Parliamentary Joint Committee on Law Enforcement

Gathering and Use of Criminal Intelligence

AFP Submission
July 2012

Introduction

The Australian Federal Police (AFP) is a multi-faceted law enforcement organisation. In addition to providing a traditional law enforcement role focused on disrupting criminal activities and the arrest of criminals, the AFP also has responsibilities to meet the government's national security and intelligence priorities.

Through its dedicated Intelligence function, the AFP actively engages with a number of key international, federal, state and territory law enforcement and intelligence agencies, including the Australian Crime Commission (ACC), to provide high-quality and targeted intelligence.

The AFP welcomes the opportunity to make a submission to this Inquiry. This submission provides background regarding the AFP's intelligence function and addresses the Inquiry's terms of reference.

Background

The AFP was established in 1979 through the amalgamation of the Commonwealth Police, the Australian Capital Territory Police and later, the Federal Narcotics Bureau. A key role of the AFP is the collection and use of criminal intelligence to facilitate the detection and prevention of criminal behaviour, both locally and internationally. The AFP's role in intelligence as part of the National Intelligence Community and as a law enforcement agency is shaped by the current and emerging criminal environment, our functions and responsibilities, and our internal structure.

<u>AFP Intelligence</u>
AFP Intelligence is an enabling function that directly contributes to AFP operational outcomes and, more broadly, Australian national security. As outlined in the 2012-13 Portfolio Budget Statement, the Intelligence function provides high-quality, targeted and real-time intelligence services to all levels within the AFP through the ongoing alignment of resources with operational and corporate priorities, including co-location with investigative teams and maintenance of mutually beneficial relationships with the Australian and international intelligence communities. To optimise support for operations, Intelligence personnel are co-located with the following AFP functions in Canberra, Adelaide, Brisbane, Cairns, Darwin, Melbourne, Perth and Sydney:

- Aviation
- Counter Terrorism
- High Tech Crime
- International Deployment Group
- Crime Operations (including People Smuggling)
- Serious and Organised Crime
- Protection.

Based in AFP Headquarters, the Transnational Intelligence Operations team works closely with the AFP International Network and International Operations and Intelligence Support to detect international criminal activity impacting on Australia. In addition the AFP maintains a Strategic Intelligence Services Unit that informs and supports broader AFP decision making. These teams also support the requirements of the National Intelligence Collection Committee, in addition to providing the national security infrastructure that supports the collection and dissemination of intelligence across the organisation. AFP intelligence also provides a full range of covert policing services in support of the AFP's operational priorities. AFP intelligence officers and analysts and are deployed offshore in support of the AFP International Network and International Deployment Group's operations.

The organisational philosophy of the AFP's approach to intelligence is outlined in the Australian Federal Police *Intelligence Doctrine*. The doctrine explains the AFP's fundamental principles behind the employment of AFP officers in law enforcement and national security operations. It also describes the type of intelligence products produced by the AFP including:

- **Information reports** – record basic information that may be useful to the AFP or wider law enforcement
- **Tactical intelligence reports** – are used to record information that relates to a specific operation
- **Operational intelligence reports** – are utilised to influence operational managers in making effective decisions
- **Strategic intelligence reports** – are used to provide high level strategic insights and to provide high level contextual framework for operational activity
- **Other crime assessments** – On request assessments concerning various matters can be produced such as the Annual Crime Assessment

The AFP also maintains a comprehensive training and career development pathways for intelligence staff. This comprises a five stage tiered program that develops AFP Intelligence Support Officers through to Criminal Intelligence Analysts. The AFP along with the ACC and Charles Sturt University also conducts the National Strategic Intelligence Course along with the Police Management Intelligence Program in conjunction with the Australian Institute of Police Management. More recently initiatives have involved joint analyst training involving the Royal Canadian Mounted Police (RCMP), Federal Bureau of Investigation (FBI), Serious Organised Crime Agency (SOCA) and the New Zealand Police.

AFP Intelligence is also the Chair of the Criminal Intelligence Advisory Group, a sub group of the law enforcement five eyes meeting of the Strategic Alliance Group of which both the AFP Commissioner and ACC CEO constitute Australia's representatives. This group is charged with

enhancing intelligence exchange and collaboration between the member agencies. The activities of this group have led to extensive collaboration on a wide variety of serious and organised crime issues and a significant increase in the exchange of intelligence between participating agencies.

AFP Crime Program

The AFP Crime Program was created in response to the Commonwealth Organised Crime Strategic Framework to enable a holistic approach to combating organised crime both nationally and internationally. The purpose of the Crime Program is to defeat, shape, and prevent serious and organised crime activity and threats affecting Australia's interests and provide an investigative capacity for a wide range of crime types contained within the Spectrum of Commonwealth Statutes.

The Crime Program's structure comprises:

- **Crime Operations** provides front-line disruption of, and investigation into, Commonwealth offences including illicit drug importation, human trafficking, money laundering, identity theft, intellectual property theft, fraud, corruption and sensitive/political matters. Crime Operations also conducts investigations into the organisers, facilitators and crew of people smuggling ventures.

- **Serious and Organised Crime** conducts investigations into complex organised criminal activity including the importation and manufacture of illicit substances, money laundering and economic crime, fraud, identity crime and corruption. AFP Serious and Organised Crime collaborates with international, Commonwealth, state and territory partners to pursue organised crime networks across the full continuum of their activity. It targets the financial base of crime and also seeks to deter criminality by identifying and reducing vulnerabilities exploited by organised crime groups. The AFP International Network that sits within the Serious and Organised Crime portfolio cooperates with other Australian Government agencies domestically and abroad to ensure a whole-of-government approach to fighting crime at its source.

The Organised Crime Strategic Framework identifies intelligence, information sharing and interoperability as one of the capabilities required to support the response to organised crime. Such a capability is contingent on strong working inter-agency relationships. The AFP's commitment to developing and maintaining cooperative relationships with its Australian and foreign clients, partners and industry stakeholders is integral to the AFP Crime Program's operational successes in combatting organised crime both nationally and internationally.

AFP International Network

The AFP presence overseas in Australia's diplomatic missions allows for increased international cooperation in the detection and prevention of transnational crime. The AFP International Network has offices in 29 countries to broker collaboration with international law enforcement agencies to drive Australian investigations, and support bilateral or

multilateral cooperation. These offices have areas of responsibility that may go from one country to many countries in the region providing coverage across the world.

The network plays an integral role in facilitating the collection and exchange of criminal intelligence between international and Australian law enforcement agencies, as well as enhancing the capability of international law enforcement agencies to combat transnational and organised crime. The network also facilitates Europol and INTERPOL inquiries for Australian Government agencies such as the ACC and other law enforcement agencies and has involvement with the Pacific Transnational Crime Network and various Transnational Crime Centres and teams in the Association of Southeast Asian Nations (ASEAN) Region.

- **INTERPOL**

Australia's engagement through INTERPOL is managed by the AFP through the central point of INTERPOL Canberra and is actively seeking to progress tools, services and initiatives to facilitate exchange of law enforcement information and activities. The AFP strives to have in place the most effective processes to enable the greatest use possible of INTERPOL by Australian law enforcement and government agencies such as the ACC. The AFP has an officer seconded to INTERPOL Headquarters in Lyon to assist and support Australian initiatives and information exchange.

The INTERPOL Network allows direct and officially recognised contact to national law enforcement bodies in 190 countries around the world and is used for operational, intelligence, administrative and general law enforcement matters. The AFP has an officer seconded to INTERPOL Headquarters in Lyon to assist and support Australian initiatives and information exchange.

- **Europol**

Europol is the European Union's cooperative law enforcement intelligence agency which also maintains Europe's largest databases on a range of crime types employed by organised crime groups. On the basis of an International Treaty, the AFP coordinates information flow to and from Europol through a liaison officer based within the organisation in The Hague, as well as acting as the Europol national contact for Australia. Combined efforts continue to streamline and expand intelligence exchange for Australian law enforcement through devolution of real-time criminal intelligence and operational information to Australian law enforcement agencies from European counterparts. This allows for active participation and membership of nine Europol Thematic Crime Projects targeting serious organised criminal activities impacting upon Australia. Australian agencies which have benefited from intelligence exchange and enquiries with Europol include the AFP, the ACC, the Australian Customs and Border Protection Service, and all state and territory police services. Intelligence, strategic reports and requests for information on organised crime are submitted to these agencies on a regular basis, however little is returned by ACC to Europol. Europol is a resource which could readily be utilised more effectively.

- **Pacific Transnational Crime Network**

The AFP-sponsored Pacific Transnational Crime Network (PTCN) was established to enhance the capacity of regional law enforcement agencies to investigate and disrupt transnational crime in the region. A key objective of the PTCN is to facilitate the sharing of criminal intelligence between partner agencies. The AFP performs a lead role in assisting Pacific Island countries in managing, coordinating and enhancing law enforcement intelligence, collaboration and capacity building against transnational crime (including terrorism). This is undertaken through the AFP funded PTCN which over the past eight years has developed a series of multi-agency Transnational Crime Units (TCU) across the Pacific. There are currently 14 TCUs throughout the Pacific.

- **Transnational Crime Delivery Team**

The AFP International Network is currently implementing a collaborated approach to combat organised crime at its source through the introduction of a Transnational Crime Delivery Team, based in Canberra. The team will provide a cohesive response to organised crime across like countries in South East Asia and the Pacific including:

  - Vietnamese Joint Transnational Crime Centre
  - Cambodian Transnational Crime Unit
  - Bangkok Transnational Crime Coordination Network
  - Jakarta Transnational Crime Centre and
  - Pacific Transnational Crime Coordination Centre.

This consolidation and provision of coordinated efforts by the AFP to establish these international crime units and coordination centres continues to significantly reduce and stop transnational crime at its source. This increase in capability has proven an effective strategy in the sharing of intelligence resulting in successful operational outcomes, particularly through the Vietnamese Joint Transnational Crime Centre.

Terms of reference:

a. Role and objectives of the ACC within the context of the National Security Framework

The AFP is a member of the National Intelligence Community, has staff out-posted to other government agencies and works with state and territory police and other law enforcement agencies, sharing intelligence and resources to support criminal investigations. AFP Intelligence shares a close and multifaceted relationship with the ACC, in terms of both supporting ACC requirements and drawing upon their capabilities and product in service of AFP efforts to combat serious and organised crime. This includes:

- Full time secondment of AFP Intelligence members to ACC Fusion Centre and Financial Intelligence Assessment Team in Canberra.

- Hosting of two ACC members within the AFP Transnational Intelligence Operation to review all intelligence flowing to and from

the AFP International Network and to directly task the network in support of ACC requirements.

- Secondment of AFP Intelligence members as required to Joint Analyst Groups, formed under the Joint Management Groups in each State and Territory.

- Provision of strategic intelligence support to ACC's Organised Crime Threat Assessment, National Criminal Intelligence Priorities, Harms Assessments and specific assessments.

- Secondment of two full time AFP Intelligence members to the ACC led National Organised Crime Taskforce.

- Co-submission of collection and evaluation reports for National Intelligence Collection Management Committee on illicit drugs and money flows.

The AFP sees significant value from the ACC playing an active role in contributing advice to the National Intelligence Community on emerging criminal threats to national interests, particularly by drawing upon intelligence feeds it receives from its State, Territory and Commonwealth contributors. The ACC is well placed to identify emerging domestic criminal issues that are impacting nationally and provide strategic level advice on transnational criminal influences on Australia.

b. ACC's criminal intelligence collection capability, including resourcing,expertise, powers, and criminal intelligence community networks

AFP Intelligence uses ACC powers on an ad hoc basis to support the gathering of criminal intelligence. In particular, the ACC has provided significant assistance to the AFP in the conduct of coercive hearings to gather intelligence on people smuggling networks and targets.

The AFP collects significant amounts of information from a variety of sources during investigations which may then form the basis of intelligence. This intelligence is generally shared with the rest of the law enforcement community.

The ACC participates jointly with the AFP in supporting the Australia, USA, UK, Canada and New Zealand Criminal Intelligence Advisory Group (CIAG). Together with the AFP, the ACC assists with enhancing the intelligence collaboration between the five countries and providing criminal intelligence advice to the Strategic Alliance Group, made up of the heads of law enforcement agencies from the five nations.

In addition to working collaboratively with the ACC through the establishment of joint taskforces, the AFP International Network services ACC international requests for information to enable the ACC to perform its core function of providing intelligence, investigation and criminal database services. The AFP is committed to working with the ACC to

ensure that the process in how the AFP actions ACC requests for information through the network are both efficient and expedient. The following initiatives have recently been undertaken to improve the ACC connectivity to the AFP International Network.

- Training and development of seconded ACC members to the AFP has been reviewed to ensure that ACC members are fully conversant with the procedures and practices of the AFP International Operations and Intelligence Support team. Ongoing training will ensure that ACC seconded members are able to manage all ACC related enquiries that are disseminated to the AFP International Network and increase direct ACC engagement with the AFP International posts.

- A charted procedure has been developed to formalise the process for requests to be actioned by ACC seconded members within International who have full access to the International Network.

- On 10 May 2012 the AFP conducted an information session for all ACC staff that was live streamed to ACC regional offices. The information session covered issues including a broad overview of the AFP International Network, an overview of INTERPOL and Europol, information on how to request information from the AFP International Network, and information on considerations surrounding the provision of assistance in death penalty matters.

The AFP is committed to ensuring that international requests for information from the ACC are processed expediently. This has been achieved by revising the processes for actioning ACC requests for international intelligence. Through collaboration with the ACC international intelligence requests are can now be more effectively actioned by foreign law enforcement agencies.

c. Adequacy of the ACC's criminal intelligence holdings

The ACC remains an important contributor of intelligence to the AFP, making up 15 per cent of all product received by the AFP from external agencies. ACC product is useful in identifying emerging criminal issues and strategic changes in the Australian criminal environment. Additionally, operational level ACC products have aided in the identification of convergences between criminal groups and networks. Their utility in supporting AFP operations has been valuable in the facilitation of joint taskforce arrangements with the ACC. While the ACC has referred a number of matters to the AFP to investigation, the AFP recognise the potential for the ACC to enhance its feeds into AFP operations outside of joint taskforce arrangements.

The ACC’s criminal intelligence holdings represent the totality of what products all jurisdictions including the AFP contribute. This also includes intelligence generated by the ACC itself. The AFP has taken deliberate steps in recent years to increase the amount of intelligence contributed to the ACC’s principal holdings as represented in the ACID data base. This has resulted in a significant increase in the contributions from the AFP to

assist in constructing a richer picture of criminality in Australia. The adequacy of these holdings is only limited by what participating agencies are willing to contribute.

AFP Intelligence recognises the potential benefits to investigations and intelligence gathering from the ACC providing a capability to fuse large datasets. Although still in the early stages of delivery, the AFP remains committed to the utilisation of the ACC Fusion Capability.

d. Availability and accessibility of ACC's criminal intelligence

In 2009, the AFP introduced its Target Evaluation Priority Index (TEPI) to support the risk assessment and prioritisation of criminal targets under investigation or interest to the AFP. Following the introduction of the ACC National Criminal Target Report in 2010, the AFP was a significant contributor of targets and persons of interest to the ACC's report. AFP Intelligence is currently redesigning TEPI to align to the input requirements of the NCTL, specifically the Target Risk Assessment Methodology, with the aim of reducing data duplication between the agencies.

In June 2010 the ACC Board approved Special Intelligence Operation Authorisation and Determination (Child Sex Offences) 2010. That Determination articulates:

1. The scope and volume of the ACC's activities under this special intelligence operation will largely be driven by the nature of requests received from partner agencies.
2. In accordance with the resource allocation detailed, the ACC will provide access to ACC coercive powers. The ACC will provide examination support in the form of an Examiner, Counsel Assisting and Examination Assistant as required.
3. Partner agencies are to provide analytical resources to support the preparation of a timely summary for all examinations held, in accordance with ACC procedures and policies, and will be responsible for the costs of preparing any full transcript of examination.

Consequently, due to the resource constraints of the ACC, the ACC only provide the coercive hearing capability to glean intelligence from appropriately identified persons for targeted AFP investigations. In the main AFP's Child Protection Operations teams use has been around identification of suspect networks or to identify potential victims, methods of offending, passwords, and so on. The outcome (tactical intelligence gained) from the hearings is compiled by the AFP Case Officer. The ACC is consequentially limited in its ability to value add to the analysis and strategic picture development in this crime type due to resource commitments. Given more focused resources the ACC may be better placed to contribute to better effect and 'value add" to a great degree in development of derived strategic and tactical intelligence

The AFP supports through the involvement and representation of the Criminal Intelligence Working Group, the ongoing review by the ACC of the ACID /ALIEN data base and looks forwards to recommendations as what characteristics that a suitable replacement should display. These improvements should assist the ACC to provide a contemporary and modern intelligence system to the benefit of all law enforcement agencies in Australia. Any improvement however should also be accompanied by a reform of processes whereby a dual responsibility exists not only for users to access, but also to supply intelligence in furtherance of the national interest.

e. Interoperability of Australian law enforcement agencies in relation to criminal intelligence holdings.

As Joint Management Groups framework matures around Australia, the ACC's NCTL continues to provide opportunities for agencies to deconflict and collaborate on criminal targets of common interest. This includes providing guidance to Joint Analyst Groups in each State and Territory to help focus intelligence gathering and assessment in support of forming new collaborative arrangements to tackle specific criminal threats.

The ACC's Australian Criminal Intelligence Database (ACID) and the Australian Law Enforcement Intelligence Network (ALEIN) provide a significant platform for sharing and secure communication of intelligence between Australian law enforcement agencies.

The Commonwealth Organised Crime Strategic Framework places emphasis on a multi-agency approach to delivering operational, policy, regulatory and legislative responses to organised crime threats. The AFP is a significant contributor to managing the Framework's requisite operational requirements, and a number of taskforces have been established as part of this response. Integral to the success of these multi-agency taskforces is the sharing of criminal intelligence between agencies.

- **Polaris Taskforce:** Based in Sydney, the Polaris Taskforce is responsible for coordinating the activities of the AFP, the Australian Customs and Border Protection Service, NSW Police Force, Australian Crime Commission and the NSW Crime Commission in targeting serious and organised criminality impacting on the international sea cargo terminals and associated supply chains. The Taskforce specifically focuses on exploitation by criminal networks of legitimate business processes within the maritime sector.
    - Since July 2010, operational activity undertaken by the taskforce has resulted in sixteen arrests (resulting in 77 charges), seizure of over twelve tonnes of illicit substances and pre-cursor chemicals, and seizure of 114.8 tons of loose leaf tobacco and 92.7 million individual cigarettes.
- **Criminal Assets Confiscation Taskforce (CACT)**: The Taskforce, formally launched in March 2011, provides a coordinated and integrated approach to Commonwealth criminal asset confiscation, delivering on the Government's strategy to

increase and strengthen agency collaboration as a major tool in the fight against serious and organised crime. The Taskforce is comprised of the AFP, the Australian Taxation Office, and the Australian Crime Commission.

  - In the 2011-12 financial year the taskforce restrained $99.79 million assets under the Proceeds of Crime Act and the Mutual Assistance Act provisions as a result of CACT investigations.

- **Joint Organised Crime Taskforce (Victoria)**: In January 2012 a Joint Organised Crime Taskforce was established between the AFP, Victoria Police, the Australian Crime Commission and the Australian Customs and Border Protection Service in order to target organised crime in Victoria.

- **Joint Organised Crime Group (Sydney Office)**: The Joint Organised Crime Group (JOCG) is comprised of the AFP, Australian Crime Commission, Australian Customs and Border Protections Service, New South Wales Police and the New South Wales Crime Commission. Targeting organised crime in NSW, operational activity undertaken by the JOCG during this past financial year has yielded significant results in the disruption of transnational organised crime, including sixteen offenders charged domestically, eight offenders charged in foreign jurisdictions, 104.83kg of drugs seized with the approximate value of $14,829,250, and $1,802,800 seized.

- **Taskforce Galilee**: A national, multi-agency taskforce established by the Board of the ACC on 13 April 2011, Taskforce Galilee's objectives are to build a picture of the nature and extent of Serious Organised Investment Fraud (SOIF), and to reduce the impact and threat of SOIF operations targeting Australia.

- **Yelverton Taskforce (Perth)**: Comprising of the AFP and Customs, and supported by the WA Police, the Yelverton taskforce coordinates activities in targeting the multijurisdictional trafficking of illicit drugs, financial transactions intended to disguise income source or currency flow and criminal activities that indicate a level of organisational structure.

- **New waterfront taskforces**: Following on from the success of the Polaris and Yelverton Taskforces, in May 2012 the Minister for Home Affairs and Minister for Justice the Hon. Jason Clare announced the establishment of similar taskforces for Melbourne and Brisbane. The Melbourne taskforce is due to commence on 6 August 2012 and planning is also underway to establish the Brisbane-based taskforce, which is anticipated to commence work in 2013.

The National Organised Crime Response Plan (OCRP) is an additional measure that encourages the sharing of information and intelligence

across jurisdictions in Australia. One of its primary aims is to remove both capability gaps and impediments to inter-jurisdictional collaboration and sharing of information and intelligence.

The AFP is an active participant in implementing the National OCRP. The This strategy seeks to enhance the ability of Australian governments to build a national understanding of organised crime and ensure that responses to organised crime are intelligence based and led in a timely and informed manner.

This strategy includes measures to:

- improve the prioritisation and coordination of organised crime intelligence and operational matters;
- support interoperability of resources and capabilities between jurisdictions; and
- support, at a national level, the ACC's Criminal Intelligence Fusion Capability.

The AFP is a significant contributor to the Criminal Intelligence Working Group. This group is chaired by the ACC was formed to develop a criminal intelligence model. All ACC Board agencies are represented at varying levels in this working group. Now reporting to the ACC Board this group is attempting to identify where the national intelligence practices can be harmonised and made more efficient.

The AFP supports greater information sharing and interoperability with ACC.