

# Organised Crime Disruption Strategy

2017



New South Wales  
Crime Commission

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## Introduction

The New South Wales Crime Commission ('the Commission') is constituted by the *Crime Commission Act 2012*. Section 3 of the Act provides that the object of it is to reduce the incidence of organised and other serious crime.

The Commission was established as the State Drug Crime Commission under the *State Drug Crime Commission Act 1988*. As such it focused exclusively on drug related crime. The Commission's name was changed to the present title by a statutory amendment in 1990 and in 1996 the legislation was amended again to broaden the functions of the Commission to include the investigation of a wide range of criminal activity, principally serious and organised crime.

Whilst the Commission investigates a broader range of serious crimes, including murder and terrorism, the bulk of the Commission's work still relates to drug crime. The Commission is provided with statutory powers for compulsory examinations and the production of information, and throughout its history, the Commission has had a high rate of success in solving murders for which conventional investigative process had been unsuccessful, and bringing about the arrests of the persons responsible.

In 1990 the Commission was allocated primary responsibility for the institution of confiscation proceedings under what is now known as the Criminal Assets Recovery Act ('CAR Act'). In performing its criminal assets recovery role the Commission has confiscated many millions of dollars for the benefit of the State of New South Wales and has thereby caused considerable disruption to the activities of criminals.

The nature of organised crime in New South Wales has changed considerably in the period since the Commission was established. While organised crime groups undertake a wide range of criminal activities, their dominant source of income is drug related. What has more recently emerged as a major component of that activity is money laundering. Organised crime groups engaged in systematic and/or large scale importation and distribution of drugs need to be able to transfer funds offshore to maintain the continuity of supply, and to be able to conceal their profits.

A challenge arises from the fact that they have acquired over time knowledge of conventional investigative techniques deployed by law enforcement agencies, and adopt sophisticated means to frustrate them. They are also more fluid in structure and less inclined to conduct their criminal activities based on relationships of ethnic origins. Pragmatism and opportunism are more common reasons for criminals associating for the purposes of a specific criminal activity. At the same time, there have been established networks, often controlled from overseas, which provide services to organised crime groups to facilitate their needs, particularly in relation to money laundering. This in turn has placed an onus on the Commission to adopt a more disciplined and strategic approach to the deployment of available resources in order to achieve the maximum reduction in the threat to the community of New South Wales.

Models exist in the United Kingdom, the USA, Canada and Australia for adoption of sophisticated strategies for maximising the disruption of organised crime and the Commission now adopts a similar approach. The essence of the strategy is first to endeavour to identify the nature and magnitude of the problem by maintaining a map or matrix or list of organised criminal groups likely to be of interest to the Commission by reference to the leaders, members and facilitators, in the context of maintaining a system which allows for the evaluation of the threat posed by the persons of interest identified, and their vulnerability to disruption in order to better inform decisions associated with the allocation of resources appropriate to achieving the maximum reduction in organised crime.

The effectiveness of such a list is dependent upon the quantity and quality of information available to assist in its compilation, and the Commission places substantial emphasis upon engaging with Human Sources in order to maximise the intelligence available.

Due to the magnitude and complexity of the criminal activity under scrutiny, it is also an essential characteristic of the strategy that there be in place effective partnerships with other law enforcement agencies having a role in investigating organised crime.

## Functions

The principal functions of the Commission, specified in s 10(1) of the Crime Commission Act, are primarily directed to the investigation of offences punishable by imprisonment for life or for a term of three years or more, or of serious crime concerns meaning offences of a particular class committed in an organised, systemic or sustained way.

Any such investigation must be pursuant to a reference from the Management Committee of the Commission. The Commission also investigates or works as part of a task force or in co-operation with another agency, as approved by the Management Committee. The Management Committee is not to refer an investigation to the Commission unless it is satisfied that the use of the Commission's powers appear to be necessary to fully investigate the relevant criminal activity or serious crime concern, and the investigation is in the public interest, and the relevant criminal activity or serious crime concern is sufficiently serious or prevalent to warrant its investigation by the Commission (s 51(2)).

It is also a function of the Commission to provide investigatory, technological and analytical services to other agencies, and it is empowered to disseminate intelligence and information to such bodies of the Commonwealth, the State or another State or Territory, as the Commission thinks appropriate.

In order to facilitate the discharge of the functions of the Commission, it has been vested with statutory powers including the power to summons witnesses and take evidence, and to issue notices for the production of information, documents or things.

The functions vested in the Commission pursuant to the CAR Act relate to the confiscation of the proceeds of serious crime related activities. In accordance with the Crime Commission Act, the Commission may exercise a function conferred by the CAR Act, may carry out investigations in aid of the exercise of those functions and, for the purposes of that Act, make use of information obtained in the execution of the Crime Commission Act.

The primary responsibility for the enforcement of the laws of New South Wales rests with the New South Wales Police Force ('NSWPF'). The role of the Commission is to assist in that process specifically in relation to organised and other serious crime. The fact that the Commission does not have the broad responsibilities of the NSWPF and has additional statutory powers provides the Commission with the opportunity of adopting a proactive approach to the identification and disruption of organised crime in New South Wales.

## The serious and organised crime landscape in NSW

Over the past several years organised crime in NSW has evolved as a result of globalisation and transnational drug trafficking and money laundering. There are dozens of major organised crime groups operating in NSW. These include: European-Australian Networks, North Asian Networks, Outlaw Motorcycle Gangs, East and Southeast Asian gangs, Latin and South American Cartels and Middle Eastern gangs.

## Increased demand, increased cost

Australia, and particularly NSW, is the target of overseas criminal groups attempting to exploit the high price of illicit drugs in the Australian market. Organised crime groups cause enormous damage to the people of NSW, selling tens of tonnes of illegal drugs each year. Studies have shown a large portion of the population of NSW have an insatiable appetite for recreational drugs being some of the highest consumers of cocaine, ice and MDMA in the world.<sup>1</sup>

The population of NSW pay some of the highest prices in the world for illegal drugs. Cocaine, MDMA and ice can be purchased from source and transshipment countries for between a few hundred to a several thousand dollars per kilogram; transported inexpensively via the sea, air or mail to NSW and sold in the domestic market for between \$100,000 and \$200,000 dollars per kilogram, based on purity levels. NSW organised crime groups are engaged in numerous other activities including major financial crime, acts of extreme violence, gun trafficking, theft, corruption, sexual servitude and prostitution.

Groups thrive based on their ability to conceal their activities by integrating into legitimate NSW markets, which effects the social, economic and political environment. These activities pose a secondary threat which increases the cost to NSW for health care due to the physical and psychological damage caused by drug addiction, assault and domestic violence.

## Interchangeable structures

Organised crime groups are a business and the aim of that is business is to generate profit. Today's criminal groups are less hierarchical in nature and consist of criminal entrepreneurs with varying skillsets valued by the group. Crime groups interact with other criminal groups for the purpose of increasing profit with positive or negative consequences for either group.

Like all business the ability of the group to operate is based on their financial liquidity and assets. Organised crime is transnational and global in nature and shifts from one jurisdiction to another. An important fact relating to organised criminal groups operating in NSW is that each group controls drug distribution networks and territories, which they protect with hostile force if required. It is extremely difficult, if not impossible, for an 'outsider' to commence trafficking illegal drugs in NSW without the authority of one of the groups.

## Proceeds of crime remain in NSW

Each year organised crime groups make hundreds of millions of dollars from the sale of illegal drugs and other crimes, a majority of the proceeds of drug crime generated in respect of imported commodities such as cocaine, ice, and MDMA remain in NSW. As Australia is a producer of cannabis, it is likely that all of the proceeds of these sales remain in Australia, with the exception of the profits that are used to fund the importation of more dangerous drugs. Hundreds of millions of dollars of illegal money is smuggled out of NSW via the legitimate banking, alternate banking sectors, cash mules and trade base schemes to launder into tax havens or pay for the next round of illegal drugs.

## Terrorism and organised crime

Some NSW criminals involved in organised crime have close associations and are sympathetic to persons who are involved in terrorism. Criminal and terrorist groups are willing to assist each other based on mutual benefit and will trade specialist skills, finances, weapons and connections.

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<sup>1</sup> ACIC, *National Wastewater Drug Monitoring Program Report 1* (2017)

As with most criminal activities, the methodologies employed by terrorism persons of interest ('POI') are the same or similar to those used by criminal groups. Terrorism POIs learn from their criminal counterparts to improve their tradecraft as both are attempting to hide their activities from law enforcement and law enforcement strategies to identify and detect both activities tend to be identical.

## Use of technology

Criminals are often the earliest, and most innovative, adopters of technology. Organised crime groups are involved in identity theft, draining online banking accounts, and wiping out computer services through malware attacks such as the recent 'WannaCry' ransomware attack. They use similar technologies to defeat law enforcement agencies.

The value of Commission electronic surveillance systems have declined in recent years as a result of the use of encrypted telecommunications devices and other evolving communication platforms. Although the utility of these intercepts is reduced, there is still value to the Commission to intercept the telecommunications services of persons suspected to be involved in criminal activities.

This is particularly the case in respect of money laundering and other financial crimes, but to a lesser extent evidence continues to be obtained regarding drug and violent crimes. Telecommunications interception continues to be used to support criminal prosecutions and civil proceedings. Advances in technology will continually force the Commission to remodel investigative teams.

## Strategic investigative model

In accordance with the Commission's strategic plan, the Commission's model for investigating organised crime is now based on conducting **holistic and complex criminal (proactive and reactive), financial and civil investigations** targeting NSW organised crime groups.

Commission investigative teams have integrated tactics commonly referred to as 'following the money' into their investigation plans. The term refers to **targeting organised crime financial systems and cash movement** as a major line of enquiry underpinning the entire investigation.

**Organised crime groups can be dismantled when their criminal, financial, professional facilitator, and social network is understood.** This leads to the exposure of the organised crime groups weaknesses and allows individuals to be targeted for their involvement in money laundering, drug trafficking, homicide, fraud, financial crime, and other offences. It also assists law enforcement in the identification of disaffected members of the organised crime group, which can assist in the **disruption and dismantling** of the group.



Figure 1: Criminal network mapping

The investigative model has significant benefit. The holistic approach of conducting combined criminal and financial investigations with the goal of enabling effective confiscation means **organised crime groups can be 'bankrupted' through the seizure and confiscation of criminal proceeds**. In addition, key persons such as senior members, financial other professional facilitators and other members can be charged with a range of crimes, leading to a **complete rout of the financial liquidity of the organised crime groups causing the group to become inoperable**.

Previous investigative models were not designed to achieve combined disruption through combined criminal proceedings and effective confiscation. The new model will provide the Commission with **increased opportunity for seizure and confiscation action**.





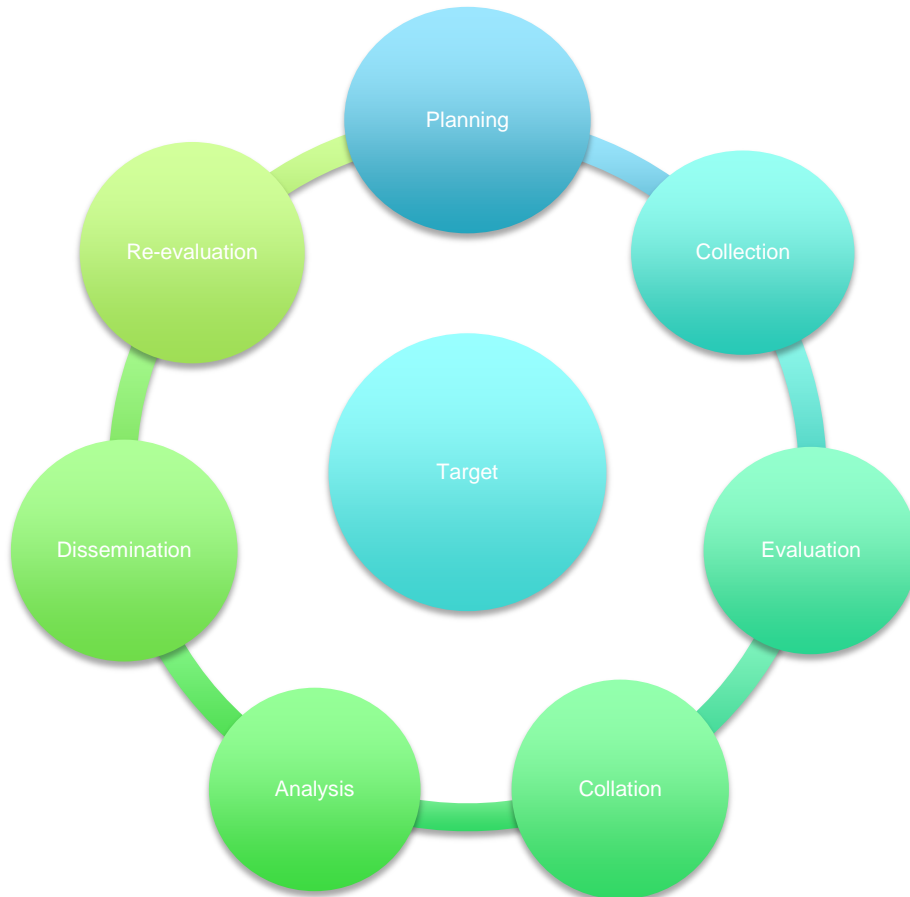


Figure 2: Target-centric intelligence cycle

## Identifying confiscation opportunities

The investigation of organised crime calls for domestic, national, international, and business partnerships. Hundreds of millions of dollars from the proceeds of crime are believed to be laundered in NSW annually. Importantly, the proceeds are available to subsidise the next round of drug importations. The Commission is a domestic based organisation. To be successful in the investigation of state based organised crime groups, the Commission must partner with Commonwealth law enforcement agencies, international partners such as the Drug Enforcement Agency, the Federal Bureau of Investigation and with domestic business and banking partners.

The Commission achieves this through a process known as Syndicate Mapping. This entails mapping the activities/business of the criminal group as a whole, establishing how the group operates domestically, nationally and transnationally, identifying the money laundering methods used by the group and how the funds flow between members, and detecting the offences used to generate the proceeds of crime, and the other offences committed by the group.

Investigations focus on various levels of the group based on strategic, tactical, and operational considerations. Where possible, the Commission exploits civil and criminal investigative opportunities take advantage of group weak (pinch) points, such as financial and/or professional facilitators.

The Commission also seeks to use hearings and Human Sources to progress investigations. This is only possible if the organised crime group is understood as a whole. By taking a holistic approach to investigation, various levels within an organised crime group can be arrested, subject to search warrants, hearings, covert operations, serious crime prevention orders, and confiscation



action. The organised crime group is continually disrupted and weakened through such investigative tactics.

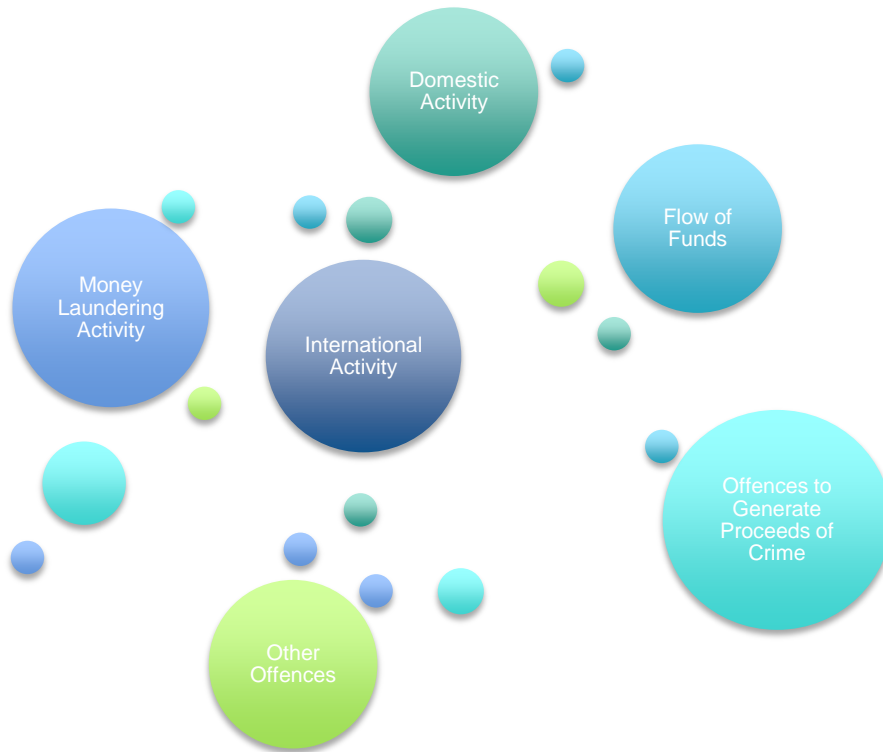


Figure 3: Syndicate Mapping

## Criminal financial and money laundering investigations

Money laundering is increasingly a transnational enterprise, with the proceeds of crime generated by organised crime groups being put through both a domestic and an international money laundering cycle. The complex and transnational nature of money laundering has led organised criminal groups to employ the services of professional money laundering syndicates in many cases. The goal of these professional money laundering groups is to make the proceeds of crime appear to be legitimate and therefore available to organised crime groups to use without risk or fear of confiscation.

Unlike the proceeds from the trafficking and sale of illicit commodities – which are often realised in the form of cash – the profits generated by financial crime are likely to be already placed in a financial system or market, making it easier to electronically transfer these funds quickly around the world through a complex series of accounts designed to conceal beneficial ownership. In the case of the proceeds of financial crime, the illicit funds are likely to be ‘washed’ by means of a complex series of funds transfers through multiple jurisdictions. These transfers are likely to include structured funds transactions, complex business structures and Alternative Banking Services.

Money laundering is an intrinsic enabler of serious and organised crime. Organised crime groups rely on it as a way of legitimising or hiding the proceeds of their criminal activities. Money laundering is conducted at all levels of sophistication by most, if not all, organised crime groups. In an effort to disrupt money laundering in NSW, the Commission has developed a number of programmes.

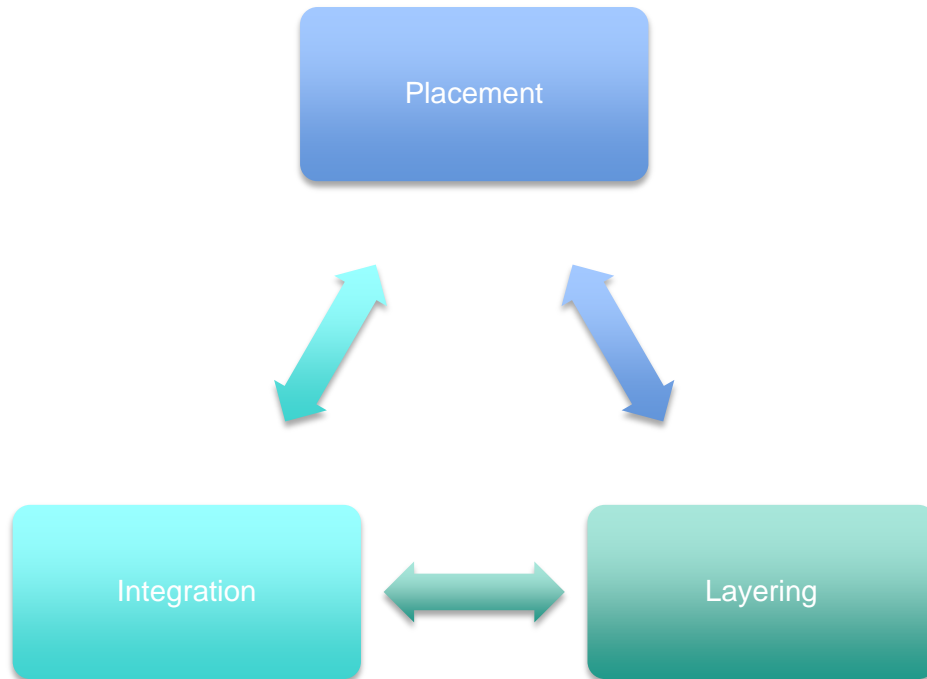


Figure 4: Example money laundering scheme

## Coercive powers

The Commission has a number of investigative powers not available to other law enforcement agencies. The power to conduct coercive hearings is a key tool used to investigate serious and organised crime. The investigative model is designed to advance investigations through the use of coercive hearings. Coercive hearing powers have always been valuable when used as a tool to investigate organised crime homicide offences. Hearing powers are also proving to be useful to investigate the financial structure and crimes of the syndicate.

## Access to Data

The strategies are largely intelligence based. The Commission receives significant information concerning criminal activity from a number of sources and by a process of analysis; value is added to that information in order to convert it into intelligence, which forms the basis for decision making.

The optimum use of resources in combating organised crime is often a matter of timing, and the strategy provides for the maintenance of a system for the continued collection and analysis of information essential to providing intelligence concerning the criminal environment which is current at the point in time when the decisions need to be made.

As previously mentioned, the increased sophistication of senior members of organised crime groups is manifested by their ability to frustrate traditional investigative techniques such as telephone interceptions, by the use of encrypted telecommunication devices. As a result, the capacity to gain evidence of incriminating recorded conversations has significantly diminished. There is still utility in carrying out telephone intercepts in order to gather information which has investigatory value, but the operational emphasis has now shifted to utilising surveillance capabilities in order to observe and record the interaction of targets.

The operational success of the Commission is therefore tied to its access to information which can be subjected to analysis for transformation into intelligence upon which operational decisions can be based. Information provided by human sources is the most valuable for this purpose and the Commission adopts a deliberately aggressive approach to the recruitment and utilisation of human sources for that reason. Dealing with human sources is recognised to involve considerable risk and the Commission requires strict adherence by its staff to its Human Source Management Policy, which has been drawn from models of other law enforcement agencies and is regularly under review. Information provided by human sources is regularly disseminated to other law enforcement agencies where it is considered that it is relevant to the nature of investigations by those agencies, and the Commission also receives information from them. The level of mutual co-operation in exchanging information is but one part of the framework of interagency co-operation necessary for achieving maximum disruption of organised crime groups.

The Commission also comes into possession of data from other public and private sources and collects and retains data about criminals gathered by the Commission in the course of its operations. The deployment of sophisticated computer programmes allows the Commission to analyse large quantities of data in its quest for the identification of criminal networks and their activities, and it is the object of the Commission to maximise its access to data from external sources for that purpose.

## Disrupting Drug Networks

Even though the structure of organised drug networks is flexible and variable, it is not difficult to identify basic features which are common to the major groups which constitute the biggest threat to the community. Underpinning this observation is that all 'hard' drugs (or the precursors from which they are made) are imported into Australia. Any such enterprise usually involves the following components, albeit with varying degrees of separation:

- An exporting group overseas which causes drugs to be transported to Australia;
- An importing group which receives the drugs on their arrival in Australia;
- A distribution group which provides the first line of disposing of the importation in Australia;
- Dealers who receive commercial quantities of the amount imported;
- Runners who dispose of the drugs in small quantities at the retail level; and
- Remitters who are responsible for forwarding funds overseas to pay for the shipment.

There are two points at which law enforcement agencies have visibility of the activities of such groups; at the point of importation of the drugs as they cross the border; and when funds are sent offshore to pay for the shipment, often through remitters or by commodity based trading or by transportation of cash.

These points of visibility are largely regulated by the Commonwealth but it is necessary for the Commission to be involved in investigations in those areas in order to be able to disrupt the activities of the organised criminal groups in New South Wales, because once drugs have passed the point of importation they are usually not seen again until they appear on the streets. It is because of that difficulty that the Commission places considerable reliance upon information from human sources, without which intervention in the drug distribution networks in New South Wales would be almost impossible.

## Investigating Other Serious Crime

The disruption of organised crime is not the only business of the Commission. The prescribed statutory function of investigating matters relating to “relevant criminal activity” and the requirement that references to the Commission be made only when the use of the Commission’s powers appear to be necessary, and the matter is in the public interest and is sufficiently serious, means that there are other serious crimes which may not amount to organised crime which the Commission should investigate. It is a function of the Commission to re-investigate matters relating to any criminal activity that were the subject of a police enquiry in an effort to resolve investigations which were not concluded by conventional investigative practices and the Commission will continue to carry out that role.

There will always be a requirement to balance the use of the resources of the Commission between investigating such matters and reducing the incidence of organised crime. Homicides are the majority of the non-drug related offences investigated by the Commission and many of them are connected to drug trafficking so that there is a significant connection with the two categories of investigations.

## Asset Confiscation

The capacity to confiscate and recover the proceeds of serious crimes is an important weapon in the disruption of organised crime. As part of its responsibility for administering the CAR Act, the Commission employs expert forensic accountants assisted by financial analysts who specialise in tracing the proceeds of crime and identifying assets held by, or on behalf of, those suspected of illegal activity, including proceeds and assets that have been subject to money laundering or other efforts to hide them.

Under the CAR Act, the Commission commences proceedings in the Supreme Court seeking confiscation orders. The process often commences with the receipt by the Commission of referrals from partner agencies, predominantly NSWPF, of matters in which criminals possess assets derived from unlawful activities.

The Commission may seek three types of confiscation orders:

- Asset Forfeiture Orders (by which specified interests in property are forfeited to the Crown);
- Proceeds Assessment Orders (by which a defendant is ordered to pay to the Treasurer an amount calculated as the amount derived from illegal activity in the previous six years, by the defendant or another person); and
- Unexplained Wealth Orders (requiring the defendant to pay to the Treasurer an amount assessed as the value of the defendant’s wealth that the defendant cannot prove was not illegally acquired).

Proceeds of crime that are recovered under the CAR Act are not retained by the Commission but are deposited to an account established by the Treasurer known as the Confiscated Proceeds Account from which there may be paid, inter alia, amounts in aid of law enforcement such as rewards or drug purchase money in controlled operations or victims compensation.

The potential for commencing confiscation proceedings is an important factor in prioritising the allocation of the resources of the Commission in disrupting organised crime. The co-ordination of investigating organised crime and the confiscation of proceeds of crime is endorsed by the provisions of s 11 of the Crime Commission Act.

## Mapping Organised Crime Groups

As mentioned above, the starting point to determining the most effective use of the resources available to the Commission to dismantle and disrupt organised crime groups in New South Wales is to endeavour to identify the extent of the threat to the community by the creation and maintenance of a “map” or “list” which records groups and individuals known to be engaged in organised crime.

It is now generally accepted that the character of organised criminal groups has changed over time. The previous patriarchal hierarchical structures have been replaced by networks emerging from bottom up interactions with a focus on flexible and spontaneous forms of organisation based on opportunism. Even on the assumption that organised crime groups do not always lend themselves to clear or permanent definition or characterisation, but based upon information and systems available to the Commission, it is generally possible to identify the leaders of groups, their members and their associates. The associations may change over time but systems within the Commission will allow changing allegiances to be monitored.

The process of assembling intelligence into the form of a map which provides a list of organised crime groups and criminals enables the Commission and its partner agencies to identify, evaluate and prioritise the management of threats to the community of New South Wales from the organised crime groups known to exist.

It is essential that the map be a living document. It is unrealistic to assume that at any given point in time, it is possible to record all criminals participating in organised crime, and processes are in place to provide that the map is continually updated by adding persons identified from the analysis of additional human source information or data from other sources. Persons are also removed from the list when there is cause to believe that for some reason, e.g. arrest, they are no longer active.

Information provided by human sources concerning persons of interest is assessed as to its credibility and research is carried out by analysts in order to determine whether the information is plausible before converting it to profiles upon which decisions are made as to whether persons are added to the map and subject to the processes described.

The focus of the map is upon leaders of groups on the basis that members may come and go, but the principals are likely to continue to constitute a threat to the community regardless of the persons by whom they are assisted. Nevertheless, it is recognised that monitoring and/or disrupting the activities of facilitators and “workers” may be an important means of reducing the threat posed by the senior members of criminal networks.

## Threat Assessment

The intelligence incorporated in the map is structured in such a manner that it not only identifies leaders of groups and their cohorts, but also provides, or is linked to, data which allows for the systematic management of risk and application of intervention strategies.

Using the organised crime map as a guide, the Commission will evaluate the threats to the community posed by the persons of interest against specified harm criteria. The assessment will also consider the vulnerability of persons of interest or groups to disruption of their criminal activities, and will lead to decisions concerning the implementation of appropriate operational responses.

Amongst the matters to be taken into account in evaluating the threats and prioritising the implementation of strategies are the following factors:

- inherent threat to the community;
- vulnerability to investigation;
- availability of assets for confiscation;
- the use of enablers or facilitators; and
- the public interest.

The subject matter does not lend itself to a formulaic approach to target selection. Decisions are made in a consultative process by persons familiar with the organised crime landscape in New South Wales.

## Operational Response

The evaluation and prioritising of persons of interest will be followed by the implementation of one of the following strategies:

1. The commencement of an operation involving the investigation of criminal activities and other disruption strategies, pursuant to a reference, in co-operation with a Squad or Command of the NSWPF, or another law enforcement agency, such as the Australian Federal Police ('AFP').
2. The dissemination of intelligence to the NSWPF, or to another law enforcement agency.
3. The commencement of a project by the Commission of actively gathering and developing intelligence in relation to a person of interest or a group, with a view to the commencement of an active operation in the future.
4. The monitoring of persons of interest through the use of alerts and the accumulation of intelligence.

## Partnerships

It is not within the capacity of the Commission to effectively disrupt organised crime independently. Whilst it has significant advantages through its sources of intelligence and specialised analytical skills, as well as its additional statutory powers, acting alone it is unlikely that it would ever be capable of monitoring all organised crime groups in New South Wales. However, with access to the intelligence resources of other law enforcement agencies a more comprehensive picture can be established.

Organised crime is not a phenomenon peculiar to New South Wales. It occurs at a national and international level. In recognition of the growing threat of organised crime, the Australian Government published the *Commonwealth Organised Crime Strategic Framework* which was later followed by the *National Organised Crime Response Plan*.

According to their *Corporate Plan 2016-2018*, primary responsibility for the investigation of organised crime by the NSWPF rests with the State Crime Command ('SCC').

It is essential that the Commission's strategy for disrupting organised crime complements the plans of other law enforcement agencies, in particular the NSWPF, the Australian Criminal Intelligence Commission ('ACIC') and the AFP; and interagency co-operation is a fundamental premise of its approach.



The Commission is an agency of limited resources and does not execute the resolution phase of investigations; it therefore requires the co-operation of other agencies in order to effect the arrest of persons who have been the subject of investigation. Accordingly, the successful implementation of this strategy depends upon the establishment of effective partnerships with other law enforcement agencies investigating organised crime.

## **NSWPF State Crime Command**

SCC provides specialist resources for the investigation of crime in New South Wales and includes resources dedicated for the purposes of investigating organised criminal networks. The Commission operates closely with SCC in reducing the threat of organised crime. Organised crime specialist resources of SCC operate in partnership with the Commission and some are housed within the premises of the Commission. The SCC provides those investigative resources to complement the specialised capacity of the Commission.

The Commission and SCC participate in regular meetings for the purposes of sharing intelligence, and both organisations will consult in order to categorise persons of interest according to the Threat and Risk Assessment Matrices ('TRAM'), maintained by the ACIC (see below).

The Commission and SCC also co-ordinate the identification of targets for inclusion in the National Criminal Target List ('NCTL').

As part of these processes, the Commission acts in partnership with SCC, evaluating and prioritising targets for investigation. In the event of a decision that the Commission not be involved in an investigation but that it be carried out by the NSWPF, the SCC will make the necessary arrangements and will inform the Commission from time to time on the progress of the investigation. If it is decided that matters will be investigated by another law enforcement agency such as the AFP, the Commission will disseminate the material and make the necessary arrangements.

## **National Criminal Target List**

It is an important part of the strategy of the Commission to co-operate at a national level in the disruption of organised crime. Most drug related crime investigated by the Commission is linked directly or indirectly to the importation of the drugs, involving offences against the laws of the Commonwealth, the primary enforcement of which rests with Federal law enforcement agencies.

An element of the Commonwealth Organised Crime Strategic Framework is the establishment of a Fusion Capability led by the ACIC. The Fusion Capability is designed to provide means to identify national patterns of crime and flows of money associated with them and to be able to identify individuals, businesses and corporate structures involved in criminal enterprise in Australia. The ACIC works with a range of partner agencies that provide seconded officers, access to data and specialist capabilities. Many other agencies, in both the public and private sectors, apart from law enforcement agencies, are indirectly involved through providing access to information.

As part of the Fusion Capability, the ACIC maintains a National Targeting System ('NTS') which includes the NCTL, which in turn provides specific target lists for each State and Territory including New South Wales. Names of criminals are included in the list and risk and threat posed by them evaluated by the creation of TRAMs prepared by the law enforcement agency which nominates the person for inclusion on the list. TRAMs are updated by the nominating or 'lead' agency and other participating law enforcement agencies, as opportunity arises.



In each State, a Joint Management Group ('JMG') is tasked with nominating targets for inclusion on the NCTL and the development of target profiles is undertaken by Joint Analyst Groups ('JAG') in the particular State.

The Commission is represented on the NSW JMG and NSW JAG along with representatives of SCC, and assists in the nomination of targets for inclusion on the list and the development of their profiles.

As part of the strategy of a co-ordinated approach to disrupting organised crime in New South Wales, the selection of targets from New South Wales for inclusion on the national list is the subject of co-ordination with SCC.

The Fusion Capability of the ACIC provides for alerts in relation to the names of persons on the target lists, from data collected by participating agencies which in turn leads to further development of the profiles of the targets on the list.

The Fusion Capability provides a system for co-ordinating investigations into organised crime groups in order to minimise the duplication of the use of resources between Commonwealth and State law enforcement agencies in targeting organised crime groups. The system provides a forum for the identification of situations in which joint investigations may be the preferred method of investigation. The maintenance of the NCTL is dependent upon input from participating agencies and this Commission aims to support the ACIC in its role.

## Conclusion

Organised crime has evolved in the light of the increased familiarity of criminals with conventional law enforcement methodology and their access to sophisticated counter surveillance technology. The Commission is intent on adapting to the challenge by adopting a more disciplined strategy as outlined above.

The Commission's own use of technology to gather and analyse information and develop intelligence about persons of interest is designed to maximise the reduction of threat to the community from those persons who participate in organised crime groups.