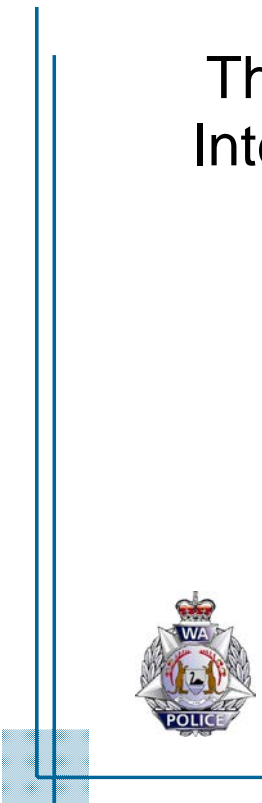


Western Australia Police State Intelligence

Submission to:
The parliamentary Joint Committee on law
Enforcement

Inquiry Into:
The gathering and Use of Criminal
Intelligence by the Australian Crime
Commission



Introduction

This inquiry affords all Australian law enforcement and police organisations an opportunity to innovatively explore its intelligence approach to serious and organised crime and volume crime. Furthermore, it provides an opportunity to develop a criminal intelligence methodology that addresses the complex, emergent and continually changing interconnections between volume and serious and organised crime.

The WA Police response is structured to give a broad overview of the WA Police view of how national and state intelligence strategies currently operate and how they could operate.

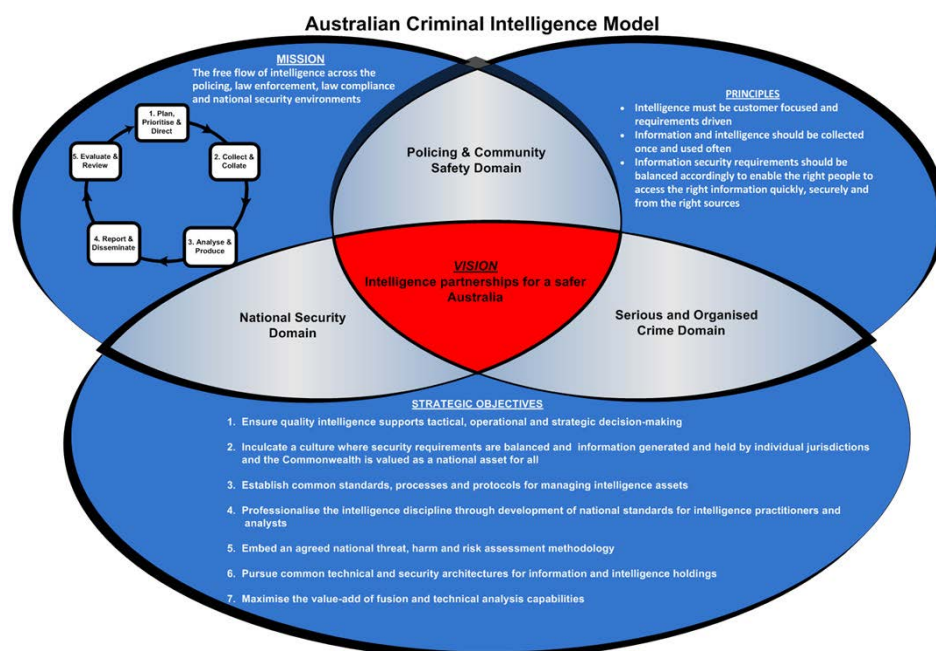
Overview

WA Police acknowledges the ACC's role as the national criminal intelligence agency and its mandate to work with partner agencies to identify, pursue and disrupt organised crime of national significance. To this end, WA Police is committed to working in partnership with the ACC to extract the greatest possible dividend from criminal intelligence.

This dividend also extends to identifying those areas and aspects of the criminal environment where organised crime intersects and interrelates with volume crime and the production of associated strategic, operational and tactical criminal intelligence to assist state police agencies.

Fundamental to the future of Criminal Intelligence in Australia and particularly to the operations of the Australian Crime Commission is the Australian Criminal intelligence Model.

Figure 1 Australian Criminal intelligence Model¹



¹ Australian Crime commission (2012) Submission to The Parliamentary Joint Commission on Law Enforcement. Inquiry into The Gathering and Use of Criminal intelligence by the Australian Crime commission, page 25.

The model is being developed, at the request of the ACC Board, Australian law enforcement, policing and national security agencies to provide clarity and consistency of standards, processes and protocols for intelligence-led policing. The model, which is essentially a conceptual model expressed in the form of a Venn-type diagram, is a high level aspirational illustration reflecting interoperability with the national security domain and intelligence needs of law enforcement agencies.²

Essentially, conceptual models tend to portray what should be, however when such models are deconstructed the reality can sometimes be different. Using a systems-based approach, the WA Police explored this model with its senior intelligence staff and found a different reality that needs to be addressed.

It is the belief of the WA Police, that in practice, most intelligence practitioners still see the model operating more as fixed demarcation (see Fig 1). This demarcation can be best described as an invisible line drawn between the ACC functions and state police functions. While WA Police refers to this demarcation as a false paradigm or a line of convenience; it is a reality. It cannot be overlooked that many intelligence professionals both national and state still see volume and serious and organised crime intelligence as separate entities.

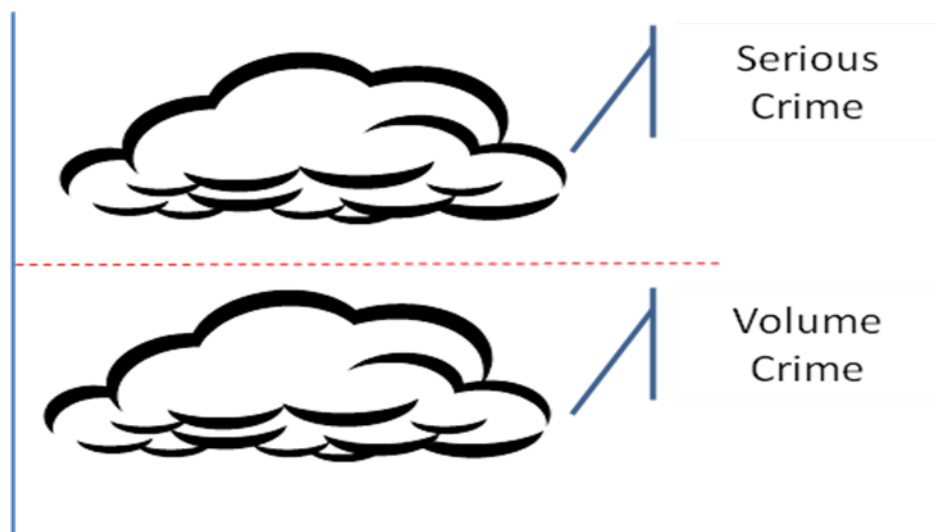
The line assumes a linear fixed criminal business model with a clear delineation between volume and serious and organised crime. Even though this notion is not supported by WA Police, who see volume and serious and organised crime as being tightly intertwined, problematic and uncertain, we can see why some intelligence professionals favour the invisible line concept. While we agree that the complex serious and organised crime phenomena are interconnected within the context of political, economical, social, technological and legal aspects, such crime also manifests itself in local criminal realities and behaviours. More importantly, it is the local crime realities that influence state police decision-making.

As such, WA Police believes that the ACC and state police should adopt a more systems thinking collaborative approach to how we operate. We need to become more sensitive to the complex nonlinear criminal dynamics of serious and organised crime and volume crime. We believe that what is required to develop a lasting response to addressing serious and organised crime is a set of principles that are developed contextually but applicable to be applied situationally. The complexity of this suggestion is understood by the WA Police and we are fully aware that it will take time and effort to materialise.

The following figures are presented to articulate the WA police view of the interactions between volume and serious and organised crime.

² Ibid pg 23(ACC submission)

Figure 2 – Fixed line demarcation (Static Logic Model)

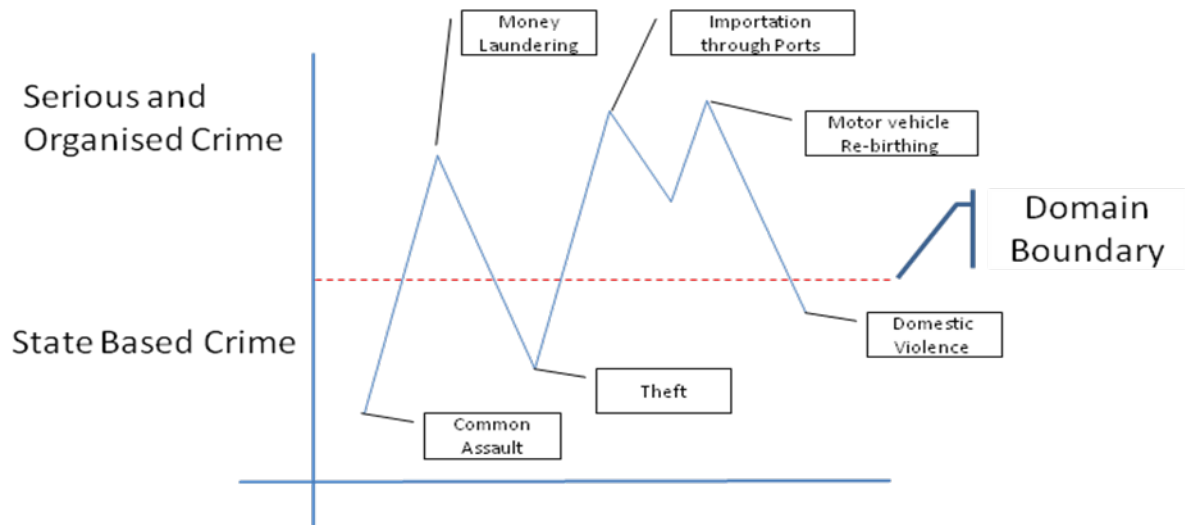


This figure is a simple but pertinent representation of the current view of volume and serious and organised crime. It is referred to as a Static Logic Model. As mentioned above, this model assumes a linear fixed criminal business model with a clear delineation between volume and serious and organised crime. WA Police argues that, this is a strongly held view which has percolated, over time, mainly due to the assumption held by many state police that the 'Mr Big' does not engage in volume-type crime. However, as can be seen in Figure 3 below, WA Police argue that many volume crime offenders move regularly across the line; but not necessarily so high that they come to the notice of the ACC.

This constant movement creates what can be best described as a zone where volume crime criminals can fall within the category of serious crime offenders but operate with relative safety of being targeted. WA Police refers to this as the Adaptive Domain where criminals who commit relatively serious crimes adapt to an environment where they become aware that they have, in essence, fallen into a safe detection zone. Essentially a zone that is too high for state police detection and too low for ACC detection.

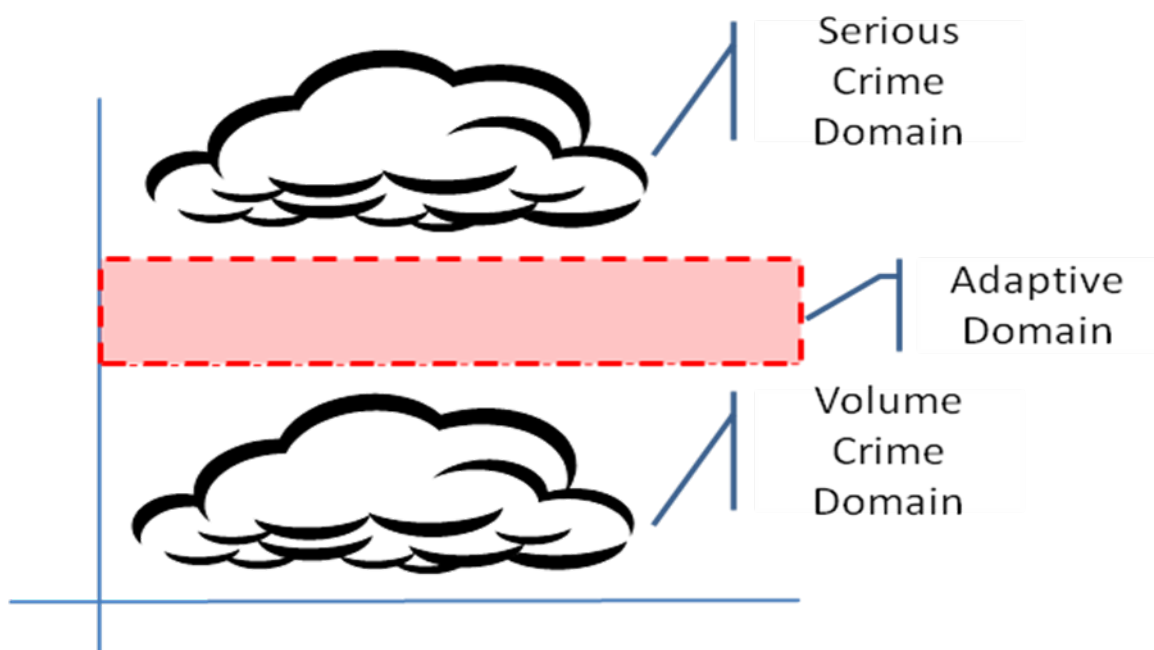
It is also possible that some elements of the criminal community manage to operate within this zone by pure chance and are unaware of the positioning that leads them to be difficult to target from a National perspective. In either instance the outcome is the same in that the adaptive zone provides opportunity for criminals and difficulties for law enforcement.

Figure 3 –Fuzzy Demarcation (Non static Logic model)



WA Police is not asserting that the ACC does not continue to concentrate on targeting high-end serious crime criminals. On the contrary WA Police is adamant that the ACC plays a very important role in this area. What it is saying though is that this concentration over the years contributed to the creation this 'adaptive' zone which is now becoming an area that needs attention. As such, WA Police posits that the ACC and state police should also adapt their intelligence business models to ensure that this new area of concern is collectively addressed.

Figure 4 – Adaptive Logic Model



Conclusion

The notion of mid-level offending within the adaptive zone is not new. In fact the National intelligence Model (NCIS, 2000)³ specifically reflected on the need for an intelligence model to be operational across three main levels of criminality:

1. Level 1 being local volume crime issues
2. Level 2 being cross jurisdiction of more complex and organised criminality and
3. Level 3 being organised crime and national security.

Moreover, the UK Home Office review of 2005 “Closing the Gap” also by raised awareness of the significant risk the mid-level gap poses.⁴

This mid-level gap is occupied by criminal networks or crime enterprises that are neither the target of national law enforcement bodies nor the target of local police. Even though they are deemed sophisticated and quite organised; they are not organised enough. WA Police accepts that these adaptive networks or crime enterprises are different entities from high structured hierarchical organised crime networks such as outlaw motor cycle groups, nevertheless, their business operations is formed on the basis of common interest to achieve a specific purpose. The unstructured and fluid nature of these groups is an advantage rather than a disadvantage.

These networks have to ability to transcend themselves easily within and across traditional criminal boundaries defined by law enforcement as volume crime and organised crime.

It is the responsibility of all Australian police and law enforcement agencies to develop innovative adaptive ways of working in a truly collaborative to manner to disrupt, deter and prosecute criminals operating within this zone.

³ National Criminal intelligence Service 2000. The national intelligence Model- UK Home Office

⁴ <http://www.hmic.gov.uk/media/closing-the-gap-20050911.pdf>