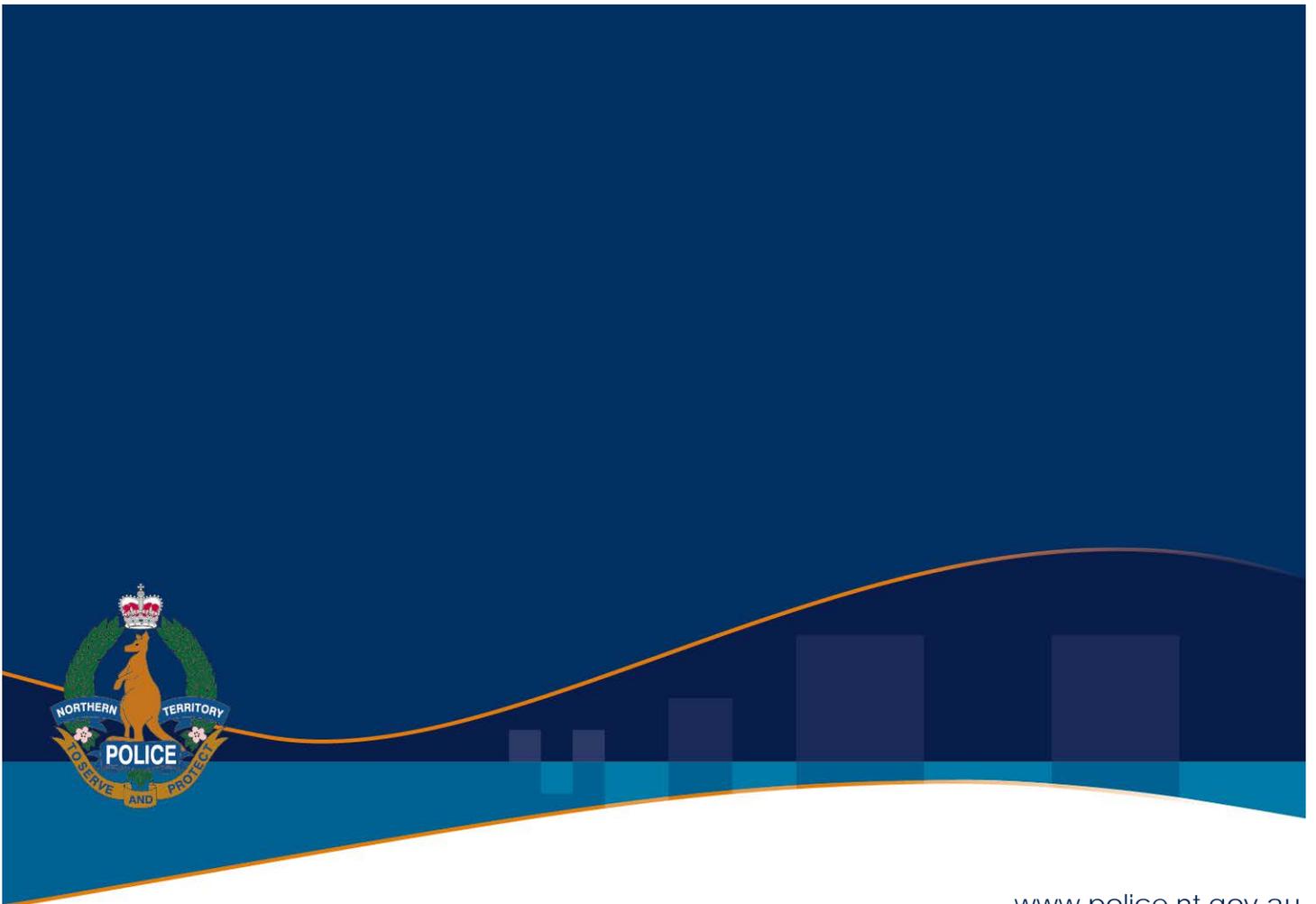


Submission – Parliamentary Joint Committee on Law Enforcement

Gathering and Use of Criminal Intelligence by the
Australian Crime Commission (ACC)



INTRODUCTION

1. The Northern Territory Police Force (NTPF) welcomes the opportunity to provide a submission to the Parliamentary Joint Committee on Law Enforcement – Gathering and Use of Criminal Intelligence by the Australian Crime Commission (ACC).
2. This submission primarily relates to two key areas of the Terms of Reference (TOR): the adequacy of the ACC's criminal intelligence holdings and the availability and accessibility of the ACC's criminal intelligence. However, the remaining sections of the TOR are also subject to a degree of comment.

ROLE AND OBJECTIVES OF THE ACC WITHIN THE CONTEXT OF THE NATIONAL SECURITY FRAMEWORK

3. The NTPF does not propose to address issues relating to the role and objectives of the ACC within the context of the National Security Framework (NSF). The NTPF considers this aspect of the ACC's role is outside the scope of this organisation's remit.

ACC'S CRIMINAL INTELLIGENCE COLLECTION CAPABILITY, INCLUDING RESOURCING, EXPERTISE, POWERS AND CRIMINAL INTELLIGENCE COMMUNITY NETWORKS

4. By nature of its core business in terms of liaison with other Australian Law Enforcement Agencies (LEAs), the ACC and the NTPF have a mutual interest in this aspect of the TOR.
5. It is noted that in terms of collection capability, the ACC appears to be almost entirely reliant on Australian LEAs to provide information used in collection plans and ultimately the generation of products such as the National Criminal Target Report (see below for further comments). In general terms this practice usually results in jurisdictions being provided information that is, at least on a local basis, already known to those agencies.
6. It is also noted that in respect of resourcing matters, the ACC also appears to rely heavily on Australian LEAs to provide personnel for both managerial positions (in the regional context) and the establishment of units within the ACC, such as the National Organised Crime Task Force (NOCTF). These Task Forces are generally located in large centres on Australia's eastern seaboard, and there is an expectation that personnel seconded to these units will relocate to those centres for the duration of a particular investigation.
7. Although local arrangements have been made with NOCTF management to geographically retain NTPF seconded personnel, this issue and other

similar issues, will continue to impede Task Forces of this type through no deficiency of involved agencies.

8. The ACC functionality of facilitating coercive examinations either as part of, or in lieu of criminal investigations continues to provide value to the NTPF.

ADEQUACY OF THE ACC'S CRIMINAL INTELLIGENCE HOLDINGS; and

AVAILABILITY AND ACCESSIBILITY OF ACC'S CRIMINAL INTELLIGENCE

The National Criminal Target Report

9. The primary vehicle for the dissemination of the ACC's intelligence holdings from the Northern Territory (NT) perspective is the National Criminal Target Report (NCTR).
10. The NCTR is generated on an annual basis by staff from the ACC and forms a part of that agency's *Picture of Criminality in Australia* suite of Strategic Intelligence Products.
11. The entities on the NCTR are not identified by name. However, they are largely drawn from information present on the National Criminal Target List (NCTL); another component of the abovementioned document suite. Entities on the NCTL are in turn drawn from each Australian State and Territory policing jurisdiction. Quality control prior to placing such entities on the NCTL is achieved through subjecting a proposed criminal target to the Threat and Risk Assessment (TRAM) matrix, to determine suitability for the NCTL, which in turn reflects in NCTR data.
12. As part of the production process, a Consultative Draft of the 2012 NCTR was disseminated to this organisation and a Stakeholder Briefing relating to that document was conducted on 18 April 2012. This briefing was conducted by the team responsible for drafting the NCTR and in particular, its NT component.
13. The ACC's Acting National Manager, Intelligence Products further requested in correspondence dated 23 March 2012 that feedback on the Consultative Draft's content would be requested prior to final NCTR dissemination. This feedback was forwarded on 23 April 2012.

Best Practice Achievements

14. **Improved TRAM process:** The prototype for the proposed TRAM process, as seen in the Stakeholder Briefing, is clearly a significant improvement on the model currently used by Australian policing jurisdictions and the ACC.
15. **The 'living document' concept:** The existence of a document relating to a target that may be regularly updated as new intelligence comes to hand,

appears to positively supersede the existing practice of paper-based assessments subject to analysis over a 12-month period. Consequently, the risk of outdated NCTL information appearing in documents such as the NCTR has the capacity to be significantly minimised by the demonstrated on-line process.

Growth Opportunities

16. **Summary:** The NCTR contains a substantial amount of empirical data in relation to crime types and to a degree trends. With the variance in demographic, geography and jurisdictional size; however, the comparative data between jurisdictions in terms of risk percentiles is clearly of limited value.
17. As an example, the percentage of NCTR offenders in the NT compared to those of other jurisdictions is substantially higher than the norm. However, when taking the abovementioned factors into account the percentile value is not seen by this organisation as statistically valuable.
18. There is a dearth of analytical information in the NCTR, which makes the process of decision-making as an agency problematic, in terms of targeting nominated offenders. The lack of such information is further compounded by the lack of information in the NCTR; in respect of the ethnicity, religion and level of entrenchment caused by these factors.
19. **Ethnicity of Targets:** Information and analysis of NCTR entities' ethnicity, as well as any assessed links between that ethnicity and types of criminal offending would be of significant value in this document. It is well documented across Australian policing jurisdictions that certain ethnicities have predilections towards certain types of offending. The demonstrated link between human trafficking offences and NCTR entities of Asian descent is one example of well-established and understood transnational criminal behaviour.
20. Information of this type, including any detected spreading or contractions of crime patterns among ethnic groups, is assessed as being of considerable probative value. Therefore, the benefits regarding its inclusion should be considered.
21. **Establishment of Targets:** There is information in the draft NCTR document in respect of establishment and entrenchment of entities currently on the NCTL. However, it is considered that this information would be more beneficial to operational policing agencies if it were expanded to include those entities' ethnicity. Furthermore, the inclusion where possible, if generational rather than locational establishment and/or entrenchment was occurring. Analysis should then be able to determine locations within major centres that are subject to such behaviour, allowing for appropriate planning and action to be taken.
22. **Religion of Targets:** Information and analysis of NCTR entities' religious background, particularly on an 'overlay' basis, on those entities' ethnicity is

also expected to provide valuable insight into differing community group's propensity to engage in certain types of offending. This information may also be used to differentiate between groups of the same ethnicity.

23. **Analysis, Predictive Behaviour, Trend Lines and Duration:** It is acknowledged that the data capture process by ACC staff in this document's production has changed significantly. Resulting in trends for only the past two years appearing in the generated product. However, the addition of longer trend lines may further assist decision-makers in Australian policing jurisdictions to properly assess information contained in reports of this type, and to make determinations accordingly.
24. There is little information in respect of predictive behaviour and associated analysis contained in the document. As with the abovementioned points, this information is considered to be critical in the decision-making process. Its inclusion would be expected to provide great benefit to policing jurisdictions in Australia.

Conclusion

25. There is little doubt that the current draft of the 2012 NCTR is a document rich in information, in respect of certain aspects of present-day NCTL targets. However, the inclusion of information and analysis as discussed above would make for a far more 'user-friendly' document with capacity to provide senior management of Australian policing jurisdictions with the tools to make accurate and timely assessments of relevant issues. With the requisite background to make fiscally, tactically and strategically responsible decisions.
26. The NTPF recommends that such information be included in future NCTRs and similar documents.

INTEROPERABILITY OF AUSTRALIAN LAW ENFORCEMENT AGENCIES IN RELATION TO CRIMINAL INTELLIGENCE HOLDINGS

27. The NTPF considers the exchange and interoperability of criminal Intelligence holdings to be currently suitable for meeting relevant organisational benchmarks.
28. The NTPF also acknowledges this section of the TOR will be positively influenced by the body of work carried by the Criminal Intelligence Working Group (CIWG). This is comprised of representatives from all Australian LEAs, including the NTPF and the ACC meeting quarterly to develop strategies for implementation of a National Strategic Intelligence Model (SIM).
29. The CIWG also seeks to standardise intelligence products across Australian LEAs to increase existing jurisdictional interoperability levels. A draft proposal for both the SIM and intelligence product standardisation is due for presentation to the ACC Board in September 2012.