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Intelligence at Work Inside the CJC

in brief

inside

Introduction

The term 'intelligence' can conjure up images of mystery, intrigue and clandestine activity for many people. In reality, intelligence forms a significant part of modern policing where it contributes at all levels, from day-to-day operational planning to more complex, long-term investigations.

The CJC uses intelligence as one of its strategies to gain a better understanding of the criminal environment and combat crime and corruption. Its Intelligence Division is specifically responsible for facilitating an integrated approach to the investigation of organised crime, major crime and official misconduct.

This information paper is designed to give you an appreciation of how intelligence works and how this important aspect of law enforcement is applied by the CJC.

The main issues about intelligence we cover in this paper are:

- what it is
- why it is important
- the process and how we use it
- common myths
- how the CJC is accountable for its intelligence work.

What is intelligence?

Intelligence is information to which meaning has been added. It is the **product** that results from an assessment of information. It can include information from a variety of sources which have little meaning when viewed separately, but when viewed together form a clear picture of events or activities.

Intelligence activity involves organising information through a process of collection and interpretation. The result of this process is the intelligence product that can be disseminated.

An analogy that is often used in explaining the intelligence process is that of assembling a jigsaw puzzle. Each piece of information helps gradually to create a picture. However, unlike a jigsaw puzzle where all the pieces eventually fit together, the intelligence puzzle is often complicated by the inclusion of extra pieces, and some vital ones may be missing, needing a plan to acquire them.

Why is intelligence important?

Society will always have a criminal element and the problems associated with crime and criminal behaviour cannot be ignored. To solve and prevent crime problems, decision makers must have accurate and timely information. Intelligence helps law enforcement agencies anticipate the problems associated with crime and develop solutions to combat them. It not only assists in day-to-day operations, such as the investigation of criminal offences, but, by studying past and present crime trends, also predicts the threats that society may face.

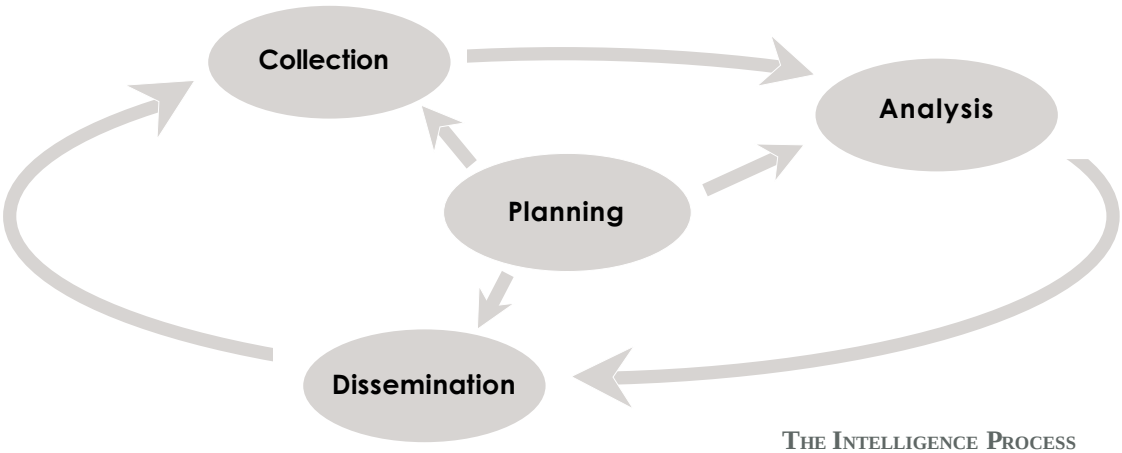
The importance of the intelligence function within law enforcement has been clearly recognised by a number of Royal Commissions into organised criminal activity within Australia. In 1974, the New South Wales Moffit Royal Commission, in reporting on organised crime in clubs, identified a need for a centralised and cooperative intelligence service. In 1979, the Woodward and Williams Royal Commissions into drug activities concluded that, for organised criminal activity to be successfully targeted and investigated, there must be an effective system to collect, analyse and disseminate intelligence. Similar observations were again made in 1983 by the Stewart Royal Commission and in 1984 by the Costigan Royal Commission.

In 1989, Queensland's Fitzgerald Inquiry also recognised that comprehensive and accurate information is essential to combat crime, especially organised crime—mirroring the sentiments of the earlier Royal Commissions.

Most recently, the 1994 *Report of the Review of Commonwealth Law Enforcement Arrangements* concluded that quality information on the nature and extent of the criminal environment is critically important for Government to gain a fuller understanding of the criminal threat and to help prioritise the issues that need to be addressed.

Intelligence—the process

The intelligence process, or 'cycle' as it is sometimes called, was discussed briefly earlier using an analogy of assembling a jigsaw puzzle. There are many hybrids and variations of the process, but basically it revolves around four interrelated key elements—planning, collection, analysis and dissemination.



THE INTELLIGENCE PROCESS

Planning. Planning involves determining the size and shape of the puzzle, identifying the pieces that are needed to solve it, and deciding how those pieces are to be collected. In short, it involves identifying the problem and determining what needs to be done. The extent or size of a particular threat is placed in context by studying the information available on the subject while looking at other threats and crime trends.

The entire intelligence process hinges on the quality of planning used throughout the process. Good planning provides clear direction to drive the intelligence effort. Priorities are established, collection plans developed, and resources allocated in a focused manner. Emerging threats are continually assessed and plans updated as additional information is received and assessed.

Collection. During this phase, the collection plans are implemented and data required are obtained. This is when the pieces of the puzzle are physically located and collected.

Information is gathered systematically from a wide variety of sources, many of which are publicly available, such as newspapers, periodicals, books and academic journals. Raw data also come from less accessible sources, such as investigations and liaison with other intelligence services, or from members of the public that have knowledge of suspected criminal activity. Surveillance, both physical and electronic, can also contribute useful information. It is important to stress that collection methods are limited to those permitted by law. Intrusive methods, such as listening devices, can only be used if approved by the Supreme Court.

The collection phase is important because without the continual collection and flow of information there would be no intelligence to support the development of anti-crime strategies.

Analysis. Analysis is the stage where the puzzle pieces are examined and assembled to create a picture. Information is put in context with other relevant data or events and meaning is derived. Analysis provides the basis for an inference or conclusion, which may be presented as a finding and lead to recommendations. Inferences or conclusions can relate to:

- current or past events, in the form of descriptions of what has occurred or is occurring
- future events, in the form of estimates or predictions of what may occur.

The analysis can vary in focus from longer term strategic assessments of particular aspects of organised crime and the threat they pose, to more immediate operational matters such as identifying suitable targets to be investigated or providing analytical support to ongoing investigations.

Dissemination. The purpose of collecting information is not just to have it, but to use it wisely. Material generated through the intelligence process is of little value unless it is made available in a timely manner to the appropriate people and organisations.

The intelligence material, often referred to as a 'product', is the description of the picture that has been developed. It may take the form of strategic advice on the criminal environment, a tactical target proposal or operational data relevant to an ongoing investigation. It can be presented in detailed written form, electronically or orally.

Intelligence can be used for the investigation and apprehension of criminal offenders and as a strategic tool for decision and policy making. In the latter case, advice regarding significant crime trends and issues relating to organised crime can assist in the early identification of potential problems and be instrumental in the development of appropriate strategies and policies to counter them.

Intelligence and crime prevention

In addition to assisting with the investigation of crime, intelligence can also help prevent crime.

The accumulation and use of intelligence about criminals, their behaviour patterns, trends in criminal activities and the behaviour of criminal groups can contribute to the development of strategies to prevent crime. This is particularly so for strategic intelligence work, which is concerned with positioning law enforcement agencies to anticipate and deal with crime pro-actively.

Strategic assessments provide insight into the impact that crime groups and their operations are having, or may have, on the community—either directly or indirectly. This form of intelligence product can help assess a particular community's vulnerability to organised criminal activity and contribute to crime prevention initiatives.

Intelligence and the Criminal Justice Commission

The CJC's Intelligence Division is one of five operational Divisions within the organisation. Its goal is to provide an effective, professional and specialist criminal intelligence service. Its client groups include the investigative arm of the CJC, the Queensland Police Service (QPS), the Queensland Government and other law enforcement agencies in Australia and overseas.

Our main objective is:

> to facilitate an integrated approach to the investigation of organised crime, major crime and official misconduct through the management of criminal intelligence.

Intelligence analysts gather and process information on the activities of individuals and groups that are suspected or known to be involved in criminal acts. The information is stored in a secure Intelligence Database.

Establishing the Database was one of the first tasks that the Intelligence Division undertook. The Database was operational by 1992 and it now contains a significant amount of refined data that highlight the complex groupings of people involved in organised and major crime.

Analysts collate, interpret and analyse information and disseminate the resulting product to authorised personnel and organisations. This ongoing process is the Intelligence Division's core function. However, management of the data through the maintenance of the Database is also critically important.

The CJC's intelligence work can be tactical, operational or strategic.

Tactical. Involves researching and analysing current criminal activities in order to identify specific targets and develop a clear picture of a target's activities and areas of vulnerability. This is commonly referred to as 'intelligence profiling' and frequently results in the identified targets being further investigated by the CJC's investigative teams.

Operational. Involves ongoing intelligence support to investigations conducted by the CJC or other agencies. Operational intelligence activities in the CJC usually involve intelligence staff working directly with an investigation team to enhance the picture of specific criminal activity.

Strategic. Involves the long-term assessment of criminal activity and crime trends, with particular emphasis on organised crime and corruption. It requires careful and methodical analysis of crime groups or networks that we have identified as threats to the Queensland community.

Strategic analysis is at the heart of our intelligence work. Each strategic project has a carefully prepared management plan. This enables an orderly gathering of data, which results in the steady development of our knowledge of particular crime groups and criminal activities.

Strategic analysis looks at the big picture of organised crime activity. Analysts assess the information they receive or gather using their knowledge of local, regional, national and global trends. The organisational structures of specific crime groups are studied; their characteristics, traits, and methods of operation examined, exposing their strengths and weaknesses and the threat they pose to our society.

Our early studies of crime groups have guided our investigations into major criminal networks and syndicates. Intelligence is continually upgraded as data become available from the investigations and through cooperative relationships with other law enforcement organisations.

THE CYCLE BUSINESS

The information that we collect and analyse during our longer term studies of crime groups can form the basis of tactical investigations. Our study of one organised crime group uncovered a trail of amphetamines and cannabis hidden behind a business front.

Information that members of a crime group were producing and selling large quantities of amphetamines came to the CJC through our long-term investigation into a crime group. It was thought that the people involved worked for a large motorcycle sales and repairs business, which was used to sell and distribute the illicit drugs.

Our initial evaluation indicated that the allegation had substance and a multi-disciplinary team was assigned to investigate further. Over the next six months, we studied the people's activities and their business front using static and mobile surveillance and, after the Supreme Court consented, listening devices. The investigation provided enough evidence to support the original allegations.

Search warrants were executed simultaneously at four locations, including the motorcycle business, and 263 grams of amphetamine and 1108 grams of cannabis sativa were seized.

The investigation resulted in five people facing drugs and firearm charges. Four pleaded guilty and the fifth was convicted after trial in the Supreme Court.

The Gypsy Connection

A major three-year investigation into a heroin network illustrates how tactical and operational intelligence can bring criminal organisations to task for their illegal activities.

Information came to the CJC about suspected heroin dealers operating in South-East Queensland. A tactical intelligence probe began, collecting information which indicated that a substantial drug trafficking network with interstate links had acquired a foothold in the State.

We began a joint operation with the assistance of the Australian Federal Police (AFP). An undercover officer made controlled purchases of heroin from the targets and gathered crucial information about the heroin network and its sources of supply. It became clear that the group was very much part of a national network, purchasing its supplies from Melbourne, Sydney and sometimes Adelaide.

The first phase of the operation concluded with 14 arrests. Intelligence gained about the network and its activities enabled further data to be gathered against higher level members and the operation moved into a second phase.

A Gold Coast heroin supplier, thought to be responsible for the largest quantities of heroin moving into Queensland, was selected as the next target and kept under close surveillance for several weeks.

The supplier, the 'Gypsy Connection', unwittingly led investigators to caches of heroin. Evidence was obtained of him storing and removing the drug from various hiding places. Eventually, almost a pound of rock heroin was seized. Cooperation with the AFP allowed couriers to be tracked interstate and for his Victorian heroin source to be identified. Financial analysts identified the target's assets for proceeds-of-crime action and gathered information on possible money laundering methods.

The Gold Coast dealer was the highest level member of the network in Queensland. He had substantial assets, including a luxury home at Runaway Bay, and worked closely with high-level criminals in Victoria. He received a record 20 years in prison and his assets were confiscated under proceeds-of-crime legislation. Three other members of his family were also arrested.

The operation attacked the overall heroin network through selective targeting of key players. This was made possible by working cooperatively with other law enforcement agencies and using a multi-disciplinary approach, which combines the skills of experts in law, criminal and financial intelligence, investigation and surveillance.

At the conclusion of the investigations, the tactical and operational intelligence acquired was carefully analysed from a strategic perspective. The knowledge gained on the activities of this particular criminal fraternity gave the CJC a greater understanding of this aspect of organised crime and contributed several pieces to the crime 'puzzle'.

Criminal intelligence and organised crime

What is organised crime? We refer to organised crime many times in this document. That is because, even though intelligence is vital to policing at all levels, within the CJC it is in the investigation of organised crime that intelligence performs a significant role.

Organised crime is serious crime that is committed in a systematic way. It usually involves a number of people, substantial planning and organisation, and sophisticated methods.

A core activity frequently associated with organised crime is corruption. In his report on the Fitzgerald Inquiry, the then Commissioner, G.E. Fitzgerald QC, observed that organised crime can exploit weaknesses in human nature and vulnerabilities in public and private institutions.

Organised crime affects all levels of society. The impact may result in increased taxes, property crime and drug-related deaths.

Organised crime and associated criminal activities are often quite intricate, and may involve:

- fraud and other kinds of white collar crime
- illegal drug dealings
- extortion
- violence
- money laundering.

The problem of organised crime is a global one. It has become the 'business of crime', thriving on demands for illicit goods and services.

Organised crime in Queensland

Queensland faces a significant threat from organised crime. Organised crime groups are attracted by the State's developing economy and healthy tourism industry.

The scope of organised criminal activity in Queensland is diverse and complex. Many offences are committed without ever coming to the attention of the authorities because there are no clearly identifiable 'victims' involved. This is particularly true of vice and drug activities, which are frequently associated with organised crime. With the traditional approach to law enforcement being to react to crimes as they are reported, organised crime groups in Queensland were virtually untouched by the criminal justice system before the Fitzgerald Inquiry.

The complex nature of organised crime means that it needs a careful and detailed assessment before any successful investigative inroads can be made. The intelligence function can make a significant contribution to such assessments.

The CJC is responsible for coordinating Queensland's response to the problem of organised crime. Specifically, the CJC is charged with:

- overseeing criminal intelligence matters and managing criminal intelligence with specific significance to major crime, organised crime and official misconduct
- undertaking investigations into organised and major crime that, in the CJC's opinion, cannot appropriately or effectively be carried out by the Police Service or other agencies of the State.

The CJC's Intelligence Division embarked upon an assessment of organised crime in Queensland in 1991. This collection and analysis of material on major areas of criminal threat was the first of its kind in Queensland. The activities of specific crime groups were identified as targets and long-term strategies have been developed and implemented for a pro-active attack on organised crime.

In conducting this examination, the CJC adopts a multi-disciplinary approach by combining the expertise of investigators, financial analysts, intelligence analysts and lawyers. In this way, intelligence assessments continually benefit from data collected during investigations. Our strategic intelligence projects have enhanced the understanding of organised crime in Queensland.

A coordinated approach

The key figures in crime are often part of national and international groups, so we undertake investigations and share intelligence with other crime fighting organisations in Australia and overseas. This keeps us aware of trends that extend beyond our borders, allowing us to identify pro-actively potential threats and develop strategies to counter them.

Fitzgerald recognised that the problem of organised crime needed to be tackled through an integrated and comprehensive, rather than a piecemeal, approach. The CJC contributes to this effort by pioneering intelligence-led law enforcement strategies. We have also established an extensive liaison network with other law enforcement agencies throughout Australia and internationally. These arrangements allow us to share intelligence and provide management for joint operations and other support as required. Regular liaison and active participation in nationally coordinated efforts have proved fruitful.

In December 1992, the CJC joined forces with the QPS to mount an attack on organised crime in Queensland by forming the Joint Organised Crime Task Force (JOCTF).

The JOCTF conducts investigations into specific areas of organised crime identified during our early collection and analysis of material on major areas of criminal threat. The JOCTF also acts as a vital data collection point for the Intelligence Division. The information that has flowed from its activities has assisted in developing a clearer understanding of parts of the organised crime puzzle. The JOCTF has also helped us acquire many of the missing pieces of the puzzle.

A LICENCE TO CORRUPT

Our practice of involving intelligence analysts in our investigations can result in the 'bigger picture' being identified. Operational intelligence can help to unravel the complicated web that can hide criminal activity.

A single complaint that driver's licences and vehicle registration papers were being improperly issued has seen 33 people charged with more than 600 offences relating to corruption of former Department of Transport officers.

After identifying the officers who had fraudulently issued the documents, we were faced with the task of determining the extent of the corrupt activities.

A multi-disciplinary investigative team undertook this aspect of the investigation. Information on all documents issued by the offenders was examined and extensive data matching was conducted to eliminate legitimate documents. This process identified in excess of 150 false driver's licences issued in one year.

Many of the licences were issued in false names, but careful collection and assessment of intelligence enabled 43 recipients to be identified. Some of the people were found to be involved in other criminal activity including drugs, firearms and fauna offences. Several holders of the corruptly obtained documents were found to be members of outlaw motorcycle gangs that were being investigated by the Joint Organised Crime Task Force.

This investigation resulted in not only the identification of corrupt practices, but also identified many of the people who had used these documents for other criminal activities.

The JOCTF has adopted the CJC's philosophy relating to organised crime of going after the entire criminal enterprise rather than individuals. Teams of intelligence and financial analysts, specialist interpreters, experienced police investigators, lawyers and other experts work together to identify the full extent of the criminal activity. The JOCTF also receives support from the CJC *surveillance*, *technical* and *proceeds of crime* units.

Appropriate use of the CJC's compulsory powers, such as the power to summons witnesses to hearings, provides vital information for both investigative and intelligence purposes.

The JOCTF is extremely active. It was involved in 27 joint and associated operations during 1994–95 alone. Many of the operations are ongoing, and the continuing collection and analysis of information is providing intelligence that will stimulate future investigations.

While the CJC is primarily concerned with organised crime from the Queensland perspective, our tactical and strategic work also contributes to nationally coordinated operations and investigations, such as those conducted by the National Crime Authority (NCA) and the Australian Bureau of Criminal Intelligence (ABCI).

Common misconceptions

Intelligence activity is often carried out behind the scenes. Because it is not one of the more visible aspects of law enforcement work, a number of misconceptions surround the nature of the work.

'Big Brother'. One of these is what we call the 'Big Brother' myth, which is based on the premise that intelligence activities can be used to monitor the community in general.

Nothing could be further from the truth. The aim of intelligence work is to identify criminal threats and provide law enforcement agencies with vital information and advice to help protect the community from criminal activity. The only information of use to the CJC concerns corrupt or criminal behaviour. Our aim is to contribute to the curtailment of these activities.

'Secrecy for secrecy's sake'. The Big Brother myth is fed by the degree of confidentiality we maintain about the information that we gather.

It is important to maintain strict control of intelligence information because it is not proof or evidence, nor is it a widely accepted fact known by the general community. It must be treated with caution throughout the process, from its initial receipt through to its eventual use.

Intelligence is an indicator of criminal activity. It provides a basis for further inquiries to provide corroboration and develop evidence.

We are very careful about how our intelligence material is used. To make it public would be irresponsible because it could be unfair to the persons or organisations that are the subject of the unconfirmed intelligence. Untimely release of information can also jeopardise investigations.

Intelligence and accountability

Our intelligence activity is governed by the highest standards of security. The *Criminal Justice Act* specifies that our intelligence records can only be accessed by people deemed to have a legitimate right to the information.

The Intelligence Division is housed in a secure area. The Intelligence Database can only be accessed by authorised staff. The CJC operates on a 'need to know' basis, and intelligence material is only disseminated to law enforcement personnel that have a legitimate need and right to know.

Ensuring accountability

There are many safeguards written into the *Criminal Justice Act* to make sure that we are accountable, effective and efficient.

Within the CJC, the Intelligence function is accountable to the Director of Intelligence, who in turn reports directly to the Chairperson. We also have four part-time Commissioners, who represent the community in overseeing our work.

The intelligence holdings are managed in accordance with the principles of Commonwealth privacy legislation and regular audits are conducted to ensure procedures are correctly followed. Information is evaluated before being included in the Database. Information that is found to be groundless, incorrect, or beyond corroboration is not retained.

Our major 'watchdog' is the Parliamentary Criminal Justice Committee, commonly referred to as the PCJC. The PCJC reports on our activities to the Parliament. It conducts major reviews of the organisation every three years as well as regular audits of our intelligence activities and other areas of the organisation. In a recent audit of the Database and related intelligence procedures, the PCJC noted the high standard of internal audit procedures and policy guidelines.

Another accountability mechanism for the organisation is judicial review through the courts. We strive to be publicly accountable while protecting the confidentiality required by our investigations.

Intelligence—a vital investigative tool

Organised and major crime groups in Australia have developed to the point where law enforcement agencies must use sophisticated means to detect, investigate and control criminal activity. Traditional reactive law enforcement methods are no longer sufficient to tackle the sophistication of today's organised crime syndicates. Nor can a single agency, or single discipline, be successful working in isolation.

Long-term results can only be achieved using a combination of investigative, legal, financial and intelligence expertise in a multi-disciplinary environment where information sharing between agencies is the key. A modern, sophisticated approach to criminal intelligence activity will provide society with meaningful protection from the growing menace of organised crime.

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