



AFP
AUSTRALIAN FEDERAL POLICE



Parliamentary Joint Committee on Law Enforcement

Inquiry into criminal
activity and law
enforcement during the
COVID-19 pandemic

30 July 2020

Submission by the
Australian Federal Police

Introduction

The Australian Federal Police (AFP) welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Law Enforcement's (PJCLE) inquiry into criminal activity and law enforcement during the COVID-19 pandemic. This submission complements the Home Affairs Portfolio submission, on which the AFP was consulted.

As Australia's national policing agency, the AFP is a key member of the Australian law enforcement and national security community. The AFP delivers policing services both nationally and internationally, leading efforts to keep Australians and Australian interests safe both at home and overseas. The AFP also provides community policing services in the Australian Capital Territory and the territories of Christmas Island, Keeling Islands, Norfolk Island and Jervis Bay. The AFP proactively and flexibly deploys resources domestically and internationally to deter, prevent, investigate and disrupt criminal threats.

Overview of AFP's response to COVID-19

The COVID-19 pandemic has created a new operating environment for policing agencies internationally. New demands have been placed on police, such as the requirement to enforce social distancing and quarantining directions, and the pandemic has created new opportunities for criminals to exploit.

Nationally, Australian policing agencies have adapted swiftly to the changing criminal landscape and operating environment to prevent, disrupt, investigate, and resolve crime while protecting their own personnel and the Australian community.

The AFP's key pillars of focus in response to COVID-19 are:

- (1) Protecting our people;
- (2) Safeguarding Australia's national interests; and
- (3) Assisting with public safety.

We have continued to prioritise operational activities aimed at protecting life, namely counter-terrorism, aviation, protection operations and ACT Policing.

Throughout the pandemic, the AFP has flexibly deployed resources, working with Commonwealth, state and territory and international partners to safeguard Australia's national interests. The AFP implemented a number of key measures in support of the whole of government effort, detailed below.

On 2 February 2020, the Australian Government implemented additional border measures to manage the entry to Australia of people who had departed or transitioned through mainland China. In response, the AFP established **Operation BURDEI** to assist the Australian Border Force (ABF) with the repatriation of Australians returning from China and Japan. The AFP deployed 52 officers to Christmas Island, Learmonth and Darwin to assist the repatriation operation (including the successful transfer of 243 passengers via charter flight from Wuhan, China to Christmas Island for quarantine purposes).

On 5 March 2020, Operation BURDEI was deactivated. The AFP subsequently established **Operation PROTECT** to coordinate our contribution to the whole-of-government response to COVID-19. A 24/7 Incident Coordination Centre (ICC) was established to coordinate all AFP activities in response to COVID-19. The ICC was located at AFP Headquarters in Canberra, supported by Major Incident Rooms in all the AFP's regional offices.

On 19 March 2020, the AFP established a **Joint Intelligence Group** (JIG) as the central point of intelligence in support of Operation PROTECT. The role of the JIG is to determine potential risks to Australia from all crime types including: economic and financial crime; transnational, serious and organised crime; cybercrime; espionage and foreign interference; human trafficking and child exploitation, and counter terrorism. The JIG

coordinates efforts across Australian law enforcement and intelligence agencies, as well as international partners, to monitor and share information on crime trends and potential risks to the community as a result of the pandemic. Members of the JIG include Home Affairs Portfolio agencies (Australian Transaction Reports and Analysis Centre (AUSTRAC), Australian Criminal Intelligence Commission (ACIC) and Australian Border Force (ABF)), New Zealand Police and all state and territory police forces.

On 23 March 2020, the AFP received correspondence from **Northern Territory Police Force** (NT Police Force) advising of plans to implement border control measures across Northern Territory borders on 24 March 2020 and requesting AFP assistance in support of NT Police Force efforts. Since March, the AFP has deployed a total of 104 Police and Protective Service Officers to the Northern Territory to work alongside NT Police Force to protect vulnerable and remote communities.

AFP officers supported NT Police Force to prevent the spread of COVID-19 into remote Aboriginal communities in the Northern Territory classed as 'specified areas' under the *Biosecurity Act 2015* (Cth), by controlling access into those specified areas. AFP members were deployed to 14 locations throughout the Northern Territory to implement biosecurity and border control checkpoints. These border checkpoints are expected to remain until 7 August 2020.

The AFP has also assisted key counterparts in Western Australia, South Australia, New South Wales, Victoria and Queensland. In particular, AFP members have assisted with arrival, transportation and accommodation of repatriated Australians returning from overseas both by sea and air.

The AFP provides a community policing capability to the Australian Capital Territory (ACT) through **ACT Policing**, in accordance with a Policing Arrangement between the Commonwealth and ACT Governments. During the pandemic, ACT Policing was responsible for providing quality and effective community policing services in partnership with the community and ACT Government. ACT Policing commenced their response to the COVID-19 pandemic when the declaration of the public health emergency and health directions were issued. Additional resources were deployed from AFP's Federal Policing functions to assist the ACT Policing response. ACT Policing continues to work alongside the ACT Government to implement restrictions. For further detail on the ACT Policing capability and law enforcement response, please refer to the ACT Government submission.

The AFP's international presence continued during the height of the pandemic. The AFP had members deployed in 34 countries prior to COVID-19, and were able to maintain a comprehensive footprint in country or in some instances remotely during the pandemic. AFP has continued its valuable work with our international partners during the pandemic. The AFP contributed to whole of Australian Government contingency planning and is prepared to assist with the deployment of additional resources if required.

In order to support frontline operations to respond to COVID-19 and similar future scenarios, we established an **AFP Reserve**. The AFP Reserves will initially comprise retired and former employees who bring experience and corporate knowledge to complement the existing workforce. The AFP Reserve will ensure preparedness into the future, filling operational gaps in peak demand periods and crises, ensuring the AFP is best-placed to protect the community and Australian interests. The AFP Reserve is being established through a staged approach. The first members of the AFP Reserve commenced on 16 April 2020, and almost 50 members have now been on-boarded. We anticipate that a pool of around 200 AFP Reserves will be in place by the end of 2020.

Intelligence and Crime Trends

Effective cooperation between police nationally and internationally has been critical to keeping Australians and Australian interests safe during the pandemic. At all levels up to

the Commissioner, the AFP has been meeting regularly with state and territory police partners, as well as international partners, to align effort, and share experiences and best practice. Police and partner agencies will continue to monitor changes in criminal activity as COVID-19-related disruptions, domestically and globally, continue to evolve.

Observations of crime trends

Online child exploitation: The AFP has observed an increase in online child exploitation activity on the clear and dark net during the pandemic. Between March and April 2020, the AFP-led Australian Centre to Counter Child Exploitation (ACCCE) saw the highest month-on-month increase in community reports since January 2019. The AFP and state and territory police partners, through the Joint Anti-Child Exploitation Teams, are using the full suite of law enforcement powers and prioritising investigations into behavior on both the clear and dark net, to detect, disrupt and prosecute those who seek to harm children.

The AFP has bolstered resources within the ACCCE Child Protection Triage unit to address the increase in referrals. Our focus is on activities presenting immediate risk and danger to children and in the period 9 March to 25 May 2020, the AFP arrested or summonsed 47 individuals, and laid a total of 219 charges, in relation to online exploitation. Between 1 July 2019 and 30 May 2020, 144 people have been arrested/summonsed by the AFP with Commonwealth Child Exploitation offences with 1078 charges laid. This compares to 74 arrests/summons and 372 charges laid for the previous financial year.

Case study (AFP and NSW Police):

Following the execution of search warrants by AFP and NSW Police on the mid-north coast of NSW on 4 June, two men were charged with a range of offences relating to the alleged sexual abuse of young children and the production, transmission and possession of child abuse material.

These arrests are the latest as part of a broader national investigation, Operation Arkstone, launched in early 2020 after a tip-off from the United States' National Centre for Missing and Exploited Children to the ACCCE. In total, 254 charges have been laid against ten men in three states and at least 43 children have been saved from further harm, as a result of the national police investigation into individuals allegedly producing and sharing child abuse material.

These figures are current as at 3 July 2020. As Operation Arkstone is ongoing these figures may change

Online abuse and cybercrime: There has been an increase in the reporting of online abuse during the pandemic, likely due to a greater reliance of Australians using the internet for work, communications, and entertainment. Cybercrime has also continued unabated and some cybercriminals are exploiting the pandemic. An increase in cybercrime could be attributable to an increase in online activity due to social distancing or as a result of increased public awareness from social media messaging of how to report scams and fraud activity.

During the pandemic, the ACCCE has continued to work in partnership with state, territory and Commonwealth agencies and industry with a focus on preventing immediate risk to children, including contact offences. In May 2020, the AFP launched the AFP Child Protection Plan 2020-2022, highlighting planned deliverables to best position organisational child protection efforts over the next three years. This plan highlights our commitment to focus efforts on working collaboratively with partner agencies to reduce

the incidence and impact of crimes against children and hold those responsible for such crimes accountable. The Plan also covers the remit and roles of AFP Child Protection teams including AFP Child Protection Operations, JACETs, the ACCCE and the Northern Territory Child Abuse Taskforce (NTCAT).

Between April and June 2020 the ACCCE together with ThinkUKnow and AFP Police intensified efforts for outreach, prevention and deterrence initiatives over concerns around increasing risk factors for online child sexual exploitation during Australia's response to COVID-19.

A 7 day online safety challenge, was officially launched by Minister Peter Dutton on 27 April 2020. The initiative included a series of social media posts to help raise awareness, educate and encourage parents and carers to undertake preventative measures in relation to their child's online safety. The online safety initiative has been viewed more than one million times across the various social media platforms. The AFP also worked with the Office of the eSafety Commissioner and the Alannah and Madeleine Foundation to deliver an early childhood resource on online safety. Further information is at the following web sites:

- www.thinkuknow.org.au
- www.esafety.gov.au/key-issues/covid-19
- www.accce.gov.au

Counter Terrorism: The AFP identified an increase in right wing groups sharing COVID-19 rhetoric online to reinforce their messaging. The AFP, in collaboration with state and territory partners, continues to monitor the national threat environment to identify behaviour that is in breach of Commonwealth laws.

Countering Foreign Interference: The AFP's Counter Foreign Interference and Special Investigations (CFISI) team continues to focus on identifying and disrupting instances of misinformation online. CFISI and AFP Cyber have worked throughout the pandemic with the Department of Home Affairs as part of the newly established 'All Source Fusion Cell' to identify and assess all forms of malign information manipulation (misinformation, disinformation and scams, including phishing, ransomware/malware) relating to COVID-19.

Fraud: The AFP worked proactively to mitigate risks and respond to attempts to target and exploit the Government's COVID-19 stimulus measures through both traditional and cyber-enabled means. Further detail on our response is below.

Targeted measures to counter criminal threats

The AFP has worked closely with Commonwealth partner agencies to respond to criminal threats during the pandemic.

Commonwealth Counter Fraud Taskforce and Taskforce Iris

On 27 March 2020, AFP and Attorney-General's Department (AGD) established the COVID-19 Counter Fraud Taskforce (C19 TF) to support Commonwealth efforts to mitigate risks in relation to fraud against COVID-19 related measures. The Taskforce drew on existing capabilities under AFP-led multi-agency taskforce Operation ASHIBA, which supports whole of government efforts to combat serious and organised crime exploiting Commonwealth funded programs and strengthen counter fraud arrangements.

Agencies involved in the C19 TF are AFP, AGD, AUSTRAC, ACIC, Australian Securities and Investments Commission (ASIC), Australian Tax Office (ATO), ACCC, National Disability Insurance Agency (NDIA), National Indigenous Australian's Agency (NIAA), Services Australia, Department of Education, Department of Home Affairs, Commonwealth Director of Public Prosecutions and Department of Agriculture, Water and the Environment.

The C19 TF concluded on 30 June 2020. The AFP will continue to investigate reports of fraud against the Commonwealth relating to COVID-19 related measures and other Commonwealth-funded programs under existing arrangements under Operation ASHIBA.

In addition to the C19 TF, the AFP established an Anti-Fraud Investigations Taskforce – Taskforce IRIS - on 27 April 2020 to target persons and organised crime entities who plan to defraud the Government's COVID-19 stimulus measures.

The Taskforce made its first arrest on 30 April 2020, of an individual who allegedly submitted claims for a range of Government benefits, designed to assist the community affected by COVID-19 and bushfires.

Taskforce IRIS continues to operate as the government payments continue to be rolled out to the community. As at 16 July 2020, the AFP has commenced 22 investigations into allegations of fraud against the Commonwealth COVID-19 stimulus packages.

Case study (AFP and Services Australia):

On 30 April 2020, the AFP arrested a 34 year old Western Sydney man. It is alleged the man had assumed up to 11 identities, as well as 53 fictitious identities, to submit a number of claims for Government benefits designed to assist members of the Community affected by COVID-19 and the bushfires recovery efforts in NSW. The total value of fraudulent payments the man allegedly attempted to claim was approximately \$70,500. The man was charged with a range of Commonwealth fraud offences, and the matter remains before the courts.

On 3 June 2020, the AFP with the assistance of Services Australia, re-arrested the man and charged him with an additional offence, after allegedly continuing to offend while awaiting his next court date.

This case shows the strength of the collaboration between the AFP and Services Australia to detect, investigate and mitigate fraud.

Taskforce QUADRANT

On 28 March 2020, the *Customs (Prohibited Exports) Regulations 1958* (Cth) were amended to implement a temporary prohibition on the non-commercial export of certain goods that contribute to controlling and preventing the spread of COVID-19. On 31 March 2020, the Health Minister made the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Essential Goods) Determination* which required surrender of certain goods, if sent on or after 30 January 2020 and still held for Customs inspection by the Australian Border Force ('surrendered export essential goods'). Those goods include certain PPE (disposable face masks, disposable gloves, and disposable gowns, protective eye wear in the form of goggles, glasses or visors), alcohol wipes and hand sanitiser. In addition, the Biosecurity Determination addresses concerns that PPE and disinfectant products were being purchased at retail and hoarded for sale at significant profit (price gouging).

On 28 March 2020, the AFP established Taskforce Quadrant in partnership with ABF, ACIC and AUSTRAC. Taskforce Quadrant focuses on suspected breaches of the Health Minister's determination and the amended customs regulations relating to the improper export and/or profiteering from price gouging on essential goods.

The AFP continues to work with partners across the Commonwealth including the Therapeutic Goods Administration (TGA) and in states and territories, sharing information and intelligence to ensure organised crime groups and others do not take advantage of the COVID-19 pandemic. The AFP has supported the ABF in responding to the importation and identification of suspected counterfeit essential goods, and subsequent regulation and compliance actions by the TGA.

On 3 June 2020, Taskforce Quadrant engaged in 15 overt deterrence and compliance activities across the country with businesses and entities. To date, no large exports (planned or conducted) have been identified in breach of the Biosecurity Determination or the amended customs regulations. As such, no charges have been laid at this time.

Taskforce agencies continue to actively share intelligence in relation to any suspected breaches of the regulations and Biosecurity Determination. Taskforce partners have worked closely with the Department of Health to examine financial activity across commercial and wholesale suppliers of essential goods in an effort to identify alleged criminal activity. Taskforce Quadrant will continue to work with partners across law enforcement, government and industry to disrupt or prevent the exportation of essential goods from Australia.

Protection of AFP members

The AFP is deemed an essential service and has continued operations through the COVID-19 pandemic. The AFP continues to provide members with guidance to protect their health, and organisationally, a number of health protection countermeasures have been implemented to preserve the workforce. On 4 March 2020, the AFP established a dedicated 24/7 hotline, staffed by in-house clinicians to provide health advice to AFP members and their families relating to COVID-19.

AFP clinical staff undertake in-house contract tracing to determine and minimise the risk of COVID-19 within the workforce, this has resulted in very low case numbers, no clusters of COVID-19 within the AFP and has ensured continuity of operations. Early in the pandemic the AFP adopted strict isolation measures in support of workforce health protection.

The AFP continues to implement social distancing and other precautionary measures consistent with advice from health authorities. This includes increased signage, additional cleaning, restrictions on the numbers of people in office spaces, elevators and other common spaces, increased hand hygiene practices including providing hand sanitising stations, restricting non-essential travel and implementing work-from-home arrangements for large numbers of the organisation who aren't operating on the frontline.

Action cards have been developed alongside easy to read factsheets and flow charts, to provide guidance to those members who are dealing directly with the community. The AFP COVID-19 Health Protection countermeasures are tiered prevention efforts:

1. Primary prevention – actions aimed at avoiding the disease;
2. Secondary prevention – early detection of the disease and preventing the spread; and
3. Tertiary prevention – improve the quality of life and prevent severe symptoms in those with the disease.

The AFP continues to work alongside state and territory counterparts and health authorities to ensure our advice is relevant, current and in line with best practice and shared experience.

Personal Protective Equipment (PPE)

Since the establishment of Operation PROTECT, the AFP and key partners have successfully established a supply chain to facilitate the purchase and the delivery of surgical facemasks and hand sanitiser to help protect our frontline police officers (and those at our International Posts and Missions) against COVID-19. These members provide a critical role protecting the community, including those airport-uniformed police, conducting search warrants as part of ongoing investigations and ACT Policing.

All PPE purchased through this supply chain is certified to Australian Standards.

The AFP has made this supply chain available to other policing, health and emergency-response agencies across Australia, and in addition we have provided masks to NSW Police, Queensland Police, WA Police and two State Rural Fire Services.

Conclusion

The AFP continues to work closely with our partners across the Commonwealth, in States and Territories and overseas, as we monitor the current impacts of COVID-19 on criminal syndicates in Australia.