The Donald Mackay Churchill Fellowship to investigate techniques for regional investigators to identify and disrupt groups on the path to criminal organisation – UK, Netherlands, Canada, USA.

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Craig Howard 31/1/2011
Signed Dated
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INTRODUCTION

I have been an investigator with Victoria Police for 25 years. In that time I have encountered organised crime, or for a better description, crime that is organised, in many forms. I have investigated the activities of outlaw motorcycle gangs in offences ranging from drug trafficking to murder. I have investigated families that commit serious crime in solidarity and hierarchies that fit the common popular notion of organised crime. I have investigated crime involving methods of operation that are peculiar or monopolised by certain ethnicities, and organised criminal offending that involved facilitation by professions including solicitors, accountants, engineers, and public officials.

Whilst this type of policing is challenging by its very nature, the environment is changing to make it even more so. There is increasing collaboration between organised crime and legitimate business through facilitation, money laundering and the investment of proceeds, and increasing criminal use of advancements in technology. The current discussion is also firmly fixed in the globalisation of crime that is producing international operations that exploit the limitations of legal jurisdictions\(^1\).

Much is happening worldwide to counter these features\(^2\); not enough is certainly true; yet there are also problems emerging much closer to the ground. The Australian population is changing quickly. We are experiencing offending that other jurisdictions have been encountering for some time. Some of this offending is a consequence of population growth and some of it is the result of the emergence of methods of operation already well tested in other countries. At the same time policing is being rationed even further as it confronts the terrorist threat. The complication created by terrorism activity is two fold; firstly terrorism fundraising and organised crimes are commonly

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indistinguishable, and secondly terrorism activity draws on investigative resources in a magnified way; the risk is so great that filtering to identify the most valuable and actionable intelligence is usually not possible.

The responsibility for agencies is therefore to best equip themselves to not only deal with entrenched criminal activity that is growing in sophistication but to also be capable of identifying and disrupting criminality that is emerging and developing today on a path to becoming entrenched in the future. This capability is critical because early disruption provides not only a more effective counter to the growth and sophistication of organised crime but also limits the victimisation and profit that this level of criminality generates. While organised crime can involve lateral entry, there remains a segment of offending that emerges as a result of self education over time.

The receipt of the Donald Mackay Churchill Fellowship has provided me with an opportunity to observe other agencies and exchange ideas with other investigators who are encountering a spectrum of organised criminality in the UK, the Netherlands, Canada and the USA.

I will be forever grateful to the Winston Churchill Trust, and to the Combined Services Clubs of Griffith, NSW, who raised the funds in the name of Donald Mackay. I will be forever humble for this opportunity; a memorial to the stand that Mr Mackay took against organised crime; supporting the statement of Edmund Burke that the only thing needed for evil to prosper is for good people to do nothing.

I would like to acknowledge the support from my two formal referees; Detective Superintendent Paul Hollowood, an FBI Academy Graduate and one of the most experienced investigation managers at Victoria Police, responsible for managing some of Victoria’s most high profile death cases, and Assistant Commissioner Wendy Steendam of the Victoria Police Crime
Department Board of Management. I would also like to acknowledge the support and encouragement of past Churchill Fellow Superintendent Richard Grant, currently at the Australian Crime Commission. I express my appreciation to Chief Commissioner Simon Overland for letters of introduction, and to the following for their permission to visit, and the support received, from their various agencies:

- Commissioner Sir Paul Stephenson, Metropolitan Police Service, London,
- Mr Bernard J.A.M. Welten, Chief of Police, Politie Amsterdam-Amstelland,
- Chief of Police William Blair, Toronto Police Service,
- Police Commissioner Raymond W. Kelly, New York Police Department,
- Chief of Police, Charlie Beck, Los Angeles Police Department,

Finally, this report is dedicated to the investigators and police officers I met during this fellowship. They were willing to assist me and were enthusiastic, passionate and dedicated, and had each given many years of their lives to crime investigation and policing. Their insights and our exchange of ideas were invaluable for me in understanding the environment worldwide and the impacts on my own agency. The relationships established continue as we exchange information and practices in what is now a valuable trans-national network.
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The Donald Mackay Churchill Fellowship to investigate techniques for regional investigators to identify and disrupt groups on the path to criminal organisation – UK, Netherlands, Canada, USA (2010).

Highlights
- Visiting the Serious and Organised Crime Command of the Metropolitan Police Service and the Serious and Organised Crime Agency in London.
- Visiting the Politie Amsterdam-Amstelland in the Netherlands and their multi-agency, rapid response, and intelligence capabilities.
- Visiting the Toronto Police Service including multi-agency operations involving the Ontario Provincial Police and the Royal Canadian Mounted Police
- Visiting the New York Police Department and their intelligence, counter terrorism and major case capability.
- Visiting the Los Angeles Police Department and their intelligence, counter terrorism and organised crime capability.

Recommendations
Victoria Police and other agencies apply the following checklist to review their current capabilities to manage emerging organised crime:
1. A standing multi-agency and multi-skilled taskforce or specific taskforces (both centrally and locally where required locally i.e. divisional level), that incorporate governance structures for target selection and investigation direction monitoring,
2. A monitoring capability for known individuals, groups and networks as well as industries at risk of infiltration.
3. A compendium of available regulatory, legislative, policy, or other tools available to investigators to disrupt crime and facilitators.
4. A requirement during investigation planning for either the infiltration of criminal groups or networks, or alternatively for instigating the fear of infiltration.
5. A requirement during investigation planning to conduct value chain or process flow analysis to identify points of criminal vulnerability or visibility for targeting, or to drive change to prevent further offending opportunities.
6. Training for investigation managers that includes project management techniques especially scope development and management.
7. Training for investigation managers in mobilising victimised or offending based communities.
An organisation wide asset tracking capability.

Training and policy for a comprehensive and targeted offender and witness debriefing process.

Dedicated Human Source Liaison Officers in each division.

Dedicated Field Intelligence Officers in each division.

Standard investigator training that includes human source development and management, conducting physical and utilising electronic surveillance techniques, conducting high risk arrests and interceptions, and conducting investigations into crimes in action including terrorist, kidnapping, blackmail, and extortion offences.

A rapid response capability from regional (local) investigators to action intelligence received.

A requirement for an appropriate ongoing relationship with the relevant prosecutorial agency to be established during investigation planning.

A well resourced and capable witness security unit.

Encouraging sentencing support through the Attorney General for co-offenders providing evidence.

Annual technology reviews and an appropriately resourced technological capability.

Maintenance of sufficient culturally and linguistically diverse support staff for investigation and translation services.

A formalised target hardening response for the private and public sector, in particular to where large financial contracts are allocated to private companies by public officials, or where public officials are the gate keepers in licensing and authorisation of services and industries.

**Implementation and Dissemination**

- Submit this report to Victoria Police Command for consideration and comment.
- In my current capacity in the Advancing Investigation Management (AIM) Project:
  - Directly drive changes to the current training regime
  - Drive changes to investigation planning requirements
  - Review policy on offender and witness debriefing.
  - Promote the introduction of Human Source Liaison Officers and Field Intelligence Officers.
  - Promote other recommendations with relevant department heads.
- Promote discussion in other agencies through circulation of this report.
PROGRAMME

The visit focussed on the impact of international organised crime, the relationship between metropolitan and national agencies, and the effectiveness of local investigative units.

- Metropolitan Police Service – Serious and Organised Crime Command
- UK Serious and Organised Crime Agency

9th – 12th November 2010. Amsterdam, Netherlands
The visit focussed on joint agency operations, and the responses to transient organised crime, facilitators, intelligence and rapid response techniques.

- Politie Amsterdam-Amstelland
- Serious Organised Crime Unit

20th – 25th November 2010. Toronto, Canada
The visit focussed on multi agency operations, various responses through taskforces to organised crime, intelligence, and the response to gangs and firearm related crime.

- Toronto Police Service
- Combined Forces Special Enforcement Unit
- Asian Organised Crime Task Force
- Gun and Gang Taskforce
- Organised Crime Enforcement
- Intelligence Division including Intelligence Services and Covert Operations
- Members of the Royal Canadian Mounted Police and the Ontario Provincial Police

29th November – 2nd December 2010. New York, USA
The visit focused on gang monitoring, counter-terrorism, and major crime investigation including the relationship between local investigative work units and central specialised units.

- New York Police Department
- Intelligence Division
- Major Case Squad

6th – 9th December, 2010. Los Angeles, USA

The visit focused on gang crime, counter-terrorism intelligence, and organised crime investigation. It also included discussions on multi-jurisdictional responses and the relationship between local investigative work units and central specialised units.

- Los Angeles Police Department
- Major Crimes Division
- Anti-Terrorism Intelligence Section
- Organised Crime Section

The details of individual investigators and the names of some of their work-units and/or taskforces remain with the author. Equally, specific techniques currently being utilised and the description and nature of specific methods of operation are not released in this document. Law enforcement agencies may contact the author for any requests for specific information they are interested in.
**MAIN BODY**

**Background**

The Donald Mackay Churchill Fellowship is a significant milestone in my investigative career. After 25 years as an investigator with Victoria Police in both regional and specialist central investigative units including a squad dedicated to organised crime, and in presenting at National forums, to overseas delegations and in the development and delivery of policy and training relating to organised criminal activity, the opportunity to observe overseas police agencies and speak to experienced investigators proved without doubt that there is always so much to learn about organised crime.

Just prior to leaving for overseas on the Churchill Fellowship, three events occurred that helped prepare for the experience that was to follow. Firstly, I was to meet Dr Leon Thorpe, Rotary Past President, from Griffith NSW and his wife Suzanne. This meeting at the presentation ceremony at Government House in Victoria set up an opportunity for me to present to the Griffith Rotary Club prior to leaving on the Fellowship. The Combined Services Club of Griffith spearheaded a national appeal with significant input from Mr Derek Budd to raise the funds for the Churchill Fellowship in the name of Donald Mackay, awarded to police or investigative journalists to study organised crime. It was agreed that I would present on my involvement in the investigation of organised crime and on the elements I hoped to learn more about during the Churchill Fellowship. The third event prior to leaving was the actual presentation at Griffith on 20 October 2010 to invited guests including Mr Paul Mackay.

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5 Organised Crime and Covert Investigative Techniques and Professional vehicle Theft Investigation Course, Melbourne 2002.
The second event was my attendance at the 1st International Serious and Organised Crime Conference in Melbourne on the 18 and 19th of October, 2010. Many of the presentations allowed me a greater understanding of the international environment and the differences in organised crime offending across Europe and North America where I was to travel, and also to Asia, Africa and South America where I was not. The conference and further advance readings, and my past experience provided good preparation for the conversations that were to follow during the Fellowship.

Observations on Organised Criminality

The following observations are made from experience in my own jurisdiction, from study, and the examination of the issues facing the various agencies visited during the Fellowship. I have not critiqued individual agencies. Each agency faces variations to the theme and pressure from varying priorities. I aim to produce a holistic view of the police response to organised criminality, and individual agencies can decide which, if any, elements of the discussion resonate for them.

There is currently a large amount of debate about organised crime from a definitional perspective, accompanied by general agreement that definitions are not all that helpful. Largely the definitional discussion is about what is or isn’t organised crime, and much of it is a consequence of media and historical North American representations in terms of Sicilian Mafia, and others such as the Calabrian ‘Ndrangheta, and the Campanian camorra.

My view has come to be that from a policing perspective the definition is more usefully constructed within the spectrum of criminality that community-based police agencies must deal with. This is driven ultimately from a need to meet the entire expectation on policing in the response to crime. From my reading

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6 Refer to a paper by Evans, David circulated at the 1st International Serious and Organised Crime Conference, Melbourne Australia, 2010 and available at http://www.icclr.law.ubc.ca/Publications/Reports/netwks94.pdf
and experience I prefer to describe the spectrum of criminal offending as ranging from expressive offending to types that are motivated, organised and terrorist in nature. In the segmentation I have produced, I am under no illusion that each segment is homogenous or complete. I have found it useful to identify the various offending in this way in order to analyse investigative responses and to establish the potential effectiveness of those responses.

<table>
<thead>
<tr>
<th>Offending type</th>
<th>Drivers</th>
<th>Descriptors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Terrorist</strong></td>
<td>Politics and religion</td>
<td>Includes preparatory acts and fundraising crimes that are often low visibility, with terrorist acts that are high visibility (by intention).</td>
</tr>
<tr>
<td><strong>Organised</strong></td>
<td>Power/Influence and Profit</td>
<td>Includes operations at three levels; local, trans-national and international, with international organised crime under heavy discussion across the globe. Generally low visibility until a hot war occurs. Includes three descriptions; intra-familial recidivism, hierarchical groups, and networked individuals and groups. Hierarchical groups can include titled gangs but should not extend to those primarily involved in unsophisticated motivated offending or expressive offending. Titled gangs involved in organised crime will most likely seek to lower their profile and title as they seek low visibility to reduce the risks to profit. Titles are often applied externally to identify groups and can develop a life of their own.</td>
</tr>
<tr>
<td><strong>Motivated</strong></td>
<td>Including Greed, Prejudice, Notoriety, Retribution, Power (relationship based and in stranger sex crimes), Poverty, Addiction</td>
<td>High visibility, either because of high impact individual offences or the scale of offending. Commonly drives the fear of the ‘unpredictable stranger’ that influences the community’s fear and perception of crime even though target selection is often based upon relative vulnerability.</td>
</tr>
<tr>
<td><strong>Expressive(^8)</strong></td>
<td>Intoxication, Disaffected youth, Depression, Social isolation</td>
<td>High visibility, and often identified by communities as their greatest concern because of the scale of offending, the randomness, and the limited ability to self protect.</td>
</tr>
</tbody>
</table>

I use the term intra-familial recidivism to describe families that continue to offend within or across generations; where parents, children, siblings and even grandchildren are known criminals, often acting in concert or at least in the provision of alibis or other post-offence support.

Hierarchies, whilst comfortably fitting media images of organised crime, often seem to occur where there is a desire for internal discipline and order, including the enforcement of the payment of tribute or profit sharing. I describe this as ‘pyramid criminality’ because it is focussed on ensuring that illegal gains flow up to the top in much the same way pyramid selling occurs. It often, but not always, operates in conjunction with both formal and informal networks.

Organised criminals usually prefer to operate with low visibility in order to pursue profit. I describe this as a ‘cold war’ state where various criminals have either formally or informally carved up the available market and are working steadfastly toward ensuring or maintaining financial self enrichment. A ‘cold war’ state can be misinterpreted as an absence of organised crime. We should assume that a cold war state is the default state.

A ‘hot war’ state commonly emerges with ‘status seekers’ who are pursuing retribution for perceived wrongs, market entry (or simply profile to gain power for the purposes of market entry), or for increased market share. The power/profit relationship is interesting in that the ultimate goal of profit (either delivering or sustaining) is usually considered to be the result of power, and is therefore often put at risk to ensure power is maintained. Identifying the status

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\(^8\) For a discussion on expressive offending see for example Pratt, M (1980). “Mugging as a Social Problem”, Routledge, London, where expressive offending can change from minor property crime to more serious crimes against the person.
seeker during hot war scenarios assists in focussing the investigation. It is also important to recognise that an event today such as a seemingly unrelated physical assault on a person associated with crime, often results in that victim being the status seeker at a later time when increased power has been achieved.

Most policing jurisdictions have encountered the emerging status seeker, who is building profile to allow market entry. This individual or group will often be violent as they seek to make their name or mark. This individual is often exposed at this point, usually because of their involvement in high visibility offending that is accompanied by limited power, beyond the generation of fear of course.

Having identified criminality for a policing perspective in this way, two issues are evident. The first is that the lines between the offending types are blurred. Preparatory acts in terrorism are often indistinguishable from organised crime. Motivated offending is a subset of organised crime. Expressive offending can often involve significant crimes that we would prefer to think were committed by motivated offenders. However, the framework I have produced does identify that the pursuit of identified organised crime carries the risk that policing agencies will be weighted toward criminals and groups that have already reached that level of offending and are therefore already operating at a level of sophistication. The ‘hot war’ scenario, because of the high visibility resulting from what is usually significant violence, will always demand the most policing response. The downside in this result is that early opportunities for intervention were probably missed. That is the first complication.

The second complication is that the threat of terrorism and trans-national and international organised crime is drawing more and more of the police resource
base⁹. In a moment of art imitating life, during some quiet time while on the Fellowship I saw a movie called “The Town”. The movie involved an organised crime group committing armed robberies on banks in Boston USA, under the authority of the local crime head. The lead FBI investigator, in finishing a presentation to the FBI taskforce, says;

“Now, we're long way away from a grand jury here. And we'll never get twenty four hour surveillance unless one of these ... converts to Islam. So we build the case. All right, let's get to work.”


Commentary of this nature, about the redeployment of resources toward terrorist intelligence, resonated at each and every agency I visited.

The policing gap is therefore growing wider. Terrorism is more demanding than other investigative responses not just because of the nature of the threat but because intelligence can not afford to be filtered like it is in other offending; the risk is too great. It therefore consumes greater resources in terms of intelligence and investigation, in both knowing and responding. International, trans-national and established organised crime requires complex and resource intensive investigations that commonly take years to complete and even more years to prosecute through respective legal systems.

**Observations of Investigative Responses**

As the focus for investigative resources is redirected toward the demands of terrorism and ‘the big fish’ of organised crime, the question that arises is how a policing agency maintains a capability in terms of locally grown, and emerging or developing organised criminality. It is usually a matter of visibility. High visibility offending tends to be more persuasive in relation to police priorities and resourcing. Offending by unsophisticated but titled gangs, hot war scenarios, terrorism threats, and community surveys identifying expressive offending, become the priorities. These priorities are of course quite justifiable,

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as they involve a combination of community threat and concern. The real issue is therefore how policing agencies can ensure the most effective response given the scale of crime.

All jurisdictions were surprised by the level of offending in Australia and also by the legislative provisions available. Victoria is better positioned than many agencies in terms of legislation partly as a result of the Victoria Police Organised Crime Strategy and the introduction of civil forfeiture of criminal proceeds and coercive hearings through the Office of Chief Examiner\(^\text{10}\). Organisational structure and processes were also developed through the implementation of the Major Crime Management Model\(^\text{11}\). Whilst limitations still exist, most overseas agencies have much greater limitations from a legislative perspective. Only RICO statutes\(^\text{12}\) in the United States are better constructed for the investigation of organised crime. Jurisdictions face impediments such as limitations to the evidentiary use of telephone intercept material (wiretaps)\(^\text{13}\), challenges to the operation of undercover agents, the absence of coercive hearing regimes, and limitations to criminal proceeds forfeiture laws.

Some jurisdictions have dedicated human source development or management models. There is sophistication to these models that has proven to be incredibly valuable in infiltrating tight organised crime groups; however, this often creates the risk of local investigative units withdrawing from actively developing human sources. The central management of human sources does not often adequately manage the balance between risk and need. This has certainly been the case both here in Australia and overseas, and is driven primarily by corruption issues from the past.

\(^{10}\) The statutory office of the Chief Examiner was created by the Major Crime (Investigative Powers) Act 2004. See www.chiefexaminer.vic.gov.au/

\(^{11}\) A Major Crime Management Model for Victoria Police - joint Boston Consulting Group – Victoria Police Project in 2005

\(^{12}\) US Code Title 18 – RICO (Racketeer Influenced and Corrupt Organisations Act) See www.hg.orp/rico-law

\(^{13}\) See www2.law.ox.ac.uk/opbp/OPBP%20Intercept%20Evidence%20Report.pdf for a discussion and comparison of variations in the evidentiary admissibility of telephone intercept material
Intelligence functions or sections are often separated from the investigative work-units. In the US this is a feature of legislation\textsuperscript{14} designed to deal with issues associated with the need for “reasonable indications” and full disclosure in the application of powers in criminal investigations, and the very different need for building knowledge and monitoring activity and individuals in the intelligence arena. This is not necessarily an issue in other jurisdictions and care should be exercised in understanding the consequences of separating the functions.

Wherever the intelligence function and the investigative function have been separated, the same result occurs; the lines of communication weaken and because the investigative function delivers the detail in the collection of intelligence, collection suffers. Without exception, agencies have then built an investigative arm within the intelligence section in order to fill the gap. Once the collection begins again, the intelligence section finds it difficult to get the investigative section to respond to prospective cases because their respective priorities do not align and resources have been consumed on existing tasks. The investigative arm of the intelligence section prefers to only be involved in collection because investigations with a view to prosecution are long and resource intensive, and would result in intelligence resources undertaking the investigation section’s role.

Equally, potential disruption opportunities identified by intelligence and requiring an immediate response are commonly missed. These actions are critical to disruption of organised crime activities and are opportunities for law enforcement to engage in a campaign not restricted to long term resource intensive investigations. This is where the real return is; good intelligence, actioned promptly is in the least, inconvenient to the operations of organised crime, and at best can derail objectives and apply pressure on individual participants to co-operate with law enforcement.

\textsuperscript{14} See \url{www.fas.org/irp/agency/doj/fbi/generalkrima.htm#genera}l for The Attorney General’s Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations
Intelligence collection is an investigative process and separating resources into intelligence and investigative silos produces duplication of effort, weakens communication and information sharing, and requires the allocation of resources to the development of bridging units.

Asset forfeiture and financial transaction investigation is an element of every jurisdiction’s approach to organised crime. Every jurisdiction also reported on the limitations in legislated financial reporting systems, forfeiture legislation provisions, and on the increasing complexity that assets are not only increasingly well concealed but also the challenges in proving a connection to the suspect.

In targeted investigations relating to specific organised groups, multi-jurisdictional and multi-skilled taskforces are most common and without doubt necessary to counter cross jurisdictional impediments and any special skill sets employed (lawyers, accountants, information technology, and financial analysts) to further criminal enterprises. In some jurisdictions they are created for a specific investigation, in others they remain as standing taskforces.

The only comment to be made on the decision to have a specific or standing arrangement is that while a standing arrangement is unlikely to run out of work, it can often end up responsible for its own target selection. This can be positive in relation to having detailed knowledge of the likely impact that can be achieved, yet can result in an insular view of the problem. Insularity can be mitigated by an appropriate target selection committee, which is in place in many jurisdictions. Specific taskforces tend to be better constructed in terms of the necessary jurisdictional representation and the required skill set to suit the specific criminality under investigation, but by its very nature will normally only be instigated once a problem has already manifested, usually because of sudden high visibility.
Traditionally investigators are trained in reactive investigative techniques with a view of crime scene to court scene. Some of the missing elements or aspects that are paid limited attention are really the most important. Human source development and management, information and intelligence management, case management, managing crimes in action, covert investigative techniques, and high risk arrests and vehicle interception, are all action based responses for investigators that are as equally important as reactive investigative techniques for the investigation of organised crime.

Agencies are increasingly finding it necessary to build relationships with particular communities that are either victimised by organised criminality or are alternatively the community of origin for the offenders. This seems to occur because often intra-community offending is the breeding ground for organised offending. Groups develop within specific geographical, socio-economic, or ethnic communities by exploiting that community through violence, fear, extortion (tribute) or even kidnapping for ransom. Developing a strong, supportive and trust based relationship with that community is therefore critical in mobilising the community to resist victimisation and repel the activities, and also to gather intelligence, human sources, and determine investigation tactics.

**CONCLUSIONS**

A standing multi-jurisdictional and multi-skilled taskforce with an appropriate governance authority that manages target selection is critical. The jurisdictions and skill sets represented should be changed wherever necessary to remain investigation specific.

The monitoring of serious and recidivist criminals, their activities and their movements are also critical. This is the defensive line for any investigative organisation. Taskforce policing risks losing that defensive position. Agencies should monitor persons involved in regulated industries such as liquor,
prostitution, gambling, firearms and security. Probity is complicated by criminals engaging associates without criminal histories to infiltrate these and other industries on their behalf.

Identifying disruption tools including law and rules relevant to the regulatory environment including licensing, record keeping, and financial accounting (including taxation compliance) provides for techniques particularly in relation to complicit or tacit facilitation by private industry. The rules are often buried in diverse legislation, policies and industry codes and should be compiled into a single guide for law enforcement investigators. They are the authoritative tools that agencies can apply to limit facilitation of organised criminality, and prevent organised crime from concealing itself within legitimate business. This guide should also identify other management tools that exist for disrupting behaviour including specific court orders.

Engagement in inconvenience and disruptive policing is an important method for frustrating existing organised crime, but is also effective in limiting the emergence of new participants. To frustrate development and recruitment, agencies must increase the risk of infiltration from a knowledge or physical perspective – this means human sources and undercover agents. Infiltration itself provides knowledge, but the fear of infiltration frustrates the communication and collaboration of groups and networks. This identifies a conundrum for law enforcement because physical infiltration requires the building of trust, while the fear of infiltration requires the generation of mistrust. The solution is that agencies must decide during the planning stages of the investigation which approach they intend to utilise.

Disruption must also extend to the supply or value chain or the criminal activity process flow. By identifying the criminal process through a value or supply chain, agencies can focus on situational prevention by pushing for changes to laws, rules, and codes of conduct with legitimate business, or through
government regulation and policy. Agencies can also focus on choke points or bottlenecks in the value chain where criminal vulnerability or visibility is greatest. This is an effective scoping process for investigations.

Scoping is a fundamental project management function and establishing and managing the scope of an investigation is critical. Time spent on planning and investigation direction is never wasted. Often it is not as robust as it could be simply because the extent of investigative activity only becomes known as the investigation proceeds and the corresponding behaviour of the target criminal is revealed. This just means that regular scoping meetings are required where the scope of the investigation is reviewed and redirected. Scoping also assists in human source development and identifying vulnerable criminal associates for targeting.

Any investigation must follow the assets. At times general monitoring of suspicious transactions provides some value but within an investigation a part of the team must be dedicated to identifying assets. This is important not just because it takes the profit out of criminality but also because progressive asset seizure puts pressure on individuals within the criminal group or network. While the group might be a collective of people, they rarely share their respective assets. They share the profits, but once distributed, profits are considered individual assets and criminals commonly stand alone. Agencies must watch for the payment of support money to individuals who remain silent when apprehended. Progressive asset seizure and intercepting ‘hush’ payments are effective methods for overt investigations.

Debriefing of offenders and witnesses, both in a targeted way and as a compulsory organisational process, generates substantial knowledge for police agencies. It is the process most likely to generate numbers of human sources. Human source liaison officers are an effective approach to ensure local investigators are trained and encouraged to debrief and develop human
sources. These officers also support the recruitment, handling, controlling, and reporting in relation to human sources and can act to limit the risks associated with the relationships that develop with human sources.

Field intelligence officers specifically focused on intelligence collection have also proven to be effective. Many jurisdictions have driven intelligence models through their intelligence departments and have discovered that they are heavily weighted toward analysis and tasking. Collection has then been inadequate. Simply put, there is little to analyse without collection. Intelligence analysts are focused on analysis and reporting. Field intelligence officers must be focused on collection and the identification of opportunities for collection. This is not to say that investigators do not also have the role and each of these three; field intelligence, human source liaison, and investigative officers work together. In smaller jurisdictions or for local investigators working in smaller units, they must be trained in all three techniques.

Increased training should be provided to all investigators. It is no longer appropriate that investigators be trained only in reactive investigative techniques that begin with the crime scene, and are focused in law and procedure and forensic science. Training must equally favour the development and management of human sources, in physical and electronic surveillance, high risk arrests and interception, and in crimes in action such as terrorism, kidnapping, blackmail and extortion. Most jurisdictions that provide this form of training do so as ancillary and optional training programs. Investigators must be trained in the way they are expected to operate so that their thinking and enthusiasm is directed and they are capable and confident.

A rapid response capability is the single most critical aspect for locally based investigation units. If intelligence collection including human sources and offender and witness debriefing is well established, intelligence will provide opportunities for immediate disruption responses. These activities alleviate
resource intensive investigations by providing avenues for swift action toward offences. These offences are usually related to illicit possession including drugs, firearms, other contraband or documents and records. This approach is highly disruptive and provides a good return on investment. It occurs when investigators are trained for rapid response and illustrates the value of my previous point in terms of training.

Investigators must maintain a close relationship with the prosecuting authority. They must be on board from the start, not involved in target selection, but in the investigative direction, guidance, for affidavit support and of course in managing the prosecution.

Witness security and relocation is critical. Assurances must be deliverable. This is costly and the budget should be separate and appropriately funded. A range of processes for the effective delivery of witness security and relocation are available to law enforcement agencies.

Sentencing support is also critical for co-offenders who agree to provide evidence for the prosecution. This is varied across jurisdictions but recent experience in Australia is that the courts can appropriately participate in encouraging co-offenders to give evidence in exchange for sentencing consideration.

Agencies must remain abreast of advancements in technology particularly communications (voice and data), including internet social networks, but also in terms of the technology available to law enforcement. There is much current concern in agencies about the advancements in technology and the cost associated with it. This is especially relevant to small agencies with low levels of funding.
Responding to migration and the diverse ethnicities now present in most jurisdictions is the last capability that organisations must deliver. The diversity of culture and language significantly impact on agency effectiveness. Ensuring access to interpreters and cultural experts is critical and yet currently very difficult. Maintaining this diverse list of experts means that most agencies need to extend beyond their own personnel and may need to share access or personnel in order to achieve the necessary capability. It is no good waiting until the situation becomes urgent.

Finally corruption prevention programs in both public and private (secret commissions) organisations should be mandatory and regularly reviewed, in particular where large contracts occur and are allocated to private companies by public officials, or where public officials are the gate keepers in licensing and authorisation.

The learning articulated in the body of this report has highlighted that agencies across the world, with the exception of legislation variances, are confronting the same problems. Most of these agencies have also arrived at the same conclusions. They each have adapted variously depending upon local priorities.

I have therefore constructed my recommendations as a checklist for my own agency and for others to apply in measuring their own response. Often legislation is seen as the answer to the limitations in slowing the growth of organised crime, either in established or emerging criminality. Legislation in organised crime can be problematic as it often introduces coercive powers that are breaches of individual human rights and therefore carry strict controls and limitations that make application cumbersome and ineffective.

It is my recommendation that in line with considering legislative reform that agencies review their existing capability for disruption, across their entire
investigative resource, to ensure that the gap currently growing as a result of
the draw on resources toward counter-terrorism and international or trans-
national organised crime, is being managed.

**RECOMMENDATIONS**

My recommendation is that Victoria Police applies the following checklist to
measure the depth and breadth of the current response, especially the
effectiveness of local or regional investigators to the disruption of emerging
organised crime. It is also recommended that other Australian agencies apply
the checklist to review their current approach. It is also appropriate to
acknowledge that other responses beyond those articulated here are likely to
be available or will emerge in the future. It is therefore reasonable for this
checklist to be the basis for encouraging further discussion on agency
responses nationally.

1. A standing multi-agency and multi-skilled taskforce or specific taskforces
   both centrally and where required locally (divisional level), that
   incorporate governance structures for target selection and investigation
direction monitoring,

2. A monitoring capability for known individuals, groups and networks as
   well as industries at risk of infiltration.

3. A compendium of available regulatory, legislative, policy, or other tools
   available to investigators to disrupt crime and facilitators.

4. A requirement during investigation planning for the infiltration of criminal
groups or networks, or alternatively for instigating the fear of infiltration.

5. A requirement during investigation planning to conduct value chain or
   process flow analysis to identify points of criminal vulnerability or visibility
   for targeting, or to drive change to prevent further offending
   opportunities.

6. Training for investigation managers that includes project management
techniques especially scope development and management.
7 Training for investigation managers in mobilising victimised or offending based communities.
8 An organisation wide asset tracking capability.
9 Training and policy for a comprehensive and targeted offender and witness debriefing process.
10 Dedicated Human Source Liaison Officers in each division.
11 Dedicated Field Intelligence Officers in each division.
12 Standard investigator training that includes human source development and management, conducting physical and utilising electronic surveillance techniques, conducting high risk arrests and interceptions, and conducting investigations into crimes in action including terrorist, kidnapping, blackmail, and extortion offences.
13 A rapid response capability from regional (local) investigators to action intelligence received.
14 A requirement for an appropriate ongoing relationship with the relevant prosecutorial agency to be established during investigation planning.
15 A well resourced and capable witness security unit.
16 Encouraging sentencing support through the Attorney General for co-offenders providing evidence.
17 Annual technology reviews and an appropriately resourced technological capability.
18 Maintenance of sufficient culturally and linguistically diverse support staff for investigation and translation services.
19 A formalised target hardening response for the private and public sector, in particular where large financial contracts are allocated to private companies by public officials, or where public officials are the gate keepers in licensing and authorisation of services and industries.

My final recommendation is to remember some wisdom from Winston Churchill, that “however beautiful the strategy, you should occasionally look at the results”.

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