



HIT FIRST — HIT HARD

THE AFP is using the target criminal concept successfully in its fight against organised crime.

'Platypus' presents this background report.

It took the Williams Royal Commission of Inquiry into Drugs in 1977-79 to demonstrate the virtues of the target criminal concept and its own special methodology.

Attached to the Commission were federal police officers who, with officers of the Commission, travelled overseas to inspect other methodologies.

Those federal officers, particularly now-retired Detective Senior Sergeant Bryan Carter and now Assistant Commissioner Peter Lamb (Investigations) later formed the nucleus of the AFP's task force groups which were quickly established in Sydney, Melbourne and Brisbane. They have been successful. Subsequently other Australian police forces started to use the concept.

The target criminal concept is aimed at taking out the inner core members of a criminal enterprise; not just those on the

periphery, or the couriers or mules, but the principals as well.

It also means weaving through the intricate net of covering enterprises, some of which may be legal business ventures, and getting through to the criminal centre.

Police forces are fairly conservative bodies, primarily designed and directed to controlling individuals. They normally react to complaints about offences already committed and identify the offenders, collect evidence and hopefully, convictions.

In recent times, the criminal intelligence process has alerted the AFP to a hidden culture where crime is conducted on an organised basis with relative impunity.

There are few complaints but there is an assault on our society.

To combat these insidious crimes —

drug trafficking, extortion, prostitution, pornography, corruption etc. — law enforcement agencies in many countries, including Australia, have created, developed and ultimately refined the target criminal concept as an effective weapon.

It means taking police officers, and others possessing particular skills, out of their normal working environment and placing them in separate and discrete premises where they can concentrate on a single objective — the crime czars, i.e. the 'Mr Bigs'.

There, they are free from the inevitable distractions of the more traditional aspects of policing and are decidedly more secure.

The task force must be totally self-reliant — there should be no need to seek help from the parent agency.

Though the ultimate aim is to prosecute the principals of a nominated and suspected criminal enterprise and thereby dismantle the organisation, a direct approach, such as an attack at the

head, may not always be possible.

They are formidable figures, well insulated by lesser people, with legitimate business interests and wealth which buys them protection through the corruption of public officials.

This task force must, therefore, be realistically targeted on a key figure or figures within the organisation who, hopefully, will provide a conduit to the top for the investigative unit.

Often, it will require months of probing the boundaries and inner cells of the organisation with stealth before the points of vulnerability clearly emerge.

It means surveillance for protracted periods, the use of informants, the evaluation of assets and income, the use of the intelligence process and in Australia with narcotics-related matters (and soon other major crimes) the use of telephone interceptions and listening devices. It also means tracing the assets of criminal enterprise for later confiscation.

When a weak point is found, the task force group — consisting of no fewer than 25 dedicated officers — must not be distracted by pursuing peripheral matters. The principle of 'single-mindedness' must be rigidly applied.

Management must clearly accept that the commitment over a long period will be a heavy one indeed — both in terms of resources and manpower — and it may be years before a reasonable success is forthcoming.

If this process is to work a 'hands-on' approach by senior management of the parent agency is not only desirable but also essential. The task force needs the full support of senior management to survive because it operates outside the mainstream of the parent force and the normal chain of command and because it is expensive to run, although it is cost effective.

Management must appreciate that latitudes not normally afforded to the parent force are needed if the proactive targeting concept is to be totally effective.

The task force must, for example, have the ability and capacity to be as flexible as the individuals being looked at. It means the task force must remain fluid, i.e. change or move quickly to capture on record a vital piece of evidence.

Flexibility, perseverance and initiative are very important elements of the concept.

The selection of personnel is equally important. They need to have a good record for carrying out difficult and complex investigations; the temperament for doing painstaking work for a long period; they need to maintain their motivation and must possess initiative,

integrity and the ability to be a member of a unified team.

It is also important to identify people with particular skills in electronics, accounting, intelligence analysis etc. who can work beside the investigator in total harmony under a single command.

Special management skills are needed to ensure the energy of the task force undertaking proactive targeting is always available. It means being able to make those hard decisions to re-direct the effort elsewhere when the momentum has stalled. It means setting clearly obtainable objectives and undertaking critical reviews after the passage of time during which those objectives should be attainable.

**“ . . . the target criminal
concept . . . can . . .
eliminate entire groups that
prey on society.”**

The application of the target criminal concept can achieve excellent results when measured by the complete dismantling of an entrenched criminal organisation and the conviction of its principals.

Management must also be aware, at least in Australia, of the benefits which can flow from the use of indemnified witnesses.

This can be a very effective weapon against the hierarchy of a complex and sophisticated criminal organisation where evidence of complicity is often hard to find.

However in the words of Australia's Director of Public Prosecutions, Mr Ian Temby, QC, 'as a general rule an indemnity will only be granted as a last resort and then only to secure for the prosecution the testimony of a minor participant in the criminal activities the subject of the charge(s) against the principal offender. Strong justification will be required for any departure from this general rule.'

In a recent case when an offender had been granted an indemnity and had given evidence against his former colleagues, the defence counsel challenged the Crown's practice of using such a witness and invited the jury to reject his evidence and return a verdict of not guilty.

In his summing up, Mr Justice McIn-

erney said, among other things, that:

'The Crown authorities are responsible people and these days where we have organised crime hierarchy and others acting in secret, how do you get evidence against them? It is almost impossible. The reason why the Crown grants immunities is because it is the only way to get evidence against those people.'

The AFP's experience has shown that faced with an indemnified witness and strong corroborative evidence, the principal offenders often enter guilty pleas.

However it should be remembered that indemnified witnesses need to be protected throughout the lengthy criminal proceedings and afterwards need to be relocated.

There is another side as well. It is particularly galling to all law abiding citizens if, after serving a period of imprisonment, the offenders are able to enjoy the fruits of their erstwhile nefarious activities.

To correct this iniquitous situation, legislation similar to that which has existed for years in other countries was enacted in 1987 to permit the seizure and disposal of acquired wealth where in Australia it can be clearly shown that it was derived from illicit pursuits, past or present.

Consequently, with the help of government legal officers, a parallel investigation is often run to identify assets accumulated or even disposed of to a third party by the offenders.

At the time of arrest the assets are seized and ultimately disposed of with the proceeds going into the federal coffers. This is an effective and debilitating weapon.

There must be total secrecy whenever the target criminal concept is used. Only those people who need to know should know.

A casual remark may ruin months of hard work by a dedicated team of detectives. Also, steps must be taken to defend against deliberate counter-penetration. This is a real concern where crime czars are protecting empires worth millions. A counter-intelligence policy needs to be devised at the outset and formally implemented.

There is nothing static about the target criminal concept. It is forever changing with advances in knowledge and technology. Of course, training forms a vital factor in ensuring that efficiency, and thereby effectiveness, is of a very high standard.

Although labour and resource intensive, the target criminal concept has, and can if properly applied, reap substantial results in arrests, seizures of assets and eliminate entire groups that prey on society.