

# ***Submission - Parliamentary Joint Committee on Law Enforcement***

*Inquiry into the Gathering and Use of Criminal  
Intelligence*



## **INTRODUCTION**

1. Tasmania Police (TASPOL) welcomes the opportunity to provide a submission to the Parliamentary Joint Committee on Law Enforcement – *Inquiry into the Gathering and Use of Criminal Intelligence*.
2. This submission primarily relates to three key areas of the Terms of Reference (TOR): the adequacy of the Australian Crime Commission's (ACC) criminal intelligence holdings, the availability and accessibility of the ACC's criminal intelligence and the interoperability of Australian law enforcement agencies in relation to criminal intelligence holdings.

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

3. TASPOL, through the Commissioner of Police, is a Board member of the ACC. TASPOL participates in Board deliberations concerning the strategic direction of the ACC, determination of the national criminal intelligence priorities and authorisation for the ACC to undertake intelligence operations or investigations relating to federally relevant criminal activity. The remaining operational functions of the ACC within the context of the national security framework are not subject to comment by TASPOL as part of this submission.

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

4. TASPOL is a contributor to the ACC's intelligence holdings. By way of example for the calendar year 2012 (till 31 August) TASPOL has uploaded 50786 separate information and intelligence reports to the ACC's Australian Criminal Intelligence Database (ACID).
5. In addition, TASPOL contributes data at the request of the ACC for the production of the following documents:
  - Illicit Drug Data Report
  - Organised Crime Threat Assessment
  - National Criminal Target Report (NCTR)
  - National Criminal Target List (NCTL)
  - National Criminal Intelligence Priorities (NCIPs)

Dedicated analytical resources from within TASPOL are utilised to populate data referenced by the ACC to produce these publications.

6. Requests for intelligence data by the ACC through the Request for Information (RFI's) process does impact on TASPOL's intelligence resources with analysts taken away from focusing on localised issues (ie volume crime and response to major crime) to respond to the ACC's focus on serious and organised crime. The allocation of intelligence resources for jurisdictions, such as TASPOL, to be able to respond to the ACC collection process is one of balancing local priorities against that of the national interest.
7. In relation to resourcing the ACC does have a presence in Tasmania through the office of the Tasmanian ACC Regional Manager, (a seconded member of TASPOL). That localised presence assists in facilitating greater understanding by the ACC of local issues. TASPOL has not provided resources in recent times in relation to National Organised Crime Task Forces due to budgetary restraints.
8. The ACC's use of coercive powers have been utilised in Tasmania on a limited number of occasions. Its intelligence collection capability through these powers in Tasmania has not been extensive due to the limited number of coercive examinations conducted.

#### **ADEQUACY OF THE ACC'S CRIMINAL INTELLIGENCE HOLDINGS**

9. The ACC is an important contributor of intelligence to TASPOL with 58, operational and strategic intelligence reports received this calendar year. The ACC product is utilised by TASPOL in identifying emerging criminal trends, methodologies and strategic changes in the Australian criminal environment.
10. Products, like the Illicit Drug Data Report, enhance TASPOL's understanding of national trends and assists in identifying strategies to target those participating in, for example, the illicit drug market. Strategic assessments of this nature allow TASPOL to focus on specific localised assessments, reducing its need to produce the broad range of strategic assessments that were provided in the past.
11. TASPOL agrees with the ACC's message that "Criminal Intelligence must be treated as a national asset that is available to, and shared by, all relevant agencies." To that end, TASPOL is enhancing its contribution to ACID through regular audits of its caveated intelligence to ensure that following the closure of an investigation, intelligence is uploaded to the national data base for the use of all relevant agencies.

12. TASPOL acknowledges that the adequacy of the ACC criminal intelligence holdings is a direct reflection of the importance local jurisdictional police place on ensuring intelligence reports are entered on internal systems. The philosophy of criminal intelligence being collected once and used often by many is a cultural change within law enforcement across all jurisdictions.

## **AVAILABILITY AND ACCESSIBILITY OF ACC'S CRIMINAL INTELLIGENCE**

13. TASPOL directly access's the ACC's criminal intelligence holdings through the Australian Law Enforcement Intelligence Network (ALEIN). Through ALEIN TASPOL gains access to:

- Australian Criminal Intelligence Database (ACID)
- National Clandestine Laboratory Database
- Violence and Sexual Crime Database
- National Target System, including the NCTL

It is acknowledged by TASPOL that the ALEIN network is based on outdated technology and is no longer contemporary, and should be upgraded. TASPOL supports the work currently being carried out by the ACC in scoping replacement platforms.

14. TASPOL is beneficiary of a number of key ACC products, namely the:

- Illicit Drug Data Report
- Organised Crime Threat Assessment
- National Criminal Target Report (NCTR)
- National Criminal Target List (NCTL)
- National Criminal Intelligence Priorities (NCIPs)

15. In highlighting two of those products, namely the NCTR and NCTL, TASPOL, gains benefit from this ACC source of intelligence to assess organised criminal groups and issues relevant to Tasmania. This intelligence assists in the process of informing our intelligence collection activities; provides a more informed basis for our decision makers to target the right groups; assists in prioritising response efforts and maximising the utilisation of specialist resources.

16. The National Criminal Intelligence Priorities is an informative document to advise on national priorities, however, TASPOL has provided advice to the ACC that while reference is made to the NCIPs they were not a definitive factor in the agency setting its business priorities and strategic direction. TASPOL acknowledges that the ACC is reviewing the function and purpose of the NCIPs and will report the outcomes of the review to the Board in November 2012.

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

17. TASPOL is a member of the Tasmanian Joint Management Group (JMG) mandated to manage serious and organised criminal investigations, threats and targets within its jurisdiction. The Tasmanian JMG comprises members of TASPOL, Australian Federal Police, Australian Customs and Border Protection Services, Australian Taxation Office and the Australian Crime Commission.
18. The JMG model enhances the ability of participating agencies to exchange criminal intelligence holdings.
19. TASPOL is a member of the ACC Board sponsored, Criminal Intelligence Working Group (CIWG) tasked with developing an Australian Criminal Intelligence Model and Strategy. The Model aims to better align processes, standards and protocols for managing intelligence flow across the three operating domains of policing and community safety, serious organised crime and national security. The Strategy will 'operationalise' the Model and embed it as best practice by providing a framework to harness and share the collective intelligence capabilities.
20. TASPOL supports the strategic objectives as recommended by the CIWG to the ACC Board. TASPOL's commitment to implementing the Model and Strategy will be restricted by tight fiscal restraints currently being experienced in Tasmania.