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NOTE

From:	Presidency
To:	Horizontal Working Party on Drugs (meeting 7 September 2005)
Subject :	Intelligence-led Drugs Law Enforcement - discussion paper for the meeting of 7 September 2005

The issue

1. The concept of **Intelligence-led Law Enforcement** is planning law enforcement operations on the basis of criminal intelligence assessments, rather than simply reacting to reported crime. This allows agencies to plan and target their resources on the criminal groups and persons that present the greatest threat. Intelligence-led Law Enforcement will be discussed by EU Justice and Home Affairs Ministers at the JHA Informal meeting on 8th and 9th September.

2. Objectives 18, 19 and 20 of the **EU Drugs Action Plan** call for: effective EU law enforcement co-operation against drugs; increased working with Europol; and the development of criminal intelligence in the drugs area. In effect, the EU Drugs Action Plan calls for Intelligence-led Law Enforcement.

3. A **European Criminal Intelligence Model** (ECIM) is being developed to apply the concept of Intelligence-led Law Enforcement at the European level. It aims to set out the process by which 1) all EU Member States pass their relevant criminal intelligence to Europol, 2) Europol produces a threat assessment based on this intelligence, and 3) Member States plan how to co-ordinate their approaches to European organised crime accordingly based on this assessment.

4. The HDG needs to consider the use of the European Criminal Intelligence Model in relation to drug crime.

Background

5. As one of the major instruments for Intelligence-led Law Enforcement, the **ECIM** will have significant benefits for EU and Member State-level policing:

- It will improve knowledge and understanding in Europe of international criminal threats, and help to produce more effective law enforcement actions in response.

- It will optimise the application of the EU's existing law-enforcement capabilities by targeting the most serious and high priority crime threats.

- It will provide EU law enforcement bodies with a common framework within which the services of Europol can be used to best effect.

- It should offer substantial benefits, not only in terms of criminal arrests and drug seizures but also in less tangible outcomes, such as the seizure of money and the reduction of criminal activity.

6. The ECIM will support Europol's development of an annual **Organised Crime Threat Assessments** (OCTA). The OCTA will:

- Outline the key threats and strategic priorities for the EU in terms of organised crime. Europol are committed through The Hague Programme to producing the first Organised Crime Threat Assessment by 2006.

- Identify current and future criminal threats and act as the EU's main strategic tool to discover and fill the knowledge gaps in relation to organised crime.

- Member States should give Europol the necessary criminal intelligence on which to base the OCTA. The more intelligence Europol has the more effective the OCTA will be. Europol will issue an annual **EU Intelligence Requirement** asking for specific information and highlighting intelligence gaps but Member States should also pro-actively share intelligence with Europol on an ad-hoc basis.

7. It is expected that the ECIM and OCTA will be used as tools by the JHA Council, in consultation with the Police Chiefs Task Force (PCTF), to set priorities in targeting organised crime in the EU. It will also help national law enforcement agencies to plan cross-border operations to support those priorities.

8. The Police Chiefs' Task Force (PCTF) will provide the practical means to convert intelligence into effective operational action. The operations will generate fresh and specific criminal intelligence for the EU which can be fed back into the intelligence cycle to produce more effective intelligence for the next year's work.

9. **Full and regular contributions from Member States are essential to maintain the intelligence cycle. The intelligence created by investigations will need to be reported quickly to Europol for analysis and for the creation of wider intelligence products that will inform subsequent OCTAs. That intelligence flow will be supplemented by requests from Europol for further information to fill the gaps in its knowledge that its ongoing analysis reveals.**

10. Work is ongoing on the ECIM. The Multi-Disciplinary Group on Organised Crime is agreeing the Council Conclusions on Intelligence-led policing and the Europol Management Board is agreeing the methodology proposed by Europol for the production of the first Organised Threat Assessment.

Questions for the HDG

Combating organised crime, including international organised drug trafficking, requires a thorough understanding of the current and future threats posed by criminal organisations. Priorities must be established, information requirements identified and appropriate action taken.

The concept of intelligence led law enforcement is intended to provide for this logical sequence in tackling organised crime at the European level. Its use in combating drugs crime is particularly important because drug crime is, by its very essence, international.

- In the drugs field, how can the experience of intelligence-led law enforcement at the national-level inform intelligence-led law enforcement at the European level?

- What are the specific issues relating to the use of intelligence-led law enforcement in general, or the European Criminal Intelligence Model in particular, against drug crime that need to be taken into account?

- What would Member States need to do at national level to make intelligence-led policing work in the EU level drugs field? How can Member States ensure that they are sharing the required intelligence with Europol?

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