

# Prevent and combat crime

## Our performance in 2008–09

We report first on our priorities and challenges in preventing and combating crime, our key achievements and our results against performance indicators. We then report in more detail on our work in crime, the contributions to that effort by the Intelligence and Research and Prevention areas, and conclude with our outlook for 2009–10.

### Priorities and challenges

As described in our *Strategic Plan 2008–12*, in 2008–09 we placed specific emphasis on the following.

#### Raising our capacity to investigate major crime by the use of hearings

In recent years we have experienced a heightened level of demand from partner agencies for the use of our hearings as part of the investigation of major crime. We therefore devoted increased resources to providing an efficient and timely hearings service, including the ability to conduct simultaneous hearings. For more detail, see page 18.

#### Fighting paedophilia

Our ongoing challenge in fighting paedophilia is to ensure that we use our resources in a way that does not duplicate the overall law enforcement effort in this field. To add unique value to that effort, we focused on niche areas like internet-based networks and networked recidivist offenders. We directed resources to continuing skills development for investigating internet crimes against children, and strengthened relationships with local and international law enforcement agencies. We also had significant research involvement including progressive updating of our knowledge about paedophilia in Queensland since 2000 and further participation in a pilot child sexual abuse prevention program in an Indigenous community. For more detail, see pages 17 and 20.

#### Confiscating proceeds of crime

Growth in demand for proceeds of crime recovery continued in 2008–09 with the value of restraining orders increasing by 31.3 per cent over the 2007–08 year and exceeding the annual performance target by 103 per cent. This level of growth required some realignment of our resources to provide additional staff to the proceeds of crime team to meet the increased demand. For more detail, see pages 18–19.

### Assessing organised crime markets

We completed a large part of our four-yearly assessment of Queensland's organised crime markets including an assessment of risk. This assessment focuses on individual areas of organised crime such as property crime, money laundering and fraud, and is released in versions tailored, respectively, for state and national law enforcement agencies and the general public. For more detail, see page 19.

### Key achievements

- All 17 organised crime and criminal paedophilia tactical investigations completed in the past year resulted in arrests and charges. Organised crime charges included trafficking in, producing and supplying dangerous drugs, perjury, receiving and possessing stolen property, money laundering and weapons offences. Paedophilia charges included attempted indecent treatment of a child, attempt to procure a child for carnal knowledge, possession and distribution of child exploitation material, and breach of *Dangerous Prisoners (Sexual Offenders) Act 2003* Supreme Court orders.
- We conducted investigative hearings over a record 157 days in Brisbane, Cairns, Townsville, Gympie, Maryborough, Hervey Bay and Mackay. More than 174 witnesses were called to give evidence in relation to 31 major crime investigations including unsolved murders, rape, grievous bodily harm, extortion, a break and enter and associated firearms trafficking, organised property offences, illegal prostitution and associated money laundering, attempts to pervert the course of justice, and drug production and trafficking.
- A multi-agency operation involving resources from the CMC, QPS and the Australian Crime Commission (ACC) was successful in dismantling three separate organised criminal groups in Queensland, with links to outlaw motorcycle gangs (OMCG) from Queensland, New South Wales and Western Australia.
- Our proceeds of crime team restrained property valued at \$24.374 million, forfeited property valued at \$3.304 million and obtained two proceeds assessment orders totalling \$1.7 million.

## Results against performance indicators

The data provided in Table 1 enable our performance for 2008–09 to be reviewed in the context of our major targets and estimates for this year, our results over the previous four years, and our expected performance for 2009–10. Data for other details of our performance are provided in Table 2.

The intense level of activity throughout 2008–09 is reflected in Tables 1 and 2. For example, comparing performance over five years reveals that this year we achieved record results across many indicators including proceeds of crime restraining orders obtained; net value of

criminal proceeds restrained; research, prevention and intelligence projects undertaken; investigative hearings days held; and witnesses who attended hearings. We also exceeded our estimates for this year in all but two measures.

Overall, we commenced 29 tactical operations during 2008–09, considerably more than our estimated target of 20. This followed a higher than estimated number of investigations referred by the Crime Reference Committee and operations commenced under general referrals. In all, 120 persons were charged with 544 offences, resulting from investigations commencing either in 2008–09 or in previous years.

**Table 1. Performance 2004–05 to 2008–09, and estimated 2009–10**

Key performance indicators <sup>a</sup>	2004–05	2005–06	2006–07	2007–08	2008–09		2009–10 (estimate)
					(target or estimate)	(actual)	
Tactical operations undertaken	23	23	25	35	20	29	20
Percentage of operations resulting in charges, restraints or seizures	95	94	94	100	95	100	95
Criminal proceeds restraining orders obtained	37	28	50	78	60	78	60
Net value of criminal proceeds restrained (\$'000)	8 088	10 879	11 743	18 561	12 000	24 374	15 000
Net value of assets forfeited (\$'000)	1 622	2 000	4 245	4 675	4 000	3 304	4 000
Civil confiscation matters finalised	15	25	26	27	20	23	20
Research, prevention and intelligence projects undertaken	6	5	5	5	15	13	15
Expenses to achieve strategic goal 'To prevent and combat crime'	\$10.4m	\$11.5m	\$11.3m	\$12.2m	\$13.6m	\$14.0m	\$14.2m

a All indicators are Service Delivery Statement measures.

**Table 2. Use of CMC powers and results of investigations, 2004–05 to 2008–09**

Description	2004–05	2005–06	2006–07	2007–08	2008–09
Investigative hearing days	35	104	81	151	157
Witnesses attending on summons	37	92	66	163	174
Surveillance warrants	31	31	28	10	21
Arrests	143	52	109	114	120
Charges laid	915	323	433	561	544
Drugs seized – estimated street value	\$17.215m	\$0.327m	\$0.318m	\$0.284m	\$0.456m

## Major crime: key activity areas

Our reporting covers organised crime, criminal paedophilia, terrorism, serious crime and other hearings-based investigations, and proceeds of crime.

### Organised crime

We seek to disrupt and dismantle organised crime networks and prevent crime through interrupting the flow or continuity of the criminal behaviour and/or enterprises, convicting key individuals, and/or financially incapacitating the networks by confiscating crime-related assets.

In addition to organised crime investigations instigated by the CMC itself and conducted by our own teams, we also become involved in some other organised crime investigations led by the QPS and other agencies.

- Organised crime investigations in which we were involved resulted in the arrests of 97 individuals who were charged with a total of 500 offences. These included trafficking in, producing and supplying dangerous drugs, perjury, receiving and possessing stolen property, money laundering and weapons offences.
- Requests for assistance by means of coercive hearings increased markedly in 2008–09, resulting in the number of operations commenced exceeding our annual target.

### Organised criminal groups dismantled

A multi-agency operation involving resources from the CMC, QPS and the ACC was successful in dismantling three separate organised criminal groups in Queensland, with links to outlaw motorcycle gangs from Queensland, New South Wales and Western Australia. The three-stage operation culminated in February this year in the arrest of 46 persons for 154 charges ranging from trafficking and supply to the production of dangerous drugs.

Drugs seized during the operation included 200 grams of amphetamines, over 700 grams of cannabis, 145 grams of cocaine, 4500 ecstasy tablets, more than 4½ kilograms of ecstasy powder and 4 pill presses capable of pressing hundreds of thousands of pills.

After the execution of search warrants and courier intercepts, over \$5 million in cash and property were restrained by CMC proceeds of crime staff. Six witnesses were summonsed to CMC coercive hearings, in conjunction with other witnesses attending ACC examination hearings.

The Crime Reference Committee – as at 30 June 2009



CMC Chairperson  
Robert Needham



CMC Assistant  
Commissioner, Crime  
John Callanan



Commissioner  
of Police  
Bob Atkinson



Commissioner  
for Children and  
Young People and  
Child Guardian  
Elizabeth Fraser



Community  
representative  
Johanna Bakermans



Community  
representative  
Diana Johnston

### E-briefs bring multiple benefits to delivering and managing evidence

E-briefs (electronic briefs of evidence) are a valuable tool in delivering and managing evidence during complex criminal proceedings. The e-brief developed by CMC staff maintains a traditional format but allows the equivalent of 40 hard-copy volumes to be presented in an electronic environment on an external hard drive or a single DVD. Benefits of the e-brief include:

- Formal briefs of evidence can be developed by investigators as the investigation progresses rather than on conclusion, enabling full briefs of evidence to be delivered to stakeholders sooner.
- Crown and Defence can quickly understand the relationships between defendants and what evidence supports the charges. Defence can thereby provide earlier advice to clients.
- With minimal handling and reproduction of paper-based briefs of evidence necessary, evidence and exhibits can be accessed readily without disruption to the natural flow of court proceedings.
- Briefs of evidence are capable of being filtered and searched for specific content, and evidence can be readily grouped or classified by defendant, events or even source.

The time required for brief preparation is likely to be reduced even further through the implementation of a case management system to be developed by staff by June 2010. During the upcoming year the CMC will continue to promote whole-of-government use of e-briefs.

### Criminal paedophilia

- In 2008–09, as a result of covert investigations into internet crimes against children, seven people were charged with a total of 18 offences, namely attempted indecent treatment of a child, attempt to procure a child for carnal knowledge, possession of child exploitation material and distribution of child exploitation material. One juvenile offender was cautioned with respect to three charges including exposing a child to indecent matter, using a telecommunications service to menace or harass and attempting to procure a child under 16 to commit an indecent act.
- As a result of a protracted covert operation, a male offender from Victoria was identified as distributing more than 6000 child exploitation computer files. This information was disseminated to the Victoria Police Sexual Crimes Squad and the offender was arrested. A second Victorian male offender was extradited to Queensland for procuring a child for sex over the internet.
- The taskforce investigation (involving CMC, QPS and Queensland Corrective Services staff) of networked child sex offenders released from prison under *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA) Supreme Court orders has continued. The operation has led to the return to prison of a further three offenders for DPSOA breaches, one of whom is in detention pending the outcome of his court case.
- A protracted taskforce (CMC and QPS) covert operation resulted in a Brisbane male offender being charged with criminal offences, namely the making and possession of child exploitation material.
- We directed resources to continuing skills development for investigating internet crimes against children and strengthened relationships with local and international law enforcement agencies. This included adapting covert investigative software obtained from the Wyoming Division of Criminal Investigation (USA) and attending two international conferences relating to internet crimes against children.

### Terrorism

By statutory definition, our major crime role includes the power to investigate suspected terrorist activity and we have a general referral in relation to such activity. Any CMC investigation of terrorism will occur in response to a request from the QPS or other law enforcement agency, and we maintain a high state of readiness to respond to any such request.

## Serious crime and other hearings-based investigations

The CMC joins with police in conducting hearings-based investigations into serious crime such as murder, arson, extortion and rape; and other kinds of major crime when it is considered that the police investigation to date has not been able to gather sufficiently useful information, continued investigation using ordinary police powers and methodologies is unlikely to be effective, and it is in the public interest to refer the matter to the CMC. Such investigations usually entail the use by the CMC of its coercive hearings power.

Hearings were held in relation to a large number of matters, for example:

- the break and enter of an Ipswich gunshop and the theft and distribution of a large quantity of firearms
- a suspected double murder in Far North Queensland
- the unlawful killing by neglect of infant twins
- two brothel-related murders and a rape in Brisbane in 2000
- the suspected unlawful killing of a patron by security staff at a Gold Coast hotel
- illegal cannabis production and trafficking by members of a family syndicate in South-West Queensland
- a Sunshine Coast nightclub glassing resulting in grievous bodily harm
- organised property crime by a network in the Redland Bay area
- the suspected arson of an Ipswich boarding house in 1990 and the murder of five occupants
- the attempted murder of an organised crime figure with OMCG links
- drug trafficking and money laundering in the Burdekin area
- illegal drug activity by members of a Gold Coast based network with interstate links.

### Vital testimony secured in hearing

The police sought our assistance with a 'cold case' suspected murder of a missing person who had last been seen at his Gold Coast workshop in May 1989. Though blood traces were later found both at the workshop and in his nearby vehicle, the investigation was unable to uncover evidence as to the identity of the person(s) responsible for the suspected murder.

Five people were called to CMC hearings. One of them changed his account during the hearings, telling police that he had been involved in disposing of the missing person's body, and implicating two other men in the matter. Two men were later charged, one with murder and interference with a corpse, and the other with interference with a corpse.

## Proceeds of crime

Through our proceeds of crime team, we work to remove the financial incentive for crime by identifying and recovering assets gained through illegal activity. We undertake proceeds of crime restraint and forfeiture action in relation to proceeds derived from criminal activity investigated by us and by other law enforcement agencies.

The CMC has responsibility for administering the civil confiscation scheme under the *Criminal Proceeds Confiscation Act 2002*. Under the Act, property is liable to be restrained if it belongs to, or is under the effective control of, someone who is suspected of having engaged in serious criminal activity in the past six years. Restrained property is liable to be forfeited unless a person proves, on the balance of probabilities, that it was lawfully acquired.

In 2008–09, the CMC proceeds of crime team exceeded its targets in all but one indicator. The team:

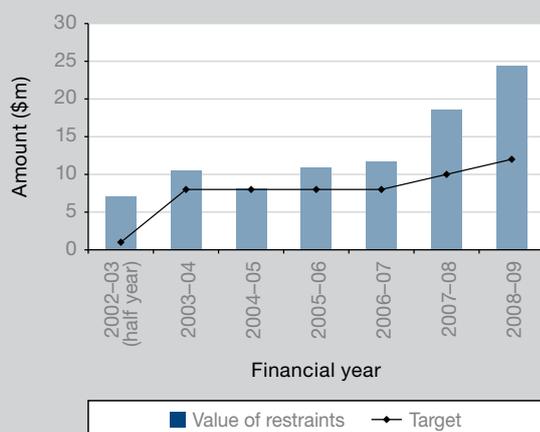
- Obtained 78 restraining orders over property valued at \$24.374 million, more than doubling the annual target (see Figure 3).
- Finalised 23 matters resulting in the forfeiture of property valued at \$3.304 million. (The making of a restraining order by the Supreme Court represents the initial step in confiscation proceedings. As with any form of litigation there is a time lag between the initiation of proceedings and the final determination involving forfeiture of property.)
- Obtained two proceeds assessment orders for the recovery of \$1.7 million of criminally derived proceeds.
- Continued to promote civil confiscation to our law enforcement partners through detective training courses and regional presentations.

Since the commencement of the civil confiscation scheme in 2003, the CMC has:

- restrained property valued at more than \$91.325 million
- returned \$16.635 million to the state under negotiated settlements and forfeiture orders.

The *Criminal Proceeds Confiscation and Other Acts Amendment Act 2009* received assent on 23 February 2009 and came into effect on 22 June 2009. The amendments to the *Criminal Proceeds Confiscation Act 2002* follow a review of the Act conducted in 2008.

**Figure 3. Estimated net value of criminal proceeds restrained (target compared to actual), 2002–03 to 2008–09**



## Intelligence

### Strategic intelligence assessments

Strategic intelligence assessments are developed to help the CMC, other law enforcement agencies and policy makers to make decisions about priorities and resourcing, and to develop legislative, policy and operational responses to current and emerging threats in the criminal environment.

- We released three strategic assessments focusing on three areas of organised crime: property crime, money laundering and fraud. These reports assessed the nature and extent of these crime markets in Queensland, including risk assessments and a series of strategies for each area.
- We finalised two intelligence digests for law enforcement agencies, one focusing on organised property crime and the other detailing a sophisticated method of cannabis concealment and transportation.

### Target development

Target development involves identifying indicators of potential significant criminal activity or misconduct by one or more individuals, and collecting and analysing data to determine the level and extent of activity by an individual or network. During 2008–09 our strategic intelligence area referred three crime matters to the CMC's organised crime teams for investigation as well as referring a number of matters to the ACC, the QPS and other agencies.

### Human source training

We register, review and audit the collection of CMC human source intelligence, which contributes significantly to the CMC's strategic assessments and operational activities. During 2008–09, we also provided specialised training on recruiting and managing confidential human intelligence sources to staff from the CMC, the QPS, the ACC and New South Wales Police.

## Intelligence disseminations

We uploaded 144 reports, such as information reports, offender profiles and post-operational assessments to the Australian Criminal Intelligence Database, as well as disseminating intelligence and information to other law enforcement and misconduct agencies in response to their

requests for information. We also contributed to state and national crime and corruption intelligence and investigation forums including the OMCG National Intelligence Taskforce, the National Criminal Target Report and the Parliamentary Joint Committee on the Australian Crime Commission.

## Research and prevention

We finalised two long-term projects on the use of illicit drugs:

- The report *Exploring drug use II: drug use by hospital emergency department patients* was released. Replicating a study conducted in 2002, this project re-examined the nature and extent of alcohol and drug use among patients attending the Gold Coast Hospital Emergency Department (ED) in 2005 to ascertain whether there had been any changes in the nature and extent of illicit drug use.

While both studies demonstrated high levels of illicit drug use – higher than that of the general population – we found that illicit drug use among young people had significantly decreased (from 66% of young patients in 2002 to 55% in 2005). However, we found a slight increase in levels of cocaine and ecstasy use between 2002 and 2005. Of concern also were the 12 per cent of drivers in the sample who reported that they had driven while under the influence of an illicit drug.

These results have implications for the detection of illicit drug use among emergency department patients, the resources to manage it, and potential interventions regarding its effects. The project was undertaken by the CMC in partnership with the Queensland Alcohol and Drug Research and Education Centre and the Australian Centre for Pre-Hospital Research.

- We released the issues paper *Mandatory treatment and perceptions of treatment effectiveness: a Queensland study of non-custodial offenders with drug and/or alcohol abuse problems*. The paper provides unique insights into the effectiveness of mandatory and voluntary drug and alcohol treatment options, concluding that mandatory treatment may be as effective as voluntary treatment. It also identifies and discusses a range of issues and factors raised by recent research as crucial to the success of mandatory treatment.

The study was based on 480 offenders serving either intensive correction orders or probation orders under the supervision of Queensland Corrective Services.

We undertook research into criminal paedophilia:

- The CMC is represented on the Child Responsive Communities (CRC) Working Group – a whole-of-government working group tasked with implementing a pilot study in an Indigenous community. Based on recommendations made by the CMC in 2004, the pilot study is intended to prevent child sexual abuse, encourage disclosures of abuse, and enhance the response by local services to those disclosures. The curriculum developed for the intervention was rolled out in May 2009 across all grades of the community's state school.

As the CMC is also responsible for evaluating the intervention, a team of our researchers travelled to the community in April to collect pre-intervention data and conduct extensive interviews with local community agencies about their response to allegations of sexual abuse. Post-intervention data collection will take place in late 2009.

- We made significant progress in our research about paedophilia in Queensland, by updating the research undertaken for Project Axis (2000), a wide-ranging inquiry by the Queensland Crime Commission and QPS into the sexual abuse of children in Queensland. Axis II will review changes in research, policy and legislative developments in child sex offending since 2000; ensure that the CMC is well informed regarding the latest research findings and policy outcomes from both Australia and overseas; and allow the CMC to identify any gaps in research or policy that need to be addressed to improve the police and criminal justice response to child sexual offenders, offences and victims.

Further detail about our research publications and projects may be found on our website at <[www.cmc.qld.gov.au](http://www.cmc.qld.gov.au)>.

## Crime: outlook 2009–10

In 2009–10 we will:

- work towards establishing effective telecommunications interception capability with strong public interest safeguards
- work towards enhancing our technical capability generally in respect to intelligence, surveillance and forensic computing
- explore opportunities to enhance our coercive hearings capability
- explore opportunities to enhance the use of the CMC's criminal proceeds confiscation function
- publish the latest research about criminal paedophilia in Queensland since 2000 and an evaluation of a child sexual abuse prevention program in an Indigenous community
- undertake collaborative research with the QPS about child exploitation material and networked offending.