



RESEARCH & POLICY HOUSE
SUBMISSION TO JOINT PARLIAMENTARY COMMITTEE ON LAW
ENFORCEMENT

TOPIC: COVID-19, CRIMINAL ACTIVITY COVID-19, AND LAW ENFORCEMENT

Date: July 9, 2020.

RESEARCH & POLICY HOUSE

Research & Policy House (RPH) is a not-for-profit organisation situated in Brisbane, Queensland, dedicated to research and policy formation. RPH has prepared the following submission in respect of the Joint Parliamentary Committee’s Terms of Reference in respect of the above topic.

LIMITATIONS

Due to time constraints this submission is presented in a more “business-like” reporting structure than an academic paper. It has been constructed by a focus group of retired police officers with long service histories and substantial academic backgrounds.

It is not intended to replace vigorous and ethical research or intelligence practices but rather to add indicative information drawn from the world of experience. It is highly



recommended that more vigorous research be undertaken in respect of the issues raised and recommendations made within this submission.

TERMS OF REFERENCE AND RESPONSES

Pursuant to subsection 7(1) of the *Parliamentary Joint Committee on Law Enforcement Act 2010*, the committee will inquire into and report on trends and changes in criminal activity related to the COVID-19 pandemic, and law enforcement responses, with particular reference to

- (a) the nature and operations of transnational, serious and organised crime, including the impact of border controls and other policy responses to the pandemic that have impacted supply chains and the movement of goods and people, and tactics adopted by criminal organisations to adjust to or exploit changes in their operating environment during the pandemic;

Response

There will have been some disruption to the functioning of organised and transnational crime due to the pandemic. Organised crime is simply an illicit business using illicit practices and products in an illicit market, contravening taxation and other controls. As reputable businesses have adapted to the changing business environment, organised crime will as well.

There will be a greater reliance on electronic communication to facilitate the movement of goods and monies. Cash will have become problematic as it requires physical



transportation and storage, although there is an allegation that a person was intercepted in Brisbane carrying 4.5 million dollars AUD in his vehicle. The use of cryptocurrencies will have increased. A greater integrated economic capacity to monitor cryptocurrency transactions may be necessary.

The reduction of air travel will reduce the capacity of drugs to enter the marketplace from the source via human “mules”. There can be an expectation that more reliance will be placed upon shipping and road transport. Greater interdiction may be required of road transport, accompanied by a dedicated intelligence capacity, particularly. The transportation of goods across state boundaries will require organised crime’s penetration of the road transport industry.

Additionally, transportation of illicit product between the states by sea may be problematic. The vessel may not leave Australian waters and thereby bypass federal controls. An increase in the Australian Border Force's ability to intercept and monitor coastal shipping in conjunction with the States may be necessary. An integrated State Federal Taskforce for coastal shipping may be desirable.

A greater local marketplace in human trafficking may occur. Some ethnic minorities are suspected of selling young women within their communities and utilising cultural and language barriers as all as intimidation to prevent detection. Often this activity may be detected through the school and health system, albeit the intimidation often extends into the schools and health system, via accusations of racism and even physical threat.



(b) How has the pandemic affected the prevalence of certain types of crime, particularly crime types associated with transnational, serious and organised crime?

Response

Organised and transnational crime will have difficulty in the movement of physical goods, such as drugs, women, firearms, and stolen property. The physical goods will need greater secure storage and may be vulnerable to seizure and recovery operations. It might be useful by law enforcement to place greater emphasis on storage facilities and track movements in respect of storage companies. Any expansion in storage capacity by an individual or a company should perhaps be subjected to more scrutiny.

The reduction in international travel may allow a temporary reassignment from Australian Border Force resources to support intrastate operations in respect of storage and movement of goods. Greater pressure on movement of physical goods by courier and the Australian Post Office may be material in this regard.

Open Drug Markets – These markets operate by an individual going to a place to buy drugs instead of a person. Often, open drug markets are conducted near or about the sale of alcohol and entertainment. The shutting down of open drug markets effectively closes street dealing. The street sales are further limited by the limited range of movement possible by the street dealer.

It can be expected that the intake into detoxification and rehabilitation centres will increase. While most drug-dependent people are poly-users, it can be expected that one drug will be



dominant in use. The de-identified health intake information may be useful in determining which drug has been the most affected in the pandemic shutdown and give substantial information as the locations where the sales are dominant.

Many, if not most, dependant drug users also have comorbidity with mental illness. There can be an expected increase in mental health responses by police, paramedics, and mental health workers. The mentally ill are very vulnerable to criminal extortion, manipulation, and exploitation, particularly in the areas of prostitution and street dealing. It may be appropriate to have some specialist policing capacity in each police station to deal with especially vulnerable people in the immediate post coronavirus environment when organised crime will seek to re-establish itself in the marketplace.

Closed Drug Markets – Closed markets are characterised by the buyer going to a distinct individual to purchase drugs and the market being closed to the wider population. It might be considered a "closed-loop" operation and operating in a similar way to high end "call girls" where the "madam" markets to a discrete population, similar perhaps to the Epstein event in the United States.

These might be considered the most dangerous form of drug supply because of the drug client's professional and financial ability to influence and corrupt. It gives the supplier a direct "pipeline" into the power structure of government and business. An observer may see what the allegations are in the "Epstein Event" in the United States to see the potential.



This market will be affected like the less sophisticated open market system. The drugs will generally be higher-end such as cocaine and oxycodone. It can be expected because of the closing of airports and other transportation that greater organised crime penetration of the Hospital drug cabinets will occur. The criminal penetration of medical drug supplies has been increasing. An inquiry in Western Australia revealed significant shrinkages in one hospital. The pandemic may have loosened the controls and interest over hospital drug storage and the replacement of drugs by ineffective counterfeit supplies to mask theft can be expected.

Accordingly, drug audits in medical supplies could be increased with corruption oversight in state and federal medical supply banks to detect drug diversion to illicit markets and replacement by counterfeits. Additionally, drug-dependent officeholders in business, professional services, and the government should be targeted with specific, relevant, and discrete rehabilitation services to loosen the dependency grip exercised by closed market forces while they are at their weakest supply point.

(c) trends and changes in relation to other crime types of specific interest to

Commonwealth law enforcement agencies, including but not limited to fraud and cyber-crime;

Response

Recommendations and comments have been made in the previous responses.



- (d) the nature and effectiveness of responses by law enforcement to trends and changes in criminal activity related to the pandemic, including any changes in the practices, methods and procedures of law enforcement;

Responses

The “saturation policing” technique, adopted with interagency support and political underpinning enhancing legitimacy, while expensive, must be credited along with other measures for reducing the spread of coronavirus across the community. This technique requires a high policing legitimacy base and is best used with multiple community, agency and political support to prevent allegations of harassment and victimisation.

Without the requisite support, it may descent the environment into collective disorder and dissent across a broad spectrum, perhaps internationally as can be seen with events in the United States recently. It may be very difficult for policing agencies in the United States to implement similar techniques due to the lack of acceptance by some significant parts of the community. The saturation policing and its acceptance in Australia stands in stark contrast to the United States at present.

The police leadership in establishing legitimacy and transparency in Australia has resonated well with the public and other agencies, such as health. This should be a key factor learned from the policing in the pandemic. It can be contrasted locally with the alleged performance of some security companies during the pandemic.



Organised crime generally shelters within minority ethnic groups that express low legitimacy towards policing efforts and view police activity as intimidation and harassment. Organised crime uses this perception to politically blunt any policing activity likely to impact on their operations or existence. The exploitation of cultural barriers and perceptions is a major weapon used to counter suppression of their operations.

The pandemic has demonstrated cultural sensitivities can be addressed in saturation policing operations provided the policing is restrained, focussed, politically, and community legitimised. The policing mission must be clear, mandated politically and by the community, marketed, and implemented within cultural sensitivities. Mandating and marketing are key factors before implementation. Traffic policing, in the form of Random Breath Testing, is a form of saturated policing that has wide community acceptance due to the clarity of mission, mischief being prevented, mandating and marketing to the community.

The mischief caused by the criminal activity of organised crime must be clearly defined and made politically unacceptable and reprehensible to the community before the policing operation begins. An increase in alcohol-fuelled violence in an environment must be "laid out" to the community and have interagency support before saturation policing operations are undertaken. There may be a cultural element to the violence. In such cases, engagement of cultural support for the operation should be heavily symbolised.

This style of operations may be especially useful in the suppression of some organised crime activity. For illustrative purposes, a scenario has been developed to illustrate how such operations may be useful. This scenario is entirely unrelated to any event or events that



may be happening and should not be construed as applying to any policing event during the pandemic.

Scenario

A public housing tower block or street has become gang-controlled with residents paying protection money to the gang to prevent a physical assault upon their families and damage to their properties. Sexual offences upon women within the tower block or street are heightened in the regularity of occurrence and increasing ferocity. Car theft rates are so high that they are virtually uninsurable for that location. Family debts are increased, pushing many below the poverty line and increasing family breakdown. The mental health rates and drug market activity are high. There is significant poverty and perhaps a cultural barrier to relocating.

The housing tower or street has effectively fallen into a "failed state" model where the governance is determined by the gang or organised crime. The police commander wants to saturate police the area to break the control and influence of the gang. If the police commander undertakes this task, then he/she will most likely have to counter allegations of minority harassment and intimidation as well as the use of excessive force and "over-policing". The Brixton Disorders in the 1980s, subject to the subsequent report by Lord Scarman, is a clear case study of the lack of legitimacy and saturation policing. Media can



be expected to act as a force multiplier of allegations proffered by organised and professional crime.

Political and interagency support is needed to highlight the social detriments being inflicted upon the tower or street by the gang activity. The police mission should be effectively defined around those detriments specifically to increase the legitimacy and deny the expected “political pushback.” Indeed, the media could even be invited to act as a force multiplier of the publicising of those detriments before policing action. In some areas, because of the extremely negative health outcomes caused by violence and drug activity, a health lockdown may be appropriate.

Once the policing saturation occurs, joint health and other agency taskforces could be established to maintain the activity in addressing those detriments. Consideration should also be given to establishing a Beat or similar policing presence to heighten and maintain visibility in the location.

Breaking down the ethnic or class legitimacy of the gang will have an impact on its ability to recruit and maintain members. The increase of acceptable alternatives, such as a PCYC, may also be instrumental in undercutting recruitment. The "gang" may not be considered organised crime, but it is buying weapons and drugs from organised crime and providing other services to it as a subcontractor may to a builder. If left under-policed, then it can be expected to mutate into organised crime.



The Displacement Effect.

As can be seen in the pandemic, saturation policing and lockdown have caused a displacement as people are attempting to escape its effects. Organised crime and professional crime may seek to relocate to areas where policing activity may not be so vigorous. Indeed, in some other overseas jurisdictions, this has been an outcome of saturation policing activity. These potential areas should easily ascertainable due to the demographics and income levels. It is unlikely to move to wealthy areas full of retirees. It will be an area that is more likely to mirror its ability to "control the ground."

Community initiatives could be utilised to "site harden" the potential area and to delegitimise any attempted penetration. Community engagement in vulnerable but yet unpenetrated communities may be required across government to counter displacement of criminal activity and organisation.

Remaining Comments

In respect of Terms of Reference (e) and (f), the previous submissions made in this document may have covered most of the areas outlined. The only remaining submission is that the policing service, other agencies, and political structures have significant synergies between them. As Australia is now experiencing a higher threat level in terms of regional, national, and state from overseas actors, it can be expected for state actors to obtain and retain the services of organised crime for their purposes.



The overt influence will invariably be replaced by covert activity to undermine and infiltrate the Australian political, business, and social environment. The coordination and cooperation developed through a national cabinet and bipartisan support are now more critical than ever. Organised crime will experience an exponential growth in support and activities as the foreign situation deteriorates. Organised crime may be viewed as an asymmetric warfare opportunity to weaken and undermine Australia's governance in both business and government and to create divisions within ethnic groups and the mainstream.

The National Cabinet concept should be replicated within the government across the board. It is recommended that a suitable forum be established along the National Cabinet lines to organised crime and policing issues. An Assistant Ministry is established within the Department of Home Affairs to facilitate and develop synergies between federal and state agencies in both policing and other fields to prevent organised and transnational crime.

States could establish similar Ministries within the state structure that could meet in a national forum with the federal counterpart, but just as important to liaise with local government to increase the footprint of government and community activity to decrease the impact of organised and transnational crime.

Conclusion.

In conclusion, RPH has welcomed the opportunity to provide a submission to the Joint Parliamentary Committee and hopes that the submission may be useful in the deliberation



of the committee. While subject to the limitations outlined in the submission, the submission may indicate that further research and inquiry may be needed and RPH would be interested in supporting any further inquiry in any way appropriate to its charter.