

## Media Release

# NSW Crime Commission investigation into the criminal use of tracking and other surveillance devices

Tuesday, 25 June 2024

The NSW Crime Commission has recommended tighter controls over the sale of GPS tracking devices to help prevent domestic violence and serious organised crime, including murder and kidnapping.

NSW Crime Commissioner Michael Barnes has today released Australian-first findings that reveal criminals and DV perpetrators are using GPS tracking devices to commit serious crime.

Commissioner Barnes said tracking devices were increasingly used by organised criminal networks to facilitate organised crime, including murder, kidnapping, and drug trafficking, and extensively being used by high risk domestic and family violence offenders.

The Commission analysed records of more than 5500 tracking devices sold to more than 3000 NSW-based customers since the beginning of 2023. By matching sales data against criminal histories and intelligence records, it was identified that:

- 37% of customers who had purchased tracking devices were adversely known to police.
- 25% of customers had a history of domestic and family violence (DFV).
- 15% had a history of serious and organised crime.
- 9% of customers had a history of both domestic and family violence and serious and organised crime.

The analysis also showed a high number of offenders convicted of offences had used GPS tracking devices as a tool in their criminality.

The Crime Commission commenced **Project Hakea** earlier this year to investigate the use of tracking and other surveillance devices as an enabler of serious and organised crime in NSW.

It was sparked after an initial review of joint operations between the Crime Commission and partner agencies identified frequent and increasing use of tracking devices to facilitate murders, public place shootings, kidnappings, violent drug thefts, and drug trafficking.

Commissioner Barnes said tracking devices were accessible, inexpensive, and easily concealed.

“Tracking devices are frequently used by organised crime networks to monitor, locate, and ultimately attack their rivals, in fact they are now part of standard toolkit for violent organised crime,” Commissioner Barnes said.

“Disturbingly, **Project Hakea** revealed that in addition to the extensive use of tracking devices by organised criminals, their widespread use by DFV offenders creates an urgent need to address the issue.

“Domestic violence perpetrators use tracking devices as part of a series of behaviours intended to intimidate, frighten, and control their intimate partners.

“One in four known individuals who purchased tracking devices since 2023 have a history of domestic violence and **Project Hakea** also revealed a significant and concerning overlap between organised crime and DFV offending.

“Organised criminals use tracking devices to monitor and control their intimate partners. The significant nexus between organised crime and DFV offenders cannot be denied,” Mr Barnes said.

The Crime Commission carried out an extensive review of criminal holdings, conducted coercive hearings and interviewed close associates of major OCNs to gain insights regarding the nature and scope of criminal use of tracking devices.

During the investigation, hundreds of customers deemed to be at high risk of offending were individually referred to police, and some are under active investigation. The Crime Commission also conducted targeted intelligence probes that led to the discovery of three drug supply syndicates that were previously unknown to law enforcement.

**Project Hakea** also examined the conduct of some private investigators (PI) and spy-stores.

“There are some individuals in the PI industry who appear to be knowingly facilitating crime, or even committing crime themselves by clandestinely tracking targets at the behest of their clients,” Commissioner Barnes said.

The report contains case studies that provide real life examples of how offenders are utilising tracking devices to further enable their offending.

Commissioner Barnes said the offending was challenging for law enforcement to tackle.

“Law enforcement efforts to locate tracking devices and investigate criminal offending are frustrated due to under regulation of the sale of these devices.

“Regulation aimed at increasing the ability of law enforcement to investigate exactly who is purchasing these devices and to match a device that is found to a purchaser will allow more proactive efforts by law enforcement to disrupt offending before it occurs.”

The Crime Commission has made five recommendations for reform, aimed at reducing access to tracking devices by criminals, strengthening criminal legislation to reflect the seriousness of this type of offending and increasing community safety.

The report has generated critical intelligence and insights into this serious offending and provided a strong evidence base to Government on how the criminal use of tracking devices can be disrupted, to increase safety for victims of DFV and the community.

Link to the full report: <https://www.crimecommission.nsw.gov.au>

**Media:** [media@crimecommission.nsw.gov.au](mailto:media@crimecommission.nsw.gov.au)

## Recommendations

1. To reduce the malicious use of tracking devices, Government:
  - a. work with industry to build in safety features, such as anti-stalking measures, on tracking devices;
  - b. restrict the sale and use of devices without such safety features.
2. In view of the evidence that criminals involved in serious organised crime and the perpetrators of domestic and family violence utilise tracking devices to commit offences, the Government reduce access to tracking and other surveillance devices by serious offenders through existing legislative frameworks, such as:
  - a. Directing Government legal representatives appearing before courts, tribunals, or similar authorities on Apprehended Violence Orders (AVOs), community-based sentences, and bail and parole applications, to make submissions in favour of the imposition of conditions restricting the purchase, possession, maintenance, and monitoring of tracking devices.
  - b. Amending the Crimes (Domestic and Personal Violence) Act 2007 (NSW) to explicitly provide that AVOs may include a prohibition on the possession and use of tracking devices.
  - c. Considering similar legislative amendments directed at offenders on community-based sentences, bail, and parole.
3. Having regard to the finding that some private investigators and 'spy stores' promote the illegal use of surveillance devices and offer illegal surveillance services to customers, Government ensure that the legislative and regulatory changes in Recommendations 4 and 5 below are particularly applied to these industries.
4. Government regulate the sale of surveillance devices, including through:
  - a. licensing for suppliers of surveillance devices;
  - b. recording of device identifiers;
  - c. recording of customer details;
  - d. mandatory reporting of suspicious purchases.
5. Government strengthen legislation to:
  - a. Remove the requirement to obtain the Attorney General's consent to institute prosecutions under the *Surveillance Devices Act 2007* (NSW), beyond the amendment contained in the Bail and Other Legislation Amendment (Domestic Violence) Bill 2024 (NSW).
  - b. Prohibit the use of a surveillance device to facilitate serious criminal activity.
  - c. Prohibit the use of a surveillance device to facilitate a domestic violence-related offence.
  - d. Prohibit the monitoring of a surveillance device alongside the use, installation, and maintenance.
  - e. Prohibit the supply of a surveillance device with recklessness as to whether it will be used unlawfully, such as encouraging unlawful use of tracking devices in advertising material.
  - f. Prohibit any activity that causes a surveillance device to be installed, used, or maintained without consent (including instructing another person to do so).