



Parliamentary Joint Committee on Law Enforcement

Inquiry into an Australian Standard for the training and use of privately contracted security and detection dogs

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Submission by the
Australian Federal Police

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Table of contents

Table of Contents	2
Introduction	3
AFP Canine Operations Overview	3
- Capability	3
- Compliance	4
Use of Privately Contracted Canines - Insight from a Law Enforcement Perspective	5
- Operating environment	5
- Impact of classified practices and legislative requirements on training and information sharing	5
- Collection of evidence and response to security incidents	6
Conclusion	7

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Introduction

The Australian Federal Police (AFP) welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Law Enforcement (the Committee) Inquiry into an Australian Standard for the training and use of privately contracted security and detection dogs.

This submission addresses the terms of reference (ToR) for this Inquiry, relevant to the AFP; ToR (d)

- (a) the adequacy of current Australian arrangements, and the potential benefits of introducing a National Standard;
- (b) funding, administration, and enforcement implications of the introduction of a National Standard;
- (c) the nature and effectiveness of models adopted in overseas jurisdictions;
- (d) any issues arising in the context of the work of law enforcement agencies, including the Australian Federal Police, in relation to the training and use of privately contracted security and detection dogs, or insights from law enforcement that might help guide the development of an appropriate National Standard;
- (e) any related matters.

AFP Canine Operations Overview

Capability

As Australia's national policing agency, the AFP is a key member of the Australian law enforcement and national security community, leading policing efforts to keep Australians and Australian interests safe, both at home and overseas.

The AFP is actively engaged in providing canine detection services to prevent criminal activity and support Australia's national security efforts and welcomes this review. The AFP also provides specialist canine services in support of Australian Capital Territory Policing (ACT Policing).

AFP National Canine Operations is a specialist multi-disciplinary team providing canine resources, including firearms, explosives, currency and drug detection and tactical and general purpose canine capabilities. In addition detection capabilities of other substances and products are developed to support operational requirements as they emerge.

The current AFP National Canine Operations Centre (NCOC) is situated in Canberra was opened in December 2007. The funding was supplied by the Federal Government as part of funding for Asia-Pacific Economic Cooperation 2007. The AFP National Canine Program operates in Sydney, Melbourne, Perth, Brisbane, Cairns, Gold Coast, Darwin, Adelaide and Canberra. The AFP deploys canines based on known and emerging risks, threats and intelligence, and to support operations, including Aviation, ACT Policing, national investigations and other Commonwealth agencies and State and Territory police forces.

Detection canines are deployed for their unobtrusive and non-discriminatory broad screening detection capability. Their strength is their ability to screen large volumes of people and goods quickly and efficiently. The canine teams provide a highly mobile and effective broad screening capability over a wide variety of search areas and a high visible deterrence factor contributing to crime prevention efforts.

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The capability is used at the designated airports as an additional screening tool, enhancing existing explosives screening measures undertaken by airport authorities. The capability contributes to detecting the illegal movement and concealment of currency and complements both targeted and proactive operations to detect, disrupt and dismantle both ad-hoc and organised illegal importation and movement of illicit drugs within Australia.

General Purpose (GP) dogs are used in support of ACT Policing, national and international operations. Services include:

- Searching open and rural areas for offenders/missing persons,
- Tracking offenders/missing persons from a known last location,
- Searching buildings or enclosed areas for offenders/missing persons,
- Searching for physical evidence containing human odour,
- Public Order Management,
- Apprehending violent or fleeing offenders.

As part of the broader Home Affairs Portfolio, the AFP and Australian Border Force (ABF) canine operations teams work closely together to achieve efficiencies from a commonwealth perspective and to ensure the highest levels of protection are provided for the Australian public. Both agencies rely substantially upon each other to maintain the national canine capabilities for the Commonwealth by delivering:

- a sustainable breeding program (ABF);
- operational structures and magazines for the management of explosive detection training aids nationwide (AFP/ABF);
- operational deployment of canine resources nationally across Australia in designated airports and other border entry points (AFP/ABF);
- purpose-built training facilities based in Canberra (AFP) and Melbourne (ABF); and
- the provision of research and development from an established forensic international framework (AFP).

The AFP through Forensics provides direct access in Canberra to the AFP led inter- governmental agency Airport Detection Gap Analysis Workshop and the capabilities of chemical criminalistics and weapons and technical intelligence.

The AFP and ABF co-locate in a number of locations across Australia sharing service providers at these facilities for the management of kennels (landscaping/gardening; kennel management). In addition the AFP and ABF have an established working group to examine training efficiencies and mutual assistance. The agencies have also developed a joint operational strategy in regards to commonwealth detection services. The ABF are the major provider of canines to the AFP as part of their general breeding program.

While the AFP and ABF have similar core services, they deliver those services across a broad law enforcement and policing spectrum of transport (aviation, maritime, passenger movement, air cargo) and community dependent areas (non-national security level policing services directly related to State level arrangements i.e. ACT Government). In particular and beyond the remit of Home Affairs, the AFP provides a canine capability of tactical, general purpose and detection dogs related directly to community policing services and as such retains dedicated training resources focused on this outcome.

Compliance

AFP National Canine Operations methodology is bound by legislation and the operating environment, and not by a specific Australian Standard. The curriculum and assessment criteria is sanctioned by AFP Learning and Development, and the program is benchmarked against a number of law enforcement and best practice partners including ABF, the Australian Defence Force (ADF), State and Territory Police, International Law Enforcement agencies and security organisations.

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The curriculum is being aligned to the Diploma of Public Safety - Police Dog Handling and the AFP is investigating the issue of formal qualifications to handlers and trainers, given the industry demand for formal Police Dog handling qualifications from our National and State Policing colleagues. The AFP is continuing this work and sharing practices in collaboration with the Australia New Zealand Police Advisory Agency (ANZPAA) and the Australia & New Zealand Counter Terrorism Committee (ANZCTC). Many of the methodology practices are classified and further details are unable to be contained in an Unclassified submission for national security reasons.

In addition to the specific operating environment, the AFP is also bound by a number of legislative provisions relating to the storage and transport of explosives. This includes Australian Standard AS 2187 Explosives – Storage, transport and use.

Workplace safety is regulated for handling canine drug and explosive training aids by Comcare at the commonwealth level. Audits may be undertaken by the Regulator and agencies are required to address audit outcomes. The AFP has a comprehensive internal governance framework protecting employees and the workplace.

Use of Privately Contracted Canines - Insight from a Law Enforcement Perspective

There are a number of different considerations for the use of privately contracted canines in the national security environment within which the AFP operates. While the AFP does not use privately contracted canines, the organisation has worked with a private contractors in the delivery of explosives training.

It is noted that the Committee has not specified the environments in which the privately contracted canines may be used. As such the following insights are general in nature across both security controlled zones, public spaces and private spaces.

The different considerations include:

- Operating environment
- Impact of classified practices on training and information sharing
- Collection of evidence and response to security incidents

Operating environment

The “standards” for different Law Enforcement agencies and capabilities differ dramatically, and what would be relevant to one agency may be irrelevant to another. While there are common national standards that are applied in regards to the handling of training materials and the requirements for police handlers operating in secure zones or public places, law enforcement agencies build on to the standards to reflect the specific environment they operate within when training canines and handlers. While this response is restricted to the law enforcement environment and capabilities, these differing standards can also be expected to apply to different types of canine capability in other fields such as Security and Biosecurity.

For example, an ABF drug canine’s assessable standard may be the detection capability of hundreds of grams, if not kilograms of drugs, in a variety of concealments that mimic their operational environments. Conversely, a Department of Corrections drug canine’s assessable standard will only be a maximum of two to three grams of drugs, in completely different operational environments where smaller amounts are expected to be concealed.

All agencies approach training and operational deployments differently, with the most effective method being the one that fits their specific working environment. This environment also considers the Commonwealth and State legislation relevant for where each agency operates.

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An example of this would be an ADF Explosive Detection canine who is trained with the intention of deploying into war or security theatres overseas, such as in the Middle East. One of their objectives is to search safe routes into, and out of high-risk areas for many hours at a time. An AFP Explosives Detection canine may work within the highly regulated aviation environment and mostly in high-volume passenger environments at major airports. Although both agencies train their canines to detect explosives, the training delivery, operational deployment, and assessable standards are very different.

If an agency or business contracts private external companies, the contract owner will be required to align their training and assessment benchmarks to meet that of the agency and/ the jurisdictional legislative operating environment. While an Australian Standard may form the basis of the program, other factors will influence the program including legislation and operating environment considerations.

Impact of classified practices and legislative requirements on training and information sharing

Given the continual development and emerging trends in the canine capability field both of a classified and non-classified nature, private contractors would need to remain across these developments and have the ability to access classified information if operating to enhance security in spaces open to the public or secure zones. As noted above the methodologies and curriculums adopted by law enforcement agencies are classified to ensure operational methodology is not rendered ineffective against criminal elements or national security threats. Any exposure of this methodology would need to only occur to appropriately cleared and need to know staff.

It would also be important to consider the commercial benefits by access to this security sensitive information that specific contractors may gain. Formal agreements and clearance of relevant staff would be critical for contractors to remain viable in this space.

The storage of explosive training aids is covered by the Australian Standard, AS 2187 Explosives – Storage, transport and use for their facilities. As such a private contractor using explosive training aids would need to meet all requirements under this Australian Standard and any relevant state based licencing legislation. An additional area of heightened sensitivity regarding the delivery of explosive detection training is the emergence of the use of universally known term 'home-made explosives' (HME) by those seeking to cause harm or commit crimes. HME or, by its technical term under the Australian Code for the Transport of Explosives by Road and Rail, Class 1.1A explosives, are a move away from the traditional use of commercial or military explosive given the ease of access to ingredients. HME in its various iterations of explosives is so highly volatile that storage and transport is high risk. The long term storage of HME material is difficult as the scent parameters change rendering any created aid largely ineffective after a short period of time as a useful ongoing training aid. Chemicals improperly stored undergo chemical change resulting in the formation of other highly volatile products.

While the AFP has accessed a private contractor to assist with the delivery of some HME explosive training, the contractor relies on the AFP for its storage, disposal and power of explosive capability in the overall delivery and completion of this training. As such, the critical co-location of the AFP's canine facility to the Forensics capability and AFP Bomb Response Team in Canberra places the AFP at the forefront of HME detection training in Australasia.

While synthetic training aids can and are used, it is not as effective for developing canine scenting capabilities with recognised lower success rates for detection. Any use of live explosive training aids requires close partnerships with either ADF, AFP or State based Bomb Response Teams to ensure product is effectively managed and disposed of under their legislative regimes at completion of training.

Access to drug detection live aids would also require legislative provision for appropriately cleared privately contracted staff to use, store and possess illegal substances for the purposes of training within specific jurisdictions.

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Collection of evidence and response to security incidents

The AFP have specific legislative based processes around the operational deployment of Explosive and other detection canines that would be very difficult to replicate by private external companies. Processes such as deploying alongside armed AFP Rapid Assessment Officers who have expertise in determining and responding to threats in the event of a canine indication, or working in collaboration with law enforcement investigators in evidence recovery and prosecution. Evidence collection and presentation at court specifically requires qualifications and training to a standard accepted by courts of law in various jurisdictions.

Given the current threat of explosive use either through person borne or vehicle borne delivery systems, the consequences required following a positive detection by a canine may require an immediate active response action to nullify the threat through armed means. As such, the deployment of privately contracted canines would require a similar level of support either through law enforcement or an armed response by privately contracted staff.

If not an immediate response, the detection of the carriage of explosive material or firearms in security zones such as Commonwealth premises or other areas of mass public gathering still requires a response through a variety of laws and regulations. This includes an Officer reaching a certain level of suspicion or belief dependent on the circumstances before further action may be undertaken to detain the individual or investigate the threat. Again these levels of evidentiary response would be required to be met and any individual acting upon them would require appropriate legislative authority.

In regards to general purpose canines used as a general security response against members of the public, legislative standards are required to be met as it is an application of use of force upon a private citizen, either in restraining them from leaving an area or actively engaging with a person. Liability for the use of force would be carried by a private contractor and appropriate legislative powers to apply this force would be required to ensure the contractor is not exposed criminal proceedings.

Conclusion

In closing the development of an Australian Standard would ensure a stronger field of practice for those outside of the Commonwealth and State law enforcement, Defence and Security agencies and their legislative parameters. However the establishment of standards should also require the establishment of an independent qualified regulator to ensure the standards are being met and maintained beyond workplace health and safety regulations. While law enforcement, ADF and security agencies could assess each service delivery partnership based on contract requirements and parameters, the general use of private contractors outside of these partnerships will require oversight depending upon the environment within which they are operating I.E. public space or private premises.

In addition unless the classified nature of methodologies, information sharing, training in HME and response are resolved, any engagement of privately contracted canines in Commonwealth or State and Territory legislated secure places will be restricted and rely upon working partnerships with legislatively enforced agencies such as law enforcement and the ADF. The AFP currently does not have additional resources to support services external to its current national canine operations responses.

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