

SPECIAL REPORT

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Essential and underappreciated The contribution of law enforcement to national security



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ASPI is pleased to introduce its new Strategic Policing and Law Enforcement Program. We believe that the contribution to national security of international law enforcement and the activities that support it are not widely appreciated by the policy development, academic and think tank community. As a result, there's a dearth of discussion of the role and relative priority of strategic policing. So while government has no shortage of external advice on matters such as defence and foreign policy from a range of contributors—including ASPI—that's not the case in the policing sector.

Our assessment of the importance of this work is shared by the Australian Federal Police (AFP), which has provided funding for this research. As is ASPI's remit, we will develop and provide independent policy advice to inform the public debate about how Australia's law enforcement agencies should be used to advance Australia's interests, especially in the area of national security. This introductory paper outlines the agenda for the Strategic Policing and Law Enforcement Program.

What is 'strategic policing and law enforcement'?

Australians know well the role of law enforcement agencies in fighting crime and promoting public safety. The most visible agencies are the nation's police forces: every day, people see them playing an essential role in activities such as road safety, investigation and crime prevention. While those activities don't really have a formal name, their focus, methods and outcomes can be called 'community law enforcement'.

But law enforcement agencies do more than these jobs. They also protect the government from politically motivated violence, guard state institutions from espionage, manage public safety in the face of natural disasters or civil disorder, combat organised and high-tech crime, and contribute to foreign policy objectives in overseas operations. The

public sees these actions infrequently, but they're vital to economic prosperity, the overall security of the people and the protection of institutions that support democracy, and sometimes to the ideals Australians hold as members of an international community. This type of activity can be described as 'strategic law enforcement'.

In contrast to community-focused work, strategic law enforcement describes actions taken by a government's law enforcement agencies to promote national security. Because this is a very broad task, it's important to identify the issues of highest value. We've shaped our early research agenda to include:

- analysing the impact of major law enforcement issues on national security, with an early focus on serious and organised crime
- identifying the contribution of law enforcement to Australia's national interests, with an early focus on the relationship of the AFP with Indonesia's National Police
- helping law enforcement agencies to position themselves for their future by linking them with leading thinkers on important policy, operational and management topics.

National security and law enforcement

National security can be defined in dozens of ways, but its key focus involves the protection and advancement of national interests. This might include protecting democratic institutions from subversion or violence, protecting the sovereignty of the nation's borders and decision-making, and ensuring a favourable regional situation so the government can advance the nation's economic and political goals. The various threats and vectors that could jeopardise those interests are many, and range from infrequent but deadly events like inter-state war and terrorist attacks to challenges that most nations face every day from espionage, serious and organised crime and malicious cyber-attacks.

Strategic policing and law enforcement involves promoting and protecting national interests at home and abroad. This includes international or transnational law enforcement operations as part of whole-of-government missions; international law enforcement cooperation and capacity building; domestic and offshore counterterrorism and actions to counter politically motivated violence; countering serious and organised crime; protective security for dignitaries and establishments; countering people smuggling; promoting public order and providing assistance during civil disturbances and disasters; and protecting critical infrastructure.

While a distinction is drawn above between ‘strategic’ and ‘community’ law enforcement, it’s important to recognise the continuum of activities that link those two elements (Figure 1). For instance, policing activities that engage vulnerable communities may also help to counter violent extremism, general duties police play leadership roles in the wake of natural disasters, and some cybercrime investigations aim to stop the exploitation of individuals. The best way to determine whether we’re talking about ‘strategic’ or ‘community’ law enforcement is to consider the effect of the activity: does it protect individuals alone, or the interests of the nation as a whole?

Why is a Strategic Policing and Law Enforcement Program needed?

ASPI’s new program is needed because strategic law enforcement plays a critical—and often leading—role in meeting Australia’s future national security risks. The depth of that role has been clearly articulated in the 2013 National Security Strategy, which identifies seven risks that concern national security policymakers:

- Espionage and foreign interference
- Instability in developing and fragile states
- Malicious cyber activity
- Proliferation of weapons of mass destruction (especially domestically)
- Serious and organised crime
- Terrorism and violent extremism
- Countering state-based conflict and coercion.

Figure 1: A continuum of law enforcement activity



Of these seven risks, it's only in the last—countering state-based conflict and coercion—that traditional diplomatic and military instruments would clearly take the leading role. In all of the others, we expect to see law enforcement and security agencies playing at least an important, if not predominant, role. This is a major turn-around in Australian thinking about national security, which, until probably only a decade ago, tended to be in relatively narrow and defence-oriented terms. Naturally, most Australian think tanks that specialise in national security—including ASPI—also tend to focus on defence and diplomacy too. But the rise in prominence for law enforcement within national security concerns means there's great value in articulating the strategic role of these agencies.

There's also value in a program that enhances the profile of law enforcement in discussions and research about other national security issues. Traditionally, discussions about other security areas—such as international institutions, diplomacy and military strategy—tend to be dominated by those with expertise in foreign, defence and economic policy. This program will add a law enforcement perspective to those discussions, which will further enhance strategic thinking about the full range of security issues and instruments available to promote Australia's national interests.

The current economic climate adds urgency to the need, as governments must make hard choices about strategy and resources—choices that will involve all national security agencies, including those with law enforcement responsibilities. It also makes international and interjurisdictional cooperation essential, and highlights the importance of close collaboration and consultation between state, territory and federal law enforcement agencies. The relationship between the economic driver and potential approaches will call for clear thinking about how to best use law enforcement agencies into the future.

These risks and needs mean that the Strategic Policing and Law Enforcement Program's primary value will come from the information it provides to decision-makers about their resource allocation options. The program will also give Australia's elected representatives, as well as the public in general, a more complete understanding of the contribution of law enforcement to national security.

To achieve this, ASPI will follow a series of research threads that explain how relevant law enforcement concerns relate to national security. From there, ASPI research will also aim to provide the basis for independent policy advice to government about how it can optimally position the nation to meet threats into the future. The research threads—the big questions—are described below.

Who contributes to strategic policing and law enforcement in Australia?

Strategic policing and law enforcement involves many actors with different skills, mandates and degrees of involvement, but they have at least one common need: cooperation. And not all of the actors are directly engaged in police work. As Figure 2 shows, there are many organisations with important parts to play, including those with intelligence functions, and others that play only supporting roles. Of course, some contributors to strategic law enforcement sit outside government. Their role should be explained and examined in a similar fashion.

Operational agencies

The Australian and state and territory governments have a broad range of assets that are directly engaged in strategic policing and law enforcement, as well as some assets that can play vital supporting roles. The most direct and intimately involved are the AFP and the state and territory police forces, which have the most visible mandate to investigate crime and bring charges against those who may threaten national security. They also play a role in the disruption of potential security threats. Both the Australian Customs and Border Protection Service and the Australian Security Intelligence Organisation are shown as 'operational agencies' due to their hands-on role in disrupting some crimes, including espionage and people smuggling.

Intelligence agencies

The operational agencies are supported with information by the criminal intelligence agencies, especially the Australian Crime Commission and similar agencies in other jurisdictions, such as the NSW Crime Commission. Australia's other intelligence agencies play varying roles in the strategic law enforcement space as well, particularly in regard to crimes relating to people smuggling and in broader strategic analysis. While there's a large degree of legislative separation, more externally oriented intelligence organisations, including the Office of National Assessments and the collection agencies, allocate strategically valuable effort to matters such as overseas operations, people smuggling, transnational crime and terrorism.

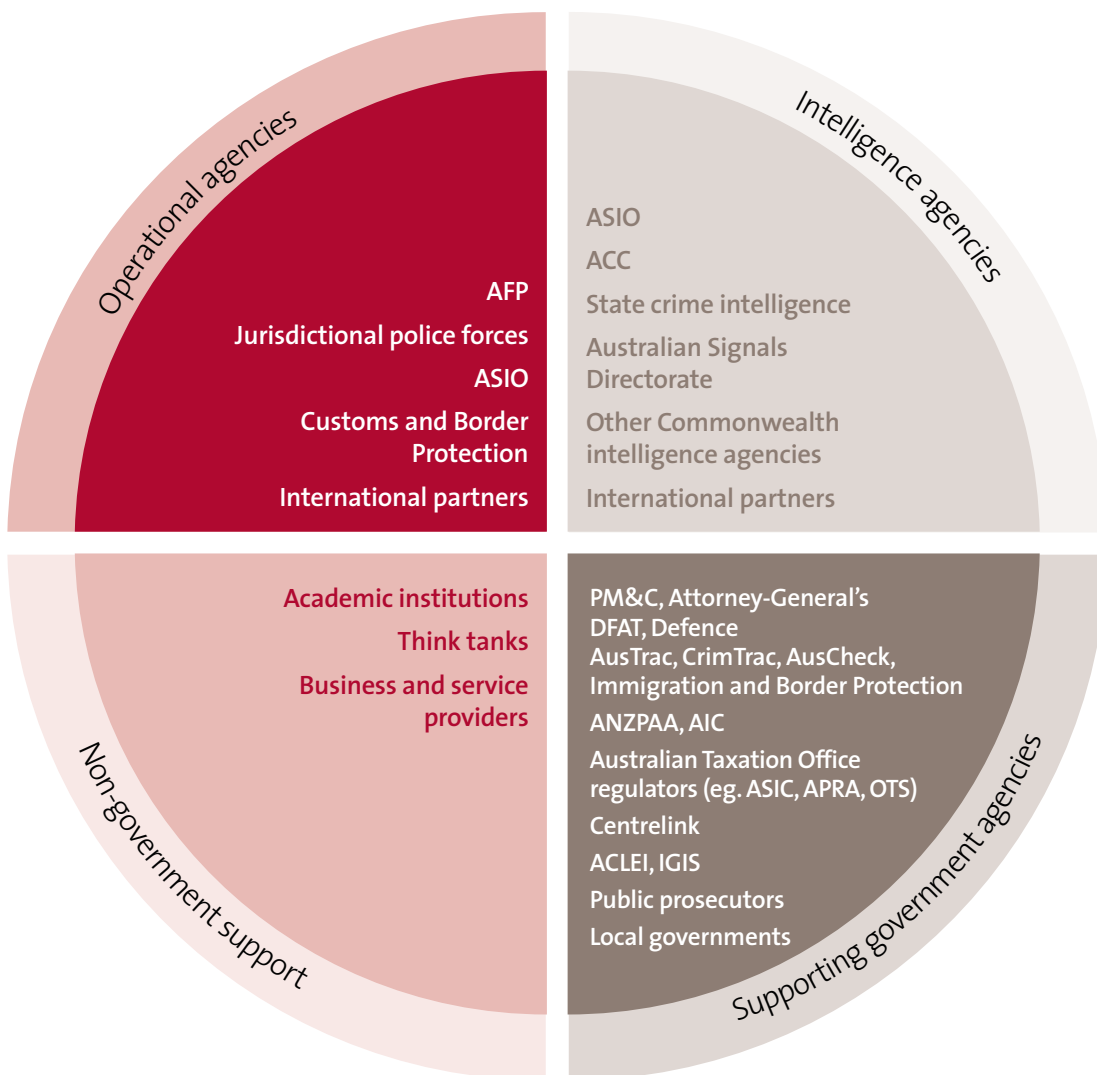
Supporting government agencies

A number of other government agencies play key supporting roles for both the intelligence and operational agencies. Only some are listed in Figure 2, but more could be added, depending on the approach taken to counter threats. Some

of these supporting agencies have played increasingly important roles in recent initiatives to combat serious and organised crime, especially the Australian Taxation Office, the Australian Securities and Investments Commission and the Australian Prudential Regulation Authority. Others play important roles in counterterrorism, such as the Office of Transport Security. A number of others provide specific information on criminal activities, such as AusTrac (for financial transaction reporting), CrimTrac (for national law

enforcement information sharing), and AusCheck (for background checks for specified identity cards). Under some conditions, even local councils—with their planning roles and limited responsibilities for community safety—can also help counter threats such as organised crime. Australia’s official oversight agencies, including the Australian Commission for Law Enforcement Integrity and the Inspector-General of Intelligence and Security, also support the operational and intelligence agencies with their investigations into corrupt or

Figure 2: Contributors to strategic law enforcement in Australia



ACC = Australian Crime Commission; AFP = Australian Federal Police; ACLEI = Australian Commission for Law Enforcement Integrity; AIC = Australian Institute of Criminology; ANZPAA = Australia–New Zealand Police Advisory Agency; APRA = Australian Prudential Regulation Authority; ASIC = Australian Securities and Investments Commission; ASIO = Australian Security Intelligence Organisation; DFAT = Department of Foreign Affairs and Trade; IGIS = Inspector-General of Intelligence and Security; OTS = Office of Transport Security; PM&C = Department of the Prime Minister and Cabinet

other illegal practices by agency members. In future, it's plausible that others could join this list if the tools used to counter threats to national security are expanded.

A number of other agencies also support community and strategic law enforcement, often in very direct ways. For instance, the Australia–New Zealand Police Advisory Agency and the Australian Institute of Criminology are both listed as 'supporting', but that perhaps understates their close relationship to operational and intelligence agencies. Both provide important analysis and advice that help develop both a research base and advice on best practice. The Australian Institute of Police Management provides senior officer education and professional development to police from all jurisdictions and often internationally in areas relevant to strategic law enforcement.

A range of other departments and agencies also support strategic law enforcement while they conduct other functions. The Australian Attorney-General's Department plays a key role. It shapes legislation that supports law enforcement; develops capability for emergency management and counterterrorism; coordinates responses to natural disasters and terrorist acts; and manages specific activities, such as countering violent extremism, dignitary protection, international capacity building and the national security hotline. This role often involves cooperation with the other jurisdictions, including leadership of important domestically focused national-security committees.

Other Australian Government agencies make different supporting contributions, often as part of a broader agency remit. For example, the Department of the Prime Minister and Cabinet has traditional coordination functions, including between the national and the state and territory governments. One particularly important direct contribution by the department is its position as the co-chair of the Australia – New Zealand Counter-Terrorism Committee. The Department of Foreign Affairs and Trade represents Australia's broader interests overseas, including at key international forums, and manages Australia's diplomatic network. The Department of Defence supports overseas operations and plays a supporting role in domestic counterterrorism and border security, albeit under legislation primarily designed for protecting Australia against terrorism or external threats, or using executive powers. Also supporting strategic law enforcement—from an independent stance—is the Commonwealth Director of Public Prosecutions.

Non-government support

A range of independent actors who support strategic law enforcement are outside government. A number of them provide analytical support through research and education, including the Centre of Excellence for Policing and Security, Charles Sturt University, the National Security College and, more recently, ASPI. More individuals and smaller centres can be found in other Australian universities, and the Australian Research Council has been known to fund projects directly relevant to promoting Australia's national security.

Industry also plays vital roles in strategic law enforcement in direct and supporting ways. Some industries provide material assistance through security and related services in the physical and cyber domains. Others assist overseas operations as logistical contractors. And, of course, industry develops and supplies nearly all of the cutting-edge technology used to support strategic law enforcement. Industry associations in the protective security, information security, risk assessment and critical infrastructure sectors are also worth noting, as some provide research and educational functions to those with jobs in this area.

The international dimension

The 'borderless' nature of organised crime, Australia's strong interest in stable and effective governance across our region and the proven value of intelligence sharing with partners give strategic law enforcement a strong international dimension.

The level of Australian law enforcement cooperation with the international community is significant. The AFP has developed an international network of liaison officers in key parts of the world, especially in Asia. Those officers don't only support the AFP; they also assist other government agencies and state and territory police.

Australia's a party to a number of multilateral and bilateral arrangements to promote law enforcement cooperation and capacity building and works closely with key international agencies such as Interpol, the Financial Action Task Force and the UN Office on Drugs and Crime to exchange information, conduct operations and develop consistent international approaches to crime. These combined actions and activities make strategic policing and law enforcement a key part of Australia's international diplomatic presence and actions.

Practical law enforcement cooperation with other nations is perhaps one of the better known international activities of Australia's agencies, especially the AFP. It includes solving cases with an international dimension, and has recorded

some high-profile successes against drug smuggling and child exploitation. AFP officers also provide essential capacity-building support to regional forces, including in Indonesia and Papua New Guinea. In the case of Indonesia, cooperation and practical assistance between the AFP and the Indonesian National Police have been major contributors to the bilateral relationship. Engagement such as this helps Australia build and sustain relationships with its neighbours and further the national interest beyond simply solving cases.

Peacekeeping and international stability operations are other important ways that law enforcement contributes to Australia's security. The AFP, often supported by state and territory police, has a proud and continuing record of overseas service in areas as diverse as Cyprus, Sudan, East Timor and Solomon Islands. Many of these contributions are essential in promoting the rule of law in shattered societies—a particular strength of law enforcement and a key competency of Australian officers and officials.

International cooperation occurs not only with overseas agencies: Australian law enforcement officers also work closely with counterparts from other agencies in Australian diplomatic posts, including the Department of Foreign Affairs and Trade, Customs, Immigration and Defence. This 'Team Australia' approach can see law enforcement officers conducting international investigations, policy representation, information sharing and practical cooperation with foreign police forces. Most liaison officers often have a very broad geographic remit as well.

These facets of strategic law enforcement, and the clear opportunity for Australia to engage others through a mutual interest in defeating crime, make it worth asking whether Australia's diplomatic persona could be enhanced by leveraging our law enforcement agencies to an optimal level. For instance, is the respect garnered by Australia's law enforcement agencies used effectively to 'open doors' into foreign governments? Could multilateral law enforcement ties be used to promote cooperation in other areas, such as security or trade? Is Australia's legislative and operational framework for law enforcement agencies adequate to promote its interests overseas? Should more law enforcement agencies be represented overseas? These are important questions about the future and ones that government should consider carefully.

The big questions: ASPI's research agenda

The breadth of issues, range of stakeholders and important international dimension in strategic law enforcement makes for an interesting and potentially crowded agenda for an institution like ASPI. We, too, have to make some choices about what to research.

ASPI informs the public debate on strategic issues pertinent to Australia's national security, and we do so from an independent, non-partisan position. We work closely with government, business and other institutions similar to ours—in the case of this program, with the AFP (which provides some funding to support this research). We aim to work collaboratively with others interested in this area through policy-relevant research, workshops, seminars and discussions among practitioner, industry and academic experts. Indeed, bringing experts together in a trusted and informed environment can be one of the program's main benefits.

The research agenda should, in the first instance, analyse the contribution of law enforcement to national security. This work will seek to answer three questions:

- How do crime and related activity influence Australia's security?
- What is the contribution of our law enforcement agencies to our international objectives?
- How should we position our law enforcement agencies for the future?

The influence of crime on Australia's security

The research effort will include analysis of how criminal and similar activities increase the risk to Australia's security, with an early focus on explaining the impact of serious and organised crime. This focus is important because the Australian Government's current position—that serious and organised crime threatens national security—is insufficiently nuanced. While it's possible to see organised crime's impact on some national institutions, especially law enforcement and the economy, it's harder to see an impact on the electoral system, parliament or the judiciary. It's even harder to see an impact on Australia's national sovereignty or territorial integrity.

Also, if our population is anything like Britain's, most Australians will be concerned about organised crime but few will feel that they've been touched by it.¹ As a result, they might be sceptical about the government's claim that organised crime is a national security threat. That would be an error, because serious and organised crime has a wide range of impacts across many different dimensions of security, including public safety, human security, international security and, in some important aspects, Australia's national security. Those impacts are well worth explaining.

So, too, are the other security risks that will be addressed primarily through law enforcement. In particular, ASPI is developing expertise in cybersecurity, including associated dimensions such as crime and espionage, through our International Cyber Policy Centre.² Traditional strengths in terrorism and emergency management, as well as our regional expertise, will also be leveraged to provide a broad coverage of the areas related to strategic policing and law enforcement.

As part of this research strand, it's also worth asking whether Australia is well poised to meet these challenges. To address this question, the Strategic Policing and Law Enforcement Program will also examine the different roles played by the contributors to strategic law enforcement. This will involve exploring some particularly underdeveloped contributors, especially the state and territory governments and the private sector. Projects for the coming year will examine how the Australian Government can optimise its contribution to the fight against serious and organised crime and include an analysis of the government's proposals to enhance ministerial-level arrangements for interjurisdictional cooperation on organised crime and domestic security.

While only a start, these are important questions for explaining the contribution of law enforcement to national security for the reason cited above: that strategic law enforcement is an underexamined area with a relatively low profile in a major policy area. Changing that profile is the first research outcome that the Strategic Policing and Law Enforcement Program will pursue.

The contribution to Australia's international objectives

The second major research strand will examine the contribution of law enforcement agencies to Australia's international objectives, or 'police diplomacy'. Australia's police and law enforcement agencies play valuable roles overseas, but their achievements may be undervalued because their work is often overshadowed by the work of others. In addition, Australia might be able to enhance its relationships with other nations through law enforcement cooperation while also reducing the threat of crime here. So it's worth asking whether Australia's current law enforcement efforts are achieving optimal results in all possible areas and whether more action could or should be taken. This research strand will tackle questions such as the contribution of law enforcement to Australia's international objectives and diplomatic persona, and closely examine the benefits accrued from law enforcement cooperation with Indonesia.

Positioning the agencies for the future

The third major research strand will explore best-practice ways to position Australia's law enforcement agencies for the future. In particular, it will consider new developments in strategic planning, technology acquisition and through-life support through workshops and roundtables with thought leaders in those areas. Roundtable-style discussions will be organised on important policy and operational topics, including cybersecurity and privacy. This strand will build on ASPI's extensive expertise in planning, budgeting and national security policy, and round out our examination of the key dimensions of the strategic law enforcement puzzle.

What should the Strategic Policing and Law Enforcement Program deliver?

This research agenda only touches a few of the big questions in this field, so ASPI expects to develop further projects in collaboration with others as the Strategic Policing and Law Enforcement Program matures. In order to promote that collaboration, ASPI intends to use research workshops, seminars and visiting speakers to build links between practitioners, academics and businesspeople so that all voices are heard. This collaboration will extend to overseas universities and intergovernmental organisations, which will bring international perspectives to the understanding of law enforcement related security challenges, and ideas to address them.

ASPI will place a high level of collaboration at the centre of its research method because sharing views and analysis on these matters is essential. The strategic law enforcement field is becoming more complex, more diverse and more critical to Australia's future wellbeing and prosperity. Strategic law enforcement also costs a lot of money. ASPI thinks that analysis and dialogue will enhance governmental and community understanding of the contribution of law enforcement, especially police, to national security. It will also deepen government and community understanding of how and why certain criminal activities will be key features of Australia's security environment, and identify policy options to promote the contribution of law enforcement to Australia's national security.

The results of program activities will be communicated through accurate, timely and policy-relevant strategy papers, blog posts, op-eds and presentations. The program will also include public and closed seminars that address key strategic law enforcement challenges and issues.

ASPI's Strategic Policing and Law Enforcement Program is a new initiative that builds on our considerable experience in national security and policy analysis. It also builds on ASPI's already significant track record in explaining why law enforcement needs to be considered as a means of promoting our national security, and complements our recent International Cyber Policy Centre initiative.

The value in the Strategic Policing and Law Enforcement Program will be seen when government and the public at large show a clearer appreciation of the contribution of law enforcement to national security. This is an important outcome because, at present, that contribution is both essential and underappreciated.

Notes

1. Jeremy Alouche and Jeremy Lind, *Public attitudes to global uncertainties*, Institute of Development Studies, Brighton, UK, November 2010; IPSOS Mori, *Public perceptions of organised crime in Scotland*, September 2013, www.ipsos-mori.com.
2. See Peter Jennings and Tobias Feakin, *The emerging agenda for cybersecurity*, Australian Strategic Policy Institute—International Cyber Policy Centre, Canberra, July 2013.

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