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Australian Federal Police submission

Supporting responsible AI: discussion paper

Department of Industry, Science and Resources

AFP

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Introduction

1. The Australian Federal Police (AFP) welcomes the opportunity to make a submission to the Department of Industry, Science and Resources' public consultation on safe and responsible Artificial Intelligence (AI) in Australia. This submission addresses both identified criminal threats relating to AI, and considerations for the use of AI for law enforcement purposes.

2. The AFP protects Australians and Australia's interests from a wide range of harms by virtue of our diverse functions. As the Commonwealth's policing agency, the AFP has responsibility for enforcing Commonwealth criminal law, contributing to combating complex, transnational, serious and organised crime impacting Australia's national security and protecting Commonwealth interests from criminal activity in Australia and overseas. The AFP also has responsibility for providing policing services to the Australian Capital Territory (ACT) and Australian external territories.

3. Technology is an enabler for the broader community including criminal enterprises, and in turn for policing. The AFP's Technology Strategy recognises that all crime types and policing functions are affected by the use of technology. The emergence of increasingly mature AI and machine learning (ML) has accelerated this impact as it permeates many facets of technology and society.

4. The AFP recently published the "Blue Paper: To 2030 and Beyond" detailing the future of federal policing. This sets out our strategic approach to safeguarding lives, livelihoods, and Australia's way of life well into the 2030s. Within this strategic outlook, the Blue Paper acknowledges the significance of Digital Evolution 4.0, including the influential role of AI, as a major driver of transformative changes affecting the Australian community and in turn policing. The AFP is committed to five future core priorities, which includes leadership in embracing and leveraging technology. To meet the ever evolving operational and threat environment, successful implementation of new and emerging technology will play an important role in shaping the AFP's future operational effectiveness and efficiency.

5. The AFP recognises technology is also a key enabler for criminal activity against Australians, including by cyber criminals, the online grooming and subsequent abuse of children, and easily accessible exposure to abhorrent and violent extremist material, radicalising our most vulnerable - including children. The effect is delivered from a distance, and at speed and scale that is unprecedented in our history. AI and ML delivers further opportunities for criminals to scale their activities, yet these tools are equally essential to law enforcement responding to this threat.

6. The AFP is determined to understand and engage with the threats and opportunities posed by AI. Into the future, the use of AI will be required for the AFP to effectively achieve our mission, to uphold public safety and combat criminal activities. To do this, the AFP will assess the following opportunities:
   - continually explore and seek opportunities to invest in new technology;

- invest in / upskill our people to ensure they have the requisite skills and understanding of AI;
- ensure appropriate processes and governance in relation to the implementation of new technologies to meet community expectations;
- continue to strengthen, and foster new, relationships across government, industry and academia; and
- work with the broader community to ensure Australia has a fit for purpose regulatory environment.

Threat Environment

7. Although AI offers great value to humanity, criminal enterprises have been, and will continue to be early adopters of technology wherever they see an opportunity to advance their insatiable appetite to benefit at the expense of others. Criminals will use any means possible, even if it means undermining legal principles or basic democratic rights, or creating a feeling of terror within a community. The policy environment needs to be as agile and dynamic as those seeking to cause harm in our communities.

8. The AFP considers the key threats posed by AI affecting the criminal environment include:
   - *Increased Potency:* AI enables more frequent and widespread attacks, amplifying their impact.
   - *Enhanced Accessibility:* AI lowers the entry bar and cost for non-technical individuals to engage in malicious activities.
   - *Exploitation of Human-Centric vulnerabilities:* AI is more efficient and effective in leveraging vulnerabilities unique to human behaviour.
   - *Deliberate sabotage of critical algorithms:* AI introduces the risk of poisoned and sabotaged algorithms leading to ineffectual use of AI and/or harm.

9. The threats of future generations of AI tools may create unforeseen consequences that further enable criminal activity. By evaluating the current capabilities of AI, we gain some insight into future risks that may be realised as the criminal enterprise takes further advantage of the AI capability as it develops. These technology-facilitated crimes could become increasingly prevalent and have a profound impact on our communities as new threats emerge.

10. One example of threat faced now is **deepfakes**, which involve manipulating audio and video to impersonate a person. Deepfakes can and have been used to discredit public figures, extort funds, and influence democratic processes. This has serious implications for trust, reputation and public safety. The sophistication of deepfakes makes it difficult to distinguish 'fact from fiction' and the 'real from virtual', and poses a real challenge for both law enforcement and the broader community. In turn, this could lead to widespread distrust of audio and visual content, which is an important way that governments and other bodies connect and communicate with their communities.

11. Another recognised form of harm is the creation and distribution of child exploitation material. The **creation of AI generated (fake) child exploitation material** is not only illegal but also encourages and normalises the abuse of real children and diverts law enforcement resources invested in victim identification.

12. The rise of **AI-driven cybercrime** is another key identified harm to the community. Criminals or foreign entities can leverage AI algorithms to launch large-scale cyber-attacks that are more sophisticated and targeted, such as phishing scams, ransomware and data breaches. Over $33 billion was reported as lost from cybercrime in Australia in 2020-21 and this is only expected to increase. The ability of AI to develop and distribute convincing phishing emails that are indistinguishable from genuine emails or that are designed to circumvent automated detection systems presents a new frontier to identity theft, financial fraud and how online scams are orchestrated.

13. Just as AI technology evolves over time, so will the threat. The challenge of countering new threats will require continual investment in technology by law enforcement, supported by training and governance, to enable a technically literate and empowered workforce. The fundamental focus of law enforcement's use of AI must be the effective balancing of transparency, accountability, fairness, privacy and security, proportionality and justifiability.

14. Changes to legislation and regulations need more detailed consideration to ensure the Australian community is protected. The AFP welcomes engagement to ensure policy changes are practical, proportionate and enforceable. Striking the right balance between the role of police in safeguarding our community, and the safeguarding of individual rights requires robust consideration, governed by general and sector-specific regulations. Adhering to the Peelian principles of policing, the AFP will prioritise community engagement and transparency in AI development, acknowledging that successful policing within democratic societies is based on trust to apply powers fairly and without fear or favour.

15. Protecting our community from harm through strong relationships and enduring partnerships with key stakeholders is at the heart of achieving operational outcomes. The AFP is increasingly confronted by evolving, multi-disciplinary challenges that require multi-agency and multi-jurisdictional solutions. The same principle applies to combatting the threats emerging from the use of AI. The AFP will leverage our domestic and international networks to further strengthen partnerships across the country and the world.

Use of AI by the AFP

16. To date the AFP has taken a cautious approach to harnessing the potential of AI despite its early adoption and use by those with intent on harming Australians. We recognise the need to engage more on the potential of AI to remain effective in our mission to uphold public safety and combat criminal activities. The AFP acknowledges that we must hold ourselves to a higher standard than those of our adversaries and be cautious in the use of broader private industry offerings due to the ethical and privacy impacts of the technology.

17. The AFP is continuing to evolve our internal processes to navigate the development and deployment of emerging technologies. As the technology landscape changes, we will need to ensure accountability, transparency, and responsibility when adopting any new technology. This principle has been, and will continue to be, the cornerstone of the AFP's journey towards responsible and ethical innovation.

18. Managed correctly, investments in AI will propel our organisational capabilities, enabling us to address a changing and increasing threat environment intent on harming Australians and Australia's way of life. The scale of technology-facilitated crime continues to grow with AI enabling criminality on a truly industrialised scale. Ransomware attacks on Australian businesses will increase in both frequency and severity, with an annual increase of 15% on reported attacks from the previous year. Within this environment, law enforcement resources will continue to be challenged by criminal enterprises we are attempting to contain. To counter this, successful adoption of AI will be critical. AI offers the AFP opportunities to:

    a. Create operational efficiencies in information discovery and understanding;
    b. Improve situational awareness to inform better human decision making; and
    c. Minimise physical and psychological risks to AFP capabilities and members.

19. The AFP's current utilisation of AI has generally been limited to facilitating the transformation of data from one format to another, to enhance analysis and processing needs. AI tools such as Large Language Models (LLM) and broader Neural Networks present the AFP with an opportunity to simplify the task of identifying potential value from large lawfully collected datasets. By speeding the discovery task, members can make decisions earlier and execute the necessary actions accordingly.

20. An example of AI's practical application in law enforcement investigations is the use of AI-based translation technology, which enables the translation of foreign materials into English. By combining the strengths of AI and human expertise, we achieve a streamlined and effective process, significantly enhancing our ability to handle large volumes of multilingual data.

21. AI adoption is swiftly transforming both communities and private industries with whom we partner to combat crime, driving innovation and efficiency across diverse sectors. The banking sector, for example, has rapidly embraced AI technology to enhance both customer experience and security measures. AI's analytical capability is harnessed to detect and prevent fraudulent activities in real-time. By analysing vast amounts of transactional data, AI can swiftly identify irregular patterns such as money laundering and flag potential fraud ensuring customer safety and financial integrity. The AFP will work with industry partners and community organisations to identify opportunities to learn, while concurrently fostering educational initiatives about AI's implications and associated risks. This knowledge will help our community to protect themselves from crime, enhancing overall crime prevention resilience.

22. In parallel, the AFP has been working in close collaboration with the AI for Law Enforcement and Community Safety Lab (AiLECS Lab) at Monash University, to not only develop AI technologies but also to develop the underlying frameworks to ensure we apply AI in an ethically transparent and accountable manner. The use of AI technologies to assist in the identification and classification of child exploitation material is one example. The primary objectives are to enhance the ability of all law enforcement agencies and non-government organisations to effectively and efficiently locate victims while minimising the detrimental impact of reviewing explicit material. By employing AI technologies, the reduction of harm extends beyond victims, to those tasked with identifying and locating them, ultimately yielding more favourable outcomes for all stakeholders.

23. A key pillar of our criminal justice system is that the burden of proof remains with the prosecution. The prosecution must be able to satisfy the court of the authenticity, reliability and accuracy of evidence. Any process for obtaining and handling evidence must not undermine these principles. This remains an ongoing key point of collaboration between the AFP, the Commonwealth Director of Public Prosecutions, AiLECS Lab, and our law enforcement partners.

24. By forging strong and lasting collaborations with our partners and community stakeholders, we can harness the potential of AI in policing. These enduring partnerships foster an exchange of knowledge, cutting-edge innovations, standards, and build trust, enabling us to continually improve information discovery, accelerate operational speed, and reduce risks to the community and AFP members.

Management of the use of AI by the AFP

25. At the heart of the AI conversation is the race between the rapid development and adaptation of technology and the need for prudent governance and accountability, informed by community expectations. As a law enforcement agency charged with protecting Australians and Australia's interests, the AFP cannot afford to stand still while adversaries adopt this technology to obtain a competitive advantage and cause unprecedented harm. The AFP understands any innovation we deploy must withstand scrutiny and align with societal values and public expectations. This is at the core of our need to maintain transparency.

26. As a responsible and trusted policing organisation, the AFP will lead by example developing AI technologies through collaboration and engagement with all stakeholders to comprehensively understand future implications. The key is to proactively undertake due diligence into technologies before deployment, necessitating thoughtful planning, consistent ethical considerations, robust governance and oversight to ensure that AI serves the greater good and aligns with societal values.

27. The AFP supports ongoing engagement with the community to ensure Australia has the right governance settings to respond to the rapid development of AI. This extends to the complexities of harmonising governance frameworks with those used globally or by our foreign law enforcement agency (FLEA) partners, to enable a shared commitment to ethical AI practices, ultimately enhancing law enforcement capabilities across borders. The AFP will continue to leverage law enforcement structures such as the, Five Eyes Law Enforcement Group (FELEG) Interpol and EUROPOL to navigate the complexities of sector-specific AI utilisation. Specifically, our organisation remains dedicated to implementing the Australia New Zealand Policing Advisory Agency (ANZPAA) AI Principles that have agreed by all Australian and New Zealand Police Commissioners.

28. The dual-use nature of AI presents significant challenges for policing, raising concerns about potential misuse and its impact on public safety and trust. AI technologies offer both beneficial and harmful applications, making regulation complex. The use of AI for policing raises ethical and legal questions on privacy, bias and accountability. The seamless integration of AI, imperceptible to the human eye, fundamentally alters the security landscape by enabling the capability to comprehend information beyond an individual human's capability.

29. The AFP recognises AI is another tool, and it will not replace the requirement a human must remain accountable for any decision that affects on the rights of another human. While AI can assist decision-making, the AFP recognises policing is a human and societal contract that will always require human judgement and interaction. Policing is deeply connected to society and must reflect the values, norms and expectations of the community it serves and critically requires human oversight and accountability. While industry may be moving towards granting autonomy to AI for operational efficiency, the AFP will use AI as an enabler, not a decision-maker. Maintaining human involvement in decision-making is a crucial differentiator for the police, ensuring responsible and ethical AI adoption to prioritise the wellbeing and safety of the community and our members.

30. To achieve this, the AFP is prioritising the development of five key enabling aspects of AI technologies:
    a. Governance (accountability and human oversight)
    b. Internal policies and frameworks (responsibility)
    c. Technical leadership (technical excellence)
    d. Training (competency in use and trust in technologies)
    e. Partnerships (collaboration and transparency)

Governance

31. The AFP is prioritising effective governance to guide the implementation of AI technologies, adhering to general regulations and legal frameworks that apply across industries. In particular, the AFP will ensure compliance with the *Privacy Act*. By reporting on AI initiatives,

data usage, and privacy measures, the AFP will demonstrate its commitment to responsible AI practices reflective of community expectations and values.

32. The AFP will continue to remain accountable through reporting to oversight agencies, including the Commonwealth Ombudsman, to ensure our use of technology is aligned and adheres to relevant legislation and sector-specific regulations.

Internal policies and building oversight AI framework

33. Through enhanced compliance and governance frameworks, the AFP will ensure ethical and responsible AI use into the future. These enhancements in line with the Commonwealth Government's legislative and policy requirements and human oversights will continually be strengthened through our agency's commitment to continuous improvement.

34. To strengthen responsible AI use, the AFP will prioritise the establishment of an **AI Oversight Framework** aligned with standards, facilitating repeatability, validation, verification, and both internal and external assessment. This will be built into the AFP's existing strategic governance arrangements. As we have demonstrated in building world-leading Forensics capabilities and frameworks, the AFP will apply the same approach by embodying robustness and oversight, fostering trust at organisational, jurisdictional, and community levels. By adhering to this comprehensive framework, the AFP will ensure the integrity of AI applications and other emerging technologies (such as those in the space and robotics field) instilling confidence in our stakeholders and reinforcing our commitment to responsible adoption of emerging technology.

35. Recognising the dynamic nature of risk management and post-deployment oversight for AI, it is crucial the AFP's risk management approach is continuously iterative and runs throughout the entire lifecycle of any AI system. The significance of regular, systematic updates and comprehensive audits cannot be overstated. As the technology evolves and the environment in which AI operates shifts, staying attuned to potential risks and ensuring compliance with ethical standards demand constant vigilance.

Technical leadership

36. Technical leadership plays a vital role in AFP's responsible adoption of AI. Our technical leaders and specialists possess the expertise and skills to guide the implementation of AI technologies. Technical leadership ensures AI is governed, developed and deployed ethically, addressing biases and risks, while driving innovation and maintaining compliance with regulations.

37. The AFP has conducted strategic workforce planning, which sets out our key areas of focus for the next five years, committing to actions through a series of targeted strategies. The AFP will commit to delivering a workforce that is skilled for today and tomorrow, configured for operational agility, comprised of engaged and supported employees and shaped by contemporary, data-driven strategic decisions. The implementation of this strategy will play a

pivotal role in shaping the AFP's technical leadership, ensuring the AFP has the right level to lead and navigate the complex landscape of AI.

Training

38. The AFP will explore utilising **internal and external training programs** to equip our entire workforce, including frontline members, with the essential skills to utilise AI technologies appropriately. It is essential all employees can recognise where AI exists and understand its limitations and risks, and determine its appropriate use in accordance with internal and externally adopted policies and frameworks, in combination with their own knowledge and skills. Having comprehensive training programs will empower all our employees to responsibly and confidently use AI technologies, cultivating a culture of accountability and trust in the benefits of AI for policing.

39. As AI technologies are integrated into policing practices, our frontline members may encounter situations where AI-driven evidence becomes crucial in court proceedings. Equipping the workforce, including frontline members and specialists with essential AI skills will become paramount, making complex AI mechanisms understandable and transparent to the court and the parties involved.

Partnerships

40. In our policing efforts, partnering with industry and comprehending the AI technologies we acquire is vital. This collaboration ensures the AI tools align with our ethical standards and policing objectives. Understanding the inner working of AI systems empowers us to make informed decisions, considering potential biases and limitations.

41. The AFP will continue to strengthen our partnerships with academia and the AI industry through transparent dialogue and foster collaborative relationships, aiming to harness AI for policing purposes effectively. Our partnership with Monash Universities AiLECS Lab exemplifies this, with its objective of creating a safer community through effective, ethical and transparent AI use.

42. The AFP notes international partnerships present significant opportunities for AI adoption through facilitating the exchange of knowledge and capabilities. Concurrently, it is vital that the AFP assess governance frameworks with those used globally or by our key FLEAs. Achieving alignment while respecting differing legal and societal frameworks is crucial for responsible AI adoption. Collaboration and transparency with our international partners foster trust and enable a shared commitment to ethical AI practices, ultimately enhancing law enforcement capabilities across borders.

43. The AFP will leverage existing structures such as the ANZPAA, FELEG, Interpol and EUROPOL to assess governance frameworks and address global AI complexities and sector-specific utilisation.

Conclusion

44. Investments in AI will propel our organisational capabilities, enabling us to address a changing threat environment harming Australians and Australia's way of life. Managed correctly, the AI will offer the AFP opportunities to create operational efficiencies, improve situational awareness to inform better human decision making, and minimise risks to the public safety, AFP members and capabilities.

45. Responsible adoption of AI in policing requires a multifaceted approach, which the AFP is assessing the opportunities to strengthen five key enabling components: governance, policies, technical leadership, training and partnerships.

46. Collaborating internationally demands transparent dialogue to assess governance frameworks and address diverse legal and ethical considerations. Remaining accountable is vital, and achieved through oversight governance and regulations that uphold and demand responsible AI practices. Building an AI Oversight Framework aligned with international standards and supported by internal policies will provide clarity and guidance in ethical AI adoption.

47. Fostering technical leadership in the AFP workforce empowers informed decision-making, innovation, and effective implementation, ultimately enhancing policing capabilities and ensuring public safety in our communities.

48. The AFP will explore opportunities to equip our workforce with comprehensive training to ensure adept navigation of AI technologies, instilling trust in their use and fostering a culture of accountability. Partnering with industry will enable the AFP to understand AI technologies, ensuring alignment with our ethical standards and policing objectives – with the community's expectations of us at the front of mind.

49. The AFP welcomes the opportunity to engage further on regulatory and governance responses to create safe and responsible AI in Australia.