Taskforce on Organised Crime Legislation
QPS Response: Issue 5: Submission by AP Goldsworthy

Question 1. Does QPS agree with AP Goldsworthy's statement at page 12 that 'An examination of the overall crime rate in Queensland indicates that it has been steadily reducing for the past 12 years. Apart for an aberration in 2011/12, this trend has been consistent and independent of the VLAD laws?'

RESPONSE

The QPS acknowledges that AP Goldsworthy's analysis and views are open on the data that he has used. However, alternative views can also be supported. This is a complex issue that warrants more specific analysis and that a higher level consideration tends to show significant outcomes as a result of the broader police operation.

In relation to crime statistics published by the QPS, it is important to note by way of background the way in which crime statistics have been reported and/or published since the 2011-12 financial year. The last *QPS Annual Statistical Review* was published in 2011-12. No yearly statistical reviews were published by the QPS for July 2012 – June 2013 and July 2013- June 2014. Instead, raw statistical data was made available via the MyPolice website for direct use by the public.

This factor is relevant in commenting on the table produced at page 12 of AP Goldsworthy's submission. The table has been taken from the MyPolice website and reflects a basic picture of all crime rates over the period. The QPS has attempted to exactly reproduce this table. However, the MyPolice system no longer allows this search parameter to be run.

The QPS would say, however, that the table itself is largely irrelevant following the release of the most recent *QPS Annual Statistical Review 2014-15* on 15 October 2015. The *QPS Annual Statistical Review 2014-15* confirms that in so far as overall crime is concerned, there has been a reduction over time as follows:

- overall crime (personal, property and other offences) for the period 2005-2006 to 2014-2015: <u>12% reduction</u>;
- reported crime for the period 2013-2014: <u>11% reduction</u>; and
- reported crime for the period 2014-2015: <u>5% reduction</u>.

The QPS acknowledges that there has been a gradual overall reduction in overall crime generally since 2005-2006. Importantly however, the QPS considers that the increased focus on organised crime groups also corresponds with some particular crime rates reducing at much larger rates, with the VLAD laws contributing to the overall reduction.

The QPS experience is that a number of criminal offences in the crime groups of unlawful entry of businesses and homes, unlawful use of motor vehicles (U.U.M.V) and robbery, are committed by drug users. From October 2013, greater pressure was placed on major crime groups and individuals, including OMCG, supplying the illicit drug market by the QPS and other law enforcement bodies in partnership, resulting in a disruption to the illicit drug market.

The QPS acknowledges however that OMCG and other crime groups, whilst major players, are not the only suppliers to the illicit drug market, with other groups and individuals also involved.

The following case study in relation to Operation Lima Hacksaw provides one example of the QPS experience within an OMCG context:

Case Study - Operation Lima Hacksaw

The Network
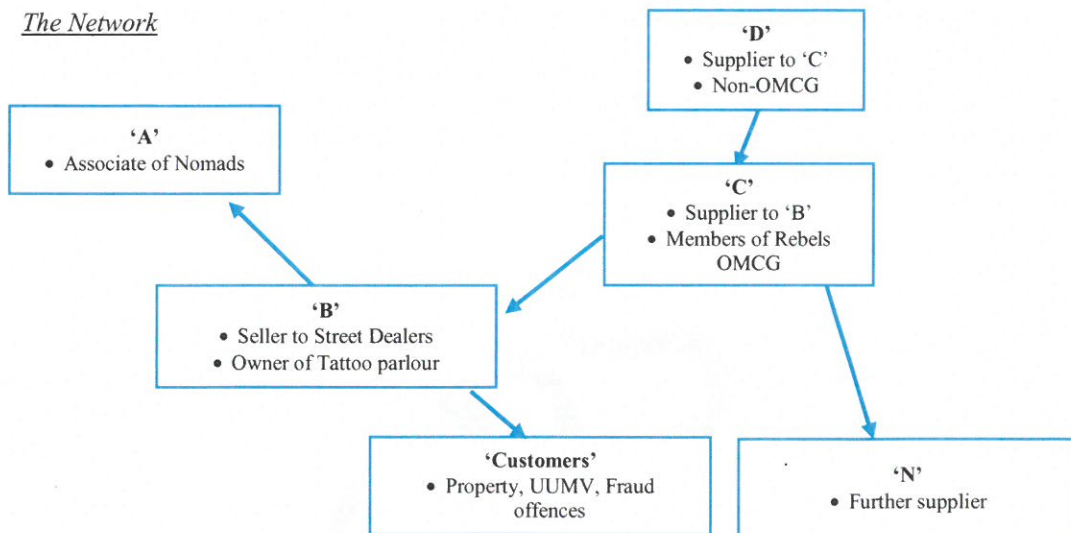
This covert operation was commenced in June 2013 by the (then) Taskforce Hydra/Taskforce Maxima and closed in November 2014.

'A' an associate of the Nomads OMCG was purchasing illicit drugs from 'B'. 'B' was identified as the owner and operator of Brisbane tattoo parlour. 'C' was identified as 'B's' drug supplier and ran a well-established drug supply network.

'B' supplied street deals and larger amounts of Ice and other drugs to street dealers who were believed to be committing offences including, unlawful use of motor vehicles (UUMV), break and enters, robbery and fraud to fund their habits and businesses. 'B' was identified as initially having 7 customers who had criminal histories for offences such as unlawful use of motor vehicles, break and enters, robbery and fraud. A number of these had served terms of imprisonment for offences of armed robbery. An example of this involving property offences was where one of 'B's' customers stole two $50,000 motor vehicles from a storage facility and drove them to 'B's' residence. 'B' was to purchase one of these vehicles. However due to tactical actions both vehicles were recovered. 'B's customer was charged with break and enter, UUMV and drug related offences.

'B' and 'C' also had a drug supply relationship with members of the Rebels OMCG, with 'C' ultimately being identified as a member of the Rebels OMCG. 'B' and 'C' utilised members of the Rebels OMCG in a variety of roles including debt collection associated with violence. By May 2014, 'B' was identified as having 24 persons in his drug network.

'C' was operating a drug supply syndicate and safe house from a unit in Brisbane City. In August 2014, 2 kilograms of MDMA tablets and $145,000 in cash was located. $100,000 cash was located in the car of 'C's' ex-wife. It was identified 'C' was purchasing kilograms of methamphetamine every 7 to 10 days from 'D' up until July 2014 when police intervened.

'C' also had a safe house in outer Brisbane which was occupied by 'N'. 1.2 kg of methamphetamine, 680 MDMA tablets and utensils were located at the second safe house. Due to police action, 'C' and 'N' owed significant debts and investigations revealed that 'C' was using Rebel members to recover his debt from 'N'.

Evidence implicated a number of OMCG offenders in a variety of offences, with 5 members of the Rebels OMCG charged with offences including trafficking and 4 of these as vicious lawless associates. During the operation the following was seized in total: Cash: $500,000, Cannabis: 160 kg, ICE: 6.5 kg, Cocaine: 2.3 kg, MDMA: 3.0 kg and Heroin 400 grams.

The QPS submits that the introduction of the VLAD laws and the reduction in key crime groups on the Gold Coast at the same time, which were well above any previous reductions, supports a likely correlation between the two:

<u>Gold Coast Reported Crime Statistics</u>

Offence	10/11 to 11/12	11/12 to 12/13	**12/13 to 13/14**	13/14 to 14/15
Unlawful Entry	- 11%	- 8%	**- 27%**	- 19%
*#Variance between 11/12 to 12/13 and 12/13 to 13/14: **19% Downwards***				
U.U.M.V.	- 1%	+ 7%	**- 28%**	- 2%
*#Variance between 11/12 to 12/13 and 12/13 to 13/14: **35% Downwards***				
Robbery	- 29%	+ 14%	**- 15%**	- 27%
*#Variance between 11/12 to 12/13 and 12/13 to13/14: **29% Downwards***				

The submission by AP Goldsworthy also suggests OMCG members have limited involvement in organised crime and make a small contribution to general crime (see page 3) involved in low level crime (see page 14), concluding that at the Gold Coast in particular, only 0.8% of crime at the Gold Coast (South Eastern Region) is attributed to OMCG (see page 13). This conclusion presumes that 0.8% of offences are committed by OMCG on the basis that all 127,698 reported offences have resulted in someone being charged, which is incorrect. A more accurate analysis would have been to compare the number of charges relating to OMCG (1083) for the period to the total number of charges against all offenders in the Region for the same period.

The QPS does not agree with the view that OMCG have limited involvement in organised crime and make a small contribution to general crime and restates the position previously put forward in the QPS submission to the Taskforce in relation to Issue 5 as follows:.

". . . OMCG are over-represented in the offending population and OMCG generally commit offences at the more serious end of the offending scale. For the period 1 October 2013 to 30 June 2015, the number of people charged with criminal offences in Queensland was 133,883 persons. This equates to 2.8% of the Queensland population, which is approximately 4.7 million people. OMCG members make up only 0.02% of the Queensland population, however, make up 0.5% of the offending population (696 members charged as at 30 June 2015).

These statistics indicate that OMCG are approximately 25 times more likely to offend than general members of the community.

Further, a search of the QPrime database suggests that of OCMG participants overall offending behaviour, approximately 46% of that behaviour relates to serious criminal offences. This percentage was calculated by aligning all OMCG participant charges in QPrime against the definition of 'serious criminal offence' in the Criminal Organisation Act 2009".

Question 2. Does QPS dispute the accuracy of any of the statistics or figures quoted by AP Goldsworthy in his submission?

RESPONSE

The QPS is able to make general comment on certain aspects relating to statistical issues only (see above in relation to Question 1 and the issues associated with the previous reporting and publishing of QPS crime data).

The QPS notes AP Goldsworthy's submission, including various statistics and conclusions, is said to be informed by a number of sources including:

- data extracted from the QPS MyPolice website;
- data obtained through RTI requests;
- academic literature; and
- media sources, including releases by the QPS and others.

For the QPS to express a comprehensive opinion about whether the raw statistics and figures quoted by AP Goldsworthy are accurate, access to the exact data sets and other sources extracted and/or obtained by AP Goldsworthy is required.

In terms of any conclusions made by AP Goldsworthy in his submission in reliance on the source data, the QPS would need to understand the methodology/analysis used by AP Goldsworthy in arriving at those conclusions.

As neither of those matters are within the knowledge of the QPS, the QPS is unable to express an informed view on the issue

Question 3. At page 17, AP Goldsworthy notes that in July 2013 the head of Taskforce Hydra only identified 14 Outlaw Motorcycle Clubs in Queensland yet in October 2013, the Queensland Government declared 26 Outlaw Motorcycle Clubs to be criminal organisations. Is QPS able to provide an explanation about why 12 outlaw motorcycle clubs that were not identified by Taskforce Hydra in July 2013 were subsequently declared criminal organisation in October 2013?

RESPONSE

In July 2013, the QPS identified that there were some 14 clubs with a Chapter in Queensland. The remaining 12 OMCG prescribed by Regulation were based outside of Queensland. These clubs were included in the Regulation as a proactive strategy on the basis that OMCG members had:

- previously visited Queensland and may base themselves in Queensland in the future; and/or
- conducted activities independently of, or in association with, other Queensland based OMCG.

The potential expansion of OMCG, and therefore the proactive approach to declarations, is supported by the Australian Crime Commission which in 2013 reported that OMCG clubs and members would continue to increase over the following two years if the overall environment remained unchanged (*ACC Operational analysis' – 21 May 2013*). OMCG were growing mainly due to the recruitment of new junior members.

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In September 2015, the QPS State Intelligence Command identified that 12 of the 26 declared clubs remain based in Queensland. The clubs identified in legislation that are known to be outside of Queensland maintain their ability to move within Australia.

Question 3. What is QPS's response to AP Goldsworthy's assertion at page 25 that the anti-association laws 'promote lazy and unfocused policing' that distracts attention away from criminal activity?

RESPONSE

The QPS does not agree with the assertion of AP Goldsworthy.

The QPS considers that the VLAD laws are only one element in an overall strategic response to organised crime in Queensland. The VLAD laws themselves should be viewed as a full suite of legislation, rather than in discrete parts. Other elements to the strategy include partnering with other agencies (Local, State and Commonwealth), compliance activities (local government, fire, liquor and fair trading, parole, local business and occupational licensing), proactive and high visibility and covert policing support the overall government response major criminal networks and organised crime. For example:

- the Service is working closely with partner agencies such as:
  - National Anti-Gangs Squad hosting an office in Brisbane with the co-operation of the Australian Federal Police to facilitate the identification of links between local criminal gangs and their national agendas;
  - Australian Customs and Border Protection Service where importation of illicit drugs and precursors can enter the country; and
  - the Australian Taxation Office, working together with the Economic Crime Unit within Taskforce Maxima, to identify persons holding unexplained wealth;
  - Queensland departments involved in occupational licensing to remove organised crime from various occupations such as tattooing, security, tow trucks, liquor licensing, motor dealers, second hand dealers, pawn brokers and racing;
- high visibility, low tolerance policing under the Gold Coast Rapid Action and Patrol (formerly Taskforce Takeback) to stop acts of public violence and intimidation by members of OMCG at the Gold Coast, being the location of the highest density of OMCGs per capita in Queensland;
- the disruptive functions of Taskforce Maxima and regional police formulating local strike teams which has stopped the acts of public violence and intimidation by OMCGs throughout the state;
- the VLAD laws have provided the QPS with an opportunity to reallocate resources away from previous activities such as club runs and church nights towards proactive criminal investigations; and
- the preventative nature of the legislation supporting policing operations is such that since the commencement of the anti-association laws there has been no instances of serious public space violence involving OMCG in Queensland, whilst in other states it is continuing (see pages 12 to 15 of the QPS submission on Agenda Item 5).

The suite of VLAD laws in particular has been supporting the following activities:

- the QPS has used the Criminal Code offences as a disruptive strategy to encourage dissociation by members and prevent OMCG using their presence and intimidation as an enabler for criminal behaviours and to reduce opportunities for OMCG to use public places to meet and plan criminal activities;
- the use of the VLAD legislation to encourage co-offenders of criminal gangs to provide assistance to law enforcement has provided valuable evidence supporting prosecutions and important intelligence about the activities and participants in organised crime networks that would otherwise not be available and which support ongoing investigations;

- the ability of the CCC to conduct intelligence hearings has provided the QPS with much needed intelligence to identify future targets leading to the prosecution of major crime groups (eg. Operation Mike Flute and the protracted investigation involving the trafficking of dangerous drugs by Odin's Warriors and Rebels OMCG; and
- the use of confiscation proceedings, supported by CCC intelligence hearings, allows the QPS to proactively remove the key capability that allows criminal organisations to operate (cash) and stops ongoing offending whilst evidence is gathered using traditional approaches to combatting organised crime, particularly in relation to major organised fraud such as boiler-rooms.

Question 4. At page 26, AP Goldsworthy makes an argument that it was 'the lack of police resourcing' on the Gold Coast which led to the Broadbeach brawl. Professor Goldsworthy provides a figure of only 50 police officers working across the Gold Coast on the Friday night in question. Can QPS please verify whether these figures are accurate? If the figures are not accurate, can QPS please provide the accurate figures?

RESPONSE

The QPS does not accept the quoted figure (50) as accurate and does not agree with AP Goldsworthy's comment.

The submission refers to the *QPS Statistical Review for 2011-12* which indicates that the actual strength of Gold Coast District was 'some' 920 officers as at 30 June 2012 and therefore asserts that only 5.3% of actual staff were rostered for a Friday night peak calls for service period, and consequently, poor rostering management severely impacted the police response.

The approved Gold Coast District police strength as at 1 October 2013 was 756 officers.

Between 2pm on 27 September 2015 to 6am on 28 September 2015 there were 152 officers rostered to perform duty (or 20.1% of total approved strength). This figure does not include shift supervisors, counter officers, watch house officers, scientific officers. The total number of all officers was 180 (or 23.8% of total approved strength).

Of these, 98 officers (or 12.96% of total approved strength) were working at the time of the incident (2043hrs). This does not include shift supervisors, counter officers, watch house officers, scientific officer. The total number of all officers working at the time of the incident was 116 (or 15.34% of total approved strength).

It is also important to note that the police response to the Broadbeach incident was not limited to resources within the Gold Coast District.

Between 2012-13 and 2015-16 an additional 78 policing positions were created at the Gold Coast District.

The QPS notes footnote 14 of the Submission which refers to a conversation with the Sydney Morning Herald in relation to the number of staff rostered at the time of the incident and appears to be the source of AP Goldsworthy's comments. Inquiries by the QPS could not locate any logged inquiry by the Sydney Morning Herald in relation to resourcing on the night of the Broadbeach incident. QPS media policy is not to comment publically on resource numbers.