- ¹⁴⁹ Reference number 557 — observation notes
- ¹⁵⁰ Reference number 343 — observation notes
- ¹⁵¹ Reference number 602 — observation notes
- ¹⁵² Reference number 134 — observation notes
- ¹⁵³ Reference number 343 — observation notes
- ¹⁵⁴ Reference number 602 — observation notes
- ¹⁵⁵ Reference number 414 — observation notes
- ¹⁵⁶ Reference number 693 — observation notes
- ¹⁵⁷ Reference number 136 — FED dog handler focus group transcript
- ¹⁵⁸ Reference number 723 — COPS event record
- ¹⁵⁹ Reference number 107 — fear of crime survey. This survey was conducted for our review of the drug detection dog legislation. The survey data is discussed in more detail in our report on the drug detection dog legislation.
- ¹⁶⁰ Reference number 414 — observation notes
- ¹⁶¹ Reference number 343 — observation notes
- ¹⁶² Reference number 933 — observation notes
- ¹⁶³ Submission from NSW Privacy, 7 June 2004

Chapter 8. Improving the effectiveness of FED dogs

It is clear that the legislation anticipated a particular type of interaction with the public would occur when FED dogs were deployed — similar to that which has occurred under the drug detection dog legislation. Indeed, in the second reading speech, the then Minister for Police, the Hon. Michael Costa MLC, said the legislation was modelled on the drug detection dog legislation.¹⁶⁴ It may have been assumed that the oversight of such interactions would be the primary focus of our review.

For various reasons, these type of interactions, that is, personal searches, have simply not occurred often enough for us to make any comment on this aspect of the legislation. We note that an extensive discussion of the issues arising from personal searches will be included in our report on the drug detection dog legislation.

Although we have not had an opportunity to explore these issues in this report, it would be imprudent to ignore important questions about cost effectiveness. For example, are NSW Police making the optimum use of existing FED dogs and FED dog handlers? Are there more effective ways of controlling firearms and explosives? Is there any significant correlation between the work that FED dogs conduct and a reduction in firearm crime?

We note that in 2003 the government announced funding for a further 20 FED dogs. Before any more commitments are made to invest in additional FED dogs, NSW Police should give careful consideration to whether or not there is likely to be a long term demand or need for the services of FED dogs, and if so, what level of need or demand it anticipates.

Consideration should also be given to the most appropriate use of FED dogs. NSW Police should have regard to available information about their performance and deployment to date; current intelligence about the incidence of firearm and explosives-related crime; and any future events which may have an impact on the number of FED dogs required.

In this chapter, we will discuss FED dogs in these terms, and make some recommendations. We understand that NSW Police has already conducted a similar assessment. However, they have declined to provide us with the details of their 'Operational Needs Analysis'. Therefore we are unaware of what NSW Police has taken into consideration in conducting their analysis.

8.1. Financial cost of dogs

NSW Police provided a schedule of costs related to FED dogs.¹⁶⁵ We were able to discern three types of costs for FED dogs — one-off costs, on-going costs, and shared costs which apply to the Dog Unit as a whole.

8.1.1. One-off costs

The cost of purchasing a FED dog can be anything up to \$2,000, and the cost of kennelling a FED dog (including the kennel, bed, bowls etc) is \$2,401 per dog.

8.1.2. On-going costs

There are several ongoing costs involved in funding FED dogs. These include food, veterinary care, dog leads, collars and materials used in training, which come to a total of \$3,345 per dog per annum.

FED dogs require special vehicles to be transported to operations. NSW Police advised that this is a cost of \$360.72 per week per dog which is \$18,757 per dog per annum.

Therefore, the combined on-going cost per dog per year is \$22,102.

NSW Police advised that the handler's wages are \$66,186 per annum. This is the ordinary wage of a sergeant, and these wages do not include the cost of overtime, travel or allowances for home kennelling. If wages are included, the total on-going cost per dog per year is \$88,288.

8.1.3. Shared costs

Shared costs for the Dog Unit include the costs of purchasing hardware used in training, which comes to a total of \$5,000 per annum, and the wages of a trainer and kennel assistant, which comes to a total of \$102,942 per annum. Therefore, the total shared costs comes to a combined total of \$107,942 per annum.

8.1.4. What is the cost of the FED dog program?

At paragraph 4.5 we outlined the actual and potential number of FED dogs at the Dog Unit. Currently there are 26 FED dogs. Potentially, NSW Police will have a total of 46 FED dogs if the proposal to commission 20 more dogs is implemented.

In order to calculate the cost of the FED dog program, we are going to assume that the cost of the dog is the maximum possible cost (ie, \$2,000), disregard the shared costs and handler wages, and assume that the working life of a FED dog is eight years.

Therefore, included in our calculation of the cost of one FED dog are the one-off costs and the on-going costs, excluding the handler's wages. On this basis, we calculate that the cost of one FED dog is \$181,217 over eight years, or \$22,652 per year.

For 26 dogs, this is a total cost of approximately \$4.7 million over eight years, or \$588,955 per year. If wages are included in the calculation, the cost of 26 dogs over eight years is approximately \$18.5 million, or approximately \$2.3 million per year.

The cost of 46 dogs over eight years would be a total of \$8.3 million, excluding wages. If wages are included in the calculation, the total cost would be approximately \$32.7 million.

We note that this costing does not take into consideration the fact that some FED dogs are retired after the initial training period because they are deemed unsuitable for detector work, retired after being operational because they are deemed unsuitable in an operational environment, or retired because they have reached the end of their working life. This means that we have not considered the cost implications of replacing dogs that have been retired.

Nor have we fully considered the opportunity cost — the policing work that handlers could have been doing if they were not being employed as handlers. From the available data, it appears that FED dog handlers were not spending all of their time in an operational environment (see paragraph 5.6 and discussion below).

8.2. Frequency of deployment

It is evident from the data we have received from the Dog Unit that FED dogs are deployed infrequently. As we demonstrated in Chapter 5, despite occasional high levels of deployment, on average the number of FED dogs deployed each day per month was never above seven (the full complement of FED dogs being 26). In addition, on average, no FED dogs were deployed at all for 17% of each month (or five days out of every month).

The low rate of deployment that we identified through our analysis of the data provided by the NSW Police Dog Unit was supported by comments we received from FED dog handlers:

*There's so many of us, and there's only so many incidents where we've got to go and search for an IED. I mean there's only so many dignitaries coming to town. There's only so many bomb threats.*¹⁶⁶

*So there's a lot of down time and a lot of space between jobs.*¹⁶⁷

*...there's been complaining about how we're getting another 20 dog handlers, we're going, "Where are we going to find the work?" Everyone is saying that. Like, saying that we're busy is ridiculous.*¹⁶⁸

The Police Association of NSW also submitted, on behalf of handlers that:

*The FED dogs should be used as much as possible, and much more than their current deployment, provided there is intelligence or a reasonable cause or request that supports their use.*¹⁶⁹

This was also supported to some extent by a senior officer within the Dog Unit whom we interviewed:

*... we are constantly being challenged by the need for these dogs. That doesn't mean that you don't have pockets of time that there is not an overwhelming demand for their services.*¹⁷⁰

Our analysis of the data also indicated that the number of times FED dogs were deployed fluctuated greatly. This was again supported by comments received from FED dog handlers:

*The problem with IEDs is that you might not do any for two weeks, then the supervisor will tell you that you'll come up and there'll be ten in a week. Because there's a Commissioner's conference, or the Prime Minister's coming here, or because they blew trains up in Spain...*¹⁷¹

The senior officer we spoke to at the Dog Unit was of the opinion that when FED dogs are not operational, handlers should be reinforcing their training:

*...the commitment to training and quality control in the program is absolutely essential. So there should never be down time. It should be just preparation time for when you are operational.*¹⁷²

While we agree that reinforcement of training is an important aspect of the FED dog program, large amounts of time devoted to training rather than operational duties indicates that there may be an imbalance in the dog-to-work ratio. Spending large amounts of time without operational duties may also de-motivate handlers.

As mentioned above at paragraph 5.6.1, the Police Commissioner has advised that the Dog Unit reports that since the data period, there has been a significant increase in demand for FED dogs, particularly in support of Counter Terrorist Coordination Command operations.¹⁷³

8.3. Types of deployment

In addition to the infrequent use of FED dogs, there are some problems with the way they are being deployed. These highlight the potentially inefficient and ineffective way that NSW Police are sometimes utilising this resource.

We should note here that the issue of how FED dogs should be deployed has been the subject of some tension within the NSW Police Dog Unit. The Police Association of NSW advised in its submission that FED dog handlers had provided the management of the Dog Unit with a submission, suggesting alternative methods of deployment. These suggestions were not adopted.

8.3.1. Basis for deployment

Our audit of request applications revealed that FED dogs are generally not deployed on the basis of any discernable intelligence information (see paragraph 5.3). A senior member of the Dog Unit agreed that FED dogs should only be deployed on the basis of good intelligence:

*...I can't see the point in people just aimlessly going down...road A, when location C may have some...basis to why we would be there. So a nightclub strip in... the city, to me, would be a more valuable location for us to patrol, with a greater likelihood of someone having a target implement or...weapon, or whatever, that we're looking for, rather than going down a residential street... You know, I just couldn't see the point in us doing it.*¹⁷⁴

However, our audit of request applications from LACs indicated that the threshold for deploying FED dogs to some operations was quite low. Some operations included in our audit appeared to have no relation to firearms or explosives crime at all.

8.3.2. Search warrants and crime scenes

While crime scenes and search warrants combined comprised 20% (331 of 1,618) of operations attended, they comprised 75% (71 of 95) of operations where items were located by a FED dog.

Based on this information, it would appear that FED dogs are most useful at crime scenes assisting police to find spent ammunition for evidentiary purposes, or at search warrants to assist police in locating concealed items.

Using a FED dog in this manner is more efficient than using police to hand search the same area. A police officer from a rural LAC wrote to us with an example of assistance they received from a FED dog during an investigation:

*The area that was searched was hard packed soil that predominantly was covered in rocks and saltbush. If humans/Police were to attempt to search this sort of area, it would be with absolutely no success at all. The benefit of the dogs were that it sped up the process and did in fact show some hits as to where firearms appear to of been buried by the suspect. Unfortunately no firearms or explosives were detected...*¹⁷⁵

8.3.3. HVP operations

HVP comprised 32% (541 of 1,618) of the operations that FED dogs attended, but only 2% (2 of 95) of operations where items were found.

It is likely the low threshold of intelligence required for FED dogs to be deployed would particularly apply to HVP operations, as their primary objective is usually to be highly visible rather than to specifically target firearms related crime.

FED dog handlers have submitted, through the Police Association of NSW, that:

*The FED dogs should not be used in HVP unless there is some intelligence based reason for the FED dogs to be utilised, ie, prior knowledge of firearms being present in these areas. If this is not the case, the FED dogs should not be used to just walk up and down the road.*¹⁷⁶

This sentiment was also expressed during our focus group with dog handlers, with one handler saying:

*Yeah, we get a lot of our operations now, where we'll go somewhere and they'll go, 'OK we've got this car for a hit and he can go with you'. And they send you out and they go 'OK, where are we going to walk to? Where's the crime happening?' And you just end up walking down the CBD and then back around do a loop, back down the CBD and back.*¹⁷⁷

We sent observers to two HVP operations to watch the use of FED dogs in action. Our observers reported spending many hours walking the streets and venues with the dog, but had little else to report. We have cited examples of FED dogs being deployed to HVP operations where they appear to be nothing more than an accessory.

Moreover, as we have noted above, the majority of these operations were initiated by the Dog Unit — not at the request of a LAC.

Studies have demonstrated that firearm crime generally does not occur in public places nor at the times that FED dogs were deployed. We have presented statistics in Chapter 1 'Background' which show that robberies (with or without firearms) usually occur outside of the hours that FED dogs have mostly been deployed. While studies suggest that public space robberies most often occurred between 9pm and midnight, operations involving dogs occurred mostly between 10am and 7pm.

This is also an issue that seems to have resonated with FED dog handlers. During a focus group, handlers made the following comments:

*Everybody knows that people don't carry guns around, [the guns are] in their cars or in their house, and they go back and get them. And for the firearms related crimes happening early in the morning, drive by shootings, etcetera, and we're not going to be going around with a dog in a suburban street at three o'clock in the morning.*¹⁷⁸

*I don't think there's ever been people walking up and down the street [with guns]. They're generally going from point A to point B as I've already said. Or there are certain areas where we've never been in there at the right time.*¹⁷⁹

*I mean [a LAC] might request us, so we go out there but I think everyone knows that a lot of the shootings have been down the road here at [suburbs known for street shootings]. Whether they're carrying them or not, that's not the issue, but we should be going to the areas where there are shootings...*¹⁸⁰

*...even the times when we've been requested to go to [suburb known for shootings] or places like that it doesn't seem like it's the right time of the day.*¹⁸¹

8.3.4. IED operations

IED screening also comprises a large portion of operations attended by FED dog handlers (427 of 1,618 or 26%) and like HVP operations, very few indications or finds were made at all during these operations. There were six IED operations during which an item was found (6% of all operations where an item was found). The items found were fireworks or spent ammunition.

However, there are good reasons for supporting the use of FED dogs for IED screening as one measure to deter and detect terrorist-related activity at major events or critical locations, as follows:

- To help clear the area where a specific threat has been identified, the deployment of FED dogs is a more efficient tool than individual police officers searching an area by hand.
- The use of FED dogs in IED operations at major events will help to ensure Sydney, and other locations in NSW, retain their capacity to secure and host major events.
- In terms of the general terrorist-related activity, the deployment of FED dogs at key areas and at critical times will only increase the community's safety, and perceptions of safety.

We note that FED dogs would be in addition to the already considerable resources that NSW Police can rely upon to assist in the policing of major community events, such as metal detectors, 100% bag searches, bomb squads and the Counter Terrorism Coordination Command (detailed later at paragraph 8.4.3).

8.3.4.1. Terrorist-related activity and IED operations

While there are good reasons to support the use of FED dogs for IED operations, counter terrorism is a relatively new area of policing activity, and the pattern of criminal behaviour in relation to terrorist and explosives-related crime is less established in NSW.

Towards the end of the data period, FED dogs were increasingly deployed to conduct IED screening at 'landmark' locations. These operations were predominantly self-generated. The basis of the deployment, beyond the location itself, was not entirely clear.

To maximise the contribution of FED dogs to this area of policing, involvement by the Counter Terrorism Coordination Command in providing coordination and/or direction for these self-generated operations (including direct consultation) may enhance their strategic effectiveness. There was little evidence, from our review, that this was occurring.

8.3.4.2. Rendering bomb sweeps ineffective

In our focus group with handlers, one handler commented that areas they bomb sweep are often not properly locked down and that this defeats the purpose of the bomb sweep:

I think too that it's a bit frustrating for us when we did our clearance searches because the venues don't get locked down. So, you might be searching an area and there's heaps of staff in there. So, you sort of think, well hang on, what's the point if I'm searching for explosives and these people are operating in here already?¹⁸²

We observed this occurring during two operations. On both occasions, the venues were fully staffed before police arrived.¹⁸³ Many of the locations where FED dogs conduct IED operations have multiple entry and exit points. Therefore, it would appear that failure to properly lock down an area before and after a bomb sweep will reduce any benefit gained from conducting the sweep in the first place.

The SOPs state that prior to a search the handler should obtain some information first from the search team leader, establish the threat level assessment, and determine if anyone has been in the area. However, FED dog handlers were not always properly briefed or adequately prepared for operations.

8.4. Other factors to consider

This section outlines some other factors to consider in relation to the effectiveness of FED Dogs as an operational policing tool.

8.4.1. Impact of dogs on crime

As we mentioned in Chapter 1 'Background' it would appear that violent firearms crime has either decreased or remained stable since 2001. To the best of our knowledge, the incidence of explosives-related crime has been at a very low level and is sporadic. Therefore it will be excluded from this discussion.

For a number of reasons, it is extremely difficult to make a definitive statement about the impact of FED dogs on firearm-related crime, and whether the drop in crime is in any way related to the deployment of FED dogs.

As noted by BOCSAR in the NSW Recorded Crime Statistics 2004 report:

The interpretation of trends in official reports of crime can be considerably more difficult than the interpretation of trends in unemployment or inflation statistics. The ease with which recorded crime statistics can be misunderstood creates a temptation to offer an authoritative explanation for each major crime trend. Indeed, in many instances it is simply impossible to state with any assurance why a particular trend has appeared. This report, therefore, confines itself to identifying and describing trends in recorded crime, rather than explaining them.¹⁸⁴

BOCSAR has attempted to explain the downward trend in property crime in another report entitled 'What caused the recent drop in property crime?'¹⁸⁵ BOCSAR does not directly attribute the decrease to policing activity, but suggests several other unrelated factors including the fall in the availability of heroin; an increase in average weekly earnings; an increase in the number of heroin users returning to treatment; an increase in the imprisonment rate for convicted burglars; and possibly, a fall in long-term unemployment may have influenced the decrease in property crime.

NSW Police contend that FED dogs have a role to play in preventing crime during HVP operations. One FED dog handler said:

*They don't walk around the street with [firearms] on them. Especially when there's six coppers walking [and] they've got dogs.*¹⁸⁶

A senior officer at the Dog Unit explained it this way:

*...it's not possible to measure what has not happened if people don't have guns in their possession walking down the street — [because you can't detect something] that's not there. So either something that we are doing is contributing to people not having firearms there - so, in that context...if they're not carrying firearms when they are there and we don't find them, then that's good, because they're not carrying firearms in that area.*¹⁸⁷

The Minister for Police made a similar statement to our review:

*In response to the issue raised in the discussion paper on whether these dogs reduce the number of illegal firearms carried in public. Police advise that they are not able to measure with any degree of authority the deterrent impact of their use.*¹⁸⁸

The Police Association of NSW said that it was difficult to record how many people had been deterred from carrying firearms in public places because it is difficult to record something that is not being done. The Police Association also said that:

*...it was important to understand the promotion of FED dogs in the public eye has increased public awareness regarding the NSW Police deployment of dogs to detect firearms in public places and this is a deterrent.*¹⁸⁹

While there are certain aspects of firearm crime about which we cannot make any conclusive statements, we can report, based on the information provided to us by NSW Police, that FED dogs do not appear to be locating firearms in public places. We know that NSW Police found a number of illegal firearms largely in private premises during the execution of search warrants or at crime scenes during operations that FED dogs attended, but for the majority of these the level of assistance provided by the FED dog is unclear. Although FED dogs may have assisted police at the execution of search warrants or at crime scenes, these are predominantly scenarios where NSW Police already has a significant amount of information about the location or details of firearms held.

We are aware of only one incident during the data period where police discovered a firearm that they previously had no information about. During a HVP operation of a marina area, police located a firearm and ammunition on a boat. The person was charged with possessing an unregistered firearm, possessing an unauthorised firearm, not keeping a firearm safely and possessing ammunition without a licence, and sentenced to an 18 month good behaviour bond.

We can therefore state that although FED dogs may have assisted police to refine their searches for firearms in scenarios where they already had information about their presence, they have generally not led police to locate illegal firearms that they previously had no information about.

A FED dog handler during our focus group had this to say:

*You give the public that sense of feeling [safe] but I don't think we'll ever get anyone say 'Oh well, gun crime has dropped down in Bankstown because of firearms dogs'.*¹⁹⁰

8.4.2. Other measures to address firearm-related crime

As we mentioned in Chapter 1 'Background', the stated aim of the legislation was to target the criminal use of illegal firearms:

*The Firearms Amendment (Public Safety) Bill builds on the 2001 firearm trafficking reforms to provide increased public safety in relation to illegal firearms. I reassure legitimate licensed shooters that this bill is aimed fairly and squarely at criminals and the illegal firearm market.*¹⁹¹

FED dogs were intended to form a part of this strategy. Some other examples of measures by NSW Police to address illegal firearms include:

- Several successful and current initiatives that have been implemented to eradicate the possession of illegal firearms within NSW, such as the firearm amnesty, gun buy back and the firearms registry.
- A number of other technologies which can and have been utilised to assist NSW Police in the detection of firearms. The most basic of these are metal detectors. We have observed several operations where FED dogs were situated directly after a person was required to pass a metal detector.

- A dedicated unit with the NSW Police State Crime Command, named the Firearms and Regulated Industries Crime Squad (FRICS), which primarily investigates firearms crime of a serious nature. The unit's role is to provide specialised assistance to LACs through investigative support and strategic intelligence. FRICS' priorities are the supply and manufacture of firearms, particularly handguns, and the conduct of investigations into organised crime within the gaming, racing, liquor and security industries.¹⁹²
- The Australian Crime Commission is also currently conducting a special investigation into firearms trafficking.¹⁹³
- The NSW Crime Commission also investigates firearm-related crime.¹⁹⁴

The number of incidences of firearms related crime recorded by NSW Police provide some indication of the effective measures in place to assist NSW Police with the detection of firearms crime. During the data period, NSW Police recorded 1,720 incidents where police had dealt with people possessing a firearm whilst being unlicensed.

8.4.3. Other measures to address terrorist or explosives-related activity

Although not an explicit aim of the legislation, targeting criminal or terrorist activity involving explosives is also likely to be an objective of the legislation which regulates the use of FED dogs. In any case, this is an area in which NSW Police are focusing their use of FED dogs.

Like the targeting of firearms related crime, there is a significant amount of resources dedicated to the detection and prevention of terrorist-related activity.

NSW Police has a Counter Terrorism Coordination Command (CTCC), which draws together a number of policing units to strategically approach terrorist-related activity. The mission of the CTCC is to:

*To provide a comprehensive and co-ordinated response to acts of terrorism or politically motivated violence through intelligence collection, analysis, investigation services and protection operations for dignitaries, national icons, business interests and critical infrastructure.*¹⁹⁵

The CTCC has a number of specific roles including providing protection to national and international dignitaries and gathering intelligence on politically motivated violence and potential terrorist activity. It issues a weekly intelligence summary for all operational police which details existing threats and risks.

The Australian Federal Police also has an intelligence gathering unit called the Australian Bomb Data Centre, which has been collecting intelligence about the illegal use of explosives since 1978.

This is in addition to the counter terrorism measures being taking by the federal government. These are being coordinated by the National Counter-Terrorism Committee, which encompasses a number of federal and state agencies, including the Australian defence forces and the Department of Foreign Affairs and Trade.

8.4.4. Fear of crime

One of the reported benefits of FED dog operations is that they assist in reducing the community's fear of crime, primarily through the conduct of HVP operations.

It is an established principle of criminology that the community's fear of crime is often out of kilter with reality. This is particularly true for the more serious types of crime, including firearms and terrorist-related crime.¹⁹⁶ This was noted by the Federal Parliamentary Committee on Legal and Constitutional Affairs, which stated that generally:

*The perception of the extent of criminal activity is not supported by the evidence of crimes committed.*¹⁹⁷

A study by BOCSAR and the WA Crime Research Centre also came to the same conclusion. In a study involving random telephone interviews, it was found that:

*The present study confirms overseas research in showing that most people believe crime is becoming more common, regardless of the true state of affairs. The extent of this tendency varies across different social groups, with women and older people being more likely to believe that crime is becoming more common than men or younger people.*¹⁹⁸

This perception is due in no small part to media coverage of crime.¹⁹⁹ This was highlighted by the Federal Parliamentary Committee on Legal and Constitutional Affairs, which found that one of the factors contributing to a fear of crime is media misinformation and/or omission.²⁰⁰ This was also emphasised in the BOCSAR study:

*The causes of this misapprehension are impossible to determine on the basis of the evidence gathered in this study, but it is likely that at least one of the factors contributing to the problem is a tendency on the part of the media to give an exaggerated or distorted picture of the direction, character and prevalence of crime.*²⁰¹

As we outlined in Chapter 1 'Background', in reality most people are at a very low risk of becoming victim to a firearms related crime incident.

Notwithstanding how out of proportion the fear of crime may be, for some members of society it can have a crippling effect, causing them to withdraw or change their lifestyles. As suggested by one submission:

*People also feel reassured at the perception of something being done to improve the general sense of public security... If the use of FED dogs helps us to live more productive, less fearful lives in general, that use must be beneficial.*²⁰²

In regard to the success or otherwise of FED dogs, a senior officer of the Dog Unit had this to say:

*Not finding explosives, but... searching and clearing a building and giving people a level of confidence to enter that building, whether they be a dignitary or just members of the public, that is the value, so the assessment of success is really two different things. One is very, very tangible and the other one is, you know, the confidence that that area that you are entering is safe.*²⁰³

In response to a question on this issue, the Minister for Police stated that:

*Through their role and function, the FED dogs contribute greatly toward crime prevention and provide a highly visible sense of safety and security. However, NSW Police advise that the absence of any appropriate survey data, the extent of these benefits is difficult to quantify with any degree of accuracy.*²⁰⁴

The Police Association of NSW said:

*It is felt that the community feels safer in relation to smaller crimes, such as stealings and assaults...*²⁰⁵

If one accepts that a saturated police presence can reduce the fear of crime, it is questionable whether a detection dog is required for this type of outcome. As handlers have commented to us:

*HVP as I said, it doesn't matter whether it's with a dog or without a dog...*²⁰⁶

We should also note that if FED dogs are used in a sporadic manner, that is, not consistently in the same place at the same time, it is possible that the presence of HVP operations with FED dogs may **increase** the fear of crime. For example, we observed an operation that was conducted by walking through the main street of a CBD area, and heard a man asking police officers 'Is there something we should be worried about?'²⁰⁷

8.5. Operational support during deployment

Adequate operational support is vital to ensuring that the deployment of FED dogs is effective. Below we outline some areas where the operational support provided to FED dog handlers raised significant issues of officer safety and FED dog accuracy.

8.5.1. Training aids in the field

In circumstances where there are almost no actual detections of firearms and explosive devices by FED dogs, it is important for motivation and training purposes that HVP or IED screening operations include a sufficient number of decoys or 'hots'.²⁰⁸ As explained by a senior officer at the Dog Unit:

*I suppose the difficulties with the firearms dogs is...it's a less frequently likely outcome that a lot of people are going to be walking around with bombs in their pockets or guns in their pockets, [and] because of that the dogs don't have... that frequency of incentive. So you can take the dog to the operating environment and the dog goes, 'When we come here, we don't get food. We don't find the target odour, we don't get food.'*²⁰⁹

If FED dogs are not given stimulus in an operational environment, it will adversely affect the reinforcement of their training. Training documentation provided to us by the Dog Unit states that:

*The handler should be aware of signs of flagging interest in their dog and should avail the dog of a training aid to allow the dog to have a find and be suitably rewarded.*²¹⁰

While handlers can accommodate a lack of 'hots' by placing items for FED dogs to find in bushes or on inanimate objects during breaks, it may mean that FED dogs will stop associating the reward with finding an item on someone's person, and begin only associating their reward with inanimate objects. Therefore, 'hots' are an important part of the FED dog's reinforcement. The handlers felt that they did not get enough support in the form of 'hots':

*...they're not always available like, this week when we'd all been working out at the Easter Show, and we walked around the Easter show for four or five hours, and the dog didn't find anything. So, it's just walking around.*²¹¹

We can support this view through our observational research. Out of the nine operations we observed, we only saw prearranged 'hots' being used for two operations.

Our observations were also that while 'hots' worked extremely well initially, eventually their use became ineffectual. This was because the 'hots' were either people that the FED dogs were familiar with or people that too frequently went past the FED dogs. It appeared that the dogs associated the regularity of the contact, rather than the target odour, with the reward.

For example, FED dogs at these operations began indicating a photographer that was taking photos of the FED dogs as well as two of our observers. One handler explained to our observer:

*The dog had it in its head that you're with me, so it must be a feed. That's why he's also indicating the photographer.*²¹²

Another explained the fact that a FED dog was showing a lot of interest in one of our observers as follows:

*The handler says that this is because I am talking to him and the dog thinks that there might be a feed in it.*²¹³

There are several other examples of FED dogs associating regularity of contact rather than the target odour with a feed. The following extract from one of our observer's notes after a FED dog indicated on a man who was not a 'hot' illustrates this issue:

*The handler explains that the dog is just 'trying it on'. The dog knows the smell of the man because he has been a hot many times before. The handler says if the dog really was interested in the man he wouldn't have allowed himself to be pulled away.*²¹⁴

8.5.2. Support from other police officers

There does not appear to be an adequate understanding amongst operational police about how to support the FED dog handler in the field. We have outlined previously the SOPs and policies in place to support the handler. However, in practice, these policies were rarely adhered to.

In particular, the formation (described above at paragraph 4.3.3) was generally not adhered to, with the FED dog handlers commenting that:

*Yeah, well, [it was] three originally then it dropped down to two and there's been times now when we've been told to work with one and because we're not getting the finds, they're seeing us as a low risk and we haven't got the continued support for us.*²¹⁵

*Yeah they walk off or you walk down the street and you're wandering around with your dog and you turn around and they're 25 metres behind you. Or they're talking on their mobile phones...*²¹⁶

We observed this on a few occasions during our observations of FED dog operations. FED dog handlers were not usually consulted or informed about what the LAC intended to achieve with the FED dog, or where they planned to patrol. The following extracts are examples of this lack of support:

*The two police officers who were supposed to be supporting the dog handler had moved away from their post and were not replaced. The officers were still missing twenty minutes later when we left this gate.*²¹⁷

*I was concerned by the lack of coordination between the uniformed police and the handler. It did not appear that they were prepared to provide back up should anything occur.*²¹⁸

In one case we observed the handler walk off on her own not realising that her support police officers were not with her until about 15 minutes later.²¹⁹ And here is an example of an exchange we observed during another operation:

Officer A: Boss, who's out contact officer?

Operation Commander: [Inaudible]

Officer A: No, I mean the formation that [the FED dog handler] went over.

Operation Commander: Generally to the right.

FED dog handler: No, he meant the formation.

Operation Commander: Oh, just a general formation. If he makes an indication, we'll slip into formation.²²⁰

[The Operation Commander then left to attend to some members of the public].

We observed that while at the beginning of the review period the safety and security of handlers was a focus of operations, toward the end of the review period FED dog handlers were given little to no attention at all by operational police.

For one operation we observed toward the end of the review period, a handler was not allowed to attend the briefing (neither were our observers). During this operation there was little to no communication between the handler and other officers involved in the operation — and this was during an operation where police had identified a high risk of an incident occurring.²²¹

This change in attitude might have been influenced by the fact that police were making minimal finds and because the safety procedures were not proving to be practical.

8.6. Summary and recommendations

FED dogs are an expensive resource for NSW Police to maintain. The start-up and ongoing costs of the dogs, and the deployment of police officers from other duties, represent a substantial investment by NSW Police. It is important that NSW Police and the community gets good value from this expenditure.

This chapter has examined how FED dogs have been deployed during the review period, and focussed on matters impacting on the effectiveness of those deployments. There is no evidence from our review of NSW Police having insufficient FED dogs to meet operational requirements. In Chapter 9 'Further Improvements' we make observations and comments about possible additional deployments. Here, we make the following conclusions and recommendations about deployments during the review period.

8.6.1. Use of FED dogs during search warrants and crime scenes

There is strong evidence that FED dogs are a successful and valuable policing tool in assisting with the execution of search warrants and searching crime scenes.

8.6.2. Use of FED dogs during IED operations

There are also good reasons for the use of FED dogs in IED operations. However, we have identified a number of key limitations.

Namely, bomb sweeps have been potentially compromised by the failure to properly lock down premises prior to the sweep occurring, and failing to fully involve FED dog handlers. In addition, much of the IED work of the Dog Unit has been self-generated. Our view is that this work should increasingly occur in collaboration with the Counter Terrorism Coordination Command.

These are matters which should be addressed by NSW Police, to increase the effectiveness of FED dog deployments in IED operations.

Recommendations

- i. NSW Police review procedures in place for utilising FED dogs during IED operations to ensure lock down procedures are fully effective, and police handlers involved are fully briefed and debriefed.
- ii. The NSW Police Dog Unit collaborate directly with the NSW Police Counter Terrorism Coordination Command, to more strategically target terrorist-related crime.

In response to a draft of this report, the Police Commissioner advised that he supports both of these recommendations. Specifically, the Police Commissioner stated in response to the first recommendation that:

NSW Police recognises that the procedures for 'lock down' and IED operations in general are in need of urgent review. The Dog Unit will undertake this review through consultation and advice on strategies used by the Counter Terrorist Coordination Command, Dignitary Protection Unit.

In addition, NSW Police recognises that the Dog Unit has insufficient consistent procedures and processes for the briefing and debriefing of detection handlers. This aspect will be researched and incorporated into new Standard Operating Procedures.²²²

In response to the second recommendation, the Police Commissioner advised that:

NSW Police recognises the need for collaboration between the Dog Unit and the CTCC. Currently the Dog Unit provides FED dog deployments at the request of CTCC for strategic deployments. It is acknowledged that the current collaboration process is ad hoc and will require a formulated process. Following consultation between the Dog Unit and the CTCC, the outcome will be incorporated into new SOPs to be developed for the deployment of detection dogs.²²³

8.6.3. Use of FED dogs during HVP operations

There is little evidence to support the use of FED dogs in HVP policing operations. A summary of the evidence is as follows:

- Independent research demonstrates most firearm-related crime does not occur in public places where HVP operations are conducted. Nor does it occur at the times HVP operations have been conducted.
- There was generally little or no substantial intelligence in relation to firearm-related activity that led to the decision to deploy the FED dogs in particular HVP operations.
- FED dogs are generally not locating firearms or IEDs in public places. An item was found in only 2 out of 541 HVP operations where FED dogs were deployed. Only one of these clearly demonstrates a contribution of the FED dog in locating the item.
- FED dog handlers generally do not support the use of FED dogs in HVP activities.
- There are significant operational issues in deploying FED dogs in HVP operations. First, the FED dogs' training may not be appropriately reinforced as dogs indicate for reasons other than the scent of a firearm or IED. Second, FED dog handlers may not be appropriately supported because they are not making sufficient finds.
- There is no clear evidence that the use of FED dogs in a HVP or street policing context contributes to the reduction of a fear of firearms or terrorist-related crime within the community. Some people who see the FED dogs may well feel an increased sense of security. Others may in fact wonder whether there is something to be worried about.

Having regard to all the available information, it is difficult to support, on any carefully reasoned basis, continued deployments of FED dogs on HVP operations.

Our view is that using FED dogs in HVP deployments should only be made with good reason. This may include specific information, intelligence or special events that make such a deployment appropriate. Alternatively, there may be firearm-related crime patterns supporting the use of FED dogs during HVP operations at particular times and in particular areas.

We note in this respect that independent analysis of firearms related crime data by BOCSAR and the AIC may be a useful tool to assist police to make decisions about where and how to deploy FED dogs. This kind of information can also be fed into the broad direction of NSW Police strategies for addressing firearm-related crime. It may also allow the community to better understand the reality of firearm and violent crimes in NSW. Currently, BOCSAR reports irregularly on firearm-related crime. While BOCSAR has conducted one such appraisal (in 2001), it has not regularly looked at this area of crime.

Recommendation

- iii. FED dogs are only deployed by NSW Police in HVP operations where there is some information, intelligence or evidence supporting their deployment.

The Police Commissioner formally advised in response to this recommendation that the overriding consideration for NSW Police is that the deployment of FED dogs occurs in accordance with procedure. He advised that NSW Police supports the formulation of a documented process for incorporation into new SOPs for the deployment of detection dogs.²²⁴ He also advised that:

...HVP is a strategy for deterring crime and reducing fear of crime within a community. Acts of violence and terror observed most recently in London and Bali demonstrate that people are prepared to walk into large crowds of people with explosive devices attached to their bodies and detonate them. NSW Police is responding to community concerns and fears relating to terrorism that is increasingly personally touching Australian citizens.

In the current policing environment police need to have a range of resources to protect the community from threats, real or perceived. Use of FED dogs in HVP can be a positive use of policing services and contribute to the impact of HVP.

Knowing that FED dogs are around, particularly in and around transport infrastructure, can increase the community's sense of security.

In LACs encompassing areas known for major crime and/or patronised by well known criminals or gangs, the use of FED dogs in HVP operations has shown the community and these gang members that police are patrolling the area and this has deterred gang members from attending with firearms.²²⁵

The above comments do not conflict with our recommendation that FED dogs should only be deployed in HVP operations where there is some information, intelligence or evidence supporting the deployment of FED dogs.

We also note that our recommendation is consistent with NSW Police conducting FED dog operations which have the objective of combating terrorist-related crime. Our explicit support for the use of FED dogs for this purpose is outlined at 8.3.4. Our recommendations in relation to the use of FED dogs to combat terrorist-related crime are outlined above at 8.6.2 and we note that NSW Police has agreed with these recommendations.

In terms of increasing a sense of security, we have noted that most members of the community are unaware of the distinction between FED dogs and other police dogs, and furthermore that if their purpose was known, the presence of FED dogs might increase rather than allay fear. We also agree that a police presence can increase a sense of security, but as outlined above, this can be achieved with or without a FED dog.

We have not received any specific information or evidence from NSW Police at any time about a demonstrated deterrent effect of FED dogs as a result of HVP operations conducted at LACs which include areas known for major crime or gang activity.

Recommendation

iv. The NSW Bureau of Crime Statistics and Research report annually on firearms and violent crime in NSW, particularly reporting on the following:

- the type of offence
- the time of day that the offence occurred
- the type of location that the offence occurred in, and
- the area of NSW that the offence occurred in.

The Director of the NSW Bureau of Crime Statistics and Research, Dr Don Weatherburn, advised us that he supports this recommendation and that BOCSAR will publish the relevant data annually on their website.²²⁶

Endnotes

¹⁶⁴ NSWPD, Legislative Council, 18 June 2002, page 3208

¹⁶⁵ Dog-related costings as at 8 June 2005, provided by NSW Police on 9 June 2005.

¹⁶⁶ Reference number 136 — FED dog focus group transcript

¹⁶⁷ Reference number 136 — FED dog handler focus group transcript

¹⁶⁸ Reference number 136 — FED dog handler focus group transcript

¹⁶⁹ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004

¹⁷⁰ Reference number 272 — interview with senior officer of the NSW Police Dog Unit

¹⁷¹ Reference number 136 — FED dog handler focus group transcript

¹⁷² Reference number 272 — interview with senior officer of the NSW Police Dog Unit

¹⁷³ Correspondence from Police Commissioner, 15 November 2005

¹⁷⁴ Reference number 272 — interview with senior officer of the NSW Police Dog Unit

¹⁷⁵ Reference number 245 — submission from a detective sergeant investigation manager

¹⁷⁶ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004

¹⁷⁷ Reference number 136 — FED dog handler focus group transcript

¹⁷⁸ Reference number 136 — FED dog handler focus group transcript

¹⁷⁹ Reference number 136 — FED dog handler focus group transcript

¹⁸⁰ Reference number 136 — FED dog handler focus group transcript

¹⁸¹ Reference number 136 — FED dog handler focus group transcript

¹⁸² Reference number 136 — FED dog handler focus group transcript

¹⁸³ Reference number 90 and 64 — observation notes

¹⁸⁴ Moffatt, S., Goh, D. and Fitzgerald, J. *New South Wales Recorded Crime Statistics 2004*, NSW Bureau of Crime Statistics and Research, 2005, p3

¹⁸⁵ Moffatt, S., Weatherburn, D. and Donnelly, N. *What caused the recent drop in property crime?* NSW Bureau of Crime Statistics and Research Crime and Justice Bulletin Number 85, February 2005

¹⁸⁶ Reference number 136 — FED dog handler focus group transcript

¹⁸⁷ Reference number 272 — interview with senior officer of the NSW Police Dog Unit

¹⁸⁸ Submission from the Minister for Police, 7 June 2004

- ¹⁸⁹ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004
- ¹⁹⁰ Reference number 136 — FED dog handler focus group transcript, page 13
- ¹⁹¹ Legislative Council, the Hon Michael Costa MLC, Minister for Police, NSWPD, pages 3208-3209
- ¹⁹² Information obtained from the NSW Police Intranet
- ¹⁹³ Information from the Australian Crime Commission website: <http://www.crimecommission.gov.au/content/about/acc-profile.pdf>, accessed in May 2005
- ¹⁹⁴ NSW Crime Commission, Annual Report 2003/2004, page 12
- ¹⁹⁵ Information obtained from the NSW Police Intranet, accessed in July 2005
- ¹⁹⁶ Weatherburn, Don, 2004. *Law and Order in Australia: Rhetoric and Reality* The Federation Press, Sydney.
- ¹⁹⁷ Crime in the Community: victims, offenders and fear of crime, Volume One. House of Representatives Standing Committee on Legal and Constitutional Affairs, July 2004, Canberra, paragraph 2.1. See also paragraph 2.92.
- ¹⁹⁸ Weatherburn, Don and Indermaur, David, 2004. 'Public Perceptions of Crime Trends in New South Wales and Western Australia', *Contemporary Issues in Crime and Justice*, No 80, page 7
- ¹⁹⁹ Weatherburn, Don, 2004. 'Law and Order in Australia: Rhetoric and Reality' The Federation Press Sydney.
- ²⁰⁰ Crime in the Community: victims, offenders and fear of crime, Volume One. House of Representatives Standing Committee on Legal and Constitutional Affairs, July 2004, Canberra, paragraph 2.54.
- ²⁰¹ Weatherburn, Don and Indermaur, David, 2004. 'Public Perceptions of Crime Trends in New South Wales and Western Australia', *Contemporary Issues in Crime and Justice*, No 80, page 7
- ²⁰² Submission from the Country Women's Association of NSW, reference number 235, 27 May 2004
- ²⁰³ Reference number 272 — interview with senior officer of the NSW Police Dog Unit
- ²⁰⁴ Submission from the Minister for Police, 7 June 2004.
- ²⁰⁵ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004
- ²⁰⁶ Reference number 136 — FED dog handler focus group transcript, page 15
- ²⁰⁷ Reference number 414 — observation notes
- ²⁰⁸ 'Hots' are people who have the training aid somewhere on the person, who walk past or near the dog. See paragraph 4.2.3.
- ²⁰⁹ Reference number 272 — interview with senior officer of the NSW Police Dog Unit
- ²¹⁰ Reference number 299 — training documentation received from NSW Police Dog Unit, page 88
- ²¹¹ Reference number 136 — FED dog handler focus group transcript
- ²¹² Reference numbers 343 — observational notes
- ²¹³ Reference numbers 557 — observational notes
- ²¹⁴ Reference numbers 557 — observational notes
- ²¹⁵ Reference number 136 — FED dog handler focus group transcript
- ²¹⁶ Reference number 136 — FED dog handler focus group transcript
- ²¹⁷ Reference number 933 — observational notes
- ²¹⁸ Reference number 109 — observational notes
- ²¹⁹ Our observer was also unaware that the handler was not supported by other police officers and only became aware of the situation when the handler did. Reference number 414 — observation notes.
- ²²⁰ Reference number 602 — observation notes
- ²²¹ Reference number 109 — observation notes
- ²²² Correspondence from Police Commissioner, 15 November 2005
- ²²³ Correspondence from Police Commissioner, 15 November 2005
- ²²⁴ Correspondence from Police Commissioner, 15 November 2005
- ²²⁵ Correspondence from Police Commissioner, 15 November 2005
- ²²⁶ Correspondence from Director, NSW Bureau of Crime Statistics and Research, 9 September 2005

Chapter 9. Further improvements

In this chapter we discuss some practical measures which would allow police to improve the way they currently utilise FED dogs.

9.1. FED dog accuracy

The Minister for Police said in his submission that:

NSW Police advise that the FED teams are highly effective in detecting persons carrying firearms or explosives in public. While the number of actual operational detections may not immediately reflect their effectiveness, events such as the Rugby World Cup provides an example of their usefulness particularly where person acting as 'hots' were detected from among the general public.²²⁷

It is apparent that FED dogs are not effective 100% of the time. We cite examples of situations that indicate a lack of consistent ability below. However, we are unable to make a definitive statement about the aptitude of FED dogs because of a lack of information surrounding the use and abilities of FED dogs.

There are several specific areas where NSW Police needs to increase their accountability. There are obvious benefits from becoming more accountable, including the ability to make more confident statements about the abilities of the dogs, and therefore make more informed decisions about deployment. Increased accountability would also assist NSW Police to make firmer statements about the cost effectiveness of the FED dog program.

While we are of the view that greater emphasis should be placed on being more accountable, we are aware that an appropriate balance must be struck between being accountable on the one hand, and ensuring the integrity of police operations on the other. However, we believe that this balance can be achieved, as it is achieved in many other areas of policing activity where NSW Police is made to account.

9.1.1. Training

It was beyond the scope of this review to comprehensively inquire into the nature and quality of the training regime for FED dogs. Effective review of the program would require expertise beyond that readily available to this office. Nonetheless, we can generally state that the ability of the FED dogs to perform their duties is dependent upon the reliability of their training methods.

Given the difficulty of demonstrating the effectiveness of the FED dogs through finding firearms and explosives, notions of deterrence and reducing fear of crime are also linked to the credibility of the dog's training.

At this stage, it is difficult to gauge whether FED dogs are failing to detect firearms or explosives because they are not present, or because FED dogs simply lack the ability to detect them.

NSW Police has been averse to disclosing detail about their training methodologies or any weaknesses or flaws in the training program because it is perceived that disclosing these details would somehow compromise the operational integrity of FED dog operations and potentially place police officers at risk. We feel that some disclosure and independent review is essential in this case as this program of detection dog training was devised by the NSW Police Dog Unit.

Primary amongst our concerns are the views of FED dog handlers themselves. One handler was of the opinion that the method of training dogs to detect a 'scent picture' of what a firearm is resulted in a lot of false indications, which gave them cause for some concern.²²⁸ In addition, the Police Association of NSW, on behalf of the handlers, stated that:

Training is an issue because unlike the drug detection dogs, FED dogs are unable to get repetitious 'finds' on the street. Every find on the street for a FED dog is a training exercise. The dogs are aware of this fact, which may create additional issues.

In relation to the training of the FED dogs for person screening the members feel the training is not as good as it should be. It is very difficult to simulate training scenarios using large volumes of people and therefore it is difficult to train for these situations.²²⁹

Secondly, while we have observed FED dogs successfully indicate 'hots' and items placed in locations for FED dogs to find, we have also directly observed several false indications and failed indications.

For example, in one incident, a FED dog was being deployed to screen the luggage hold of a long distance train.²³⁰ The dog indicated one bag in the luggage hold. In order to be confident that police had correctly identified the bag that the FED dog was indicating, the handler took the dog past the bag five times. The FED dog indicated each time. The bag belonged to an elderly woman, who picked up her bag with her friend. Police in plain clothes approached the woman, and took her into an enclosed area to be searched. Upon questioning, the woman said that she had bought the bag about two weeks ago, that everything in the bag was hers and that she had not been in recent contact with a firearm. Police did not find anything in the bag that was searched. Police were extremely apologetic to the woman.

We have also observed a FED dog fail to properly identify an item that had been specifically placed in a room for it to detect.²³¹ In a similar incident, a police officer placed spent ammunition shells in a room of a karaoke bar that was being screened. Although the shells were in plain sight, it took some time for the dog to find it.²³²

Earlier in this report we have described incidences where FED dogs have incorrectly indicated upon people with whom they have regular contact, rather than on the 'hots'.

We have also observed a FED dog indicating a police officer in uniform with a weapon,²³³ and we have seen a FED dog fail to indicate a plain clothes police officer who had a concealed weapon.²³⁴

One of our observers overheard operational police (not handlers) saying to other police that he had seen a FED dog go straight over some bullets without indicating, about three times.²³⁵

We also received similar information in a submission from FRICS:

*On [DATE] a FED dog was utilised in a search of a residential premises in a Sydney suburb. Although the dog failed to detect 220 firearms, this was to be expected as they had been manufactured illegally and never fired. There was no adverse criticism made by any members of the public or investigators.*²³⁶

If FED dogs are to be deployed, they should be reliable to a high degree. The competence of the FED dogs and their handlers must be beyond question. An independent accreditation process for the training of FED dogs and appointment of handlers would go some way to addressing these concerns. The Police Association of NSW supports formalisation of training and development.²³⁷

9.1.2. Accurate record keeping

As we outlined in Chapter 2 'Methodology', we have some doubt about the reliability of the data which is recorded by the Dog Unit.

We found several flaws with the way that NSW Police currently tracks the outcomes of operations that FED dogs attend. In order to be in a position to give an accurate representation of how FED dogs were deployed and the results that they yielded, we had to revise the entire spreadsheet. When we closely examined the information provided to us, we found that in some cases it was misleading and inaccurate. We were unable to verify 73% of results on the spreadsheet as having any clear link to a FED dog indication.

In addition, we are not aware of NSW Police keeping records of the success or failure of the training methods and motivational tools utilised in the field. For example, we are not aware of any records kept in relation to the use of hots in the field. Even if FED dogs are performing well in a training environment, this does not mean that they will be able to similarly apply their abilities in a more complex operational environment. In our view, keeping records about motivational and training methods used in an operational environment are important to improving accountability.

Finally, we note that several of the failed indications and false indications that we have observed FED dogs making during operations were not recorded on the results spreadsheet.

Information from records about the operational use of FED dogs should be relied upon during any independent accreditation process.

9.1.3. Acknowledging the limitations

Through our reviews of this and other legislation involving the use of detection dogs, we have had some exposure to the factors which limit the abilities of detection dogs. These include weather conditions, experience and abilities of the handler, need for long and frequent rest periods on long operations, and need for regular stimulation. Detection dogs are animals and despite the integrity of the training, are not infallible.

The Police Association of NSW stated that:

*A large number of factors ie distance, wind, odour strength, fatigue and the dog itself are dependent upon the FED dog successfully locating a firearm on a person in a public place.*²³⁸

Training documentation received from NSW Police states that:

*As a guide a dog should be able to screen for between 30 and 45 minutes before requiring a break. Prevailing weather conditions have a significant bearing on this time and these times should be used as a guide only.*²³⁹

We are of the view that it is of no benefit to ignore any limitations that FED dogs are vulnerable to. The limitations should be noted so that operational police have a more realistic expectation of what can be achieved through the use of FED dogs. Information about what might limit the abilities of FED dogs will assist police to make decisions about how they are best deployed.

For example, it may be that the use of FED dogs would be problematic during plain clothes operations, as FED dogs indicate police officers who are not in uniform, but who have a concealed weapon. This is something that we have observed first hand. During a briefing for one operation involving plain clothes officers, the FED dog repeatedly indicated a plain clothes officer, and the handler had to keep pulling the dog away from the plain clothes officer.²⁴⁰ The dog was not rewarded for these indications. The handler asked the officer to keep 'down wind' of the dog. This may confuse the dogs because they are trained to detect such items and would expect a reward.

9.1.4. Summary and recommendations

In this section we have discussed the accuracy of FED dogs. We noted that although we have some questions about the reliability of FED dogs, we were unable to make a definitive statement due to poor record keeping, and our lack of expertise in this area.

We therefore recommend that police adopt an independent accreditation process for the FED dog program. We are also of the view that any accreditation should be informed by accurate records about the operational performance of each individual dog and handler.

Recommendations

- v. NSW Police adopt an accreditation process for the training and appointment of FED dogs and FED dog handlers to the NSW Police Dog Unit which has been developed by an organisation independent of NSW Police.
- vi. This independent accreditation process include a minimum of annual assessments about the abilities of the FED dogs.
- vii. NSW Police ensure that the accreditation program is regularly updated in line with national and international best practice.

In response to a draft of this report, the Police Commissioner advised that the Dog Unit is currently being restructured and that this process is being overseen by the State Protection Group of NSW Police, which oversees the activities of the Dog Unit. As part of this restructure, the Police Commissioner advised:

The Dog Unit's Implementation Project Team is currently liaising with NSW Police Education Services to have all Dog Unit accreditation courses registered and reviewed. This includes strict lesson plans and course overviews. This process will determine the levels for accreditation of NSW Police Dog Handlers based upon their research and recommendations. The Team is liaising with overseas agencies to ensure that the training provided by the Dog Unit is comparable to ensure NSW Police has a best practice model.

....

The NSW Police Dog Unit recognises that the results (dog/handlers' performance) of training and operational deployments need to be revised and reviewed to ensure that any issues reported by handlers concerning the dogs' effectiveness is recorded and acted upon by training staff.

*The content of all NSW Police Dog Unit training courses is the subject of a review by the Implementation Project Team through consultation with all Dog Unit staff and NSW Police Education Services.*²⁴¹

In relation to independent accreditation, the Police Commissioner advised that:

An independent accreditation process will be implemented, initially by NSW Police Education Services, on the processes and content of the course.

Accreditation by another body or organisation on the training regime for the police dogs on scent recognition methods (used by NSW Police) is problematic as the only other agencies using the method in Australia are the Australian Protective Services (APS), which are being devolved into the Australian Federal Police (AFP) and their methods. As far as the Dog Unit is aware, this method is still currently used by law enforcement agencies in America and some other countries such as Chile and Israel.

NSW Police, through the Dog Unit, is currently sourcing information from other law enforcement jurisdictions to ensure a best practice approach is provided for all canine resources.²⁴²

We would expect that our recommendation be given full and thorough consideration following completion of the review and research being conducted by NSW Police.

Recommendation

viii. NSW Police improve record keeping, and this information be considered during the accreditation process.

In response to this recommendation, the Police Commissioner made the following comments:

NSW Police has recognised that the tools for record keeping by the Dog Unit are insufficient. A number of factors have impacted on the ability of the Dog Unit to gather, record and analyse data, particularly the outdated computer systems, hardware/software issues and conflict between NSW Police corporate systems and the current Dog Unit database. A formal business case has been prepared by the Dog Unit's Implementation Project Team to address these factors.²⁴³

9.2. Trialling new ways to deploy FED dogs

In Chapter 5 'How FED dogs were utilised', we described the significant downtime for FED dogs. As mentioned previously at paragraph 5.6.1, in his formal response to a draft of this report, the Police Commissioner advised that since the data period, there has been a significant increase in the demand for detection dogs, particularly in support of Counter Terrorist Coordination Command operations. The Police Commissioner also advised that on the minimal occasions that FED dogs are not deployed to specific firearms and/or explosive jobs, they are deployed to counter terrorist jobs.²⁴⁴

This section examines some possible additional FED dog deployments.

At an early meeting with Dog Unit managers, it was suggested to us that FED dogs might be assigned to a specific LAC for a month at a time, to be deployed in any way that the LAC saw fit.²⁴⁵ This idea did not transpire during the data period.

We would encourage trialling this method of deployment, and facilitating the deployment of other models for deploying FED dogs, as it appears to us that the way that FED dogs are currently being deployed is limited. The majority of operations attended are HVP or IED screening, the majority of HVP operations are self initiated, and the vast majority of operations are conducted in metropolitan LACs.

A rural LAC-based detective sergeant submitted that they would benefit from better access to FED dogs:

Within rural areas, there are a large number of searches that police carry out (whether by way of search warrant or otherwise). Quite often the size of the area being searched is large and again draining on manpower and timeframes. Having the luxury of being able to call upon a specialist resource like this on a more regular basis would greatly improve the effectiveness of the investigation.²⁴⁶

It is noted that in their formal response to a draft of this report, the Police Commissioner stated that:

Country local area commands have had and continue to have access to FED dog resources via the Dog Unit's current Request for Assistance process. The Dog Unit provides a state-wide policing resource and continues to provide those resources where needed, including country based local area commands. The Dog Unit's Implementation Project Team...is currently developing a state-wide marketing campaign for NSW Police that will assist in educating police on the services available from the Dog Unit.²⁴⁷

As this may lead to an increase in the deployment of FED dogs to regional and rural LACs, we support the promotion of Dog Unit services through a state-wide marketing campaign.

In order to counteract any limited effective use of FED dogs, we are of the view that NSW Police should actively pursue alternative models of deployment on a trial basis. A concurrent evaluation of the merits of alternative models should be conducted.

Some consideration should also be given to having FED dog handlers perform normal duties when there is no demand or need for the services of FED dogs, provided that they are given time to adequately maintain and train the FED dogs. We note that this already occurs irregularly on an informal basis. That is, police already conduct some of their duties without the assistance of FED dogs (however NSW Police were unable to quantify how many operations FED dog handlers attended without their FED dogs). To work effectively, this arrangement may benefit from handlers being stationed in particular regions or LACs for set periods.

As we have mentioned previously, FED dog handlers have already provided the Dog Unit management with a submission suggesting alternative methods of deployment. We strongly urge NSW Police to give serious consideration to these alternative methods of deployment.

NSW Police is currently implementing a new way of kennelling FED dogs. As we have mentioned previously, the FED dogs are currently centrally kennelled, which means they live at the Dog Unit, and not with their handlers. Recently the Police Commissioner approved the home kennelling of FED dogs. This will have some impact on the way that FED dogs are able to be deployed, as FED dog handlers will no longer be required to travel to and from the Dog Unit before and after an operation. It will also allow FED dogs and their handlers to be stationed at regional and rural areas of NSW. However, we note that in his formal response to a draft of this report, the Police Commissioner advised that determining whether or not a handler will have to attend the Dog Unit before or after an operation depends on the nature, length and location of the operation.²⁴⁸

In light of this recent change in the way that FED dogs are kennelled, we are of the view that this is an opportune time to experiment with new methods of deployment.

9.2.1. The views of handlers

FED dog handlers repeatedly commented to us about the way that FED dogs were being deployed. Here is a sample of their comments:

*...that's what I'm saying, there's plenty of work out there that we're not getting utilised for where we could be effective.*²⁴⁹

*[At] a lot of places... they see us as a time waster. 'Cause [if] the detectives are going to a job and they've got an informant who says he keeps it [a firearm] in his cupboard, they're going to go, "Now why do I want to wait for an hour for the dog?" [If] they're in North Sydney, [they're going to ask] "Why do I want to wait for a dog to come from Menai, to go over there to go straight into a cupboard to find the gun, when we can walk in there, without the dog?" That's how they see it...the majority of times...you'd open an cupboard and a shot gun is sitting there and...they go, "Well, we don't really need a dog."*²⁵⁰

*I just think there are a lot of instances where we could be utilised but we're not. And I don't know why that is.*²⁵¹

*If I was at a job where I was looking for a bomb and, or something like that, the dog would be the last thing that I'd be concerning myself with. Having to get and fill out the form...dog handlers is not something that would be high on my list. I'd have more important things [to think about].*²⁵²

It is not clear that NSW Police has acted on the handlers' feedback. Given their key role in FED dog deployment, the views of FED dog handlers or operational police who may utilise FED dogs are important. FED dog handlers are eager to contribute to NSW Police operations in a meaningful way and their opinions should be given due consideration when NSW Police considers how to appropriately deploy FED dogs.

9.2.2. Working with other agencies

In addition to the intelligence gathering capabilities of other agencies such as the Australian Federal Police, NSW Police may be able to strike a mutually beneficial arrangement with other agencies that currently employ dogs that are capable of detecting firearms and/or explosives as part of their operational strategies. These agencies include the Australian Federal Police, Australian Customs Service and other state and territory police.

For example, if NSW Police ultimately decide to reduce the number of FED dogs, during those occasional times where there is a high level of need for FED dogs, the FED dogs from other agencies might be called upon to assist.

Alternatively, if NSW Police ultimately decides to maintain or increase the current complement of FED dogs and FED dog handlers, NSW Police might consider liaising with other agencies to see if they could assist with their operations, in return for a different type of benefit to NSW Police.

This type of cooperation already occurs between the NSW Department of Corrective Services and NSW Police. As we have mentioned previously, 2.35% of all operations attended by the FED dogs during the two year data period were conducted at correctional centres, at the behest of the Department of Corrective Services.

Recommendations

- ix. NSW Police fully consider alternative models for the deployment of FED dogs on a trial basis to determine any other activities or deployments to which they may contribute. Any trial should include a concurrent evaluation of the merits of these alternative models.
- x. The views of handlers should be given due consideration when NSW Police contemplates how to appropriately deploy FED dogs.
- xi. NSW Police consider striking mutually beneficial arrangements with other agencies which use FED dogs.

In response to these three recommendations, the Police Commissioner has advised the following:

NSW Police is prepared to consider alternative deployment options for FED dogs/handlers, with consideration for the core functions of NSW Police and in consultation with Dog Unit staff. However, the trial of any alternative models for deployment is subject to the resolution of a number of complex considerations. These considerations include: the industrial award conditions of Dog Unit staff, supervision aspects, management of alternate deployments, financial considerations for the maintenance and upkeep of the canine, health/welfare aspect of the canine (including compliance with veterinary management), training and development issues for FED dog staff.

Any options for the deployment methods of detection dogs considered by the NSW Police Dog Unit will be developed through consultation with all Dog Unit personnel.

Currently the deployment of detection dogs is based on a request for specific situations. NSW Police, through the Dog Unit, will consider liaising with external agencies on the viability of a formal memorandum of understanding between NSW Police and specific external agencies to provide a FED dog services, as needed.²⁵³

The current restructure project provides an ideal opportunity to fully consider these recommendations, and make strategic decisions about flexible use of FED dogs by NSW Police and other law enforcement and emergency services.

9.3. SOPs

The current SOPs are the only formal policy which exists to govern FED dogs and handlers. As the only policy document, it lacks detail and specificity and does not fully address the practical concerns and issues faced by handlers. This is in contrast to drug detection dog operational guidelines which are more thorough. They include an explanation of the legal basis for using the dogs, the types of operations the dogs can be used for; the chain of command; detail about how written and verbal requests are administered; how to screen motor vehicles, persons, property and locations under search warrants; the duties and responsibilities of handlers; the procedures to be followed at operations; and the use of training aids.

In addition, and perhaps more significantly, the existing procedures, including the SOPs and the suggestions by the Operational Safety and Training Unit, are not typically followed during FED dog operations.

In our view, new SOPs should be developed by the Dog Unit in consultation with FED dog handlers, and any other appropriate units within NSW Police, such as the Operational Safety and Training Unit.

At a minimum, revised SOPs should include more comprehensive and accurate detail such as the role of FED dog handlers, procedures and guidelines as to how FED dogs should be deployed, the use of training aids in the field, and how handlers should be supported in the field. In addition, the SOPs should be regularly updated to ensure that they remain relevant.

Recommendations

- xii. NSW Police develop more comprehensive SOPs, in consultation with FED dog handlers and other appropriate units within NSW Police, which specify the following:
- the duties and responsibilities of FED dog handlers
 - how decisions about deployment are made
 - the optimum deployment conditions and types of operations for FED dogs
 - the use of training aids in the field
 - how FED dog handlers are to be supported in the field, and
 - any ongoing assessments of ability required.
- xiii. These SOPs are regularly reviewed, in consultation with FED dog handlers and other appropriate units within NSW Police, to ensure they remain relevant.

In response to these recommendations, the Police Commissioner has advised the following:

NSW Police supports the need for in-depth contemporary SOPs. In consultation with all Dog Unit personnel, the NSW Police Dog Unit will review, expand and develop operational SOPs. Each of the matters listed within this recommendation will be considered for inclusion in the new SOPs.

NSW Police supports the regular review of SOPs via normal compliance practices.²⁵⁴

Endnotes

²²⁷ Submission from the Minister for Police, 7 June 2004

²²⁸ Reference number 158 — observation notes

²²⁹ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004

²³⁰ Reference number 68 — observation notes

²³¹ Reference number 602 — observation notes

²³² Reference number 414 — observation notes

²³³ Reference number 134 — observation notes

²³⁴ Reference number 602 — observation notes

²³⁵ Reference number 158 — observation notes

²³⁶ Submission from FRICS, 27 May 2004

²³⁷ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004

²³⁸ Submission from the Police Association of NSW, dated May 2004, received 2 July 2004

²³⁹ Reference number 299 — training documentation received from NSW Police Dog Unit, page 88

²⁴⁰ Reference number 90 — observation notes

²⁴¹ Correspondence from Police Commissioner, 15 November 2005

²⁴² Correspondence from Police Commissioner, 15 November 2005

²⁴³ Correspondence from Police Commissioner, 15 November 2005

²⁴⁴ Correspondence from Police Commissioner, 15 November 2005

²⁴⁵ Reference number 290 — meeting with managers of the NSW Police Dog Unit, 31 October 2002

²⁴⁶ Reference number 245 — submission from a detective sergeant investigation manger

²⁴⁷ Correspondence from Police Commissioner, 15 November 2005

²⁴⁸ Correspondence from Police Commissioner, 15 November 2005

²⁴⁹ Reference number 136 — FED dog handler focus group transcript

²⁵⁰ Reference number 136 — FED dog handler focus group transcript

²⁵¹ Reference number 136 — FED dog handler focus group transcript

²⁵² Reference number 136 — FED dog handler focus group transcript

²⁵³ Correspondence from Police Commissioner, 15 November 2005

²⁵⁴ Correspondence from Police Commissioner, 15 November 2005

Chapter 10. Conclusion

The FED dog legislation has operated smoothly to date, however there have been very few personal searches under the legislation, and we are not aware of any cases where a court has contemplated the operation of the relevant provisions.²⁵⁵

This report has therefore focused on the way NSW Police utilised the 26 FED dogs available. We note that:

- for the vast majority of operations, FED dogs made no indications at all (1,502 of 1,618)
- there was a very low rate of finding items, with items being found at only 5.9% of all operations (95 of 1,618), and
- generally FED dogs were not deployed very often (on average, four per day), in comparison to the number of dogs available.

We support the continued use of FED dogs for bomb sweeps, or IED operations, particularly in this new age of terrorism. We have made some suggestions about how the use of FED dogs at IED operations could be optimised.

We also support the use of FED dogs for the execution of search warrants, and to assist police to locate evidence at crime scenes, as FED dogs at these types of operations appear to have more frequently yielded results.

However, we do not support the use of FED dogs for HVP operations for which there is no credible information or intelligence about the use of firearms or explosives in the area for the following reasons:

- FED dogs tend to make no indications at all during HVP operations — only two of all indications made during the review period occurred during HVP operations despite handlers spending 32% of their time conducting 514 HVP operations
- dog handlers do not support deploying FED dogs to HVP, and
- independent evidence about the incidence of firearm crime suggests that it generally does not occur in public places nor at the times that FED dogs were mostly deployed.

Generally, we are of the view that FED dog handlers should be better supported. We have recommended that NSW Police develop better SOPs, and become more receptive to the views of handlers.

We have also recommended that NSW Police become more transparent in their training of FED dogs, the way they use FED dogs and how they record the performance of FED dogs.

As mentioned previously in this report, the Police Commissioner advised in his formal response to a draft of this report that:

Most significantly...the Dog Unit is currently undergoing a restructure process that is being oversighted by the State Protection Group. This process commenced in approximately May 2005 and has been on-going since that time. As at October 2005, the Dog Unit is continuing to research, develop and implement the output of specific project teams:

1. *Business Processes Project;*
2. *Dog Acquisition, Breeding and Welfare Project;*
3. *Home Kennelling;*
4. *Motor Vehicles, Uniforms and Equipment Project;*
5. *Research Project;*
6. *Structure Project; and*
7. *Training Project.*

The work of the Implementation Project Team is recognition by NSW Police that the Dog Unit needed to review its processes, procedures and guidelines to ensure they are well equipped to meet international best practices, and further, that the Dog Unit is provided with the necessary tools to meet those standards. It is envisaged that this restructure will address a number of issues raised in the draft report.²⁵⁶

In terms of the number of FED dogs required, the evidence strongly suggests the current complement of 26 FED dogs has adequately met the needs of NSW Police. The justification for an additional 20 dogs has not been identified to us by NSW Police. It would therefore be prudent to carefully consider all the issues we have canvassed in this report before making any determination about the requirement for additional FED dogs.

Recommendation

- xiv. That NSW Police and NSW Government carefully consider the demand or need for additional FED dogs before investing further in this program, having due regard to available information about their use and deployment.

In response to this recommendation, the Police Commissioner advised that:

NSW Police has conducted an operational needs analysis for the projection of FED dogs for future operational needs. One aspect of this projection is the APEC commitment for 2007. The large number of venues, IED and vehicle screening that will be required cannot be managed with current FED [dog] numbers whilst continuing to provide a state-wide domestic response.²⁵⁷

In relation to this recommendation we note, as we have previously, that the Police Commissioner advised in his formal response to a draft of this report that:

The Dog Unit reports that since the data collection there has been a significant increase in the demand for detection dogs, particularly in support of Counter Terrorist Coordination Command operations. The Dog Unit advises that there are minimal occasions where FED dogs do not have operational jobs to attend and when this does occur they are rostered to perform counter terrorist taskings in the City of Parramatta.²⁵⁸

We are unable to verify whether or not there has been an increase in the use of FED dogs since the data period.

We also note in relation to this recommendation that the tools used by the Dog Unit to record the use and results of FED dogs has been recognised by NSW Police as insufficient, and that as part of the restructure, NSW Police is seeking to improve the quality and accuracy of current data kept by the Dog Unit.

Finally, we note that our recommendation is that the available information about their use and deployment is considered as a factor in determining whether or not there is a need to further invest in this program.

Clearly, a proper examination of accurate information about the use of FED dogs will assist in this decision-making process.

Endnotes

²⁵⁵ We note that an extensive discussion of the issues arising from personal searches will be included in our report on the drug detection dog legislation.

²⁵⁶ Correspondence from Police Commissioner, 15 November 2005

²⁵⁷ Correspondence from Police Commissioner, 15 November 2005

²⁵⁸ Correspondence from Police Commissioner, 15 November 2005

Appendix A Chronology of legislative events

Date	Event
18 June 2002	Firearms Amendment (Public Safety) Bill 2002 introduced into Parliament. The Bill includes the insertion of Part 6A into the <i>Firearms Act 1996</i> .
27 June 2002	Firearms Amendment (Public Safety) Bill 2002 passed by Parliament.
15 July 2002	<i>Firearms Amendment (Public Safety) Act 2002</i> commences.
22 July 2003	<i>Firearms Amendment (Public Safety) Act 2002</i> repealed by <i>Statute Law (Miscellaneous Provisions) Act 2003</i> , however, Part 6A remains in the <i>Firearms Act 1996</i> .
1 December 2005	<i>Law Enforcement (Powers and Responsibilities) Act 2002</i> (LEPRA) commences. The Act involves the repeal of Part 6A of the <i>Firearms Act 1996</i> , and the transfer of these provisions to Part 13 of LEPRA. The monitoring provision is moved to Schedule 5 of LEPRA.

Appendix B Restructure of Dog Unit data

This appendix contains a detailed outline of the Commissioner's concerns with our restructure of the data, and our response to those concerns.

The Police Commissioner's concerns

The Police Commissioner advised of the following concerns about our restructure of the data:

*The use of the term HVP is causing some confusion. The category Tasking/HVP appears to have been removed from the data and the report refers to people screening/HVP as solely HVP. The Dog Unit is concerned that the use of the term HVP in this instance provides the impression of proactive HVP where the jobs were as a result of a request for assistance for people screen at events such as the Easter Show, Football and other major events.*²⁵⁹

Another specific concern raised by the Police Commissioner about our reorganisation of the data was that:

*...the Dog Unit does not record IED operations as self generated operations.*²⁶⁰

The Police Commissioner also raised concerns about categories which did not appear in the original data:

*Certain of the types of operation included [in the report] do not exist in the data maintained by the Dog Unit. For example, the categories of 'targeted/place object', 'major events' and 'other' appear... but other categories, such as people screening, search for firearms and vehicle screening do not appear. All of the incident categories used by the Dog Unit have a particular meaning and when they are changed the meaning can also change. This can have a significant impact on the data if these meanings are misunderstood.*²⁶¹

Further explanation of restructure

As explained at paragraph 5.7, HVP is an acronym for High Visibility Policing. The term 'HVP' is generally attributed to police operations where the principle objective is for police to be highly visible, thereby deterring crime and making people feel safer in public places.

In our reorganisation of the data we identified certain categories which did not aptly describe the work being conducted by the Dog Unit. In particular, the original category of 'Tasking/HVP' was problematic. Tasking/HVP was described to us during our discussions with the Dog Unit as follows:

*All jobs that are self-generated.*²⁶²

*[Tasking/HVP] involve[s] the handler (mostly with their dog) attending a predetermined location to conduct HVP patrols. Most of these locations are considered to be critical infrastructure and as such are deemed to be at a greater risk of terrorism. This type of patrol is in support of the handlers specialist skills, ie, firearm, explosive detection. These patrols are also conducted when the handlers are not required to perform other duties.*²⁶³

It was difficult to reconcile the jobs originally described as 'Tasking/HVP' with this description, having regard to the other information about these jobs in the original data. For example, although the majority of these jobs appeared to be self-generated, some were recorded as requests. Conversely, not all self-generated operations were Tasking/HVP. In addition, some of the self-generated Tasking/HVP operations had a high visibility policing objective, as they were conducted in areas where many people congregate (such as CBD or shopping districts). However others clearly did not have a high visibility policing objective, as they were conducted in sparsely populated areas such as oil refineries.

Furthermore, although Tasking/HVP operations were originally described to us as occurring at locations of critical infrastructure which were at a greater risk of being a target of terrorism, a large proportion of these jobs were conducted in suburban CBD areas. In other words, some of these operations were in every respect similar to other HVP operations recorded in the spreadsheet, except that they had been self-generated. Still others, while in a location where people might congregate, such as the Harbour Bridge, were being screened because they were perceived as a possible target.

For all of these reasons, we did not retain the category of Tasking/HVP. Instead most of these events were categorised as either 'HVP' or 'IED screening', as explained below.

People screening

The original data had two additional categories which do not appear in our restructured data, named and described as follows:

People screening - any screening of people directly relating to detection ie, court houses, railway etc²⁶⁴

People screening/HVP - any screening of people combined with extra duties of foot patrolling, ie, events — soccer, football, easter show, where there is an element of high visibility²⁶⁵

Again, it was difficult to reconcile these descriptions with the jobs which were assigned these categories, having regard to the other information about them in the original data. For example, a few jobs were described as ‘people screening’, yet some of them were conducted at sports stadiums. In addition, in the original data, the category of ‘People screening/HVP’ was used not only to describe events, but a variety of different operations. Moreover, people screening is something that FED dogs would do at all locations where people are present. For example, FED dogs would conduct people screening at some operations originally described by the Dog Unit as Tasking/HVP operations. For these reasons, we did not retain either of the people screening categories.

New category — HVP

We created several categories, including a category called HVP. This incorporated all the records of operations that appeared to have the primary objective of being highly visible.

IED screening

As mentioned above, the Police Commissioner raised specific concerns about IED operations being self-generated. IED is an acronym for Improvised Explosive Device. IED operations were described to us during our discussions with the Dog Unit as follows:

All general clearance searches, ie court houses, bomb threat, searches for bombs etc²⁶⁶

Although the Police Commissioner noted that the Dog Unit did not record any IED operations as self-generated, this was because the Dog Unit categorised all self-generated operations as Tasking/HVP. That is, even if a job fitted the above description of an IED operation, but was self generated, it was described as Tasking/HVP. We decided to reclassify certain Tasking/HVP operations as IED screening if they did not have a primary objective of HVP, and they otherwise fitted the description of an IED operation. For example, an operation conducted at a Jewish Museum late at night.

The result of our restructure

The table below demonstrates the transition from the original Dog Unit categories of the type of operations to the data relied upon in this report.

We note that the vast majority (95%, or 487 of 514) of operations classified by us as ‘HVP’ were originally classified (by the Dog Unit) as ‘Tasking/HVP’ or ‘People Screening/HVP’. Further, the majority (64%, or 273 of 427) of operations classified by us as ‘IED screening’ were originally classified as ‘IED screening’. We also note that a large proportion of the records we re-classified or eliminated were originally Tasking/HVP, IED or people screening operations.

Table 8. Restructure of operation categories

Our category	Our total	Original Dog Unit category	Total	% of our category total
Crime scene	99	Crime Scene	99	100.00%
HVP	514	IED Screening	1	0.19%
		People Screening	9	1.75%
		People Screening/HVP	155	30.16%
		Premises Search	1	0.19%
		Search for Firearms	12	2.33%
		Tasking/HVP	332	64.59%
		Vehicle Screening	3	0.58%
		Vessel Screening	1	0.19%

Our category	Our total	Original Dog Unit category	Total	% of our category total
IED screening	427	IED Screening	273	63.93%
		People Screening/HVP	3	0.70%
		Premises Search	1	0.23%
		Tasking/HVP	150	35.13%
Licensed premises	20	People Screening	1	5.00%
		People Screening/HVP	13	65.00%
		Tasking/HVP	6	30.00%
Major	96	IED Screening	19	19.79%
		People Screening	7	7.29%
		People Screening/HVP	65	67.71%
		Vehicle Screening	5	5.21%
Promotion	10	Display/Lecture	10	100.00%
Protective detail	64	IED Screening	63	98.44%
		Tasking/HVP	1	1.56%
Search warrant	232	Search Warrant	232	100.00%
Targeted place/object	156	IED Screening	3	1.92%
		Luggage Screen	1	0.64%
		People Screening	4	2.56%
		People Screening/HVP	3	1.92%
		Premises Search	52	33.33%
		Search for Firearms	49	31.41%
		Tasking/HVP	5	3.21%
		Vehicle Screening	35	22.44%
		Vessel Screening	4	2.56%
Replicate records eliminated	2060	Crime Scene	37	1.80%
		Display/Lecture	1	0.05%
		IED Screening	366	17.77%
		People Screening	28	1.36%
		People Screening/HVP	482	23.40%
		Premises Search	64	3.11%
		Search for Firearms	34	1.65%
		Search Warrant	63	3.06%
		Tasking/HVP	917	44.51%
		Vehicle Screening	67	3.25%
		Vessel Screening	1	0.05%
Grand Total	3678	-	3678	-

Endnotes

²⁵⁹ Correspondence from Police Commissioner, 15 November 2005

²⁶⁰ Correspondence from Police Commissioner, 15 November 2005

²⁶¹ Correspondence from Police Commissioner, 15 November 2005

²⁶² Reference number 25 — correspondence from Dog Unit, 31 March 2005

²⁶³ Reference number 25 — correspondence from Dog Unit, 31 March 2005

²⁶⁴ Reference number 25 — correspondence from Dog Unit, 31 March 2005

²⁶⁵ Reference number 25 — correspondence from Dog Unit, 31 March 2005

²⁶⁶ Reference number 25 — correspondence from Dog Unit, 31 March 2005

Appendix C FED dog request form

	New South Wales Police		Dog Unit		
	[Redacted Dog Unit Name]				
Request for Explosive / Firearm Detection Dog					
Request Details					
Date of Request:	[Enter Date of Request]	Signature:			
Requesting Officer:	[Enter Name of Requesting Officer]				
Station/Unit:	[Enter Station or Unit]	Rank:	[Enter Rank]		
Eagle Net:	[Enter Eagle Net Number]	Telephone:	[Enter Telephone Number]		
Eagle Net Fax:	[Enter Eagle Net Fax]	Facsimile:	[Enter Fax Number]		
Job Details					
Dogs Required: [Number]	Duration (HRS):[Duration]	Dates Required:[Enter Date]			
Location:	[Enter Location of Job]				
Nature & Description of Job:	[Enter Nature and Description of Job]				
Briefing Details					
[Enter briefing details including Time, Date and Location]					
Dog Unit Use Only					
Supervisor Informed		Request Approved			
Travel Arrangements		Car			
		Phone			
Teams Selected					
Contact Person Informed	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Time/Date
Teams Informed	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
Operation Recommended	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
			Date:		
Operations/Specialist co-ordinator					
APPROVED			Date:		
Commander Dog Unit					

Appendix D List of submissions

<i>Organisation</i>	<i>Date received</i>
Privacy NSW	June 2004
Police Association of NSW	2 July 2004
Western Sydney Rifle Club	12 May 2004
Pistol Australia Inc	14 May 2004
Minister for Police	7 June 2004
NSW Police Firearms and Regulated Industries Crime Squad	27 May 2004
Attorney General's Department of NSW	22 June 2004
Country Women's Association of NSW	27 May 2004
Individual members of NSW Police (2)	
Private citizen (1)	

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- Emma Koorey
- Kate Smithers
- Les Szaraz

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We would also like to acknowledge those organisations and individuals who made contributing submissions to this review. Appendix D contains a full list of submissions.

NSW Ombudsman

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