



Issue 3, Number 2
2015

Salus Journal

A peer-reviewed, open access journal for topics concerning
law enforcement, national security, and emergency management

Published by
Charles Sturt University
Australia
ISSN 2202-5677



Issue 3, Number 2, 2015

www.salusjournal.com

Published by

Charles Sturt University
Australian Graduate School of Policing and
Security
PO Box 168
Manly, New South Wales, Australia, 1655

ISSN 2202-5677

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Analytical Study

DECODING NONVERBAL COMMUNICATION IN LAW ENFORCEMENT

Noel Otu^{*}

This analytical study examined the importance of nonverbal communication in law enforcement work. In many encounters between police and citizens, the primary focus is always on suspects'/citizens' verbal statements, rather than on how and what their body is conveying while telling the story. This study argues for an integrated approach in which the police officers need to realise that they, too, are communicating nonverbally with suspects. This study reveals that nonverbal communication, also known as body language, proxemic, and kinesics behavior, in many cases tends to constitute a much larger fraction of the police communication model than verbal communication, which should help officers to establish authority and dominance and ensure their safety. Nonverbal communication is not something added onto criminal justice, but rather it is the essence of criminal justice. This results suggest that nonverbal communication is the foundation of a successful relationship/encounter between criminal justice personnel and suspects or criminals, as well as being a powerful method that cannot be feigned.

Keywords: Law enforcement, authority, dominance, body language, nonverbal communication

INTRODUCTION

The world of criminal justice is based on communication, which is defined as the sending, giving, or exchanging of information and ideas, which are often expressed verbally as well as nonverbally through facial expressions, posture, clothing, gestures, tone of voice, writing, distance, and other nonverbal signs (Mcintosh 2006). People from all backgrounds and cultures use nonverbal communication consciously and unconsciously. According to Wayne (2013), a variety of theories have been developed to study nonverbal communication—for example, semiotics (signs), proxemics (space and distance), kinesics (body language,) and cross cultural (changes across cultures). However, none of these

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types of nonverbal communication have been fully applied to law enforcement. People plan and execute criminal behavior through communication, and criminal justice practitioners' interviews, prosecute, try, and convict criminals through communication. Each participant in the criminal justice system must be able to show his or her communication skills through the different mediums. For example, according to Darwin (reprinted 1998), all mammals show emotions reliably in their faces.

Communication in law enforcement is the relaying of useful information whether it is nonverbal or verbal. Both of these forms of communication can be effective throughout the criminal justice system from police situations, courtroom settings, juvenile facilities and correction facilities (Faye 2013: 1). Also, nonverbal communication scholars have long agreed that many types of nonverbal behavior are communicative, (Burgoon 1991; Burgoon 1978; Burgoon, Buller, Hale and deTurck 1984; Costa 2009), and hence what criminals do not say to law enforcement officials really does matter, even more than their spoken words. Nonverbal communication typically occurs not in isolation but as part of behavioral composites whose meaning becomes evidence to law enforcement officials. Nonverbal behavior consists of body motion—kinetic behavior—and the non-content aspect of speech—paralinguistic behavior.

In today's complex society, criminal justice officials are under pressure to understand both verbal and nonverbal communication in order to do their jobs well. Marshall (2011: 1) defines communication as a method or means of broadcasting information between two or more entities. There are many definitions of communication, but in criminal justice, cause and effect are very important, and the means and the ends are equally important. All variations of communication have a common end, which is understanding (Marshall 2011). Arguably, not understanding the communicator means not understanding the communication. And since law enforcement deals with people from different cultures and ethnic backgrounds, it follows that law enforcement officials need to be sensitive to the verbal and nonverbal communication of citizens with whom they interact.

Law enforcement officers need to be sure that they can communicate nonverbally and decode the nonverbal communication of every suspect regardless of their cultural origin. Since nonverbal communication makes up two thirds of all communication (Trompenaars 1993), there is a need for law enforcement officers to have the ability to interpret conscious and unconscious

non-verbal communication signs. Nonverbal communication or body language is a powerful tool that can help people connect, express what they really mean, and build better relationships (Segal, Smith, Boose and Jaffe, 2013).

PROBLEM STATEMENT

It could be argued that within the criminal justice system that many practitioners believe that if they speak the same language then an understanding of what is being said is certain. It is asserted here that this position is not true. The reason: one may understand the words being said but not understand the meaning behind the words.

In many instances, communication may require more than hearing, and this is where nonverbal communication comes into play (Marshall 2011). Criminal justice agencies cannot function well without face-to-face interaction, and there is widespread agreement that good communication (verbal and nonverbal) is the foundation of any successful personal and professional relationship. The ways in which a person listens, look, move, and react tell a lot about the individual. By way of example, people can decode foreign verbal language by following the body language that goes with it. However, many criminal justice personnel are not trained in how to discern whether a person is using their innate tendencies for proxemics (relative position of the body) behavior to either convey a message or deny it.

When police interact with suspects, both parties continuously give and receive nonverbal signals that include, but are not limited to, gestures, sitting, posture, eye contact, loud or low tone of voice, and distance between individuals, and all of these have meanings. According to Segal et al. (2013), everything people do can have meaning to a law enforcement officer, including the way they listen, react, look, and move, which can tell the officer whether or not someone is being truthful. If a person's nonverbal signal does not coincide with the statement they are saying, then it arouses distrust, confusion, and tension. Even if a suspect stops talking, it should still be a meaningful nonverbal communication to a criminal justice official.

Many law enforcement officers and suspects operate under the misapprehension that it is their spoken words that convey the primary messages, but it is hypothesised here that it is their nonverbal cues that are important. This study probes the subject literature in order to identify certain techniques that

have been found to be useful in crisis intervention and evaluates these as to their application for law enforcement officers.

LITERATURE REVIEW

Research on nonverbal communication and the factors that may affect it dates back to the 1800s and the pioneering work Charles Darwin's book, *The Expression of Emotions in Man and Animals* (reprinted 1998) Darwin argued that all humans, regardless of race or culture, possess the ability to express emotions in exactly the same ways, primarily through their faces, (Matsumoto 1999).

There have been many studies since the 1800s across a number of fields, including social psychology, linguistics, and semiotics, among others. These studies that were attempting to test the universality of facial expressions were flawed methodologically, (Matsumoto 1999). It was not until 1960s that the "universality studies" agreed of the existence of same/common universal facial expressions, (Ekman 1972; Ekman & Friesen 1971; Ekman, Sorenson, & Friesen, 1969; Izard, 1971). Besides, some nonverbal communication is based on symbols that are different between cultures, but there are also some that are universally understood. For example, facial expressions of anger, sadness, joy, surprise, disgust, and fear are universal according Ekman's (1968) study of nonverbal behavior.

Also, the study by Grammer, Renninger and Fsieher (2004) discovered that elements such as physique, height, weight, hair, skin color, gender, odors, and clothing send nonverbal messages during interaction. Melamed and Bozionelos (1992) revealed in their study of a sample of managers in England that height was a major factor influencing promotion of employees. There are also studies that link nonverbal behavior cues to aggressive acts. Predictors of aggression were studied by Arsenio, Cooperman, and Lover (2000: 411), who measured anger indicators of pre-aggressive behavior as increases in tone of voice with negative verbal attack, narrowing of the eyelids, lowered brows, lips pressed together, and so on.

However, there are very few studies on the area of nonverbal behavior, culture, and law enforcement. Some websites devoted to organizational fields like policing, corrections, etc., only deal with nonverbal cues that could predict future violent behavior, and some even contradict each other's findings. For example, avoiding eye contact may be promoted by one website, while others

may promote staring someone in the eye (Demir, 2011). In brief, the existing literature has little study of nonverbal behavior in relation to culture and law enforcement. The present analytical study is seeking to start to fill these gaps in criminology by examining the willful and conscious decoding of nonverbal behavior cues of criminal suspects in the criminal justice system depending upon their culture.

THEORY

Nonverbal communication is not only the process of communication through sending and receiving wordless visual cues among people but also encompasses much more, such as tone of voice (paralanguage), space (proxemics), feeling (haptics), and appearance. Every communication involves the process of encoding and decoding. Decoding nonverbal communication in law enforcement suggests that interactive models are best suited for this occupation.

Recognising the unique challenge faced by law enforcement; the challenge is how to identify and engage suspects as individuals in heterogeneous society. Theories of nonverbal communication reveal that an observer can infer character traits such as trustworthiness and honesty through a speaker's nonverbal actions (Wayne 2013). Nonverbal techniques indicate exactly the intended meaning from the sender. Nonverbal communication in law enforcement must address and interpret a suspect's actions individually, depending upon various factors—cultural, environmental, etc.—before determining what is being communicated.

When people listen (or speak), their attention is focused on words rather than body language. But their judgment includes both. Also, an audience is simultaneously processing both verbal and nonverbal cues. Besides, body movements are not usually positive or negative in and of themselves; rather, the situation and the message will determine the appraisal, (Givens, 2000: 4).

Lies can be betrayed in verbal and nonverbal leakage independently. According to Matsumoto, Hwang, Skinner and Frank (2011: 3), Liars are more likely to produce significantly more nonverbal behaviors in consistent with the context or content of their words than truth tellers. For example, a person may deny stealing something, but showed fear or distress while making that claim. Conversely, the nonverbal behaviors (e.g. nodding their heads up and down while saying “yes”) of truth tellers remained much more consistent with their verbal statements. Besides, the nonverbal behavior by themselves are not as indicative of truth telling or lying; instead it is their level of consistency with the

verbal statements or context that determined truthfulness at a high degree. Depending on the expertise of the decoder (police officer) of nonverbal communication, this can be a useful tool for extracting the truth or falsehood of a statement by a suspect. There are varieties of theories developed for the study of nonverbal communication.

Semiotics

This is the study of how signs relate to things. Body language, words, and sounds have been studied using a Marxist approach, specifically studying how ideology can influence the interpretation of signs. In law enforcement, a suspect's crossing of arms may indicate resistance, protecting his or her space, or defensiveness. Suspects who feel comfortable, safe, and free will always sit in a relaxed, open manner, while suspects who feel hostile, aggressive, or nervous will sit in a closed manner, with arms and legs crossed.

Proxemics

This is the distance or space between the communicator and the receiver. If a law enforcement officer moves too close to a suspect, it could be interpreted as an authoritative gesture on the part of the officer, and if the suspect gets too close to the officer, it could be interpreted as insult, intrusion, or aggression (Papa 2013). For law enforcement, the distance between the officer and the suspect is determined by the nature of the officer's suspicion/probable cause. For example, a felony suspicion stop would require a greater distance between the officer and the suspect than a misdemeanor stop. A reasonably safe distance is a radius of about twelve feet from the suspect (Otu, 2014).

Kinesics

This mainly deals with body language, including posture, facial expression, gestures, the way a suspect walks or sits, etc., which all can communicate meaning to a law enforcement officer (Wayne, 2013). It is common knowledge that different cultures interpret gestures differently. If a suspect gestures a great deal while answering questions from an officer, it could be interpreted that the suspect is being overly emotional or even hysterical, (Vogler, 2013). Also, a suspect's posture could be a cue to the officer. For example, a tall and straight posture indicates that a person is confident, happy, and proud, while a slumped posture could indicate disappointment, sickness, or sadness (Sheahan, 2013).

A suspect's face is a very powerful vehicle for communication with law enforcement officials. For example, frowns, partial smiles or complete smiles can give an indication of what a suspect is thinking at the time. A suspect who smiles with wide eyes and perked eyebrows portrays confidence and happiness, while frowns, narrowed eyebrows, and flared nostrils communicates anger or sadness. Suspects who are nervous, anxious, or seem scared are obviously going to avoid eye contact with the police (Sheahan, 2013).

Cross Cultural

Nonverbal communication has different meanings depending upon the culture. Each society develops its own rules for interpreting nonverbal communication (Wayne 2013). A double finger "peace sign" in the United States may be interpreted to be an obscene gesture in the United Kingdom. Hence, each society is answerable for the kind of police it chooses to have, whether it be by deliberation, power struggle, or total neglect (Otu, 2006), and every criminal justice system fits the culture of its people. One could argue that as a general rule, criminal justice practitioners should watch for nonverbal cues (gesture, sounds, etc.) when interrogating suspects to determine whether or not they are telling the truth. In a heterogeneous society, it is necessary for law enforcement officers to be familiar with other cultures and how they communicate nonverbally (Bailey, 2013).

METHODOLOGY

This analytical study employed a qualitative descriptive approach (Sandelowski, 2000) using content analysis. Data were collected from documentary sources and examined. A summary of these secondary sources included microfilmed documents, newspaper articles concerning nonverbal communication, and papers published in law enforcement and other scholarly journals. These data were collated and analysed so that themes could be developed relating to the subject under investigation. The thematic analysis of these data was then subjected to an ethnographic appraisal by independent judge. The purpose of this assessment was to validate the study's findings by removing the investigator from making the final decision. The independent judge's background consists of many years of law enforcement experience as well as years of criminological study of police interaction with the community.

The results of the analysis are presented in two thematic sections: 1) nonverbal behavior; and 2) value of nonverbal communications in law

enforcement. Although the study cannot be considered exhaustive, it is deemed to be more than adequate to be persuasive in supporting the hypothesis.

FINDINGS

Nonverbal Behavior

This study focused on how law enforcers, in general, can decode nonverbal communication as a tool in dealing with suspects. In studying the relationship implications of nonverbal behavior between suspects and law enforcement officials, the major aspects are the dominance-submission relationship and the composure/relaxation-non-composure relationship (Burgoon, 1991). A variety of theories have been developed to study suspects' or criminals' nonverbal behavior, with a common denominator, which is to always maintain the officer's authority, safety, and security with regard to a suspect. One such finding is that the officer should maintain a close physical proximity, voice control, direct eye contact, and professional appearance (Tusing and Dillard, 2000; Mauro, 1984; Burgoon, Buller, Hale and de'Turck, 1984). Although close proximity to the criminal, coupled with a relaxed appearance will establish dominance and authority, officers should be conscience to avoid rushing into the "killing zone," which is within a ten-foot radius of the suspected offender (Pinizzotto, Davis, and Miller, 2002).

The importance of nonverbal communication to law enforcement includes strengthening or weakening of other cues. This study found that nonverbal communication can uncover traits such as trustworthiness, honesty, fear, and anger in suspects, if cues are interpreted correctly. This finding also supports conclusions in the literature that say an officer's ability to decode nonverbal behavior from suspects and establish the appearance of being firm, authoritative, and in control of all situations can deter suspects or criminals from trying to hurt or kill the officer (Pinizzotto and Davis, 1999).

These findings underscore the fact that an awareness of nonverbal behavior will allow a law enforcement officer to become better receiver of suspects' messages. Hence, majority of the meaning officers attribute to words comes not from words themselves, but from nonverbal factors such as gesture, facial expression, tone, body language, etc. This is because nonverbal behaviors provide cues, clarify situations and create culture for law enforcement officers. (Verna and Beamer, 2010; n.a., 2013)

Value of Nonverbal Communication in Law Enforcement

Law enforcement officers are sometimes trained to decode nonverbal behavior sent by suspects when they are about to avoid arrest by lying or preparing to escape or initiate violence, (Pinizzotto and Davis, 1999). Nonverbal communication in the criminal justice system is interactive in that both law enforcement officers and suspects send, receive, and decode nonverbal behavior from each other. Suspects and criminals, particularly drug dealers, prostitutes, gang members, and others operating in this “street culture” are likely to be looking for nonverbal cues, such as eye contact and appearance in the people they deal with to try and determine whether or not they are undercover law enforcement officers (Jacobs, 1993). According to Costa (2009), a law enforcement officer’s safety is dependent on their ability to nonverbally establish authority and dominance when working with the public in instances of officer-suspect encounter.

On a daily basis, law enforcement officers encounter dangerous situations as occupational hazards, so to do their jobs successfully as well as safely, they need to remind themselves that close proximity to the offender will establish dominance, authority, and enhanced possibility of arrest, but misreading nonverbal cues that the offender is sending intentionally or unintentionally and reacting inappropriately can be dangerous. Therefore, officers who are trained to in practical communication skills gives them mental preparedness that they can call on, automatically, when encountering suspects/criminals (Pinizzotto, Davis, and Miller, 2002)

As an example, if a police officer is controlling traffic and his or her hand faces a person’s car, without any other clues, the person is highly likely to interpret this to mean stop the vehicle. This cue could save a person’s life, although a person’s refusal may be considered a violation of a traffic law, which has consequences. In a zone of conflict, refusals like this could result in being fired upon (Deatherage, 2006). In other situations, nonverbal communication can clarify other cues, and an officer may use hand gestures, visual aids, photo line-ups, or slide shows to aid comprehension and identification of possible suspects (Morris, 1994; Texas Association of Police Explorers, 2014).

Nonverbal behavior can also clarify verbal communication. A law enforcement officer may use a crime scene sketch or map to show the positions of objects. Crime scene sketches can provide greater clarity and jog the memory

of a witness (Saferstein, 2001). Interestingly, nonverbal behavior can also create solidarity and in-group culture (Kapperbusch et al., 1999; Varner and Beamer, 2010). In law enforcement, it is common knowledge that nonverbal signs allow junior officers to pay respect to seniors in the form of a salute. Nonverbal cues are always powerful indicators of what a police officer means and what he or she feels—for example, a police officer smiling at a citizen shows friendliness—and the relation between verbal and nonverbal communication in law enforcement reveals that even with spoken words the tone of voice and facial expression contribute greatly to understanding and decoding the information being conveyed. Also, nonverbal communication is responsible for the creation of a culture (subculture) in law enforcement. That is to say, in law enforcement there are certain norms and expectations that are not verbally communicated and most of the time these rules of engagement are created through nonverbal expressions (Faye, 2012).

Verbal and nonverbal interaction in law enforcement may form the following meanings:

- **Regulating:** A law enforcement officer may regulate a suspect's communication or behavior by touching his or her arm, which may signal that the officer wants to talk next or that the suspect is going to be interrupted (Knapp and Hall, 2007).
- **Eye Contact:** This often depends on the culture of the participants. In the United States, eye contact with a law enforcement officer means truth, support, and encouragement. No eye contact may mean lying, disinterest, and/or impatience (Ikeda and Tidwell, n.d.; Burgoon 1978).
- **Gesture:** Generally, a law enforcement officer may continue pointing to an object of discussion, which may strengthen the verbal message (Morris 1994; Pease and Pease 2006).
- **Body Posture:** A law enforcement officer leaning back from the talking suspect indicates disbelief and/or skepticism, the officer inclining his or her head gives sympathetic and attentive meaning to the suspect or victim (Texas Association of Police Explorer, 2014).
- **Conflicting Messages:** An officer may be expressing a statement of truth, while simultaneously avoiding eye contact with the suspect, which may send a mixed message to the receiver. Such mixed messages may come as a result

of frustration, ambivalence, or uncertainty. When people perceive mixed signals, nonverbal behavior becomes more reliable (Knapp and Hall, 2007).

- **Space or Distance:** The distance between an officer and a suspect is very important in nonverbal communication. The closer an officer stands to the suspect or victim the more, intimate the encounter. An officer has to use discretion to determine if the distance is too far or too close. If the victim starts to back off, the officer should step back. When a victim or suspect moves forward, the officer should stand still until the suspect reaches a comfortable space for him/herself (Texas Association of Police Explorer, 2014).

DISCUSSION AND CONCLUSION

It is important to consider nonverbal behavior when dealing with suspects in law enforcement, but it is also necessary that an officer remain alert so that he or she can decode cues accurately. Moreover, the concept of nonverbal behavior holds that many types of nonverbal behavior, individually or in groups, are communicative and have widely recognised interpretations or meanings. For example, a suspect frowning while listening to the officer may be interpreted as meaning disagreement or doubt, or it may also mean that the officer's flashlight is in his face and bothering him, or he is having a headache during the process of communication.

Cultural diversity may also create a problem for accurate interpretation of signals. For example, generally speaking, in the US many in society are likely to be uncomfortable with a perceived "invasion of their personal space," but it is commonly knowledge that Hispanics allow physical hugging, and other forms of touching as signs of friendship. This analytical study found that officers should utilise nonverbal behavior carefully, and in many cases they should watch and listen to pick up signs of lying, truthfulness, innocence, stressfulness, or even mental illness. A police officer should always watch people's body language and place importance on potential differences due to the cultural and social heritage of individuals. In order to establish dominance and authority, officers should understand that close proximity to the suspect gives a more immediate result.

Close proximity and a relaxed posture are normally enough to create dominance in an officer-citizen encounter. While nonverbal communication can vary between different cultures, we also learn rules about the meaning of

nonverbal behaviors based on cultural display rules, but, the fact is facial expression for happiness, sadness, anger and fear are similar throughout the world.

Returning to the study's problem statement that law enforcement officers and suspects consider it is their spoken words that convey their messages, but it was hypothesised that it is their nonverbal cues. Although the study could not claim to be exhaustive, it can be seen as more than adequate to affirm that many nonverbal communication/behavior have consistent and well-known meanings depending on the culture of the participants. But given the myriad of other forms of communication, it is clear that the nonverbal aspects of communication are often more important than others. So, learning and applying the principles this study distilled from the subject literature is likely to enrich an officer's relationships, both socially and professionally. Following these principles is also likely to have policy implications for criminal justice managers.

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Research Article

END OF THE HONEYMOON: WHY THE RELATIONSHIP BETWEEN MEDIA AND COUNTERTERRORISM AGENCIES TURNED SOUR

Kate O'Donnell[†] and Hamish McLean

This paper sets out our exploratory research based on an analysis of four decades of Australian national security and counterterrorism policy from the dual perspectives of information sharing with industry and information sharing with the media. We comb a rich seam of complex and interrelated policy and through a series of in-depth elite interviews, analyse how and why information sharing (the *need-to-know*) with these two stakeholder groups developed and evolved in the way it did in practice. We find that a time when national security and counterterrorism policy was beginning to emerge in the 1970s, in practice the media was considered an essential part of counterterrorism efforts while industry was peripheral. This stands in sharp juxtaposition to contemporary policy and practice where the media is largely frozen out and industry is central to national security and counterterrorism efforts. We identify the shifts in policy and practice are explained through a maturing of policy driven by international and domestic incidents, the shift in ownership of critical infrastructure from the state to the private sector over time and a schism between policymakers and the media that opened in the 1980s and has never recovered. For the media, the honeymoon is over.

Keywords: Counterterrorism policy, media, counterterrorism exercises, D-Notices, counterterrorism policy

INTRODUCTION

In contemporary national security and counterterrorism policy development in Australia, there has been a developing narrative on information sharing couched in terms of the *need-to-know* and the *need-to-share* (Prunckun, 2015, pp. 332–333). Through policy analysis and elite interviews, we chart the policy trajectory geared towards information sharing with industry and the media in practice since the development of Australia's first plan for counterterrorism in

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1973. We first combed a rich security policy history and find it evolved from advice to individual businesses in limited circumstances through to the present day where information sharing with industry is at the core of contemporary policy (Commonwealth of Australia, 2010, 2013; TISN for Critical Infrastructure Resilience, 2013). In a stark juxtaposition, we find the policy focus in the 1970s on information sharing sought to embrace the media, but largely left industry out in the cold. In the period between 1970s and early 1990s the media was considered a valuable contributor to an overall effective response capability. However, relationships with policymakers and the media have been tense and problematic since at least the early 1980s (SAC-PAV Review Team, 1993, pp. 27-28).

Our research compares the differences in policy approach to engaging with industry and the media over the past 40 years to explore three key questions:

1. How and why did the contemporary policy focus on information sharing with industry develop in the way it did?
2. How and why did the budding relationship between counterterrorism agencies and the media fostered in the 1970s turn sour?
3. In contemporary policy considerations, what might unlock the counterterrorism door to the media that have been effectively frozen out since the 1990s?

Drawing on key policy documents and in-depth semi-structured interviews with current and former elite policy officials, police, industry representatives and with the media, we make a fresh contribution to the emerging literature focused on the historiography of Australia's security and counterterrorism policy. As Australian historian Mark Finnane (2013) notes, this has been narrowly interpreted.

BUILDING AUSTRALIA'S FEDERAL COUNTERTERRORISM POLICY

In 2013, the Australian Government released its latest policy on national security: *Strong and Secure—A Strategy for Australia's National Security* (Commonwealth of Australia, 2013). Curiously, and in an extraordinary example of terminological pedanticism, it identifies it as "Australia's first National Security Strategy" (Commonwealth of Australia, 2013, p. ii). This deftly swept aside a rich and complex national security policy history from

which the current strategy draws and within which, distinctly different policy objectives on information sharing, are evident.

Australia's national security policies and plans for countering terrorism developed over time, involve Federal, State and Territory governments and their agencies and are set out in a number of complex and interrelated documents. Wright-Neville (2006, p. 1) contends Australia's approach to countering terrorism "evolved in several waves, each following high-profile terrorist attacks overseas," identifying the attacks in the US on 9/11, the bombings in Bali in 2002 and 2005, the bombing of Madrid commuter trains in 2004, and the London underground bombings in 2005. While this is the case, what this overlooks is that Australia's approach to national security policy and countering terrorism is rooted in much earlier domestic and international terrorist events: domestic Croatian terrorism during the 1960s and 1970s; the Munich Olympics massacre in 1972; and the bombing outside the Hilton Hotel in Sydney in 1978 (Finnane, 2013, 2014; Hocking, 1993).

Australia's first national plan for countering terrorism, the *Plan for Anti-Terrorism Action*, was developed in late 1973. It was influenced by the change agenda being driven by the Whitlam Labor government that had come to power in December 1972. Mr John Lines, a member of the Counterterrorism Branch, in the Protective Security Coordination Centre (PSCC) between 1978 and 1992 recalls:

After Munich ... we realised we had to lift our game. While the events of Munich were one factor that drove the development of the plan, in my personal opinion, a more significant driver was the incoming ALP government. The incoming ALP government had a significant reform agenda and things moved quickly (personal communication, May 21, 2013).

The 1973 *Plan for Anti-Terrorism Action* incorporated specific "arrangements for the public handling of a terrorist incident by Government in liaison with the media" (Commonwealth of Australia, 1980, p. 3). While Australia's first specific counterterrorism plan was a product of the Whitlam government, it was the former coalition government that was "first prompted to act on terrorism" (Finnane, 2013, p. 162). In the more than four decades since, the security and counterterrorism policy focus has developed and broadened to embed a principle of information sharing within and across governments and their agencies, with governments and industry, within and across industry, and to embrace as a key policy principle, resilience in the face of all hazards (which includes but is not

limited to terrorism) (Commonwealth of Australia, 2010). In contemporary policy, the focus is the ‘need to share’.

INSIDE THE COUNTERTERRORISM TENT

It was not until the 1990s that a formal and distinct shift towards greater and routine information sharing between governments and industry occurred. Prior to the 1990s, both in policy and in practice, information sharing with industry was issue-driven and not considered essential. A now de-classified Australian Security Intelligence Organisation (ASIO) minute from 1974 reveals that special prior approval was needed to clear the way for both ASIO and the then Commonwealth Police to discuss with ESSO-BHP specific and credible terrorist threats made against their interests in Australia (Australian Security Intelligence Organisation, 1974).

Mr Mick Palmer, AO, APM, former Commissioner of the Northern Territory Police, former Commissioner of the Australian Federal Police, and former Inspector of Transport Security, observed that between the 1970s and 1990s there was no clear policy or strategy for information sharing with industry. He elaborates:

When the question did arise, the conversations simply went nowhere. My recollection is that when the question arose, discussion was ambushed by focusing on why it was too difficult and shouldn’t be pursued. The premise was to look for these roadblocks not look beyond them to the benefits. The roadblocks that were put forward included: that industry representatives would need to obtain and maintain top secret security clearances to be provided with information (even if relevant to their business); and that industry representatives should be constant. These were then, and remain nonsense (personal communication, January 11, 2013).

Mr Roger Holdich AM, who in 1985 and 1986 when Deputy Secretary of the Department of the Special Minister for State conducted a review of Australia’s counterterrorism capabilities, agrees that routine information sharing with industry was not on the policy agenda. He recalls:

It isn’t that it was considered and discounted. In my experience it did not arise. Looking back, there was a missing link in information sharing, and that was with industry (personal communication, December 18, 2012).

The lack of a formal policy focus on routinely sharing information with industry endured well into the 1990s. The shift in policy was influenced by the US

moving toward greater protection of critical information infrastructure and the looming threat of the Y2K bug. Mr Peter Ford, former First Assistant Secretary, Information and Security Law Division, Attorney-General's Department observed that key agencies, such as the Australian Federal Police, the then Defence Signals Directorate and ASIO, supported the concept of regular meetings with industry focused on critical infrastructure. It was industry, however, that treated the government's shift towards routine and structured information sharing with caution. Ford elaborates:

Looking back, there was some initial skepticism from industry. The old *I'm from government and I'm here to help you* comes to mind. However, there was interest from industry in hearing from government on security related matters. However, there were genuine concerns from industry about sharing information with government (personal communication, February 28, 2013).

Mr Mike Rothery, current First Assistant Secretary, National Security Resilience Policy Division, Attorney-General's Department agrees information sharing with industry was "sparse" prior to 9/11. He notes:

While there was no concerted effort to brief industry as a whole on threats or response and recovery, there are notable instances of information sharing with industry before 9/11. These include:

- specific counterterrorism exercises that focused around individual companies and their operations;
- advice to individual companies if specific threats were identified;
- planning for specific events that required engagement with specific companies and their operations; and
- the aviation sector was provided with some information through the Department of Transport (personal communication, December 19, 2012)

As part of the Australian Government's response to 9/11, and in recognition that the majority of Australia's key civil infrastructures were by then, privately owned or operated on a commercial basis, counterterrorism efforts were immediately and actively focused towards greater information sharing with government and industry and within and across industry (Business Government Taskforce on Critical Infrastructure, 2002; Commonwealth of Australia, 2002; Protective Security Coordination Centre, 2002).

Following 9/11, the Australian government established the Business Government Taskforce on Critical Infrastructure. Its focus was to give business input into the design of current arrangements to protect key civil infrastructures. One of the recommendations of the Taskforce was that formal consultative structures be established to facilitate policy and operational information sharing between government and industry, and between industries. This approach was endorsed by Government. In the wake of 9/11, both government and industry recognised information sharing relevant to industry sectors (such as transport, banking and finance, health and energy) was a “key priority” (Rothery 2012, December 19, personal communication). In 2003, the Trusted Information Sharing Network (TISN) was formed to provide a formal and structural mechanism to facilitate information sharing with industry (TISN for Critical Infrastructure Resilience, 2013).

Since its inception, the TISN’s remit has been geared towards structurally supporting the policy goal of information sharing with industry (TISN for Critical Infrastructure Resilience, 2013). The creation of the Business Liaison Unit (BLU) within ASIO in 2005 and the subsequent sharing of *intelligence* with industry, was a subtle extension in precisely what information was sanctioned by ASIO to be routinely shared with industry. An Australian industry executive explains this difference and its significance:

The creation of the Business Liaison Unit in 2005 within ASIO represented a clear shift in formalising information sharing with industry. This was the first formal engagement with the intelligence community and industry. Prior to that, information sharing occurred through more informal networks. BLU became and remains the interface (personal communication, March 1, 2013).

Whereas the BLU is the continuing interface between industry and ASIO, Rothery (personal communication, December 19, 2012) makes the point that “...the TISN remains the key structural mechanism for information sharing with industry and government, and between industries, in the face of all hazards, including terrorism.”

In 2013 the TISN marked its tenth anniversary (TISN for Critical Infrastructure Resilience, 2013). It is an enduring artefact of more than a decade of sustained policy focus on information sharing with industry on matters of security and counterterrorism. In recognising “things have changed enormously over the past decades,” there is some concern expressed by industry that “we are

far from seamless in information sharing between government and industry and there is still room for significant further development” (Australian Industry Executive, personal communication, March 1, 2013). There is a simultaneous and genuine confidence, however, that “ASIO, the AFP or other relevant agencies would immediately make contact if there was a security concern” (Australian Industry Executive, personal communication, March 1, 2013).

Successive counterterrorism plans have continued to reinforce the policy goals of cooperation within and between governments and with industry (Commonwealth of Australia, 2003, 2005, 2012b). These policy goals have been further reinforced by the policy objectives of the *Critical Infrastructure Resilience Strategy* (Commonwealth of Australia, 2010). At an individual and sector level, industry is firmly within the security and counterterrorism tent.

OUTSIDE THE COUNTERTERRORISM TENT

In contrast to information sharing with industry that developed and strengthened over time, this paper now turns to information sharing with the media. We identify how and why the media slipped from its honeymoon era of direct involvement in national counterterrorism exercises in the 1970s to being left out in the cold since the 1990s. The crucial role of the media in any counterterrorism activity—preparation, response and recovery—was recognised early in the development of Australia’s counterterrorism capacity. After the PSCC was formed in July 1976, its reach and influence expanded quickly beyond its initial focus on dignitary protection to include a pivotal role in security and counterterrorism (Commonwealth of Australia, 1979; SAC-PAV Review Team, 1993). It is in its expanding remit that the PSCC recognised the need for interaction with the media. Lines (personal communication, May 21, 2013) recalls:

The PSCC recognised very early on that the media would be a key figure in any counterterrorism response. Don Lawler, a respected journalist, was employed by the PSCC from its very early days. We all did media training courses and we all understood the importance of the media in any real event.

Engaging the media should be viewed in the broader context of the D-Notice system and what the Australian Government was specifically seeking to achieve through the PSCC’s engagement with the media. The policy objective of the now defunct D-Notice system established in Australia in 1952, controversial since the 1970s and moribund by the mid-1990s, was restrained and responsible

reporting (Commission of Inquiry into the Australian Secret Intelligence Service, 1995). Australia's D-Notice system operated as a request to editors not to publish specific "sensitive defence, security and intelligence information" (Commission of Inquiry into the Australian Secret Intelligence Service, 1995, p. 113). Reinforcing how information had been shared with the media, the D-Notices themselves (reduced from seven to four in 1974) were developed with media input (Commission of Inquiry into the Australian Secret Intelligence Service, 1995).

In this broader policy context, distinctly different policy objectives of the PSCC are readily discernable. The first was ensuring the media liaison arrangements in any counterterrorism plan could be effectively implemented in the event of a terrorist incident. The second and more revealing in terms of how the role of the media was perceived, was to encourage and achieve "restrained and responsible reporting in counterterrorism" (Commonwealth of Australia, 1980, p. 7). The involvement of the media in real-time national security exercises represented the high point of the government's approach to engaging with the media in matters of security and counterterrorism. Somewhat paradoxically, in practice the media's failure to effectively engage in the exercise role-playing also represented a low point from which the relationship has never recovered. This occurred contemporaneously with the decline of the D-Notice system with its inherent involvement of the media.

Lines, reflecting on the vexed relationship government shared with the media, observes that during the 1970s departmental media officers were increasingly on the ascendancy and wielding greater influence within the bureaucracy. He recalls that quite separately yet parallel to this, the PSCC worked hard to "engage the media in counterterrorism exercises" to the extent in some instances of "having journalists formally on the Directing Staff" (personal communication, February 2, 2014). Directing Staff (or Exercise Control Staff, EXCON) play a pivotal role in exercises as they manage components of the exercise play (Commonwealth of Australia, 2012a). In practice, from the PSCC's perspective, the involvement of journalists in EXCON roles was an unsatisfactory part of the exercise. On the one hand it gave rise to tensions within the ranks of the journalists involved who were not accustomed to playing subordinate roles (required as part of the command and control response structure). On the other hand, and more specifically for individual journalists, it gave rise to ethical issues that were difficult to overcome (J. Lines, personal

communication, February 21, 2014). Overall, there were underlying suspicions on the part of the media as to the “real” purpose of their involvement in exercises, as well as an unwillingness to fully commit to the goals of the exercise. Lines elaborates:

We always had great difficulty actually getting the media to understand the nature of exercises. The media viewed their involvement in the exercises as some form of hoax to shut them up, but this wasn’t the case (personal communication, May 21, 2013).

It was when journalists and counterterrorism officials were at odds over the purpose of the exercises, the relationship chilled. Both sides were at cross-purposes, which as McLean and Power (2014) found, was a key reason why tension and mistrust was never far below the surface in the relationships between emergency managers and the media. However, any budding relationship between agencies and the media was effectively negated by the way the media engaged in exercises as Lines explains:

As part of the exercises the media would door-stop the Minister, but rather than focus on the events being played out in the exercise [they] would try and embarrass the Minister on a different topic altogether. The reality is that in a real event, the media would not divert from topic. We were let down time and time again by the media that were involved. A serious and mutual distrust developed and could not be overcome (personal communication, February 21, 2013).

It is not unexpected that journalists would seize the opportunity to turn role-play exercises into real news-gathering opportunities. Borden and Tew (2007, p. 302) assert that journalists are “motivated by the self-conscious pursuit of excellence as a journalist” and “excellent journalists demonstrate correspondence between intention and performance—in other words they have integrity as journalists.” The journalists’ orientation to their role of news-gathering, rather than role-playing, is historically deeply rooted in their inherent “universal traits” (Dueze, 2005, p. 447) to provide a public service as watchdogs, be impartial, fair and objective, have a sense of immediacy and value ethics. A fundamental role of journalism is to serve democracy, otherwise “journalists are reduced to propagandists or entertainers” (Ahva, 2013, p. 793).

In a study on public service journalism, Ahva (2013, p. 802) found that journalists resented having to “perform” in marketing and publicity roles as part of a branding exercise. Thus, we argue, a similar resentment may be the

outcome of participation in role-playing exercises. At the time of the relationship breakdown, Australian journalists were committed to their professional values of news-gathering, investigation and advocacy (Hanusch 2008). Given the period under discussion, it is useful to turn to Henningham's (1996) survey of 1,068 news people in Australia on their professional and ethical values. His pioneering study found that most journalists at the time had few ethical concerns about using leaked government documents or badgering unwilling sources, they valued confidentiality but rejected subterfuge and invasion of privacy.

The exercises of the time included the political levels of response and information. This fulfills the need for senior officials to face "the stress of decision-making" (Carafano 2011) demanded during a major incident. Despite the participation of Government Ministers in exercises being regarded as useful practice (Carafano 2011), it created further conflict over role orientation for the participating journalists conducting mock interviews. The motivation for those journalists to take the opportunity to then confront Ministers on the issues of the day may be explained by the adversarial role of the Australian journalist (Hanusch 2008) who "openly challenges the powers that be" Hanitzsch (2007, p. 373). In other words, journalists of the day would not stand aside from their "universal traits" (Dueze, 2005).

The report of the 1993 review of a key committee (the Standing Advisory Committee on Commonwealth State Cooperation for Protection Against Violence or SAC-PAV) suggests that "relations with the media were flagged as a fundamental problem in incident management" and had been since at least 1979 (SAC-PAV Review Team, 1993, p. viii). The report further suggests that it was "not until 1991 that a more suitable approach to media relations was devised" (SAC-PAV Review Team, 1993, p. viii). This focus was one of "media management in exercises" and a focus on "a continued element in training that develops awareness of likely media behaviour during an incident" (SAC-PAV Review Team, 1993, p. viii).

By 2005, the policy goal of achieving restrained reporting was re-branded "media liaison" (Commonwealth of Australia, 2005, p. 4.4) and save for a minor editorial amendment has remained unchanged (Commonwealth of Australia 2012b). Cameron Stewart, Associate Editor of *The Australian* newspaper and one of a handful of journalists specialising in defence and terrorism, acknowledges the shift in trust and cooperation between the media and security

agencies in the 1990s due to an increasing bureaucracy with more complex media management strategies. He elaborates:

It's much more difficult now to get a straightforward answer on the simplest of things compared to when I was doing my own job, say 20 years ago, for example, it was a very, very different situation. I could literally pick up a phone, there'd be one bloke at the end of the phone who ran the Defence Public Relations, Defence Media, he'd sort of say, 'Oh okay, righty-o, look I'll come back to you,' and he's there, come back, and he'd say, 'Okay, off the record the answer is blah, blah, blah. On the record we'll say blah, blah, blah.' It was over in half an hour (personal communication, July 24, 2013).

Stewart contends that media relations by counterterrorism agencies is micro-managed across a range of people, delaying the supply of information with little respect for deadlines. Much of the interaction with the agencies is at an interpersonal level. The greater the understanding between the parties, the more information, both on-and-off the record is exchanged. Stewart asserts that a major hurdle is people new to the media relations role. He explains:

There'll be people who come through the job who I, you know, have known me, know of me, know of my work and I, you know, I can relate to them and we can have a good dual conversation of on the record and off the record, which is what you have to do with these agencies; you can't just rely on on-the -record stuff. You have to have sort of background briefings and background discussions. And so it can be really good, and then all of a sudden you get someone else coming through and you feel like you're back to square one. You feel like you've just set the clock back 10 years (personal communication, July 24, 2013).

Unlike the routine and structured relationship between counterterrorism agencies and industry, the relationship with the media continues to be brittle and ad-hoc. In reflecting on the shifts in information sharing within and between government and between governments and industry over the past four decades Holdich has reflected on media relations and suggests consideration could be given to re-opening the counterterrorism tent to the media. He continues, "I think perhaps it is time to open discussion on providing information to key media people on an ongoing basis ... and there are a number of ways it could be achieved" (personal communication, December 18, 2013). Rothery notes that there are "structural mechanisms and therefore the potential for media briefings exists" that "could be used if the threat environment shifted from a chronic threat to an acute threat" (personal communication, December 19, 2012). Rothery explains that

authorised “backgrounders” with components of on-and-off the record are provided to media about counterterrorism policy and aspects of national security. This stands in contrast to counterterrorism operational matters. He elaborates:

In terms of specific security and counterterrorism operations, it would be more likely, if given at all, they would be given by State agencies. I can’t recall any background briefings to journalists on security or counterterrorism operations. Terrorist investigations are sensitive and rare. For a policy shift to routine media briefings there would need to be a significant change in the threat level (personal communication, December 19, 2012).

Moving toward a meaningful engagement with the media may be stymied by the raft of the more than 54 legislative instruments between 2001 and 2011 tightening anti-terrorism laws which Ewart, Pearson and Lessing (2013, p. 104) note could “have implications for open justice and news reporting.” They argue that “anti-terror laws tend to impact upon the truth-seeking and truth-telling functions of journalists in a democracy, partly through disruptions to, and imbalances in, the flow of information from government agencies to the citizen via the media” (2013, p. 105).

On 12 September 2014, based on advice from security and intelligence agencies, the Australian Government raised the National Terrorism Public Alert Level from medium to high (Prime Minister of Australia, 2014). This means a terrorist attack is likely. It remains to be seen whether or not this will be sufficient in and of itself to re-invigorate the stalled policy discussion mooted in 2009 by the then Attorney-General about a replacement to the D-Notice system in the form of a “national security protocol for reporting sensitive information” (Stewart, 2010) or more broadly a policy discussion about engagement with the media.

CONCLUSION

This paper has explored a complex web of counterterrorism policy spanning four decades to map the evolution of information sharing with industry and the media in Australia. In expanding how security and counterterrorism policy has been interpreted in the literature, we bring to light a trajectory that highlights a maturation of policy focused on genuine engagement with industry reflected in practice and a corresponding diminution of policy also reflected in practice, focused on genuine engagement with the media. The recollections of current and

former key policy-makers, police, industry representatives and the media have shed new light how and why the differential relationships so evident in contemporary policy developed the way they did.

In the context of a recognition that policymakers needed to “lift their game,” the 1970s saw the emergence of new security and counterterrorism policy. This paper highlights distinct triggering events that have shaped why in contemporary policy and practice, information is now routinely shared with industry. The policy trajectory highlights a shift from an earlier focus on a need to know (in instances of credible specific threats) to a need to share. During the same period, the media has experienced a reversal of fortune with counterterrorism agencies.

During 1970s until the 1990s, the media enjoyed a budding relationship to the point of being at the command table during major exercises. However, this paper finds the relationship turned sour when the media of the day was unable to orientate their roles into exercise play and took advantage of mock interviews as opportunistic news-gathering exercises. Instead, driven by their basic instincts, journalists used exercises to ambush a Minister on issues of the day.

Distrust became difficult for counterterrorism agencies to overcome and the door to the media closed. In its broader context, this occurred contemporaneously with the effective demise of the D-Notice system. This paper argues that any thawing of the relationship is likely to be dependent on a heightened security threat, where the media may be seen again both in policy and practice as a valuable tool in building resilience to terrorism. With recent security developments, this is an area worthy of further research.

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ACKNOWLEDGMENT

The authors thank Professor Mark Pearson for his helpful insights and suggestions in developing this paper.

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Research Article

Rethinking Recruitment in Policing in Australia: Can the Continued Use of Masculinised Recruitment Tests and Pass Standards that Limit the Number of Women be Justified?

Susan Robinson[‡]

ABSTRACT

Over the past couple of decades, Australian police organisations have sought to increase the numbers of women in sworn policing roles by strictly adhering to equal treatment of men and women in the recruitment process. Unfortunately this blind adherence to equal treatment in the recruitment processes may inadvertently disadvantage and limit women. In particular, the emphasis on masculine attributes in recruitment, as opposed to the ‘soft’ attributes of communication and conflict resolution skills, and the setting of the minimum pass standards according to average male performance, disproportionately disadvantages women and serves to unnecessarily limit the number of women in policing. This paper reviews studies undertaken by physiotherapists and a range of occupational experts to discuss the relevance of physical fitness and agility tests and the pass standards that are applied to these in policing. It is suggested that masculinised recruitment tests that pose an unnecessary barrier to women cannot be justified unless directly linked to the job that is to be undertaken. Utilising a policy development and review model, an analysis of the problem posed by physical testing that is unadjusted for gender, is applied. As a result, it is recommended that police organisations objectively review recruitment processes and requirements to identify and eliminate unnecessary barriers to women’s entry to policing. It is also recommended that where fitness and agility tests are deemed essential to the job, the pass level is adjusted for gender.

Keywords: Gender, police recruitment, police women, recruitment testing, human resources

INTRODUCTION

Policing is a masculine profession that emphasises the masculine attributes of strength, agility, aggression and brotherhood (Mossman, Mayhew, Rowe & Jordan, 2008). These attributes are only half the equation of police work however with the feminine qualities of understanding, sensitivity and softness

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being equally important to the effectiveness of the role (Rabe-Hemp, 2008). Hegemonic masculinity may not be serving police forces well in today's progressive society and police forces around the world are responding to pressure that they represent the needs of the community better (Miles-Johnson, 2013; Raganella & White, 2004). This has led to a move to increase the active involvement of women in modern policing and is an aim, which is to a large extent, being actualised in many police services. In Australia for example Prenzler & Sinclair (2013) report that the number of women in policing in 2011 was approximately 24.4% of all sworn officers nationally which is a significant increase from previous years with some states reporting numbers around 18% in 2007. The statistics presented by Prenzler & Sinclair (2013) do however indicate a slowing of this growth over the past three years.

Despite this, it is undeniable that women are making inroads into the previously male dominated profession of policing, including specialist areas, (Boni, 2005) but areas of resistance still remain, particularly in regard to a reluctance to review and remove the barriers that may discriminate against women in the recruitment processes of police services. There is not necessarily a deliberate effort to exclude women, quite the contrary; many involved in recruitment would claim great commitment to the equal representation of women in policing (Beattie & Johnson, 2012). It is more likely to be a product of the misguided attempts to ensure 'equality' in the standards applied to recruitment assessment testing to men and women and is a result of a misunderstanding of how such testing should be applied in a non-discriminatory way, instead assuming that sameness is the same as equality (International Labour Organization, 2010).

When operating from the belief that gender equality in employment equates to treating both gender exactly the same, this belief can directly influence the selection processes used for recruitment (International Labour Organization, 2010). In line with this view, for example, an argument can be posited that if women want to do the job of policing they must be able to reach the same level of physical performance as men. This view is based on formal equality which treats men and women exactly the same and may inadvertently result in discrimination. Substantive equality is what addresses discrimination and refers to treating men and women in a manner that takes their sex based physical differences into account in order to provide them with the same opportunities to enter and maintain their place in the workforce (Australian

Defence Force Academy, 2014; Australian Workplace Gender Equality Agency, 2014). Real gender equality in the workplace is about equality of opportunity, remuneration, visibility, representation, empowerment and participation (International Labour Organization, 2010; Directorate General of Human Rights, 2004) and the removal of barriers that would hinder this (Broderick, Goldie & Rosenman, 2010). In addition, unconscious bias in recruitment may lead the organisation to continually but unconsciously recruit in its own image, maintaining the status quo rather than advancing the equal representation of gender as it consciously seeks to do (Beattie & Johnson, 2012).

This paper discusses the recruitment tests used to select people into the job of policing and the ways in which these tests inadvertently present unnecessary barriers that disadvantage women. For the purpose of this paper sex refers to the physical and biological differences between men and women and gender refers to culturally accepted masculine and feminine qualities and roles. The author acknowledges that not all women want to enter the job of policing and this paper does not address the reasons why women may not choose not to enter this occupation. This paper is unapologetically concerned only with reviewing the recruitment processes in policing that may restrict those women who do want to enter policing as an employment choice; and posits alternative approaches that may be applied by police agencies to address unintended discrimination at the entry point.

WHY ARE RECRUITMENT TESTS NECESSARY?

Recruitment testing is necessary if an organisation is to be able to select the right person for the job. It is indisputable that if an individual is to do their job well, they must be capable of performing all of its occupational requirements. In policing this is especially important in order to ensure not only the safety of the officer involved, but also those around them, including colleagues and the general community (Andrews & Risher, 2006; Anderson, Placas, & Segger, 2000). The recruitment process for policing must therefore be able to identify the applicants who are physically and mentally able to do the job and to filter out those who are not able to satisfactorily do the job.

As a means of assessing these skills and aptitudes, psychological and physical tests are carried out at the point of recruitment. Physical tests include assessing performance capability in respect to discreet activities and tests of stamina and agility as well as hand grip strength and aerobic performance. In

addition, shooting and defensive tactics tests are used in the assessment of recruits. When these tests are looked at closely, it can be seen that the majority of tests undertaken in police recruitment and training have an emphasis on male qualities of strength and physical performance (Mossman et al, 2008) and are therefore geared towards the least common aspects of the policing role such as chasing an offender; while the areas of communications, conflict resolution, and community engagement, which are skills required in the major part of the role (Barker et al, 2008), are given the least attention in police recruitment and training.

This situation appears paradoxical, especially when the substantial debate about the relevancy of physical fitness and agility testing to the modern policing role is taken into account (Mossman et al, 2008; Lonsway, 2003; Prokos & Padavic, 2002; Birzer & Craig, 1996) and more importantly the fact that in most police departments, the physical fitness level assessed at recruitment is rarely maintained throughout employment (Gaines & Worrall 2012; Andrews & Risher, 2006; Lonsway, 2003). Lonsway (2003) states that due to the sedentary nature of police work, any standard of physical fitness and agility assessed at recruitment would rapidly decline once the recruits were employed if there was no concerted effort by the organisation to maintain physical fitness.

It is clear that policing has changed dramatically over the last few decades and the modern police job is largely sedentary with police less physically active and instead predominantly located in offices and cars (Lonsway 2003, Prokos & Padavic, 2002). The physical fitness and agility tests performed at recruitment are therefore focused on the rare critical incidents that require police to run, jump and physically engage with an offender rather than the majority of their work which involves report writing, conflict resolution and communicating verbally with members of the public (Mossman, Mayhew, Rowe & Jordan, 2008). In addition to this, Lonsway (2003) points out that these recruitment tests may have little relevancy anyway as they fail to predict the future performance of recruits and fail to be a guarantee of their own and other's safety once a recruit is employed as a police officer. Such recruitment tests, if not directly related to the job to be undertaken, can pose unnecessary barriers, particularly to women.

WHAT ARE RECRUITMENT BARRIERS?

Recruitment barriers are direct and indirect organisational impediments that might restrict the entry of certain people, in this case women, into policing. These can be intentional or unintentional. An unintentional barrier to women's entry into policing is the police organisation's reliance on familiar recruitment assessment tests which emphasise male characteristics such as physical strength, agility and physique and the handling of weapons (Silvestri, 2003; Prokos & Padavic, 2002). This emphasis unnecessarily obstructs many women from gaining employment in policing (Butler, Winfree & Newbold, 2003) whilst overlooking the full range of skills required for modern policing such as conflict resolution, and communication skills (Barker et al, 2008). Using data from over 4,000 law enforcement agencies, Schuck (2014) found that higher representation of women in law enforcement was associated with having a focus on community policing, having higher education requirements, offering more incentives and benefits and having no physical fitness recruitment tests. Despite this finding, the main emphasis for recruitment in most jurisdictions is physical fitness.

In Australia, physiotherapy researchers Orr et al (2013) undertook a series of studies with a small group of police recruits and concluded that the hand grip strength test, which is assessed using a measuring tool known as a Dynamometer, may be associated with better performance in defensive tactics and marksmanship however they found that the relationship was not strong and therefore, as stated by Orr et al, could not be used to predict performance. This is supported by the findings of an earlier study by Copay & Charles (2001) which found that grip strength has only a slight influence on marksmanship with semi-automatic handguns.

Additionally, in their research with police recruits, Anderson and Plecas (2000) were unable to identify any combination of gross motor tasks that could predict shooting performance. Such pilot studies, while valuable for providing indicative data, need to be considered with caution to avoid police organisations accepting them as statistically validated research which is then used to support arbitrarily set recruitment criteria and standards. Additionally, tests such as the handgrip strength test, which measures the amount of static force the hand can squeeze when using a dynamometer, may be indicative of overall health but is not predictive of future performance such as shooting a gun or handling a baton and yet the test is used as a barrier test in recruitment (Orr et al, 2013; Poitras, 2011) so its use as a recruitment test could be considered to be arbitrary.

WHAT TESTS ARE USED AND HOW RELEVANT ARE THEY?

The need for physical testing as the most dominant means for assessing competence to perform the policing role is largely unsubstantiated. The tests used frequently have standards applied to them that have not been related to the minimum performance requirements of the job but which instead use the average male performance and aptitude levels of the particular activity being assessed as the minimum standard to be achieved (Dodge, Valcore & Klinger, 2010; Lonsway, 2003) while ignoring the fact that women will struggle to meet these minimum standards regardless of how much training they do in preparation (Massey-Westropp, Taylor, Bohannon & Hill, 2011). Furthermore, it is clear that the normative standards for each gender, with age taken into account, if set at the average for the population; is indicative of overall health and fitness at a particular point in time but cannot be predictive of future physical performance in a job. This is also the case with current physical recruitment tests.

Physical tests common to police recruitment include shooting, running, lifting weights, push ups, sit ups, hand grip strength and trigger pull test. A study of tasks in policing undertaken by Anderson and Plecas (2000) concluded that shooting performance could not be predicted by gross motor performance skills tests. It further concluded that hand grip strength tests and 30-trigger pull tests in the selection of recruits were not supported and that the results gained in these tests did not support the notion that a minimal hand grip strength or minimal hand size was related to the accuracy of shooting a weapon.

In relation to gender, this study found that women were disadvantaged by these tests which eliminated approximately fifty percent of the female recruits who participated in them and which, in the view of the researchers, was statistically equivalent to flipping a coin. Interestingly, Anderson & Plecas (2000) were unable to find an identifiable set of physical attributes that would predict shooting performance, regardless of gender and the predictive value of many of the other physical fitness and agility tests are likewise unsupported by research (Orr et al, 2013; Andrews & Risher, 2006).

The skills and attributes required for the job of policing are much broader than just physical skills and performance (Miller, 2012). Currently, the skills that women arguably have a stronger aptitude for, and which have more relevance to the overall job of policing, are skills that are often seen as being “soft skills” because they are not generally linked to masculinity (Lonsway,

2003). These are characteristics such as communication skills, resilience, honesty, teamwork and conflict resolution (Lievens & Sackett, 2011; Barker et al, 2008).

It has been reported that one of the most common complaints the general public levels at police is their lack of communication skills which lead them to be experienced by ordinary people as rude and arrogant (Barker et al, 2008). Yet, the very nature of police work requires the police to communicate with a diverse range of people in a variety of different circumstances as the main activity of their job. Having good communication skills increases the trust the public has in the officers concerned and increases the likelihood that people will be willing to cooperate with police (Barker et al, 2008). It could therefore be questioned whether the emphasis on physical strength and performance is in fact focusing on the most important aspect of the job of the modern police officer and whether this emphasis unnecessarily poses barriers to women.

SEX BASED DIFFERENCES IN PHYSICAL ABILITY

It can be shown that due to sex based differences in physique, including size, strength and physical capacity, men will in most cases out-perform women in tasks that require high levels of upper body strength, or physical capacity, including muscular endurance (Barnhouse, 2008; Birzer & Craig, 1996). Physical testing that focus on these areas will disadvantage the average woman who will be required to exert proportionally greater power, stamina, and endurance in order to match the performance of men (Barnhouse, 2008).

If this requirement is not scientifically linked to the output necessary for job performance, then it presents an unnecessary disadvantage to women (Barnhouse, 2008; Andrews & Risher, 2006). Sex based anatomical differences include the amount and positioning of body fat and muscle. In general, women tend to have less muscle throughout their body than men but more body fat which is especially located on the breasts and hips (Janssen, Heymsfield, Wang, & Ross, 2000). Body fat bulks the body mass, adding to body weight without contributing to its power or energy producing potential. This ultimately reduces an individual's speed and stamina in running tasks and lowers their capacity in weight bearing tasks (Cureton, Hensley & Tiburzi, 1979).

Activities requiring a high aerobic capacity are positively correlated with lower body fat, so women are also more likely to have slower running times than men (Sharp, 1994). There is a good reason why men and women do not compete

against each other in sports and athletics and that is because they have different average minimum and maximum physical fitness levels and aerobic capacity (Barnhouse, 2008). The average maximum capacity for gender cannot be improved by training because it is the maximum level that can be reached in a particular physical task according to the biology of their sex.

Moreover, the amount and size of muscle contributes to overall physical body mass and is directly related to performance by providing the force and energy required to complete physical activity. This means that individuals who have more muscle mass tend to have greater physical strength and energy. On average, women possess less muscle throughout their body and also have a lower concentration of muscle distributed in their upper body. As a result, they often have around half the upper body strength of men who are of a relative age and size (Miller et al., 1993). Recruitment tests that focus on upper body strength without taking gender into account frequently disadvantage women. For example, hand grip strength is generally used by police as a determinant for performance in the recruitment process. According to Anderson & Plecas (2000) women have an average grip strength that is around 60 percent of the average grip strength of men. They also have, on average, a smaller hand, a shorter trigger finger and a narrower hand breadth than men (Anderson & Plecas, 2000). These physical differences directly impact on assessment results.

In the study of police recruits undertaken by Anderson and Plecas (2000) it was found that the female recruits were generally smaller in stature than their male counterparts and had lower measures of strength and lower shooting scores. In addition to the physical characteristics, a further explanation put forward by the researchers to account for the lower shooting scores and strength measures was the firearms training schedule that preceded the testing. They observed that differential levels of fatigue resulted from the women having to work at their maximum capacity during training while the males worked at their minimum capacity over the four days, consequently reducing the fine motor skills of the women. They also observed that there was no apparent reason for what they described as this “unrealistic and extremely demanding” practice (Anderson & Plecas, 2000, p. 534). Sex based differences in performance and physical capacity have led some military and law enforcement agencies to put in place differential testing based on gender but Australian police departments have been slow to pick this up.

THE NATIONAL AND INTERNATIONAL PICTURE

Although slow, Australia is making some progress in this area in some jurisdictions with men and women being assessed using different sex based minimum standards in physical performance for recruitment in the South Australia Police (SAPOL, 2015), Western Australian Police Service (WA Police, 2015) and the Australian Defence Force (ADFA, 2015). While Victoria Police have made some changes to its agility testing it has this issue currently under review and is considering whether further changes need to be made or whether these recruitment requirements need to be abandoned completely (Leane & Durand, 2014). The Australian Federal Police (AFP) has removed agility testing completely from its entry processes and even though they have retained other physical fitness tests, the AFP recruitment statistics now show a significant increase in women entering the service (Leane & Durand, 2014). Tasmania Police adjusts test pass levels for age but not for gender.

Despite significant resistance amongst some Australian police departments to consider differential sex based standards in recruitment tests, sex based differences in physical performance and aptitude are already being taken into account internationally in various law enforcement and military areas around the world such as the British Army (2015), Illinois State Police (2015), the New York State Police (2015), Israel Police (2015), the Hong Kong Police Force (2015), and the United States Army Marine Corp (2015). Illinois State Police (2015) adjusts their recruitment tests for both gender and age. These organisations accept that the use of different standards for men and women does not constitute a double standard, but a sensible acknowledgement of physical differences. Physical fitness standards for some assessment tests can be different for men and women without being inequitable, if set at the average level for sex, as the differential standards applied merely take into account these physical differences. This view is supported by the United States General Accounting Office (GAO, 1998, p 48) which found that:

Some of the key perceptions about the services' fitness programs are related to a fairly widespread lack of understanding about the real purpose of the fitness standards. However, it is not possible to definitively assess the accuracy of most of the perceptions of service-members about the fairness and equity of the service physical fitness programs because the services generally did not use a scientific approach in setting the standards or adjusting them for gender differences and the services do not maintain

sufficient statistics to judge the effectiveness and fairness of their programs.

The GAO (1998) made recommendations to the Department of Defence that physical fitness and body fat assessments be adjusted for gender differences and for the standards applied to be scientifically based. In fact there is an argument that not to have different gender threshold standards could itself constitute discrimination (Andrews & Risher, 2006) as once the maximum level for gender is reached no amount of further training will allow the person to go beyond that level (Barnhouse, 2008; Copay & Charles, 2008). A comparison of the application of gender adjustment in recruitment tests across jurisdictions can be seen in table 1.

Table 1 shows that while there is greater consistency across the military regarding the types of physical testing used for recruitment purposes (gender adjusted), when it comes to police jurisdictions, there is less consistency, even though the job of policing remains largely the same. Few jurisdictions, for example, include weight lifting and pull-ups in their recruitment and it appears that few jurisdictions include hand grip strength testing. South Australia Police do the agility testing and weight lifting as part of a simulated situation in which a variety of physical performance attributes are assessed.

The agility test commences in the police car and includes carrying a 25kg simulated body 20 metres, leaping over fences, running across a car park, leaping over a ditch and climbing through a window. It also includes removing the spare wheel from the boot of the car and carrying it to the front of the car (SAPOL, 2015). This style of testing is innovative as it is directly related to the job requirements and the level at which it is set is clearly linked to the job performance required.

GENDER BASED PERCEPTIONS OF PERFORMANCE

Just as not taking sex based differences into account in recruitment tests is potentially discriminatory, perceptions of job suitability based on gender can also be problematic and can lead to discrimination once a woman is in the job. Perceptions that women are physically incapable of undertaking work that is normally carried out by men, such as policing, is not supported by the available evidence (Haba, Sarver III, Dobbs & Sarver, 2009; Silvestri, 2003; Brown, 1997; Christie, 1996).

Table 1: Adjustment for sex in recruitment tests across jurisdictions.

Test	British Army	US Army Marine Corps	Australian Defence Force	Australian Federal Police	S. Australian Police	W. Australian Police	Israel Police	New York State Police Department	Illinois State Police	Hong Kong Police Force
Agility Testing	NA	A	-	R	NA	A	-	-	R	-
Hand Grip Strength Test	-	-	-	-	-	NA	-	-	-	-
Aerobic Capacity Test	-	-	-	-	A	-	A	-	-	-
Weight Lifting	A	A	-	-	NA	NA	-	-	A	-
Timed Distance Running	A	A	A	-	-	-	-	A	A	A
Push-ups	A	-	A	NA	-	A	A	A	A	A
Sit-ups	NA	-	NA	NA	-	NA	A	A	-	-
Pull-ups	-	A	-	-	-	-	-	-	-	A
Shuttle run Beep Test	A	A	NA	NA	-	A	-	-	-	A

Sit & Reach Test	-	-	-	-	-	-	-	-	A	-
Crunches/ Squats	-	NA	NA	NA	-	-	-	-	-	A
Vertical Jump	-	-	-	-	-	-	-	-	-	A

Key: R = Removed; A= Adjusted for sex. NA = Not adjusted – = this test is not used or it is unknown if it is adapted for gender or not.

This is also true in regard to the military. David Burelli (2013) argues that gender based perceptions that women are unable to physically perform at the same level as men, should be dispelled and a level playing field in military service be applied to increase the number of women in combat roles.

This was argued in the report *Women in combat: Issues for Congress*, in which Burelli (2013) challenges the tendency for military leaders to relegate women to administrative roles and away from combat roles, despite the women concerned being considered to be combat ready. This is a different issue to that which is being argued in this paper. Women should not be prevented from undertaking the full range of duties for a job (Lonsway et al, 2003; Silvestri, 2003) and outcomes on arbitrarily applied recruitment assessment tests should not be confused with potential job performance.

Likewise, physical fitness, aerobic and agility testing at the point of recruitment can only be taken to be valid if it is clearly shown that there is a relationship between the standard set for these tests and on the performance required for the job (Birzer and Craig, 1996). Women who pass the recruitment assessments based specifically on job performance and the intrinsic requirements of the job (as opposed to general physical fitness) are just as capable to perform their duties as their male counterparts, even if the non-essential physical fitness components have been pitched at a different level. Israeli Police, for example moved the focus of their recruitment from physical prowess to a merit based selection process based on qualifications in the 1970s. Following this move, there was a dramatic increase in the numbers of women in policing and in

particular, the numbers of women represented in specialist roles such as detective and intelligence areas (Shadmi, 1993).

ANALYSING THE PROBLEM

The discussion so far has served to provide an overview of the problem presented by hegemonic masculinity within policing and how it can serve to disadvantage women from entering the profession by the gate-keeping effect of exclusionary recruitment processes. Utilising a Policy Development Review Model (Wilson & Beaton, 2003) is used as an objective method of analysing the issue of recruitment barriers for women presented in this paper and a summary analysis of the various aspects relevant to the problem of recruitment barriers for women entering policing are provided in table 2. It takes into account the originating dynamic of the organisation within which the policy sits. In policing, the originating dynamic is the hegemonic masculinity (Silvestri 2003, Lonsway, 2003) which typified its inception and still infiltrates much of the profession today.

The Policy Development Review Model includes the purpose and objectives of the originating dynamic and in table 2 it can be seen that in modern policing departments there is a need to review the ongoing necessity of using masculinised assessments at recruitment, especially as the role of policing evolves to meet the contemporary needs of the community (Lievens & Sackett, 2011; Barker et al, 2008). It can be seen in table 2 that the design and features of the recruitment requirements are predominantly male centric requiring women to out-perform men on a comparative basis in many aspects of these assessments (Barnhouse, 2008; Andrews & Risher, 2006).

This model also highlights the comparative discrepancy between the assessment of physical performance and the assessment of other important skill sets for modern policing such as communication and conflict resolution (Mossman, Mayhew, Rowe & Jordan, 2008; Barker et al, 2008). Implementation is the final analytical frame of reference included in the model, and takes into account the efforts made by policing organisations to ensure equality in the organisation and policies aimed at increasing the representation of women (Prenzler & Sinclair, 2013). Inadvertently however the implementation of some of the recruitment policies may in fact discriminate against women and serve to present an unnecessary barrier to women's employment in policing.

Leadership and management is therefore vital to ensuring the right message about gender specific recruitment assessments gets out to the organisation (Silvestri, 2003). When considering the outcomes and effects, this analysis points to the need for a commitment to the ongoing review of recruitment processes. This is seen to be a sensible step forward to removing unnecessary barriers that may continue to limit the numbers of women in policing.

CONCLUSION

Policing is a traditionally masculinised profession (Miles-Johnson, 2013) that emphasises and promotes the typical male attributes of aggression, physical strength, and agility (Rabe-Hemp, 2008; Mossman et al, 2008) but it need not remain so. The job of policing has become more and more complex and sedentary over time with a greater focus on community policing and interaction with the public. In addition, with computerization, CCTV, police helicopters, GPS tracking and Tasers,TM it can be argued that the job of policing is less likely to require police to physically chase offenders over long distances, scale fences and engage in physical restraint as a regular part of their job (Lievens & Sackett, 2011; Barker et al, 2008). As Lonsway (2003) points out, if police officers need to do this it is a rare occurrence. The major component of the contemporary police role requires the skills of communication, conflict resolution, community engagement and referral (Mossman, Mayhew, Rowe & Jordan, 2008; Barker et al, 2008).

Unfortunately police recruitment processes in many police services have failed to adapt to this changing focus in policing and have retained masculinised recruitment tests that invariably present barriers to the employment of women, even though this may not be the implicit intention. It is evident that in order to give women an equal playing field at the recruitment point, sex based differences should be taken into account in the assessment of physical performance but it is often not taken into account (Brady & Straight, 2014; Barnhouse, 2008).

Resistance from the existing older membership, who were primarily trained to accept hegemonic masculinity as the essential foundation for policing, can influence decisions around what recruitment assessments are required. Their position in choosing predominantly masculine based physical performance tests is generally supported with the argument that women must meet the same

standard as men in all physical tests if they are to be considered equal to their male colleagues (Rabe-Hemp, 2008, Herrington, 2002). This position requires all test pass levels to be set at exactly the same level, ignoring the fact that setting the standards at the same level for both women and men requires women to perform at a proportionally higher level than their male counterparts (Barnhouse 2008).

Table 2: Summary Analysis: Recruitment Barriers for Women Entering Policing

Item	Identified Issue	Current Situation and/or Adaptation Required
History and originating dynamic	Policing was previously a white male dominated occupation in Australia and despite efforts to increase diversity elements of the masculine hegemony remain (Miles-Johnson, 2013; Silvestri 2003, Lonsway, 2003).	Policing is now more representative of the general population with a growing number of women in the ranks but more needs to be done to remove any unnecessary barriers to the recruitment of more women in sworn policing roles.
Purpose and Objectives	An emphasis on masculine traits and skills served the purpose of ensuring police officers could do the job of chasing down criminals and physically restraining them when required at a time when this was a large part of the job of policing (Lievens & Sackett, 2011; Barker et al, 2008).	The job has changed over the years and a wide range of skills is now needed to do the job. The emphasis on masculine traits and in particular on physical fitness, does not match the job requirement (Mossman, Mayhew, Rowe & Jordan, 2008; Barker et al, 2008) and should be reviewed.
Design and Features	Many of the physical requirements at recruitment are not linked to the job requirements. Many of the standards set for these tests are based on the minimum or average outputs for men, which are the average to maximum outputs for women, thereby requiring women to perform at a comparatively higher level in order to pass (Barnhouse, 2008; Andrews & Risher, 2006).	Physical fitness requirements for recruitment should be reviewed to ensure they are linked to the job to be undertaken. Consideration should be given to removing tests that are not linked to the job requirements (Schuck, 2014). Standards set should be linked to the output necessary to achieve the job required otherwise they should be adjusted for gender (i.e. the minimum to average level for sex) (Barnhouse, 2008).

Implementation	Efforts to ensure equality at the recruitment stage can inadvertently discriminate against women. Treating men and women exactly the same for physical tests does not take into account sex based differences in maximum performance and output thresholds (Barker et al, 2008). That no amount of training can improve. Emphasising physical skills alone or putting more emphasis on these attributes than communication and conflict resolution skills can disadvantage women and are not aligned to the modern policing role (Mossman, Mayhew, Rowe & Jordan, 2008; Barker et al, 2008).	If a particular test does not have to be pitched at a particular level for the job then it should be adjusted for the sex of the applicant (GAO, 1998). This will ensure that men and women are being assessed on a comparatively equal basis. There should also be equal weight given to other skill sets such as communication and conflict resolution skills (Andrews & Risher, 2006).
Leadership & Management	It is evident that police departments in Australia are sincerely making efforts to increase the numbers of women in policing but more can be done (Prenzler & Sinclair, 2013).	A willingness to review standard practices in recruitment to remove unintentional barriers to women Such action will pave the way to increase the numbers of women who enter the profession of policing.
Outcomes and Effects	Unless something changes in regard to removing the recruitment barriers in policing, the numbers of women will continue to remain considerably lower than those of male police.	Unnecessary tests should be removed and where possible, other physical tests should be adjusted for gender (GAO, 1998). Such adaptation will increase the numbers of women who enter the profession of policing.

If women's representation in policing is to equal the representation of men, there needs to be a review of police recruitment and the acceptable minimum standards that are applied within each organisation. In particular the following recommendations should be considered by Australian police departments:

1. Physical fitness, performance and agility tests and the pass level for these tests, need to be shown to be relevant to the job that is to be performed (Barnhouse, 2008);
2. Those tests not directly relevant to the job of policing should be discarded (Schuck, 2014);
3. Physical fitness and agility tests need to be adjusted for gender differences (Andrews & Risher, 2006); and

4. Physical fitness and agility tests need to have minimum standards that are scientifically determined to be the average for each sex (GAO, 1998).

When setting recruitment assessment tests, it should also be taken into account that physical fitness and agility tests are only indicative, and not predictive, of performance in one very limited aspect of the policing role and consideration should be given to weighting the recruitment assessments based on how frequently the attributes assessed are likely to be used. Alternatively, scenario based fitness and agility tests such as those performed by South Australia Police (SAPOL, 2015) could be considered.

While it is apparent that police departments around the world are genuinely trying to increase the representation of women in policing roles it is not sufficient to just want it to happen. Deliberate steps need to be taken to identify where barriers exist at the entry point and where possible, eliminate these barriers. The regular review of recruitment processes and requirements is a natural part of good governance in any organisation and reviewing recruitment processes and requirements with a deliberate focus on identifying barriers for women is a sensible step to take when doing this.

This paper has raised the question as to whether masculinised recruitment tests that may disadvantage women from entering policing can be justified and the answer is that unless these tests can be objectively and scientifically shown to be linked to the requirements of the job, they cannot be justified and should be discarded. Likewise, if the pass standard applied to the test is not linked to the performance output required to do the job, the pass standard applied should be adjusted for gender so that women are not required to out-perform men in order to gain entry into policing.

This is not an argument for the preferential treatment of women in order to increase their representation in policing, but rather is an argument for ensuring that the recruitment testing for both men and women is fair and justified. Women make an important contribution to policing and as they demonstrate their capability in all aspects of the role they are gaining greater acceptance by their male colleagues and the wider community. It is by identifying and removing unnecessary barriers at the entry point that real and sustainable inroads can be achieved in regard to increasing the representation of women in the policing profession.

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Book Review

Promoting Effective Homicide Investigations

by James M. Cronin, Gerard R. Murphy, Lisa L. Spahr,
Jessica I. Toliver, and Richard E. Weger

Police Executive Research Forum, Washington, DC,
US Department of Justice Office of Community Oriented
Policing Services
2007, 178 pages, appendix
ISBN-13: 978-1-934485-00-2



Reviewed by Christina Witt

This book is a collaboration of practitioners and academics who gathered together in May 2006 at the two day conference *Promoting Effective Homicide Investigations* in Washington, DC, to discuss concerning trends of increasing violent crimes and decreasing homicide clearance rates across the US. The authors are part of the US Police Executive Research Forum (PERF), which has been publishing reports focusing on critical issues in policing since 1976.

Although this book is nearly a decade old, it remains one of the very few books examining best practices for homicide investigations from the perspective of subject matter experts such as police chiefs, commanders, various law enforcement personnel, academics, and attorneys (Cronin, Murphy, Spahr, Toliver, & Weger, 2007, p.5). In addition, across North America, there has been a continuous decline in homicide clearance rates since the 1960s, making the examination of homicide clearance an important area of inquiry.

The authors hold to the key conference goals; namely to identify successful approaches to homicide investigations utilised by individual law enforcement agencies, as well to examine factors affecting the decline in homicide clearance rates. As defined in the book and common to homicide clearance studies, a 'successful' homicide investigation results in the arrest and charging of a suspect for the offence of murder, and subsequently turning them over for prosecution (Cronin et al., 2007, p.8). 'Exceptional Means' (such as a murder suicide) are also considered cleared. Exceptional circumstances occur when enough

evidence has been gathered to arrest and charge a suspect, however due to extenuating circumstances, no arrest can be made (Cronin et al., 2007, p.8).

Existing homicide clearance research is deficient in explaining factors that enhance and/or inhibit solving murders. Homicide clearance research often identifies several issues as significantly affecting outcomes. These can be divided into two categories: organisational/structural and case specific. The authors address the changing nature of homicide investigations from a practitioner perspective by describing some of the contributing case factors and organizational changes, affecting homicide clearance rates. Case factors such as increase in stranger—stranger homicides as well as a rise in gang violence, negatively impact homicide solution. Lack of community support and reduction in witness cooperation make solving homicides more difficult.

The book provides one of the most thorough practitioner perspectives on the organisational changes within police agencies believed to contribute to the reduction in homicide clearance. As a result of this conference, the following seven organisational changes were identified as negatively impacting police agencies ability to solve homicides: 1) changes in structure and placement of homicide units; 2) lack of resources; 3) loss of senior investigators; 4) poor interagency relationships; 5) agencies unable to keep pace with changing technology; 6) backlogs in assisting agencies such as the coroner's office and crime labs; and 7) the personal strain of these homicide cases on the investigators.

Traditionally academic perspectives as to why homicide clearance is declining have been based on theory such as Black's theory of law (1976); which suggests that police use discretion when solving homicides based on victim and area characteristics (as cited in Litwin, 2004). Alternatively, researchers argue that police investigators apply the same amount of effort and resources to every homicide investigation regardless of victim characteristics (Riedel, 2008, & Litwin, 2004). Trussler (2011) suggests that the decrease in homicide clearance rates are related to organisational factors such as police workload and environment, as well as case specific factors such as offence characteristics and socio-economic factors. This book provides insight from a field perspective of the changing environment of homicide investigations and adds considerable depth and context to the existing literature.

The authors divided the book into seven chapters and seven appendices. The book begins with a summary on why homicide clearance is important, examines the variables affecting homicide solution and the consequences associated to unsolved homicides. The authors provide practical detailed information regarding managing homicide units for effectiveness, as well as best practice information on obtaining eye witness identifications and the use of video /audio recordings of police interrogations for best evidence. Moreover, the book examines the role of DNA in homicide investigations, policy considerations, the changing DNA forensics and interagency relationships between crime labs and police agencies. Finally, the book outlines the use of cold case units and factors affecting cold case investigations.

The appendices provides practical resources for law enforcement agencies including: 1) full contact list of all conference participants; 2) external resources and strategies for homicide units; 3) guidelines for conducting eyewitness identification procedures; 4) guidelines for standard operating procedures for videotaping police interrogations; and 5) two sample cold case solvability matrixes.

The authors did an excellent job of providing practical information generated from the collaboration of academics and homicide practitioners, highlighting innovative policies and practices adapted by individual police agencies to increase their homicide clearance rate, as well provided a detailed examination into the complexity of the criminal investigation function as it relates to homicides. The book lays the foundation for law enforcement managers to assess their agency policies and practices and encourages them to adapt to the changing environment of homicide investigations in order to increase their overall investigative effectiveness.

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Book Review

DarkMarket

CyberThieves, CyberCops and You

by Misha Glenny

Random House, London

2011, 296 pages

ISBN-9781847921260

Reviewed by Richard Shortt



If you want to learn more about the cyber threats we face in today's interconnected world, *DarkMarket* provides an ideal case study. Glenny, a journalist and historian takes the reader inside the cyber-enabled criminal domain and details how an internet site set up to service the connection and supply needs of cyber-enabled criminals from across the world worked.

The story is structured in two parts. In the first, Glenny sets the scene regarding internet enabled criminality and introduces the reader to the main characters. The section provides historical context about the development of cyber-enabled crime and some of those responsible for driving its development. The section also introduces the main cyber terms you need to come to grips with to gain—at the least—a moderate level of understanding of the cyber enabled criminal world, terms like: “phishing,” “carding,” “dump” and “hacking.” On the issue of terms, I use the term “cyber-enabled” because the crimes described in this story are not new. They include old favourites like theft, burglary (i.e. break and enter), extortion and fraud. The difference in the cyber world is that they are enabled through technology, be it a computer, server, money-card skimming device, or computer network.

The criminals themselves are also not new. They are the opportunists, amateurs and career offenders that law enforcement has been encountering since the first laws were enacted and someone was charged with enforcing them. However, the difference is these criminals' ability to navigate and operate in a world that is as foreign to most as living on another planet, but which is more and more entwined with our lives. As Glenny points out, even our motor

vehicles now have embedded technology that requires a computer technician to fix—not a person with a spanner in their hand and oil under their fingernails—while providing the cyber-criminal with the ability to offend against them without the need for lock picking or window breaking. In fact, not even having to be near the vehicle.

In the second part, Glennly details how the *DarkMarket* site was compromised and finally closed through the efforts of law enforcement officials in a variety of countries. He details and exposes the challenges officials face in tackling a multi-headed, widely connected, loosely associated group of essentially anonymous people (or groups) who hide behind ego-driven monikers such as “Matrix,” “JiLsi,” Iceman,” “Cha0” and “Lord Cyric” in a world with no restrictive boundary, such as a geographical jurisdiction or physical border. The criminals do, however, appreciate how such boundaries can affect them and how officials within the boundaries can be neutralised. For example, Russian cyber-enabled criminals avoided committing crimes against Russian targets, thereby avoiding the interest of their domestic intelligence and law enforcement agencies. Similarly, other cyber-enabled criminals focused on jurisdictions that did not display an aggressive desire to come after them, while targeting people and computer systems in countries to which they themselves had never been and which they had no intention of travelling too.

Working to thwart these criminals were a range of security and law enforcement organisations and officials in a variety of countries; from the United States, United Kingdom, France, Germany, and Turkey. Each agency held a small piece (or in some cases large amounts) of information, but ultimately needed the others to contribute their knowledge before a true picture of the criminal network could be built. Once that picture was known, then the identities and vulnerabilities of those involved could be plotted and their downfall orchestrated.

As Glennly traces the origins and operations of the *DarkMarket* site and its various “administrators” (a term used in this book which also means: criminal conspirator, crime boss, or just plain criminal), the non-cyber skilled reader comes to appreciate the complexity of this new operating environment. It challenges the sovereign state/domestic focus of traditional law enforcement jurisdictions and forces officials to engage in a mixture of cooperative, coordinated and collaborative arrangements, not just with official counterparts (which is reasonably common in law enforcement), but also in arrangements

with the private sector who own, operate and understand the systems and networks involved, and whose customers are ultimately the victims of the crimes being committed.

DarkMarket also exposes the lengths that modern law enforcement must go to in order to identify, track, and ultimately trap, cyber-enabled criminals. Again, nothing is really new, just the way it is done. Many law enforcers are versed in the techniques of sting operations, essentially helping the criminals show exactly what they are up to in the presence of law enforcement officials so that they can be lawfully stopped and, where possible, prosecuted. *DarkMarket* is a case study in just such a technique, and an example of how it can be effective against the cyber-enabled criminal. The book also details the difficulties such operations face where multiple jurisdictions have to be engaged for them to be successful.

This book is an easy read. I recommend it to anyone who would like to learn more about the challenges facing civil society from cyber-enabled crime (regardless of whether you have any security or law enforcement responsibilities). I particularly encourage people with responsibility for cyber-crime policy to consider reading this book because it provides the historical context and insider's insight into an issue that is not going to go away.

ABOUT THE REVIEWER

Richard Shortt, MPM, is a PhD Candidate with Charles Sturt University's Australian Graduate School of Policing and Security. He is a retired New Zealand Police officer, who has also worked as a national security policy advisor within government and managed a nationally focused, multi-agency, threat assessment unit. Richard's PhD research is into the nature of inter-organisational relationships between intelligence and law enforcement agencies when tackling "wicked issues" such as transnational criminality.

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