



## National Security College

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### POLICY OPTIONS PAPER

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## Trusted, ethical, fast-moving and effective future police

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### Key points

- > The ongoing developments in digital technologies and the fourth industrial revolution are opening up huge business opportunities - both legal and criminal.
- > The attributes that give start-ups advantages over traditional businesses - agility, shrinking costs of entry, digital access to global markets and ability to scale rapidly - apply more to business models of criminal syndicates than law enforcement.
- > The globalised, networked nature of criminal activities poses particular challenges to law enforcement, which has relied on prosecution and criminal penalties in local jurisdictions.
- > Law enforcement and police will need to evolve and adapt operating models to deliver on their core missions of community safety and security.
- > New operating models need to balance technology and capability advances with human to human interactions, built on trust, social legitimacy and ethics.

### Policy recommendations

- > Law enforcement agencies and police should focus on trust and legitimacy with the community as they adopt new technologies.
- > Agencies should adapt internal systems and ways of working to ensure frontline officers can act quickly and reliably in fast paced, digitally enabled environments.
- > Agency cultures and leadership styles should evolve to enable closer collaboration and partnerships, to ensure agencies can access necessary skills.

### Law enforcement for the future

The last couple of decades have seen major upheavals in many industries and sectors. Technology fuelled disruption and globalisation have upended established industries, destroyed traditional business models and created new, global, brands and businesses. The criminal realm has been no different. New crimes and digital business models have disrupted many, while traditional crimes are on the decline.

Modern technologies ensure that those who can act quickly, change approaches when

needed and operate in a global market reap the greatest rewards. Criminals can take advantage of these technologies in ways that law enforcement cannot. They have more freedom to act without legal, ethical and social constraints.

While it may be tempting, the answer for police is not to tear up established practices and rule books to keep up. Legal backing and social trust are essential to police effectiveness and ethical shortcuts may deliver short term wins at a significant long term cost. While trust in law enforcement in Australia is currently

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strong, it cannot be taken for granted as social expectations and norms are changing quickly. Law enforcement agencies will need to think about updating their social contract to maintain their ability to deliver on their mandates.

The operational front line will experience the brunt of the technological and social changes. However the reforms needed can't be restricted to operational areas. Whole organisations, and the broader legal and justice systems, need to provide an effective platform for those on the front line to keep the Australian community safe against the criminals of today and the future.

To match the diversity of threats and the speed of change, those on the front line will need to be empowered make more decisions, within a clear ethical framework. They will also rely on a broader and more dynamic range of skills and expertise – both from within and outside. An increasingly empowered and diverse workforce will be essential. Clear, highly demarcated responsibilities and bureaucratic chains of command will be unable to keep up, and will prevent access to necessary capabilities.

### Traditional distinctions are blurring

A strong theme in the future of technology is the convergence of different technologies across traditional domains. One important consequence of this convergence is that our traditional boundaries between different expertise, skills and industries will no longer hold. Those who best succeed (whether organisations or individuals) will be those who can work across different disciplines.

This blurring of traditional distinctions will typify technological change but also apply well beyond. Geo-politics, personal identity, public-private distinctions and even 'truth' in 2030 will look even more confused and fuzzy from our traditional ways of thinking.

Perhaps the most obvious change for law enforcement will be the ongoing blurring of concepts around sovereignty, borders and jurisdiction and how people operate within them. For example, digital technology enables people to act in and influence anywhere around the world, often operating in multiple jurisdictions at once.

One underlying challenge is that ordinary people's loyalties and identities are increasingly complicated and diverse. Each person increasingly has a diverse network of

loyalties and obligations which tends to only partially overlap with the networks of anyone around them. This 'networked society', which is enabled by modern digital technology, increases the complexity of any investigations and complicates the social norms and trust that law enforcement relies on.

### Challenges for the future

The world of 2030 promises great opportunities for police to do their job better, faster and more effectively. The convergence of existing, and development of new, technologies will open up new investigative techniques, new ways of doing analysis and new sources of information.

Alongside these are tremendous challenges. Doing more with less, increased breadth of responsibility, shorter response times, intricate operational complexities. These have significant consequences for law enforcement.

One is that agencies will need to change the way they prioritise. Simply doing what they now doing, but in a more complex environment, won't work. One good example is the balance between investigation and prosecution versus deterrence and disruption. By 2030, local prosecution will likely become increasingly difficult and will lose some deterrence value in a globalised criminal arena. It may be appropriate for police to focus more on deterrence and prevention.

Similarly, the roles of law enforcement officers will continue to expand and blur out to 2030. The core responsibility – protecting the Australian community – will continue but the number of different roles will continue to expand. Already there are many roles – maintaining public order, fighting crime, alerting and advising and helping citizens where necessary and possible. Dependant on the context the emphasis can often move to one role and another, working either locally, nationally and/or in international contexts.

A further consequence is that increasing complexity of investigations is slowing down many agencies' abilities to achieve results. At the same time, due to the speed of action in the media and private sector, there are demands for faster responses. For example, the average time for a single foreign bribery investigation by the Australian Federal Police is now seven and a half years, with some investigations of this kind taking up to and over 10 years.<sup>1</sup> Complex, international investigations like this are only likely to increase.

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An ongoing challenge is that any one law enforcement agency, and police in particular, will have a decreasing share of the capabilities, access and information required for successful investigations. More complex, digital-enabled crimes require more data sources and greater technical skills.

Now, and increasingly into the future, there will be a continuing growth in encryption and greater awareness and sophistication amongst criminals (including some avoiding digital communication altogether). The useful and relevant information is getting harder to access. The techniques that the current generation of investigators are most familiar with will have to change as the volume and type of data available changes.

One of the greatest challenges will be bridging the gap between public expectations and what is both achievable and the most effective ways to operate in this digital world. Criminals will likely be faster, more flexible and more effective in their criminal ventures than today.

The public will expect the police to continue to keep them safe, but the traditional government response of giving police more power, more data and more tools to take criminals down may disenfranchise many in the public, particularly given increasing concerns about privacy and trust. Traversing this terrain will require a consideration of ethics, privacy and public opinion - which are not topics police are typically comfortable discussing.

### **Building successful future teams**

The core notion of an investigation is unlikely to change. It is, in the AFP's terms, "an objective search for the truth by the discovery and presentation of evidence in an exhaustive, comprehensive and organised manner."<sup>2</sup> However the skills, capabilities and types of teams needed for successful investigations will need to change.

Today, taking the Australian Federal Police as an example, investigative teams are mostly made up of employees, usually sworn officers, with a few specialists seconded in from other areas or agencies if needed. All the specialist skills needed, like forensics, digital skills, and intelligence analysis are sourced from other specialist teams within the Australian Federal Police – in competition with all other investigations going on. These teams are structured on a traditional hierarchy, with significant decisions requiring senior clearance.

This model depends on assumptions that are unlikely to hold in 2030. The first is that the police forces and government agencies will be able to develop and maintain the technical capabilities needed to investigate any relevant crime. The second is that these agencies will be able to train and retain the people and skills it will need to succeed in rapid, digitally focused investigations with huge amounts of data in short time frames.

A third assumption is that an Australian police force will normally be able to access (with appropriate warrants and conditions) all the information that is relevant to an investigation – if they can get their hands on it. However, an increasingly global, digital world vast amounts of relevant data are located overseas and often controlled by various corporations with few incentives to adhere to Australian law.

A fourth assumption is that, by and large, investigations rely on human effort to investigate and sift through most evidence. This is increasingly difficult when already a typical household can have terabytes of saved data on various computers and other devices – which could take humans months to sift through. While police are relying more on digital techniques, the scope and admissibility of these in court is still to be tested.

By 2030, an effective investigative team will likely need to be structured differently. It will be built around a small number of sworn officers who exercise the necessary police powers but equally have a management, coordination and guidance role, including maintaining best practice. Much of the team will need to draw in different and external expertise.

A data analyst and a specialised intelligence analyst will be likely needed in every team. Seconded from other agencies and, more often, the private sector will likely be the norm as they will have skills and capabilities that the law enforcement cannot develop and maintain itself. External skills and specialists will also be routinely required – and teams will be increasingly geographically dispersed.

### **New cultures and ways of working**

Achieving this, however, is not simply a matter of changing a few organisational structures and changing the staffing on teams. The way that frontline teams can and do operate are shaped and constrained by the whole organisation – and broader legal and justice systems.

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Firstly, and foremost, law enforcement agencies, and most notably police, need to ensure they remain trusted by the community. In the more digitally connected world, the role and value of law enforcement – and particularly a federal organisation like the Australian Federal Police – will be more contested.

The experience of some police forces in the US, where large sections of the community actively see them as dangerous due to an erosion of trust, is a potential future for law enforcement and policing agencies if the public are not central to changes to the operating models through an updated social contract.

Very important in this will be a focus on ethics, respect for citizen's privacy, more open communication and transparency. Digital technology and social media has changed people's expectations and trust thresholds. Information is more easily shared, so people expect that more will be shared. Trust is also placed less in official authorities and more in those who communicate clearly and come across as credible.

Law enforcement agencies will need to work in closer partnerships across and outside governments to ensure that trust is maintained across all these areas and their social contract is updated. Partnerships will also be critical to the normal work of frontline investigative teams. Other agencies and private industry will be important partners for the exchange of data and expertise.

Encouraging and enabling investigative teams to work in partnership is necessary. It will however require ongoing cultural change as it runs against existing command and control organisational structures and responses.

Traditional policing responses to incidents are still necessary, but new, more open systems are needed in parallel that will enable frontline officers to act quickly, reliably and creatively to quickly solve new challenges.

Changes are needed both within law enforcement agencies and across the whole criminal justice system to ensure that the law enforcement continuum can be effective in the pace it needs to work at by 2030. However, achieving new, faster ways of working should not simply focus on removing perceived inefficiencies and barriers as this can easily lead to removing due process protections and eroding ethical boundaries.

A particular focus needs to be on leadership culture and training pathways to ensure that officers and staff have the necessary skills. Increasingly these need to be skills to enable them to work in a trusted and effective way with both industry and the community to achieve law enforcement outcomes.

*This paper is based on an in-depth report prepared for the Australian Federal Police based on a series of workshops exploring the Investigative Team of 2030. The full paper is available at:*  
<https://nsc.crawford.anu.edu.au/publication/14205/trusted-ethical-fast-moving-and-effective-afp-investigative-team-2030>

## Endnotes

<sup>1</sup> Colvin, A., National Press Club, 31 May 2017. <https://www.afp.gov.au/news-media/national-speeches/national-press-club-australia-address>.

<sup>2</sup> Australian Federal Police internal documentation.

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## About this publication

This series of National Security College Policy Options Papers offers short, evidence-based and forward-looking insights for policy-makers on topical security, foreign affairs and geostrategic issues facing Australia domestically, in the Indo-Pacific region and globally. We seek contributions from and collaborations with qualified researchers and experts in these fields.

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