



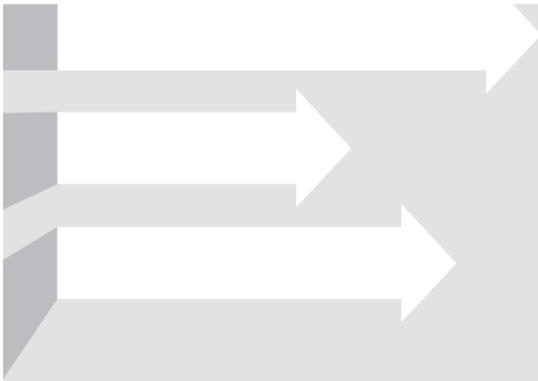
**Australian Government**  
**Australian Commission for  
Law Enforcement Integrity**

# **INVESTIGATION REPORT**

**Operation Ruby —  
An investigation into corruption issues between  
current and former AFP members and criminal  
elements.**

A report to the Attorney-General prepared under s 54 of the  
*Law Enforcement Integrity Commissioner Act 2006 (Cth)*

**Report 10/2020**



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Investigation Reports published by the Integrity Commissioner  
and summaries of reports which have not been made public  
can be found on the ACLEI website: [www.aclei.gov.au](http://www.aclei.gov.au).

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## About ACLEI Reports

### The Law Enforcement Integrity Commissioner Act

1. The *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) establishes the office of Integrity Commissioner, supported by a statutory agency, the Australian Commission for Law Enforcement Integrity (ACLEI).

### The role of the Integrity Commissioner and ACLEI

2. The role of the Integrity Commissioner and ACLEI is to detect and prevent corrupt conduct and deal with corruption issues in designated agencies—presently the:
  - Australian Criminal Intelligence Commission (including the former Australian Crime Commission, the former National Crime Authority and the former CrimTrac Agency);
  - Australian Federal Police (including ACT Policing);
  - Australian Transaction Reports and Analysis Centre (AUSTRAC);
  - Department of Home Affairs (including the Australian Border Force); and
  - prescribed aspects of the Department of Agriculture, Water and the Environment.<sup>1</sup>
3. Other Australian Government agencies with law enforcement functions may be prescribed by regulation as being within the jurisdiction of the Integrity Commissioner.

### Corrupt conduct

4. A staff member of a law enforcement agency ‘engages in corrupt conduct’ if the staff member:
  - abuses his or her office

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<sup>1</sup> *Law Enforcement Integrity Commissioner Act 2006* (Cth) s 5(1) (definition of ‘law enforcement agency’) (LEIC Act); *Law Enforcement Integrity Commissioner Regulations* (Cth) s 7.

- perverts the course of justice, or
  - having regard to his or her duties and powers, engages in corrupt conduct of any other kind.<sup>2</sup>
5. The Integrity Commissioner is to give priority to dealing with serious and systemic corruption.

## Dealing with corruption issues

6. A corruption investigation can commence in different ways:
- the Minister may refer to the Integrity Commissioner an allegation or information that raises a corruption issue.
  - the head of a law enforcement agency within ACLEI's jurisdiction must notify the Integrity Commissioner of any allegation or information that raises a corruption issue which relates to that agency.
  - any person or government agency can refer to the Integrity Commissioner an allegation or information that raises a corruption issue. A referral may be anonymous, or on behalf of another person.
  - the Integrity Commissioner can commence an investigation on his or her own initiative.<sup>3</sup>
7. The Integrity Commissioner may decide to deal with the corruption issue in a number of ways:
- have ACLEI investigate the corruption issue either alone or jointly with another government agency or an integrity agency for a State or Territory.
  - refer the corruption issue to the law enforcement agency to conduct its own investigation.
  - decide that an investigation is not warranted.
8. The Integrity Commissioner can decide to manage or oversee any investigation that has been referred to a law enforcement agency. If the law enforcement agency were not the Australian Federal Police (AFP), the Integrity Commissioner can also refer the issue to the AFP for investigation and may manage or oversee that investigation.<sup>4</sup>

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<sup>2</sup> LEIC Act, s 6(1).

<sup>3</sup> Ibid ss 18–24 and 38.

<sup>4</sup> Ibid ss 26–30.

## Reports

9. After completing a corruption investigation, the Integrity Commissioner must prepare a report setting out:
  - (a) the Integrity Commissioner's findings on the corruption issue; and
  - (b) the evidence and other material on which those findings are based; and
  - (c) any action that the Integrity Commissioner has taken, or proposes to take, under Part 10 in relation to the investigation; and
  - (d) any recommendations that the Integrity Commissioner thinks fit to make and, if recommendations are made, the reasons for those recommendations.<sup>5</sup>
10. The Integrity Commissioner must give the report on the investigation to the Minister who administers the LEIC Act and a copy to the head of the law enforcement agency to which the corruption issue relates.<sup>6</sup>

## Standard of proof

11. The Integrity Commissioner makes findings about whether a person has engaged in corrupt conduct, based on the balance of probabilities. Those findings may not be the same as those that would be made by a court deciding on criminal guilt beyond a reasonable doubt.
12. Before making a finding, the Integrity Commissioner is required to be 'reasonably satisfied', based on relevant facts, that the corrupt conduct occurred and that the corrupt conduct was within the meaning of the LEIC Act.
13. In considering whether or not the Integrity Commissioner is 'reasonably satisfied' of relevant facts, the Integrity Commissioner applies the reasoning set out in *Briginshaw v Briginshaw*,<sup>7</sup> *Rejtek v McElroy*,<sup>8</sup> and *Re Day*.<sup>9</sup>

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<sup>5</sup> LEIC Act, sub paragraphs 54(1)–(2).

<sup>6</sup> *Ibid* s 55.

<sup>7</sup> (1938) 60 CLR 336, 361–62 (Dixon J).

<sup>8</sup> (1965) 112 CLR 517, 521.

<sup>9</sup> (2017) 91 ALJR 262, 268 [14]–[18].

## Preface to the public version of Investigation Report 10/2020

14. Investigation Report 10/2020 is a report on Operation Ruby, a corruption investigation relating to the involvement of an ADP member with criminal entities.
15. Operation Ruby commenced in 2012 with the substantive investigative activities continuing until 2014. Operation Ruby concluded in 2020 with the finalisation of forfeiture proceedings in relation to Mr Hampton's superannuation.
16. Following this, I prepared my report on Operation Ruby pursuant to s 54 of the LEIC Act. I undertook a procedural fairness process as required by s 51.
17. On 12 October 2020, I gave the Attorney-General and the Commissioner of the AFP my finalised report on Operation Ruby in accordance with s55 of the LEIC Act.
18. I then considered whether it was in the public interest to publish Investigation Report 10/2020 under s 209 of the LEIC Act.
19. On 14 December 2020, I notified the Commissioner of the AFP and Mr Hampton that I was considering publishing Investigation Report 10/2020, giving the opportunity to provide submissions on the proposed publication in accordance with s 210 of the LEIC Act. This process concluded on 25 January 2020, with both the Commissioner of the AFP and Mr Hampton providing submissions.
20. Following consideration of the submissions, this is the version of the s 54 report of the investigation I have decided is in the public interest to disclose.



Jaala Hinchcliffe  
Integrity Commissioner  
5 March 2021

## Summary of the Investigation

### Referral

21. On 4 June 2012, ACLEI received an email referral alleging corruption with an Australian Federal Police (AFP) operation, which had resulted in the seizure of 400 kilograms of cocaine in October 2010. The referral was made by a person pursuant to s 23(1) of the LEIC Act.
22. The allegations involved the conduct of AFP Officers during the operation, including the suggestion that a current AFP member was passing AFP information to a criminal drug syndicate.

### Jurisdiction

23. On 18 October 2012, the then Integrity Commissioner (Phillip Moss AM), considered the referral and decided to investigate the matter pursuant to s 26(1)(a) of the LEIC Act.
24. The then Integrity Commissioner was satisfied:
  - (a) The referral was within ACLEI's jurisdiction because the reference to an AFP member was a reference to a staff member of the Australian Federal Police. At the time of the referral, a staff member of the AFP was a staff member of a law enforcement agency.<sup>10</sup>
  - (b) While no particular staff member was specified or identified this did not prevent the information from raising a corruption issue.<sup>11</sup>
  - (c) The allegation fell within the meaning of 'corruption issue' as defined by s 7 of the LEIC Act. The information raised the possibility that a staff member of the AFP may have used their position to assist criminal syndicates who were involved in the importation of cocaine into Australia. The then Integrity Commissioner was satisfied that, if such conduct was engaged in by a staff member of the AFP, that staff member would have 'engaged in corrupt conduct.'
25. On 16 May 2013, the then Integrity Commissioner reconsidered the matter under section 42 of the LEIC Act, and the matter became a joint investigation with the AFP.

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<sup>10</sup> LEIC Act ss 5(1) and 10(2A), as at 18 October 2012.

<sup>11</sup> *Ibid*, s 7(2), as at 18 October 2012.

## The Investigation

26. This matter is subject to court orders in relation to the non-disclosure of the names of all witnesses. The people referred to in this report, have been named using pseudonyms, except for the then AFP Federal Agent Benjamin Hampton (Mr Hampton), who became the subject of the investigation.
27. The objectives of the investigation were to:
  - (a) determine the identity of the AFP member to whom the corruption issue related;
  - (b) determine if there were any relationships between a member of a criminal group and former and current members of the AFP; and
  - (c) determine if the AFP member used their position to pass AFP information onto criminal syndicates involved in the importation of drugs into Australia in return for a benefit.
28. Investigators used a number of techniques to identify connections between criminal entities and current and former AFP members.
29. Through ASIC records investigators found business links between Mr Teale, a former AFP member, and Mr Rose, a criminal entity. Phone records showed they were in regular contact. Mr Teale's phone records also showed he was also in contact with Mr Hampton, a then current AFP member. This led to Mr Hampton becoming a person of interest, as the information aligned with the allegation that a known criminal entity was receiving information from an unknown member of the AFP.
30. Information revealed Mr Teale had been a mentor of Mr Hampton's recruit class in 1999, and that their association had continued after Mr Teale left the AFP in 2002.
31. Records showed that Mr Teale introduced Mr Hampton to Mr Rose in 2005. Mr Hampton documented this meeting in his AFP issued notebook. He wrote that Mr Rose may be able to provide information to the AFP. He also conducted PROMIS<sup>12</sup> checks and drafted a human source contact report.

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<sup>12</sup> PROMIS is the Police Real Time Management System, which is the primary corporate system for recording investigations and operational information.

32. For the majority of his AFP career Mr Hampton worked in Close Personal Protection (CPP), which is responsible for the protection of senior Government officials. Mr Hampton also served overseas on five deployments. Given the narrow remit of the CPP team, Mr Hampton's role did not require him to regularly conduct searches for information relating to organised crime and drug syndicates. Separate from his role in CPP, Mr Hampton developed relationships with, and obtained intelligence from, various members of the community who supplied information that he then reported to the AFP. He also completed three AFP human source training courses.
33. Around 2010 or 2011, Mr Teale introduced Mr Hampton to an amateur boxer (the trainer) who worked as a stevedore at Port Botany. Mr Teale was a former housemate of the trainer and trained with him. Mr Hampton's association with the trainer developed into a friendship, with Mr Hampton meeting with the trainer to train regularly. On a number of occasions, Mr Hampton submitted formal Information Reports on PROMIS detailing information provided by the trainer about various criminal matters including high level criminal syndicates involved in the importation and supply of illicit substances.
34. Mr Hampton became concerned that the information reports he made were not being actioned so he approached FA Mauve and asked if an investigation would be commenced as a result of them. Mr Hampton spoke to FA Mauve on a number of occasions about the trainer. Mr Hampton and FA Mauve discussed the association with the Human Source Handling Team and the information that was received. A number of practices were implemented to govern the association as the trainer was not a registered source.
35. After this, Mr Hampton voiced a concern to FA Mauve that he could be put in a position of possible compromise through his involvement with the trainer. As a result, he was spoken to by an AFP Security Intelligence Officer who explained he was required to report any adverse contact with the trainer, for example, if the trainer requested any information from him.
36. In January 2013, two AFP supervisors expressed concerns about the trainer's links to Mr Rose, who was suspected of being involved in major drug importations. Mr Hampton reassured them the trainer had never tried to extract information from him and that he did not believe the trainer was involved in criminal conduct.
37. Also around this time, Mr Hampton raised concerns that criminal elements at Port Botany were able to access information contained on PROMIS. As a result it was decided between Mr Hampton and FA Mauve that the information reports would be saved on a local drive and only disseminated as required.

38. During late December 2013 and early January 2014, an associate requested information from Mr Rose about whether Police were investigating an impending drug importation they were involved in as an associate had recently been arrested, and they held concerns the associate was assisting Police. It was agreed Mr Rose would be paid \$12,000 for the information.
39. Between 10 and 16 January 2014, Mr Rose contacted the trainer and requested the information.
40. On 16 January 2014, Mr Hampton met with the trainer for a boxing session. During the session, the trainer told Mr Hampton information about a person who had been charged and their associates. The trainer did not expressly inform Mr Hampton that Mr Rose was requesting the information. Mr Hampton undertook to check the information and get back to the trainer.
41. After the session Mr Hampton contacted FA Mauve and discussed the person who had been charged. It was agreed Mr Hampton would write an information report and it was discussed how this would be distributed and to who. Mr Hampton commenced writing an information report, however, it was never completed. Instead, Mr Hampton later emailed FA Mauve outlining the information he had received. Mr Hampton did not mention that he had undertaken to check the information and get back to the trainer.
42. When Mr Hampton returned to work he conducted searches on PROMIS for information about the associates of the person who had been charged.
43. Between 16 and 24 January 2014, Mr Hampton passed that information onto the trainer, who then passed it onto Mr Rose.
44. On 24 January 2014, \$12,000 was provided to Mr Rose by his associate, which was subsequently passed onto the trainer.
45. On 29 January 2014, while Mr Hampton was at the gym running a martial arts class, the trainer placed at least \$7 000 of this money into a pocket of Mr Hampton's gym bag and said to him, *'[T]here's something in your bag for ya from [Mr Rose]'*. This was not done at Mr Hampton's request or to his knowledge. At a later time, Mr Hampton accessed his gym bag and found the money.
46. During February and March 2014, further information was requested by Mr Rose in relation to the drug importation.
47. On 19 March 2014, Mr Hampton met with the trainer for a planned boxing session. After this session he conducted a PROMIS search relating to the further information sought. Shortly afterwards, Mr Hampton met with the trainer to inform him there was no more information to provide. Mr Hampton did not make any record or inform anyone of this meeting with the trainer.

48. On 28 January 2014, Mr Hampton spoke to FA Mauve about information the trainer had provided in relation to an impending drug importation.
49. Mr Rose was arrested on 27 April 2014 in relation to three state drug supply offences.
50. On 1 May 2014, Mr Hampton was suspended from the AFP and a search warrant was executed on his work station and locker.
51. Shortly after being suspended, Mr Hampton made a number of admissions including:
  - (a) He had released internal police information to the trainer which had been passed to Mr Rose;
  - (b) The trainer had subsequently given him approximately \$7,000 from Mr Rose which he retained for a period of time; and
  - (c) Mr Teale had saved his career and had later introduced him to the trainer.
52. On 16 May 2014, a search warrant was executed on Mr Hampton's residence. No relevant evidence was obtained during the search warrant.

### **The Training Material**

53. During the investigation, evidence was obtained that showed during July 2013, a former member of the AFP, Mr Snow discussed a proposal with Mr Hampton. It was proposed that Mr Hampton write course material and deliver a training course for an overseas security training company, and in return, he would earn tax-free income. Mr Hampton later told Mr Snow he could only write the training material. Mr Snow discussed with Mr Hampton that he would be paid US \$500 for each course manual he wrote. Ultimately, Mr Hampton was not able to complete this and declined this opportunity. He instead provided AFP training material to Mr Snow after obtaining it through the AFP.
54. The training material was provided to Mr Snow on 21 August 2013. The next day Mr Hampton spoke to Mr Snow and instructed him to change any references to 'Commonwealth powers' and the "AFP". He also offered to review the final documents.
55. Mr Hampton did not receive any payment for the information.
56. On 8 May 2014, a search warrant was executed on Mr Snow's residence. Mr Snow told investigators he received the AFP training material from Mr Hampton and he used this to write the required training material.

57. Mr Snow was charged in relation to this training material; however, the Magistrate discharged him at a committal hearing.

### **The Prosecution**

58. On 14 July 2014, Mr Hampton was arrested and charged.
59. On 28 October 2014, Mr Rose was charged with bribery of, and giving a corrupting benefit to a Commonwealth official for seeking information from Mr Hampton. He plead guilty to the charge as well as charges related to his role in commercial drug supply. On 12 July 2015 he was sentenced to three years imprisonment, with a non-parole period of two years. He was also sentenced for a state drug offence, resulting in his overall sentence being nine and a half years. A non-parole period of seven years was set.
60. On 22 May 2017, Mr Hampton plead guilty to one charge of receiving a corrupting benefit. He also plead guilty to a charge of abuse of public office for providing the AFP training material to Mr Snow. This offence was taken into account on sentence. On 22 November 2017 Mr Hampton was sentenced to 22 months imprisonment, suspended after serving 11 months.
61. The trainer was also charged with giving a bribe to a Commonwealth Official and giving a corrupting benefit to a Commonwealth Public Official, however the charges were withdrawn prior to prosecution.

## **Findings**

62. I am satisfied that the evidence obtained in the course of Operation Ruby permits me to make findings that Mr Hampton engaged in corrupt conduct, namely, abuse of office.<sup>13</sup>
63. 'Abuse of office' is not defined in the LEIC Act. It is a concept primarily used in the context of criminal law. It generally involves using one's office to dishonestly benefit oneself or another, or to dishonestly cause detriment to another.<sup>14</sup>
64. While my findings concern corruption, not criminality, I consider these general elements expounded in the criminal law useful in considering whether a staff member of a law enforcement agency has engaged in conduct involving an 'abuse of their office'.

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<sup>13</sup> LEIC Act (n 1) s 6(1)(a)

<sup>14</sup> See eg *Criminal Code* (Cth) s 142.2(1).

65. The evidence demonstrates that Mr Hampton searched the AFP database, PROMIS, for information and undertook to get back to the trainer about the information, which he did. Mr Hampton released information to an associate and was paid approximately \$7 000 as a result.
66. I am therefore satisfied Mr Hampton engaged in corrupt conduct as defined in s 6 of the LEIC Act, while he was the staff member of a law enforcement agency, the AFP.

## Action under Part 10 of the LEIC Act

67. The nature of the joint investigation with the AFP meant that the AFP had relevant evidence and prosecutions were commenced, resulting in the conviction and incarceration of Mr Hampton.
68. Mr Hampton's employment with the AFP was terminated on 5 January 2018 as a result of this matter.
69. The AFP instigated proceedings relating to Mr Hampton's superannuation pursuant to the *Australian Federal Police Act 1979* (Cth). On 10 July 2020 the Court ordered that Mr Hampton forfeit a portion of his superannuation to the Commonwealth, totalling \$60,947.93. As a result of this order Mr Hampton's future entitlements were taken into account, and \$245,696 of his superannuation was also forfeited to the Commonwealth. A total of \$306,643 of Mr Hampton's superannuation was forfeited to the Commonwealth.

## Corruption Prevention Observation

70. As with a number of other investigations conducted by ACLEI into its jurisdictional agencies, Operation Ruby found an instance where an AFP member with access to an official database misused their access by providing information to a criminal syndicate. The syndicate rewarded Mr Hampton financially for the information.
71. The issue of 'grooming' within law enforcement agencies has been considered and explored in the past by ACLEI<sup>15</sup>. A fact sheet was published on the ACLEI website in 2018 outlining this vulnerability and providing practical information to assist law enforcement agencies in dealing with this vulnerability.

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<sup>15</sup> See ACLEI's Grooming Pages: <https://www.aclei.gov.au/corruption-prevention/key-concepts/grooming>

72. The beginning of an officer's career is a particularly vulnerable time. Situations can arise where mistakes or indiscretions by junior staff are 'smoothed over' by their more experienced counterparts, creating a culture of favours or 'debt' repayment.<sup>16 17</sup> The nature of law enforcement work can create an intense group loyalty that can extend even after staff leave law enforcement employment, allowing them inappropriate access to information or law enforcement decision-making.<sup>18</sup>
73. Acknowledging these risks, staff members of law enforcement agencies should never access official information for personal reasons or to assist associates. Staff members may find themselves in a situation where someone in their social network is seeking favours or information for improper reasons. It is essential that staff members understand the value of the information they have access to, and avoid 'self-managing risk'. If approached by someone in their social network for favours or information, staff should act early and report any approach to their agency. There is never any justification for disclosing official information to family, friends, or social contacts.
74. In this investigation, these two instances demonstrate the reach in former members of the AFP had to Mr Hampton. Firstly, Mr Teale, who facilitated his relationship with the trainer and a way to gather information.
75. Secondly, the relationship of Mr Hampton with Mr Snow, where Mr Hampton sourced training material containing AFP methodology to train overseas security officers.
76. This matter has been used as a case study to highlight these corruption prevention observations.

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<sup>16</sup> McCafferty, F., Souryal, S. & McCafferty, M. (1998). The corruption process of a law enforcement officer: A paradigm of occupational stress and deviancy. *Journal of the American Academy of Psychiatry and the Law*, 26(3), pp 433 – 458

<sup>17</sup> [https://aclei.govcms.gov.au/sites/default/files/18362 - aclei - corruption prevention final.pdf?acsf\\_files\\_redirect](https://aclei.govcms.gov.au/sites/default/files/18362_-_aclei_-_corruption_prevention_final.pdf?acsf_files_redirect)

<sup>18</sup> 4 McCafferty et al. (1998); Coady, T. (2000). *Violence and Police Culture*. Melbourne University Publishers: Melbourne; Lawson, C. (2011). *The ideal cop in 2011 – Association for Women in Psychology Conference*; White & Robinson. (2014); Workman-Stark. (2017).

## Recommendations

77. I do not make any recommendations as a result of this corruption investigation.

A handwritten signature in black ink, appearing to read 'Jaala Hinchcliffe', with a long horizontal line extending to the right.

Jaala Hinchcliffe  
Integrity Commissioner

12 October 2020