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Charity Registration Number: 208223

Transcript

Investigating Cross-Border Crimes: Transatlantic Cooperation

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5 February 2013

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William Hughes:

My name is Bill Hughes. You may have seen from the bits and pieces what my claim to fame, such as it is, may be. But I do have a little bit of background in dealing with serious organized crime and international crime.

But if I can just, first of all, lay out some of the ground rules about what we're going to do today. We're talking about investigating cross-border crimes and transatlantic cooperation. We've got two of the stars in the cosmos of law enforcement here with Keith Bristow and John Morton from the UK and US, respectively.

So, my pleasure really is in introducing these two stalwart gentlemen who are sat to my right. Keith Bristow, formerly chief constable of Warwickshire and has worked with NCIS (National Criminal Intelligence Service) and is now the designated director general for the new National Crime Agency (NCA), which will start work this year, which is going to focus on organized crime, border policing, economic crime and child exploitation. Keith's also the chairman of the G8 Law Enforcement policing project group that works to support G8 member states in tackling transnational organized crime. And so his role with NCIS, and now with the NCA, is going to move him very much into that national and international arena.

John Morton is the director of ICE, US Immigration and Customs, which was formed within [the US Department of] Homeland Security. That has been his role since 2009. We worked together with SOCA (Serious Organised Crime Agency) in pulling together a strategic alliance around the world with the Canadians, the Americans, New Zealanders and Australians together with the UK. But he has one of the biggest US federal agencies under his control with a budget of almost \$6 billion and employees in 48 countries. And if you've got any money left over, John, then the UK police would be very grateful. The agency's primary mission is to enforce the federal laws governing border control, customs, trade and immigration.

Before that, John worked for 15 years at the Department of Justice and worked as assistant United States attorney, counsel to the deputy attorney general and acting deputy assistant attorney general of the Criminal Division. One thing that it doesn't say on here, but which I know, he's also an honorary Brit because he was actually born in Scotland. His mother is from Hertfordshire, which, as I was the deputy chief of Hertfordshire, rings even more bells. But John, you're very welcome here. Keith, you're very welcome. And I'm going to ask Keith if he'll speak first. Thank you.

Keith Bristow:

Good afternoon. Thank you, Mr Chairman. Bill was very modest in his introduction about himself, as he always is, but he is somebody who is held in very high esteem across law enforcement. And from my perspective, at a time when I'm building a new national law enforcement agency, someone whose guidance, advice and experience is hugely important because he went through the same challenges forming the Serious Organised Crime Agency. So thank you, Bill. Also, thank you to Chatham House for hosting today's discussions.

The UK is in a period of significant change across the whole of law enforcement. Much of that change is driven by the fact that 21st century organized crime is transnational in nature and not restricted by national, international or jurisdictional boundaries. In fact, one could argue that those boundaries present particular opportunities for organized criminals.

It also reflects the undeniable relationship between transnational threats and local impacts. Just over two years ago, the prime minister set up the National Security Council, a body he chairs himself and which integrates at the very highest level the work of foreign, defence, home, energy and international development departments to coordinate responses to national and international threats.

The council ranks threats in three tiers and criminal activity features in every one of them. Cyber threats, including cyber crime, are classed as Tier 1, which are the highest threats that we face. That's alongside terrorism and natural disasters. Tier 2 includes organized crime as well as chemical, biological, radioactive and nuclear attacks and major stability overseas. Tier 3 includes organized immigration crime.

In each place, there is clear acknowledgement that the threats are not neatly contained within domestic borders. As part of its response, the UK has a number of strategies, which are delivered through the intelligence security agencies, the Serious Organised Crime Agency – SOCA – and other national agencies, the armed forces, police and government bodies. They address specific threats including terrorism, cyber security, drugs, immigration and people trafficking.

In 2011, the Home Office published our first comprehensive cross-government organized crime strategy. It's called 'Local to Global'; that's a conscious decision that reflects the nature of the sort of threats that we face. It was published the same week as the United States government strategy to combat transnational organized crime was also published. The UK and the

US have committed to a strategic partnership to tackle transnational organized crime. This includes collaboration at every level, from political to operational. That's why we're here today.

Today's discussion is a part of that commitment and is intended to build on the operational partnership between our countries' law enforcement agencies. I'm pleased to join John Morton for this discussion. His leadership and determination – again, much experience for NCA to draw upon – has taken ICE from being a fledging organization to a world-class law enforcement agency. We're proud to be very strong partners with John and the men and women that serve with him.

Where our focus is on our international intentions in some of the conversations that John and I have had to date, John in his presentation will give more hard operational examples. The difference being, of course, the NCA doesn't yet exist whereas ICE does exist. So some of what I'm going to talk about is what we're going to do in the future. John's able to draw on some hard-won experience of what's already going on.

As you know, the UK does not have a federal style of law enforcement agency or a national police force. We do have over 40 local police forces – some of that is changing. So, Scotland are going from eight police forces to Police Scotland, a single force. And we have a number of national level agencies with specific remits, for example, serious fraud, border protection and customs.

The UK's particular challenges are therefore ensuring those various forces and agencies complement each other and coordinate their activities to reduce local impact of transnational crime and ensure we protect the public. Secondly, ensuring the success that SOCA has achieved in building strong cooperation with overseas partners is not only maintained, but is used as a firm bedrock upon which we can build future success.

Let me deal with the first of those. In order to improve the way in which the UK will coordinate its response to transnational organized crime, we're creating a National Crime Agency. That's the very purpose of the agency, of which I have the privilege of being the first director general. The NCA will deliver a structured approach providing strong cross-agency leadership and a clear understanding of how organizations contribute to a collective response.

We firmly believe that it's impossible for one police force or one agency operating in isolation, let alone one nation operating in isolation, to adequately protect its citizens and the prosperity of its particular country. That's right at the centre of the NCA mission. The legislation to establish the agency is being

debated in parliament and I can't pre-empt the outcome of that. So, with a very firm caveat, that this is still subject to debate, let me set out how the NCA will contribute to consolidating the UK's national response.

The NCA will be an operational crime fighting agency in its own right but with a much broader remit than has gone before. As well as tackling organized crime, it will strengthen border defences, accelerate efforts against economic crime and build on the work of the Child Exploitation and Online Protection Centre – CEOP – to protect children. It will bring together experts on cyber crime to form the first national cyber crime unit.

Some aspects of what it does will be different to anything that has gone before. First, the NCA will be genuinely given the authority to lead and coordinate the overall law enforcement response. That's a very significant change. So, subject to legislation, that will give the director general of the National Crime Agency the legitimacy and, in some cases, the powers to ask wider law enforcement to contribute to the overall effort, and in the case of policing in England and Wales in extremis to require police forces in England and Wales to contribute to the joined up effort.

That's a very big change for us. It's about joining up the whole of the response within the UK in a very well-aligned, thought through and intelligence-led way.

I want to be clear, though, that the power the director general will have is very much a backstop power. What are at the very centre of how we'll operate are strong relationships, a clear focus on protecting the public and cutting crime, and we'll hold the single national intelligence picture. Clearly, that gives us huge insight for the sort of groups and individuals that are harming communities in the UK.

In exchange, the NCA will provide specialist support and expertise to other law enforcement agencies to deliver the outcome which best protects the public. This teamwork and collaboration is a cornerstone of the way in which the NCA will operate. This means that the agency will deploy its own officers on its own investigations and in support of other forces and other agencies. This also means that our reach across international boundaries is crucial.

The NCA will have the responsibility for a single shared intelligence picture on all organized, complex and serious crime across the UK. This will increase confidence in the information we share, enable us to collectively prioritize targets, the activity against them and to make sure our resources are being used effectively.

Running as a thread through all of this is efficiency. With fewer resources, we must all use what we have to better effect and recognize that where we can prevent duplication, we must complement each other. The new levels of cooperation the NCA will achieve in the UK can only be effective if the quality of our partnerships overseas are equally as high.

SOCA has a formidable reputation, hard-won over many years overseas, and its work with international partners is one of its very clear strengths. SOCA works alongside US federal law enforcement agencies in all the key threat areas around the world. The special relationship, as it's known, enjoyed at the most senior levels of our government, is reflected in the work of our officers everyday as we work across our nations. The NCA will replace SOCA and others and will be building on that work. It is vital to use the expertise to ensure that it's not lost. That includes the UK's network of liaison officers based overseas and the relationships of foreign law enforcement at community offices across the whole of the world.

The NCA will adopt a front desk approach to enable our international partners to access our professional services and support. And because of the position we'll hold within UK law enforcement, we'll be a much better partner than anyone's been able to be before. Our international partners can have a level of assurance about what we're able to deliver and what we're able to share.

We're very clear that we want to move to a system of better coordinating UK law enforcement assets overseas, so we don't have networks operating in isolation. We need to use those resources effectively and, again, be a single point of contact for our international partners. We're currently testing out what we call national tasking and coordinating systems with a limited range of UK partners. We anticipate when that's been fully tested that it'll be rolled out across the whole of UK law enforcement.

So when you put together a 24/7 gateway, accessible domestically and internationally to our trusted partners, and a clear network across the whole of UK law enforcement, police forces and agencies, you can see that's a pretty formidable set of structures and ways of working and enforcing the law to protect the public, which makes us excellent partners for our international colleagues.

Two of the NCA senior leadership team may be known to some colleagues here. They are certain to be known to John. David Armond, who was SOCA's international deputy director, was appointed last June as director designate for border policing. Trevor Pearce, who is currently SOCA's director general, has been appointed as director designate of operations.

They intend to deliver a single face for UK law enforcement working overseas, overseen and managed by NCA officers, working from our embassies and our missions. They've commissioned a review to identify where new posts might be opened up, particularly to support the NCA's wider range of responsibilities including child protection and economic crime. We need to think very carefully about what our officers are capable of doing where they're currently based, because the responsibilities of the NCA are much broader than what's gone before. That may require different skills, different types of people and different relationships.

The NCA intends to strengthen partnerships with our Five Eyes partners and exploit our existing close working relationship in forums such as the Strategic Alliance Group and the Quintet of Attorneys General. We aim to develop more opportunities for intervention with both inbound and outbound focus; for example, enhanced monitoring of overseas travel by UK sex offenders. Our mission and the way we intend to deliver it closely matches that of US Immigration and Customs.

John Morton and I have already begun discussions about how we might develop this opportunity and work together to make even more of a difference. We want to work together in countries of mutual threat, developing international taskforces where our officers will work side by side in third countries and with host nation partners working alongside us to tackle mutual threats as close to their source as we possibly can.

We want to provide support to each of those countries where only one of our agencies is represented to increase our global coverage and show solidarity that we can shrink the space occupied by international criminals. Of course, care is always needed to ensure we understand the differences between our respected jurisdictions, and there are differences. But we are committed to an alliance between our agencies, which we hope will become the benchmark for international crime operations.

ICE will be a vital partner and a vital asset to the NCA. To be clear, the NCA intends to be just as much of a vital partner and asset to ICE and to our US law enforcement colleagues. I'm now very pleased to hand over to my colleague, John Morton, and look forward to answering your questions later. Thank you.

John Morton:

Well, good afternoon everyone, I am John Morton the director of Immigration and Customs Enforcement. My thanks to Bill for the introduction and he was quite modest. Bill did a fantastic job when he ran SOCA and was a real partner to many of us in US law enforcement. We wouldn't be, I think, where we are today if it weren't for a lot of Bill's work. So, I thank you for your service to Her Majesty and to the United States. Hopefully, you'll look back on that and take some pride in what you did because we certainly do as well.

I have shed my Invernesian accent over the years. But nonetheless, it is true, I was born in this country and my mother, to this day, remains a subject of Her Majesty. She's lived more in the United States than she has in the UK, but she's going to go to her grave holding her green card. She's never going to naturalize. That speaks to the strength of the United States in many respects, that we are ultimately a nation of immigrants, a proud nation of immigrants. And someone like me, who wasn't even born in the country and whose mother's not even American, is the head of Immigration and Customs Enforcement for the whole country.

As you know, we struggle with the question of immigration just like other countries do. It's not an easy question to resolve and sovereigns need to have limitations on who can come and when they can come and why they can come. But it's nonetheless a fascinating subject and it's ultimately the story of the United States.

We're here today, obviously, to discuss international law enforcement cooperation and the timing is just perfect with the coming creation of the National Crime Agency this year. I'm a huge supporter of the underlying concept. I think it is a very positive step for Britain generally and UK law enforcement in particular.

Like the NCA, ICE is the result of a merger of other law enforcement agencies to create a national investigative force with a particular emphasis on organized crime, transnational crime and on border offences. Our merger was more akin to a shotgun wedding and it took some time for us to turn the corner – 10 years in fact. We're going to have our 10-year anniversary this March. Those early years were tough and we'll be available when the calls come in at night to talk about how you've had a rough day at work and be able to speak from experience on that score.

But ultimately, it is absolutely the right thing to do and it leads to a good place and we've ultimately come to a very strong place. We're 20,000 strong with a

budget of nearly \$6 billion and offices around the world and we have a very, very broad remit that is very, very similar to the NCA's.

We do everything from illegal smuggling to contraband, narcotics, people, human trafficking, child exploitation to a lot of economic and financial crimes, money laundering. We were the investigator on the recent HSBC case in the United States, which was a deferred prosecution resulting in a fairly large forfeiture. Actually, we even investigate stolen art and antiquities that are typically smuggled out of Europe to eventually be sold in New York at Sotheby's and Christie's. It's all part of a very broad remit for us and a challenge to manage that level of responsibility.

Let me offer my congratulations to Keith on his appointment as NCA's first director general. In addition to being a first-rate policeman, Keith has good doses of pragmatism, common sense and fairness, qualities that are essential to thoughtful law enforcement. Good law enforcement is all about balance – creating a climate of compassionate but firm justice, law and order for the greater good, all done with discretion and, very importantly, a good measure of humanity.

I'm very, very confident that Keith and the NCA are up to the task. And up to the task they will need to be because the crime of today is increasingly sophisticated. It's organized and it's largely ignorant of borders or even physical space. The internet alone has completely transformed many criminal activities and spawned a host of new dangers. We either adapt our policing or we fall behind our nimble and cunning foe.

Just to expand on that for a second: just think of how the internet alone has changed the world of child exploitation. One of you might be wondering why Immigration and Customs is involved in child exploitation. The reason we are involved in child exploitation is, in the old days, child pornography was largely pursued through magazines that came in and out through the ports of entry, typically from Scandinavian countries coming into the United States in the form of these magazines and then they would be distributed around the country. We were the customs authority, and so we got into that business.

Today it is a completely different world. This is all occurring online and it doesn't occur with regard to any particular geographical jurisdiction. The community is now a community on the internet. The definition of that community is defined by the internet and not by the boundaries of any particular sovereign. The cases that we do now are at once about the United States, United Kingdom, Australia and many other countries around the world.

You simply can't investigate a large child pornography case online that is restricted to US offenders. It just doesn't exist anymore.

So, if you're going to have an effective strategy against these new realities, you've got to have a partnership of sovereigns acting at the national level. That's why I'm really excited about the NCA. The NCA, once implemented, will take care of the acting at the national level part. The partnership part will take a little bit more work. Because where I think we need to be is more than just coordination of sovereigns, but actual partnership – joint action and joint investigation.

And that's a brave new world. We typically have not operated that way. Sovereigns tend to jealously guard their sovereignty. As Bill and Keith have pointed out, there are important differences between the systems as well and they are differences that need to be respected. Although I think between the US and the UK systems, the differences are far fewer than the similarities.

But if you're going to go after international criminals, you are going to have to work together. And truly work together. And do investigations together. And prosecute people simultaneously as part of a single action.

I don't want to go on much longer so that we can leave plenty of time for questions and answers, but let me tell you just two quick examples of why we have *got* to move to this concept of true joint international policing. I'll stay in the area of child exploitation, because it's an area that the NCA already does a lot of in the form of CEOP. And I think it's going to be an area for our future collaboration.

We did a case two years ago where we started off in Boston, Massachusetts where we raided an individual's apartment in a town just outside of Boston called Milford. The gentleman's name was Robert Diduca. We went into his apartment in November 2010 and we found a series of images. In this series of images, there was a young two-year-old boy being molested, and he had a stuffed toy in his arm. We could not determine the location of the abuse from the pictures. The boy was Caucasian but that was about all that we could tell.

We exhausted our investigative effort. We went to Interpol. Interpol distributed the photograph, the series of photographs, and a Dutch policeman recognized that the stuffed animal was in fact a rabbit that is common, in fact unique, to that part of the world, to Holland. We then provided the Dutch authorities sanitized photographs of the child which were displayed on Dutch national TV in December, so a month after we did our raid.

The child's grandparents were watching the television show. They then called the parents. They get on, they watch and they realize that that was their son. The offender is also watching the same television show, runs home and starts to delete the files in his computer.

The Dutch, working with us, arrest that gentleman. It turns out he was working at a local day care and had molested a little over 80 children in the course of several years, the youngest of whom was 19 days old. So, that case then turned right around and we searched his computers. It led throughout Europe, including several arrests and sentences here in the United Kingdom and back to the United States and we've arrested 11 more people in the United States and sent them to jail. All in the space of a couple of years and all turning on an investigation that went from a seizure in Boston, Massachusetts to a television show, a month later, and an arrest of a paedophile who had really been at work for years doing horrible things.

Fast forward one year, we got a tip from Danish authorities. They sent us a series of images from the internet where a boy who they thought was an American, a teenager, was talking about raping a girl who was his relative and was seeking advice on the internet from paedophiles as to how to go about doing it. So, he hadn't actually gone about the rape yet, but was soliciting advice.

They sent us the images. You couldn't tell where this was in the United States. As you all know, the United States is quite a large country with 50 different states. In the background of one of the images was a road sign that was blurred, but it had a picture of a sunflower and the road number on it. We were able to determine that that particular sign was unique to the state of Kansas, which is a very rural state with lots of lonely and long highways. We took our special agents and we went up and down, day after day after day, highways, looking for that particular sign.

Using our digital techniques, we were able to enhance the photograph enough that we were able to identify that sign out in the middle of nowhere Kansas. We went to the local police department, located a few towns using some of the other photographs that the Danes had given us, including a picture of the girl at a swimming pool, figured out the town she lived in, went there, rescued her before the rape was able to occur, arrested the offender and put him into jail – all in the matter of 13 days.

That never, ever would have been possible without a level of international coordination and partnership – just impossible, absolutely impossible. And

that's what we face today, that kind of disgusting and real criminal activity going on over and over and over again on the internet.

So, while I'm saddened that that is the reality that we as law enforcement face, I am heartened by the fact that we're able to do that kind of quick response. I know that when we get our act together as the NCA and ICE and other federal law enforcement agencies, we're going to be able to do that kind of thing on a regular basis. And it is exciting that we're going to be able to do that.

And we've *got* to do it. There is no other way to deal with these challenges other than to work together. No other way. We can't have offices in every country of the world; the NCA can't. We need to do things together and we need to think about cross-designation of authorities, doing cases jointly together and taking it to criminals who have absolutely no regard whatsoever for the traditional delineations of a sovereign, mainly a border. That's not what modern criminal behaviour is about and we've got to deal with that in a thoughtful way as sovereign law enforcement agencies.

So, with that, I thank you all very much. I thank you again, Keith. I look forward to your leadership at the NCA. We will be very, very good partners to you. And thank you again, Bill, for all that you did. You did a very good job. Thank you all.