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A comparative study of prior learning for serving police officers in Canada and England and Wales, UK: Bridging the academic gap

Anne L. Eason and Scott Blandford¹

ABSTRACT

The professionalisation of the police in Canada, and England and Wales has highlighted a gap in the education levels of new recruits and current serving police officers, motivating many of these officers to complete a university degree. The prior experience and training of these officers can be utilised as academic and operational credit against the learning outcomes of undergraduate programs and both countries use a system to recognise and dispense this award. In Canada this is called Prior Learning Assessment Recognition (PLAR) and in England and Wales, Accredited Prior Experiential Learning (APEL). The College of Policing also offers a system of Recognised Prior Learning (RPL) which tailors support to officers in accessing higher education programs. This paper examines how the two countries methods support the bridging of the academic gap between new recruit and long-serving officers, supporting the professionalisation transition of the police force to produce effective 21st century officers. Formalized partnerships between academic institutions and police services are rare, but the need for academic institutions to develop pathways for officers to complete higher level education is a positive step forward in the process. This review highlights how Canada has yet to engage with academia in the professionalisation process in the same way as England and Wales.

Key Words: Policing, Prior Experiential Learning, Professionalisation, Post-Secondary education, Higher Education

INTRODUCTION

Increased globalization of crime, multiculturalism, the rise of social media and technology, the integration of community-based policing as a general law enforcement philosophy and higher expectations from the community, have all led to an increasingly complex environment for police officers globally (College of Policing, 2019; Leuprecht, 2014). Traditionally modelled as a paramilitary hierarchy and amongst significant opposition from the working-class sector of British society (Reiner, 2010), police organizations have a relatively strict bureaucratic structure. Likewise, in Canada, the establishment of municipal police services were modelled on the British structure and subscribed to the tenets of Sir Robert Peel (Richardson, 2005). The current demands and the complexity of those demands upon police officers has increased greatly since the early days of policing and the need for officers to have the necessary competencies is critical to organizational success (Whitelaw & Parent, 2014) and community security. Police organizations seek to recruit the best applicants, and post-secondary education is often a deciding factor between candidates in Canada (Ontario Police College, 2013) and higher education, now the mandatory recruitment pathway in England and Wales (College of Policing, 2020).

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The notion of professionalism and what it means to be ‘a professional’ as previously outlined, has, and continues to be an ongoing area of deliberation. According to Bacon *et al* (2000, p.3):

Professions were historically defined as the broad and privileged class of occupations characterized by highly trained expertise, selection by merit, and subject to peer surveillance. It was thought that professional practitioners were in command of arcane and specialist knowledge; a knowledge which they controlled by the admission of only those who were like themselves and the exclusion of those who might constitute a threat or challenge’.

They would therefore occupy authoritative and powerful positions such as in law, the church, or in medicine, maintaining an air of elitism and hierarchy. They suggest that professional occupations were reserved for those from the higher classes who shared the same social and financial capital, and ensured the exclusivity of membership through the admission process; the poorer sector of society were unable to afford the required educational accreditation acquired through university nor the social connections necessary to qualify as a professional. This can still be observed today for example in the legal professions such as Barristers or Judges where the overwhelming majority are still from the richer sector of society following family traditions and who enjoy the membership of a social/professional network intrinsically connected to those occupying that sector of society. After the Second World War, there was a shift in the tertiary sector of industry moving away from manufacturing tangible goods to the delivery of invisible services such as social workers, teachers, accountants or insurance (Laffin & Young, 1990; Bacon *et al*, 2000). This Bacon *et al* suggest, legitimised the professionalisation of a wider scope of occupations and as a consequence, a shift in class-status of individuals who occupied them gradually moving away from the elitist network and hierarchy in professional occupations.

The complexity of contemporary police work requires officers to apply advanced skill-sets to their current abilities; promotion through the organization based solely on experience and seniority is not sustainable (Hay Group, 2007; Neyroud, 2011). Through post-secondary (or higher) education, police officers can develop the soft and hard skills (behavioural and technical competencies) they require to serve the public, prevent, and detect crime, and advance their careers. Competencies such as team building, communication, critical thinking, and problem solving are all fundamental to investigative success (Bonder, Bouchard, & Bellemare, 2011; Bowman, 2012). More importantly, however, they are critical to understanding the complex multi-cultural and intersectional community (Hill-Collins and Bilge, 2016) that populates 21st century society in an era of problem-oriented and community-based policing strategies (Braga and Tucker, 2019; Scheuerman, 2019).

Often considered synonymous within the police environment, the terms education and training are distinctly different. Education is a continuous process involving the development of knowledge, critical thinking skills, and judgment that allow a person to see varying shades of grey (Saks & Haccoun, 2013). Training is targeted to help employees acquire job-specific technical knowledge, skills, and abilities to perform their role (Bowman, 2012; Paterson, 2011; Saks & Haccoun, 2013). In simplest terms, training tells an officer how to do something; education tells them why they are doing it. Police organizations invest heavily in training for officers, but education has traditionally been left to the individual officer to pursue, and police managers or colleagues often look unfavourably on highly educated officers (Eason, 2019; Paterson, 2011). However, as noted by authors such as Eason (2019) and Hallenberg (2012),

to combat societal change and the sophistication of criminal involvement, the provision of undergraduate education is necessary to provide “a rich cultural capital [that] strengthens and legitimises police expertise, market monopoly, and status in the eyes of the public, other professions and the government” (Hallenberg, 2012, p.5).

The move by England and Wales to employ higher education institutions (HEI) to work collaboratively with constabularies to deliver a range of undergraduate recruitment pathways, including apprenticeships, is reflective of this shift to academic professionalisation. In Canada, Tulloch (2017) commented that “for many people, policing is a calling in the same way many doctors are called to medicine and teachers are called to teaching. Policing should be seen as a distinguished profession” (p. 257). However, post-secondary education remains a preferred but optional route and as Ross (2012) bluntly stated, ‘if law enforcement wants to be considered a profession by others (especially the public and the politicians that fund them and whose trust they depend), then the field needs a university degree component to legitimize it’ (p. 254). The accreditation of previous experience, whether academic or otherwise, has thus gained increased importance as the professions requiring academic accreditation broadens to match the operational needs of a changing society (Konrad, 2001). The police in both England and Wales, and Canada are, albeit differing recruitment pathways, no exception as they move into the state of professionalisation. It is these differing pathways and their benefits that this paper aims to compare.

METHODOLOGY

The approach to the paper took the form of a literature review, gathering evidence from both Canada, and England and Wales on how current police services are recruiting, and the training methods in place. A detailed review of current literature and current policies and practices (Crowther-Dowey and Fussey, 2013) provided a comparable insight into the two countries recruitment and training philosophies, enhancing the authors knowledge-base around the use of prior learning as a method of promoting the academic-police collaboration . The use of secondary data is recognised as an effective research method (Cacciattolo, 2015) that supported the scaffolding of this article’s comparative analysis.

THE CONCEPT OF PRIOR LEARNING

From a broad perspective, the term “learning” can have many definitions, but for purposes of prior learning, Kolb (2015, p. 49) offered a working definition of learning as “the process whereby knowledge is created through the transformation of experience”. The concept of recognizing and building on a mature learners’ past experiential learning and work/life experiences is grounded in ancient philosophies and modern andragogic theories. The term Prior Learning Assessment and Recognition (PLAR) is the preferred term in Canada and the Ontario Ministry of Training, Colleges, and Universities (Ministry) defines Prior Learning Assessment & Recognition (PLAR) as:

a process that uses a variety of tools to help learners reflect on, identify, articulate, and demonstrate past learning. Prior learning can be acquired through study, work, and other life experiences that are not recognized through formal transfer of credit mechanisms (Government of Ontario, 2003, p. 1).

This definition is fairly consistent across all provinces and provides for generally three accepted methodologies for assessing PLAR, with two of these methods placing the majority of the onus on the student. The challenge process assesses demonstrated learning through a variety of written and non-written evaluation methods to award credit without requiring enrollment in a course. The second method, portfolio assessment, involves the evaluation of a catalogue of documents and materials developed by a student that identifies learning achievements and relates them to personal, educational, or occupational experiences, and aligns with the learning outcomes of courses or programs (Government of Ontario, 2003). The third method is the awarding of transfer credit based upon a student's previous work-related training accreditation. This method does not necessarily consider the nexus between work training learning outcomes and academic program learning outcomes; rather, there is generally a subjective assessment made, completely dependent upon the background and experience of the assessor. In most cases this method provides for a block credit transfer rather than specific course credit. The challenge then becomes how to professionalize policing in Canada without objective, consistent standardization of a baccalaureate degree and PLAR process linking education to policing.

In England and Wales, Accreditation of Prior Learning (APL) or Accreditation of Prior Experiential Learning (APEL) are the terms most often used (Harris and Wihak, 2014). Both however, are used in the recognition and acknowledgement of accomplishments by the mature student in the process of widening participation (Blackman, 2017). These accomplishments can be of academic or formal training that provide an award of credit or, through work-based learning (WBL) where students demonstrate their understanding of knowledge through their application of practice and critical thinking in a portfolio of evidence.

The College of Policing also recognises prior skills and knowledge of officers' already in post and offers a structured process called the Credit Estimator, for those in force who wish to gain an academic qualification (College of Policing, 2020). It helps the officer calculate equivalent academic credits gained through their role within the Force and/or any previous training or academic qualifications they already have. They can use these towards a range of HEI programmes accredited by the college, such as a 'top-up' degree programmes to gain a recognised relevant academic qualification. This provision allows current officers the opportunity to upskill themselves to the same level as the new recruits but also, to use as a springboard towards future progression where higher academic qualifications are now required.

A well-established system of learning in many professions such as nursing and probation and more recently, becoming part of the HEI employability agenda more broadly the placement element provokes critical thinking in the application of theory to practice (Eason and Bramford, 2018). This is particularly important in a society whose community confidence in the police has fallen dangerously below the objectivity expected in the equality of law enforcement, such as that highlighted by the Black Lives Matter global campaign and understanding of broader cultural issues including the call to defund police (Hallenberg, 2012; Scheuerman, 2019). In Canada, the issue of racial inequalities (e.g., Black Lives Matter) has been the subject of many studies and commissions. As one such commission commented, regarding the situation in Toronto, "In a city where over half the population identifies as "visible minorities," one of the most effective ways for police to build trust is to respect human rights. Police must hold themselves to the same high standards that we expect of other public institutions" (OHRC, 2018, para. 7). These issues and the growth of more sophisticated

criminality needs officers to be able to respond to incidents, people and communities, skilfully, and intelligently.

The acceptance of prior learning and life experience into higher/post-secondary education promotes the idea of lifelong learning and development, fulfilling the needs of the labour market that requires a knowledgeable and skilled workforce, whilst opening up the opportunity to gain a university accredited award to those who may not have previously been accepted or deemed such a qualification as necessary to career progression (Harris and Wihak, 2014). As more police services embrace the concepts of being a learning organization and the professionalisation of the police moves forward, so the need for continued academic development will grow.

THE PROFESSIONALISATION OF POLICING

The question of whether policing is a skilled trade or a profession is worthy of closer examination in light of the aforementioned evolving skill-sets, community expectations, and legislative changes. In both countries, police officers have long subscribed to the belief that policing is a profession and held in high esteem by the public. However, critics suggest that policing does not meet the definition of a profession (Bowman, 2012; Green & Gates, 2014) and across the general policing sector, the need for higher levels of education was not a general consideration for entry-level officers, as a consensus was that being “street smart” and common sense were all that was required (Bowman, 2012; Paterson, 2011).

Unlike other professional occupations however, the police have been traditionally employed from all sectors of society with little attention paid to the need for education or societal status (Neyroud, 2011). Indeed, police officers were deliberately employed from the wider labour market to ensure the force were representative of the community and in 1855 only needed to be ‘between 21 - and 35 years of age and “active, sober and intelligent”’ (Richardson, 2005, p.13) in both Canada and England and Wales. The entry standards continued to be focused more on physical characteristics and gender as opposed to education levels well into the 21st century. Whilst community representation is still an important issue, particularly in relation to the changing demographics of British and Canadian society and the notion of ethnic representation (Macpherson, 1999) it is only since the Neyroud Report (2011) and the Tulloch Report (2017) that discourse around the idea of professionalising the police has taken momentum. In other words, in accordance with the idea of professionalism as stated by Bacon *et al* (2000) the police have neither had to meet the expected social standing or academic standard of other professionals until now.

According to Bryant and Bryant (2014, p.47) to define an occupation as ‘professional’, it requires one or more of the following; a core body of knowledge or theoretical understanding in relation to practice; entry criteria qualifications; ability to exercise discretion; self-efficacy; and hold ethical values, all of which are components of the three entry routes. A suitable candidate would also have a strong motivation for the role as a vocation rather than career and be able to self-regulate. There would also be the need for an external professional body to regulate and register the ‘professional’, such as the HMPPS (Her Majesty's Prison and Probation Service), the executive agency of the Ministry of Justice that regulates the correctional services in England and Wales. In Canada, external professional bodies such as the Upper Canada Law Society, the College of Physicians and Surgeons, the College of Nurses, and the Ontario Teachers College regulate the professions. Policing, however, still subscribes

to traditional recruit training based on an apprenticeship model, that includes a balanced combination of short-duration classroom instruction (police college/academy) and on-the job learning (field training or placement) and although there have been discussions at the federal and provincial levels in regards to the formation of a professional college, the concept remains in an exploratory state. In his lengthy report, Justice Tulloch stated, “I recommend a professional body be created which is responsible for regulating and governing the profession of policing in Ontario” (Tulloch, 2017, p, 263). He went on to state that the creation of a College of Policing for the province of Ontario would standardize training and education for police officers, with an overall goal of developing a culture of professionalisation in policing.

ENGLAND AND WALES

In England and Wales, the drive to professionalise the police in line with other public sector agencies is being coordinated by the College of Policing established in 2012, the role of the College is to provide the skills and knowledge officers need to be effective in their role and who developed the PEQF (Policing Education Qualifications Framework) to support the Association of Police and Crime Commissioners Policing Vision 2025 (NPCC, 2016). This forms the curriculum basis for the three new training routes which all new police officers must now undertake (College of Policing, 2015). The emergence of evidence-based policing (Sherman, 1998) as the best approach to informed decision-making and problem-solving is central to the College of Policing curriculum (Police Education Qualifications Framework (PEQF)) for new recruits (Braga and Tucker, 2019; Brown, 2018; Ramshaw & Sopit, 2018). Acknowledging the benefits of theoretical concepts that underpin practice and inform policy and guidance form the requirements of each of the new three recruitment routes; The Police Constable Degree Apprenticeship, the Degree Holder Entry Programme and the Pre-Join undergraduate programme which all lead to the BSc (Hons) Professional Policing (College of Policing, 2019). In all programmes, recognition of prior skills and knowledge can be mapped against the programme outcomes that may exempt the candidate from specific modules of work.

The current move prompted by Neyroud (2011, p. 129) from “being a service that acts professionally to becoming a professional service” inevitably has implications for both those officers already employed who have no formal qualifications and those new recruits who now travel through the academic route. Current serving officers may be disadvantaged by their lack of academic knowledge that underpins continuous practice issues such as alleged institutional racism (Palmater, 2016; Chapple et al, 2017; Black Lives Matter, 2020) and new crime concepts such as terrorism and cybercrime (Brown, 2018). It could also hinder their promotion prospects in view of graduate schemes and qualification hierarchy. The move by the College of Policing to incorporate a route of academic learning through AEPL, is thus a welcomed addition to the new academic strategy.

CANADA

In Canada, there is a growing trend for police recruiters to place greater emphasis on higher levels of post-secondary education at the entry level, which can result in a latent barrier to applicants (Bowman, 2012; Hay Group, 2007; Leuprecht, 2014), but there is no national model relative to education beyond the completion of high school for entry-level officers or those in leadership positions. Provincially and within individual police organizations, the

education levels vary widely. Although claiming to be learning organizations and valuing education, the majority of organizations leave officers to pursue post-secondary education on their own. Currently there is no linkage between the education requirements for police officers and the post-secondary education system, through which standards and competencies can be articulated and developed. The nursing profession underwent a similar dilemma, and in the late 1980's there was a move to raise the entry-to practice requirement to a baccalaureate degree; specifically, a degree in nursing (Baker, Jorgenson, Crosby & Boyd, 2012).

Tulloch (2017) suggests that policing should have “a similar degree program with well-defined expectations and consistent standards [that] will lead to better accountability, transparency, and legitimacy of police services” (p. 261). In the past decade there have been some shifts in the entry level requirements for police officers to possess some level of postsecondary education, but not relative to a specific field of study. This shift at the entry level has created pressures on mid-career practitioners to upgrade their credentials to, not only improve opportunities for promotion, but also remain current in their competencies. For this reason, the PLAR process to provide advanced standing in degree programs has taken on a sense of urgency in Canada. However, standards of PLAR for advanced standing in policing related academic programs are not universally mapped across all universities and colleges, nor is there a connection to any form of external oversight such as the College of Policing.

Recently, the Comprehensive Ontario Police Services Act, 2019 (Government of Ontario, 2019) received Royal Assent and is awaiting an implementation date. This legislation requires new police officers to have some measure of post-secondary education, whether it is a college diploma (2 yrs. of education) or a university or college degree (4 yrs. of education). Therefore, this simultaneous movement of both England and Wales, and Canada of working towards the same goal of police professionalisation through academic accreditation learned through a programme of study at HEI, is clearly evident. However, the emphasis of collaborative study differs significantly, as does the uplifting of current officers' qualifications that incorporates experiential learning. The trend towards professionalisation of the police, although outwardly similar, appears to have taken quite a different guise in England and Wales, than in Canada.

DISCUSSION

Policing in Canada, at best, can be considered as a paraprofessional service; for recognition of police organizations as a true profession, there must be a paradigm shift and realignment of internal policies and organizational strategies. The College of Policing introduced the CKP (Certificate of Knowledge in Policing) towards a Diploma, however this was at level 3 (pre-HEI), well below the average undergraduate degree at level 6 required to qualify in other professions such as solicitors, nurses, probation officers and teachers at level 7 (post-graduate). Unlike other professional occupations however, the police have been traditionally employed from all sectors of society with little attention paid to the need for education or societal status (Neyroud, 2011). Indeed, police officers were deliberately employed from the wider labour market to ensure the force were representative of the community. Whilst this is still an important issue particularly in relation to the changing demographics of British society and the notion of ethnic representation (Macpherson, 1999) it is only since the Neyroud Report that discourse around the idea of professionalising the police has taken momentum. In other words, in accordance with the idea of professionalism as stated

by Bacon et al (2000) police in neither country have had to meet the expected social standing or academic standard of other professionals until now.

This “raising of the bar” to require pre-entry post-secondary education is consistent with a number of study recommendations (Flanagan, 2008; Neyroud, 2011; Tulloch, 2017), as well as the anecdotal comments from police recruiters that applicants with a post-secondary education had a greater likelihood of being hired. This shift at the entry level has created pressures on mid-career practitioners to upgrade their credentials to, not only improve opportunities for promotion, but to also remain current in their competencies.

Given the expectations of police organizations to be reflective of the citizens they serve, and the increased interactions between police officers and professionals (often university educated) within the community, the need for post-secondary education becomes that much more relevant. The increased operational and administrative demands facing contemporary police organizations are consistent with the behavioural competencies advocated in the competency-based human resources management model for policing (Police Sector Council, 2013), yet this model only provides a guideline and is not universally implemented across Canada. In order to ensure a linkage between police experience and academic credit transfer (PLAR), the competencies required by police officers at entry level, and at various ranks, need to be standardized across all police services.

The challenge for post-secondary institutions in either country is to fairly and accurately assess a mature student’s experiential learning for conversion to academic credit. It must be noted that the term “mature student” can be somewhat nebulous, as maturity can be influenced by many intrinsic and extrinsic factors. For purposes of this discussion, the mature student is defined as an individual who is currently working in the field of policing and has gained a level of experience and training to support the PLAR/APEL process. In many cases, the student’s experiences and learning occurred in a field or discipline that is different from the proposed course of academic study. In Canada, assessors may not have the necessary expertise to correlate the student’s experiential learning to academic study; conversely, the students challenge is to integrate their experiences and training into the learning outcomes asked of them by the institution. If the competencies or police officers are standardized, then academic institutions would be able to map those competencies to course learning outcomes, in order to make an accurate and objective assessment for PLAR.

The introduction of an apprenticeship assists in the widening participation agenda by attracting and recruiting applicants who would not be eligible for admission to the traditional undergraduate degree. Furthermore, as Brown (2018) suggests, just being in the university environment exposes officers to different attitudes and perspectives and although there is both Canadian and English research to suggest that any benefits of higher education can be overridden by cultural influences of the police occupation, the opportunity to develop intellectual capacity in the rise of evidence based policing, ‘what works’ and wider academic research; the desire to raise the professional status of policing ‘the delivery of PEQF programmes can bring many positive features to the development of newly recruited police officers, who will become the experienced officers of the future’ (Ramshaw and Soppit, 2018, p,248).

There is some resistance to the new recruiting process from within the constabulary with anecdotal cultural opposition and one Constabulary, from the 43 across England and Wales, making a legal challenge (Lincolnshire Police, 2019). The challenge identifies issues

such as abstraction, a negative impact on the diversity of applicants and failure demand (the number of students who fail to graduate); Lincolnshire police have criticised the College of Policing stating that they have not provided definitive evidence to support their claim that having an undergraduate degree will improve operational policing citing the work of Brown (2018) and others in their appeal. Fleming and Rhodes (2018) suggest that the social science evidence-base is limited and that local knowledge, craft skills through the process of subjective reflection, is more important to effective operational decision-making.

Nevertheless, the uptake of all other constabularies to work with local HEI providers in developing programmes that attempt to overcome these issues, is evidenced in those that have commenced and those that continue to go through the accreditation process. Moreover, the outcome of Lincolnshire police's request for Judicial Review was refused for the second time in December 2019 (College of Policing, 2019a) and they are now actively recruiting for the new pathways.

In the current climate of police professionalisation and new recruits who are entering the force as undergraduate degree holders, there is a potential pool of serving officers who may wish to pursue an undergraduate and/or post graduate education and who would qualify for the APEL route. The Policing Education Qualifications Framework (PEQF) (College of Policing, 2019) in England and Wales, clearly sets out future expectations of educational achievement through the ranks, with PCSO (Police Community Support Officer) to level 4 (the first undergraduate level), Police Constable and Sergeant's to level 6 (undergraduate degree) and higher ranking officers to Chief Constable to level 7 (post-graduate), thus for an officer to progress, an undergraduate degree is now a minimum requirement.

Although, both England and Wales and Canada have, it seems, taken a decision to promote professionalisation of their police services through the provision of studies, how this has manifested is remarkably disparate. The recognition of prior experiential and academic learning for current serving officers is applied quite differently, not only in regard to how it can be used towards academic achievement but also in the way it is valued by the governing body.

CONCLUSION

Policing in the 21st century is far more complex than in previous generations and therefore the knowledge skills and behaviours required to work effectively are changing to reflect this. Expectations placed upon officers requires a shift from the traditional vocational level of training, to include post-secondary/higher education that can support the officer's in the development of critical thinking, analytical reasoning and the sociological skill sets that are required to be just such an effective police officer.

The pathway to professionalisation and to creating the necessary cultural change that addresses issues such as systemic racism, increased use of technology and globalization of crime, and increasing social unrest includes an academic qualification to the same standard as other professions alongside the occupational competences required to enact the law equitably and in an informed manner.

Governments, police organizations and academic institutions working collaboratively to provide pathways for police officers is a key factor in creating sustainable change that is

clearly evident in England and Wales, however not so evident in Canada. Whilst there is an underlying movement towards undergraduate qualifications as desirable, Canada, unlike England and Wales, has not yet put in place any strategic governance that places a mandatory requirement for all officers to be trained in the same way the College of Policing has. Indeed, the literature suggests that Canadian police officers remain, by and large, recruited in the traditional way that defies the professionalisation ethos.

Collaboration between policing organizations, academic institutions, and professional bodies that coordinate and integrate pathways for police officers to complete post-secondary/higher education is considered by those in central positions of policing research and rhetoric, such as Sherman (1998) and Ramshaw and Soppit (2018) as critical to the continued success of the police in our progressively sophisticated society. The College of Policing oversight of all forces within England and Wales offers an overarching curriculum, structure, and accredited route for police forces nationally to work with and alongside to provide the behaviours, skills and knowledge required for 21st century policing. In Canada, although somewhat behind England and Wales in the creation of a similar College of Policing, societal demands have identified the need for police officers to possess post-secondary education. Formalized partnerships between academic institutions and police services are rare, but the need for academic institutions to develop pathways for officers to complete higher level education is a positive step forward in the process. At this time, Canada has not yet reached the same level of maturity as England and Wales relative to identifying a nexus between academia and practice.

At time of concluding this piece, the Covid-19 pandemic is sweeping the globe raising more and more issues for the police as legislation is swiftly passed to provide them with the powers to enforce the strict regulations of “lockdown”. Without understanding the position of public fear, frustration, anger and resistance, without realising the socio-economic impact on families and the anxiety of those children caught up in the balancing act of educational achievement in compulsory schooling and Covid-19 security, officers may struggle to respond effectively.

The improved education of police officers will support them in this understanding, empowering them to interact and problem-solve in an informed manner to this and any future challenges, national or global. This study has identified there is a nexus between post-secondary education and police professionalisation. The integration of the PLAR/APEL process, creates pathways for new and current officers to engage in the expansion of knowledge, skills and competencies and the model implemented by the College of Policing showcases a structured and politically driven process that can successfully bridge academia and practice.

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COVID-19 Pandemic Lockdown Enforcement: Strategies of the Nigeria Police Force and Lessons for the Future

Usman A. Ojedokun¹

ABSTRACT

The Nigerian government mobilisation of the police for the enforcement of COVID-19 pandemic-induced lockdown has redefined police officials' job prescription in a new fundamental way. Although the Nigeria Police Force routinely maintain law and order during crisis situations, yet, policing citizens' compliance in the middle of a public health emergency is a relatively novel responsibility for the law enforcement agency. Therefore, this article critically evaluates the operational strategies employed by the Nigeria Police Force for the enforcement of government-imposed movement and social restriction measures. Data were principally sourced through a case study analysis of media and government reports. The paper argued that the overall effectiveness of the operational tactics adopted by the Nigeria Police Force for the special assignment was hampered on many fronts by some institutional and procedural issues. Therefore, the law enforcement agency is urged to strategically build on the COVID-19 pandemic experience to better prepare for future public health emergencies.

Key Words: COVID-19 Pandemic, Public Health Emergency, Lockdown, Police Officials, Nigeria Police Force, Law Enforcement Agency

INTRODUCTION

The Police as the most visible agent of formal social control has an important role to play in ensuring public compliance with government directives during emergencies (Brinkkoeter, 2016; Jones, 2020; Luna et al., 2007). The 30 March 2020 federal government imposition of a total lockdown on some parts of Nigeria, and the declaration of a partial lockdown in some States in response to the growing transmission of the COVID-19 infection placed a unique demand on the Nigeria Police Force.

As part of the overall containment strategy, the government introduced some drastic measures such as imposing a total lockdown on the Federal Capital Territory (Abuja), Lagos and Ogun states, banning of interstate movements, imposing night curfew, ordering workers to stay at home (except those in essential services), canceling mass gatherings, closing national borders, airspace, schools, worship centers and other public places (Vanguard, 2020). From the day it was imposed up till 30 June 2020 when it was finally eased, police personnel were deployed nationwide to ensure people comply with the restriction measures, assist in contact tracing and transportation of emergency supplies, and secure critical infrastructures (Independent, 2020; Nigeria Police Force, 2020; Ramalan, 2020).

In terms of structure, the Nigeria Police Force is centrally administered. It runs a single command structure under the management of an Inspector General of Police. It is further structured into 36 State Commands and the Federal Capital Territory Command, with each

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under the control of a Commissioner of Police (Olowokere & Oluduro, 2011). At the State level, each of the Commands is also organised into Area Commands, Divisional Commands, Police Stations and Police Posts (Alemika, 2010). The current workforce of the law enforcement agency is 371, 800 (Nigeria Police Force, 2020).

Although the Nigeria Police Force routinely maintain law and order in crises situation, yet, policing citizens' compliance with movement and social restrictions in the middle of a public health emergency is a relatively novel responsibility for the organisation. Apart from the fact that police personnel in Nigeria are already burdened fighting different forms of crime (Aborisade & Adedayo, 2021; Ojedokun et al., 2019), police occupational training curriculum at the police college might not have adequately prepared officers for the unique situation thrown-up by the outbreak of COVID-19. Thus, it becomes imperative to review the performance and operational strategies of the Nigeria Police Force during the enforcement of government-imposed restriction measures to better prepare it for a similar demand in future.

Typically, public health emergencies whether manmade or naturally occurring usually pose special challenges to police officials (Richards et al., 2006). This was evident during the Severe Acute Respiratory Syndrome (SARS) of 2002 and the H1N1 Flu of 2009 where law enforcement personnel were mobilised to work with public health officials to contain the spread of virus and maintain public order (Muckenfuss 2020). Brinkkoeter (2006) submits that a police agency's ability to preplan for various types of emergencies is very important because the outbreak of a pandemic will likely create a largescale incident that will drain law enforcement resources in a manner that police leadership are not accustomed to dealing with. Also, Carter and Rip (2013) assert that law enforcement agencies can be better prepared for responding to emergency by sharing information with public health organisations and public safety agencies.

Gradon (2020) suggests that it is imperative for law enforcement agencies to possess an established set of analytical tools, guidelines and strategies to combat various threats arising from a disaster scenario. Richards et al. (2006) contend that law enforcement officials may be called upon in times of emergency to enforce public health orders, secure contaminated areas, secure health care facilities, control crowds, investigate scenes of suspected biological terrorism, amongst others. However, Luna et al. (2007) observe that though police agencies do frequently plan for hazards, the threat of an influenza pandemic is rarely high on their list of planning priorities. Garrett (2010) mentions that law enforcement agencies' attachment of less importance to planning a pandemic response could be due to the fact that some of the most recent outbreaks were quickly controlled.

Walker et al. (2020) observe that compliance is a key component in world's response to COVID-19. Also, Alcadipani et al. (2020) note that police personnel played critical roles in the enforcement of COVID-19 restriction measures. In Ukraine, police officials were authorised to create a specialised regime of entry and exit, and to carry out sanitary inspections (Ivanivna, 2020). Over 100,000 police personnel were deployed in France to enforce government lockdown and to monitor checkpoints set up across the country, while drones were adopted by law enforcement officials in Spain for the purpose of keeping citizens at home (Ivanivna, 2020). Similarly, police in the United Kingdom combined ordinary human patrols with the use of drones to enforce compliance (Kooistra et al., 2020). However, Luscombe and McClelland (2020) note that though social distancing and some other state-imposed restrictions aimed at containing COVID-19 may be effective, punishing people for breaking rules may not. Also, Bradford, Hobson, Kyprianide, and Yesberg (2020) suggest that it is important for the

police to strive to seek citizens' compliance with government directives by maintaining bonds between individuals, institutions, and wider society.

Although a number of scholarly articles have been written in Nigeria on people's knowledge of, and personal hygiene practices against COVID-19 infection (Amzat et al., 2020; Olapegba et al. 2020), none has focused on the role of the police in enforcing government response to the public health crisis. Therefore, this paper x-rayed the operational strategies adopted by the Nigeria Police Force for the enforcement of COVID-19 pandemic-induced lockdown.

METHODOLOGY

This article is a case study analysis of the Nigeria Police Force's strategies for the enforcement of government-imposed movement and social restriction measures during the COVID-19 emergency. Data were essentially sourced from media and government reports. Specifically, news reports focusing on policing of citizens' compliance, police tactics for the enforcement of the lockdown order, as well as criminal activities recorded during the lockdown were carefully searched, read, and content-analysed between March 30 2020 and June 30 2020. The adoption of this approach was informed by the general non-availability of police data on the subject matter.

RESULTS AND DISCUSSION

Police Enforcement of COVID-19 Pandemic-Induced Lockdown Order in Nigeria

The operational strategies and tactics employed by the Nigeria Police Force to achieve citizens' compliance with the government-imposed movement and social restrictions essentially involved conducting beat patrol day and night, mounting road-blocks on major highways, erecting check-points in border-towns and strategic locations in major cities, closing down worship centres, restaurants, bars and nightclubs, arresting people involved in mass gatherings, detaining managers of sites hosting social gatherings, counselling culprits and/or impounding their vehicles (Independent, 2020; Ramalan, 2020; Vanguard, 2020).

Although the operational strategies employed by the Nigeria Police Force ensured that citizens complied with government order, particularly in the first few weeks they were introduced, the overall effectiveness of their enforcement tactics was hampered on many fronts by the following institutional and procedural issues:

Human Rights Abuse

A major pitfall of the police operation was the highhandedness of some personnel in the implementation of government directives. Several incidents recorded across Nigeria indicated that some police officials deployed for the special assignment conducted themselves unprofessionally, and routinely engaged in acts constituting human rights abuse (Adiele, 2020; Hanafi & Affe, 2020). The overzealousness on the part of some personnel resulted in cases of extra-judicial killings, the infliction of grievous bodily harm on people, and the destruction of goods and properties (Daily Trust, 2020; Young, 2020). Indeed, the May 2020 report of the National Human Rights Commission (NHRC) indicated that the Nigeria Police Force was responsible for seven out of the 18 extra-judicial killings committed by law enforcement agents during the lockdown period (Adejumo, 2020; Uzoho, 2020). For instance, in an incident that

occurred on 23 April 2020 at a market in Obio/Akpora Area of Rivers State, a female police officer was fatally shot and killed by one of her colleagues in the course of enforcing movement restriction order (Akasike, 2020; Social Development Integrated Centre, 2020). Equally, media reports that emanated from different parts of the country showed that the deployed police officials routinely harassed and intimidated workers in essential services in spite of an official directive which permitted the free movement of such a category of workers (Onwuzoo, 2020; Sahara Reporters, 2020). Indeed, the harsh treatment suffered in the hands of police personnel compelled the Lagos State branch of the Nigerian Medical Association to direct its members to embark on a sit-at-home action on 20 May 2020 (Adejoro, 2020; Premium Times, 2020). The highhandedness displayed by police officials in the enforcement of government-imposed movement and social restrictions is not an isolated incident. Rather it further amplified the endemic nature of police brutality in Nigeria (Akinlabi, 2017; Igbo, 2017). The impunity of police officials in Nigeria not only frequently results in the killing of citizens, it occasionally culminates in the homicide of law enforcement personnel (Ojedokun, 2014).

Public Extortion and Corruption

Another major shortcoming associated with law enforcement during COVID-19 emergency in Nigeria was the non-commitment of some police officials to their mandate. Despite the fact that police checkpoints and roadblocks were mounted on major intercity highways and strategic locations in major urban centres to prevent human and vehicular movements, it was widely reported in the media that some police personnel were not fully committed to enforcing the restriction order (The Sun Nigeria, 2020). The common practice of this set of police officials was to extort members of the public, while granting them freedom of passage in return (Daily Trust, 2020). Consequently, in spite of government-imposed movement restriction, people who could afford police extortion fees were not only granted rights of movement, commercial transporters were also making special arrangements with corrupt police officials to convey passengers from one State to another (Elekwa, 2020; The Sun Nigeria, 2020). In a particular incident which occurred in Lagos State, a policeman was filmed (and later arrested) collecting ₦40,000 (\$103) bribe from a motorist who violated the movement restriction order (Oyero, 2020). Police officials' aiding of citizens to violate the law they were primarily mandated to enforce does only not have serious negative implication for the public image of the Nigeria Police Force, it also called into question the overall legitimacy of the police organisation. Public extortion and gross abuse of power are among the most common forms of police professional misconduct in Nigeria (Agbiboa, 2015; Ojedokun & Adeyanju, 2018).

Police Inability to Prevent/Investigate Crimes

The efficiency of the Nigeria Police Force in the enforcement of the movement and social gathering restriction measure was significantly hampered by the organisation's exclusive reliance on traditional policing tactics which essentially involved engaging in beat patrols, conducting stop-and-search, mounting roadblocks on major highways, and erecting multiple checkpoints at border-towns. The manual policing style adopted for the lockdown enforcement manifested in security breaches in some States. There was an increase in crime rate as criminals capitalised on the opportunity presented by the newly introduced emergency measures to rob people in some residential areas, perpetrate mobile crimes, and engage in burglary and looting of stores (Blueprint Newspaper, 2020; Leadership, 2020). Although these criminal attacks were recorded in different parts of Nigeria, they were more prominent in the Federal Capital Territory (Abuja), Lagos and Ogun States (Guardian, 2020; Odunsi, 2020). Similarly, due to limited police intervention at the time, gender-based violence and other forms of interpersonal violence escalated (UN Women, 2020). Nigeria Police Force's inability to effectively control

crime during the lockdown is due to chronic underfunding which makes the organization lack essential equipment necessary for effective policing (Igbinovia, 2000; Ojedokun & Aderinto, 2014). Recently, the Nigeria's Inspector General of Police disclosed that his agency needed 1,000 armoured personnel carriers (APC), 1,000 tracking devices, 774,000 operational drones, amongst others (Adepegba & Baiyewu, 2020).

Poor Surveillance/Inadequate Coverage

Owing to the Nigeria Police Force's non-utilisation of modern policing equipment, there arose the challenge of inadequate coverage of the Nigerian geographical territory. Generally, the impact of law enforcement agents monitoring the COVID-19-induced movement and mass gathering restriction measures was mostly felt in urban centres. Also, due to poor surveillance occasioned by inadequate police presence, residents of some interiors and suburb areas were not adequately deterred from violating government-imposed restrictions as social gatherings and religious services were held by people in such locations during the lockdown (Odito, 2020; The Sun Nigeria, 2020). Inadequate workforce is a major problem confronting the Nigeria Police Force (Osayande, 2008). With the population of close to 200 million people being policed by only 371,800 police officers, Nigeria is grossly under-policed, and has a shortfall of about 155,000 personnel (Ezeobi & Nweke, 2019; Vanguard, 2017). Jennings and Perez (2020) have equally observed that the emergence of COVID-19 pandemic exposed some key obstacles for law enforcement in terms of communication, resource management, enforcement of public health restrictions, and changes to crime and service patterns.

Non-Provision of Essential Safety and Health Kits for Personnel

Another critical issue that flawed the Nigeria Police Force's COVID-19 lockdown control operation was the non-provision of essential safety and health kits for personnel. In spite of the fact that law enforcement officers were working in the middle of a public health crisis, the Nigeria Police Force failed to adequately prepare them for the delicate task they were given to handle. Generally, officers conducting beat patrols and stop-and-search operations were not well-prepared by their agency on how to adequately protect themselves on the job. They were also not provided with basic safety kits and personal protective equipment (PPE) such as hand-gloves, face shields, protective clothing, nose masks, hand sanitisers, amongst others (Daily Trust, 2020; Punch, 2020). Although PPE shortage was a problem for most law enforcement agencies at the early stages of the pandemic (Alcadipani et al., 2020), the Nigerian situation was particularly critical because most police officers worked unprotected for the most part of the lockdown duration (Daily Trust, 2020; Erezi, 2020). Consequently, a Deputy Commissioner of Police died of COVID-19 infection in Edo State (Shittu, 2020), while another police official died in Ogun State after being infected (Guardian, 2020). One major implication of this situation is that it has the tendency of negatively impacting the level of job commitment and dedication of police officers. Rooney and McNicholas (2020) have also mentioned that occupational stressors can negatively impact police officers' professional and personal lives.

Repositioning the Nigeria Police Force for Future Pandemic Emergencies

The enforcement of COVID-19 pandemic lockdown showed that the Nigeria Police Force is not accustomed to policing compliance and upholding law and order in a period of public health emergency. Thus, some useful lessons that can be drawn by the law enforcement agency from the COVID-19 crisis are discussed in this section.

As demonstrated by the COVID-19 emergency, law enforcement agents have critical roles to play in the implementation of government-response to public health crises. Therefore,

it is pertinent for the Nigeria Police Force to adequately develop the skill and capacity of its personnel in the area of response to public health emergency. Police officials need to be rigorously trained as regards the necessary safety and precaution measures that can be adopted to protect themselves in the line of duty. This can be achieved by putting in place sound institutional framework that will facilitate consistent collaboration between the Nigeria Police Force and public health professionals. Officers should be trained and retrained on the essential vocational-related safety and health protocols bordering on communicable diseases transmission, useful measures for quick containment, and the proper use of personal protective equipment. This can be achieved through a strategic partnership between the Ministry of Police Affairs, the Federal Ministry of Health, and the Nigeria Centre for Disease Control (NCDC). Similarly, it is important for the Nigeria Police Force to ensure a systematic incorporation of health education and public health emergency-response into the course syllabi of the Police Training College, and to make them a key component of regular organisational practices.

Another important lesson that can be drawn from the COVID-19 public health emergency is that the federal government need to adequately support the Nigeria Police Force by providing necessary financial and logistic assistance for it. Due to financial constraint and understaffing challenges, the Nigeria Police Force exclusively relied on human surveillance for monitoring and enforcing government-imposed restriction measures. Modern policing equipment and devices, such as drones, CCTV cameras, surveillance recorder, and GPS, useful for surveillance and intelligence gathering were not utilised for the operation. Consequently, the exclusive reliance on human surveillance and physical patrols resulted in poor police coverage, and the attendant victimisation of people in some neighbourhoods by opportunistic criminals.

Equally, although the Nigeria Police Force has some level of social media presence, particularly on Facebook and Twitter (Peters & Ojedokun, 2019), the potentials of these ICT resources were not optimally utilised for monitoring the lockdown because they are centrally operated. Therefore, it is necessary for the police organisation to decentralise the use of social media accounts among its command so as to leverage on the information power and feedback opportunity they present to engage the public, and disseminate vital information to them during emergency and non-emergency situations.

Also, the recorded cases of extra-judicial killings linked to police officials enforcing government lockdown order shows that the Nigeria Police Force has not made substantial progress in addressing the pervasive problem of brutality, highhandedness and excessive use of force among its personnel. Therefore, it is imperative for the police organisation to strategically inculcate and entrench amongst its personnel, the principles of civil policing and procedural justice which advocates that police treat people with dignity and respect, give citizens ‘voice’ during encounters, be neutral in decision making, and convey trustworthy motives. Jones (2020) has also pointed out that there might be serious ramifications for police-community relations in a situation when police officials enforce curfews and social distancing order in a militaristic manner. Indeed, the outbreak of COVID-19 represents a potential ‘tipping point’ for policing across the world because the adoption of a narrowly ‘securitized’ approach would erode public trust in policing and in government (Stott et al., 2020).

Similarly, the involvement of some police officials in public extortion for the purpose of assisting people to violate government order echoes the urgent need for the Nigeria Police Force to introduce body-worn cameras as parts of the professional kits of its personnel. The inclusion of this monitoring device is not only capable of making police personnel more

accountable for their actions, but it can also go a long way in discouraging police officials from engaging in professional misconduct. Finally, the non-utilisation of basic safety kits and personal protective equipment by police personnel monitoring and enforcing lockdown measures on the streets and at checkpoints demonstrates the need for the Nigeria Police Force to always prioritise the wellbeing and welfare of its officers by always making available to them essential work-equipment vital for their safety and protection in the line of duty. This step is very important because it has serious implications for police officials' extent of job commitment.

CONCLUSION

The outbreak of COVID-19 pandemic in China, and the subsequent rapid transmission of the deadly virus to other parts of the world has clearly shown that human population will periodically have to contend with eruption of infectious diseases. In Nigeria, the deployment of personnel of the Nigeria Police Force for the implementation of public health emergency response measures by the federal government has not only redefined police job prescriptions in a new fundamental way, but has also demonstrated the critical roles that police officials have to play in the implementation of management-response to public health crises. The experience with COVID-19 showed that the Nigeria Police Force was ill-prepared to policing citizens' compliance and enforcing the law during public health crisis as its operational tactics were hampered by police officials' involvement in human rights abuse, public extortion and corruption, police inability to prevent/investigate crimes, poor surveillance/inadequate coverage, and non-provision of safety and health kits for personnel. Therefore, the Nigeria Police Force is urged to build on the COVID-19 experience to adequately develop its organisational capacity and better prepare its officers for a similar emergency situation in future.

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Risks associated with the use of fire as a weapon by terrorists in the Australian context

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ABSTRACT

“Pyro-terrorism is the use of incendiary attacks to intimidate or coerce a government, the civilian population, or any segment thereof, to advance political or social objectives” (Baird, 2006). Pyro-terrorism attacks differ from traditional arson attacks and can comprise a component of dual-phase ambushes, incur injuries and fatalities, create fear and confusion, and delay the response and mitigation of an incident. The often simple application of fire as a weapon by terrorists creates a complex and challenging situation for counter-terrorism (CT) and emergency service agencies, with the traditional risks associated with fire, such as toxic atmospheres created by smoke and carbon monoxide, structural compromise, and rapid fire spread, compounded by actions seen in terrorist attacks. This includes the targeting of mass groups, ambush and armed assault, and devices planted to create secondary victims. This is not a new form of terrorism; however, the spike of pyro-terrorism globally over the recent years (GTD, 2019a) suggests that its ease of use is proving to be an attractive weapon at a time when terrorists are seeking simple methods of attack (Australian Government, n.d.). While pyro-terrorism targeting rural areas can lead to widespread bushfires causing destruction and death, urban areas are just as susceptible to pyro-terrorism as both a standalone tactic and in combination with other attack methods. Denser populations, flammable building materials, and delays experienced during evacuations contribute to the risks faced by urban populations. Australia has experienced political and racially motivated incendiary attacks although the focus of these has mainly been buildings and other structures. An attack in Melbourne in 2018 demonstrated that Australia is not immune to the threat of pyro-terrorism and the associated risks. This 2018 attack involved a violent actor who used a car fire in combination with an edged weapon to directly target civilians within the centre of the city. By analysing the use of fire by this attacker, and other violent actors overseas, we can begin to identify the risks faced when these methods are employed in terrorism and the importance of an integrated response to combat such incidents.

Key Words: Terrorism, Australia, Pyro-terrorism, Arson, Incendiary, Firebomb

INTRODUCTION

The terms fire as a weapon, or active violence with fire, refer to incidents, actual or thwarted, where smoke and or fire is used to directly inflict harm on an individual or group. Further, it encompasses incidents where smoke and or fire are used as a diversion or to further complicate rescue and response activities (Jernegan, 2021). When employed as a method during terrorist activities the term pyro-terrorism can be used. Pyro-terrorism can be defined as:

the use of incendiary attacks to intimidate or coerce a government, the civilian population, or any segment thereof, to advance political or social objectives. Pyro-terrorism possesses the four generally accepted elements of terrorism: targeting of non-

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combatants, political motivation, violence with a psychological impact, and organized perpetrators (Baird, 2006).

The use of pyro-terrorism as a tactic by various ideological, religious, or political actors is a noteworthy feature of the current threat landscape, with most western populations living with some degree of elevated terrorism threat level (Australian Government, n.d). The often simple application of fire as a weapon by terrorists has the propensity to create a complex and dangerous situation for civilians and emergency service agencies alike, with urban and rural environments both susceptible to pyro-terrorism. Pyro-terrorism differs from traditional conceptualisations of criminal arson through its intentions: notably, its strategic objectives aimed at coercing certain targets based on the perpetrator's ideological beliefs, and through its actions, often aimed at threatening the lives of those targeted. It can create chaos and confusion; be an element of complex ambushes, and delay counter-terrorism responses, therefore prolonging an incident and maximising publicity outcomes. Fire typically requires less expertise than the construction of an improvised explosive device and can cause great destruction and kill and injure victims without direct contact from the violent actors taking place. As a consequence of these factors, pyro-terrorism is capable of generating extensive media attention, a favourable result for terrorist groups whose strategies include spreading fear.

This research explored the increased use of pyro-terrorism globally in recent years to identify the broader risks that emerge when it is employed as a tactic, and how these risks relate specifically to the Australian context. The risks identified relate directly to conditions set or outcomes from terrorist actions that affect the safety of the public or emergency service responders. This paper aims to demonstrate the need for counter-terrorism and emergency service agencies to plan and prepare to address these risks. The intention is not to discuss the current threat posed to Australia or argue the propensity for the use of fire by terrorists, but rather, elucidates the primary and secondary risks that derive from the tactic in both urban and rural environments. Pyro-terrorism can target urban areas, capitalising on an increased population to endanger, flammable structural elements or the resulting confusion and disruptions. Within rural environments, pyro-terrorism can exploit the already existing bushfire threat to create largescale fires that cause death and destruction across expansive areas. In his study on fire as a weapon in high-rise structures, Sheppard (2017) discusses calculated pyro-terrorism as a thought-out means of violence rather than a convenience. While recognising the threat of terrorist induced bushfires, Sheppard (2017) also raises his concern of the vulnerability of high profile urban targets, pointing out, "terrorists have proven adept at spotting vulnerabilities" (p.62). Fire can be used as a standalone tactic, as seen with forest fires in Israel (Deshpande, 2009), or in combination with other attack methods, as exemplified with the Mumbai attacks in 2008, or it may be an unintended yet favourable outcome for terrorists undertaking an attack.

METHODOLOGY

This review article unites three fields; the extant literature of pyro-terrorism, the author's knowledge of fire and emergency management responses, and precedent/review of activity and engagements to articulate the possible risks and consequences of pyro-terrorism in the Australian context.

This study engaged in a qualitative analysis of the knowledge of pyro-terrorism. Scholarly understandings of pyro-terrorism were explored alongside evidence of pyro-terrorism attacks targeting civilian populations, outside of conflict zones, both in Australia and

around the world, by terrorists motivated by a wide array of beliefs. Open-source content from global media outlets, terrorism databases as well as the SITE intelligence group was used to identify pyro-terrorism events for research. Some non-terrorism events were included for case studies where it was identified the perpetrators' actions generated similar risks to those that would be experienced if it was a terrorist-actor who had initiated the attack.

Key search terms used in this study spanned “fire as a weapon”, arson, “active violence with fire”, and pyro-terrorism. While the first three terms can be applied to other forms of criminal activity, pyro-terrorism is quite specific with Baird's (2006) definition of pyro-terrorism adopted for this research as it encompasses the key attributes of terrorism definitions, “targeting of non-combatants, political motivation, violence with a psychological impact, and organized perpetrators” (Baird, 2006).

Extremist propaganda was also accessed via SITE Intelligence group to develop an understanding of the available content and advised methods terrorist organisations have distributed.

BACKGROUND LITERATURE

Pyro-terrorism remains an under-researched area with the current literature on the topic leaning more towards the rural environment and bushfire risk, with limited discussion on the urban environment. Further to this much of the current literature fails to delve into the threat it poses, the associated risks, and the difficulties that are likely to arise during the response to this form of terrorism. Bendle (2009) noted that pyro-terrorism has not received the “analytical attention it demands” (p. 19), and further elaborated about its potential effects on critical infrastructure, natural resources, and economies (p. 8). This is supported by Sheppard (2017), who argues that the academic community has failed to take the significant differences between pyro-terrorism and other forms of terrorism seriously (p.61). Sheppard (2017) raised the point that some may feel work in this area may suggest pyro-terrorism is a new form of attack. He contested this, stating that Palestinian militants have used fire as a weapon for some time and that his review of the literature suggests that “failures of imagination” (p. 62) are a more urgent danger. Sheppard (2017) also began to highlight the risks posed by terrorists targeting high-rise buildings in urban environments, when much of the current literature addresses the bushfire or forest fire risk.

Despite the limited research on pyro-terrorism, terrorists, and other extremists have engaged in pyro-terrorism for centuries with right-wing and jihadist violent actors among them. Approximately 55 terrorist organisations around the world were identified as having applied fire in some form during attacks between 1968 and 2005 (Besenyő, 2019, p. 1229); among these were environmental and animal rights extremists (Chermak et al., 2013). Waves of extreme right-wing arson attacks have occurred in Europe during periods deemed “refugee crises” between 1991 and 1994 as well as 2015 to 2016 (Koehler, 2019), and while a majority of these attacks targeted uninhabited buildings, there were some that put lives at risk (Koehler, 2019 p. 5). In recent years SITE Intelligence (2019, March) has identified right-wing extremism activity online that calls for arson attacks on mosques to increase polarisation in multi-cultural communities and provoke retaliation.

Israel's forest areas are said to have been targeted in pyro-terrorism attacks over the past four decades (Deshpande, 2009, p. 38). In April 2018 a new tactic emerged with incendiary kits and balloons used to reach deeper into Israeli territory to ignite forest fires without terrorists

having to cross the border. Hamas have learnt to exploit these fairly primitive devices, with their inception by other groups dating back as far as the 2nd Century B.C (Zych, 2019). While there have been no reported human casualties so far, they have “allowed Hamas to challenge the Israeli military and emergency services” and proven to be a useful terrorist tactic providing intimidation of societies and impact on government. (Zych, 2019, p. 75).

The use of fire as a weapon appears to have been more strongly embraced by jihadist terrorists after Al Qaeda in the Arabian Peninsula (AQAP) released its 9th issue of *Inspire* Magazine in May 2012 (Al-Malahem Media, 2012). Despite an Al Qaeda website providing a six-point plan on how to inspire arson attacks against US targets in 2004 (Besenyő, 2019, p. 1231), the global terrorism database shows that a spike in the use of incendiary attacks occurred from around 2012 onwards (GTD, 2019a). While increased use of pyro-terrorism has been identified, pyro-terrorism as a whole is a fairly rare tactic (Deshpande, 2009, p. 42) with the Global Terrorism Database (2019a) recording only 7,240 incendiary related attacks out of 106,097 terrorist attacks globally between 2008 and 2018.

While it is difficult to fully credit an increase of pyro-terrorism to any one factor, it is probable that *Inspire* magazine contributed to this increase to some degree, during a time where lone-actor terrorist attacks have become more frequent (Institute for Economics and Peace, 2016, p. 34-48). An article in *Inspire*'s 9th issue titled “It is of your freedom to ignite a firebomb,” featured an image of the Sydney Opera House and specifically discussed the December 2002 and 1983 Australian bushfires, citing the devastation they caused. This article went on to guide readers on choosing the right time and circumstances to undertake an attack as well as providing instructions on creating a timed incendiary device (Al-Malahem Media, 2012). Not long after this, in 2013 the 10th issue of *Inspire* was released (Al-Malahem Media, 2013). This issue featured a smaller single page article encouraging the arson of vehicles in the west, using headings such as ‘easy to do’ and ‘procedures.’ *Inspire*'s use of specific images and references to Australia highlights that Australia is a favourable target for jihadist terrorists and that through inclusion in their propaganda AQAP may motivate and mobilise home-grown extremists who could be inspired to engage in an attack on home soil (Harris-Hogan, 2012). Couple this with the simple instructions provided in the magazine and the risks associated with pyro-terrorism in the Australian context should be explored.

Fast forward to the emergence of Islamic State (IS) and their 5th issue of *Rumiyah* magazine in 2017 where the use of fire against the west is again a feature, with the article ‘Just Terror Tactics.’ Just as *Inspire* did, this article provided simple instructions on planning an attack and choosing a location. IS further simplified their message instructing on Molotov cocktails, rather than the more technical timed incendiary devices, and discussed urban targets and tips for claiming responsibility for an attack. This ensures they receive the credit for attacks to help further spread fear (Al Hayat Media Centre, 2017).

Jihadist propaganda online, especially IS aligned media groups and supporters, continue to discuss and incite the use of fire as a weapon among other tactics. Groups such as al-Haqq Foundation (SITE Intelligence, 2019, February), as well as IS supporters have created posters, guides, and videos in various languages which have been posted to Telegram chat groups (SITE Intelligence, 2020, August). The imagery used in this propaganda has included graphically altered images of western targets (SITE Intelligence, 2019, February), images and reference to real-life fires, including Australian and Californian bushfires (SITE Intelligence, 2020, October), as well as realistic graphics from the video game grand theft auto (SITE Intelligence, 2020, August). Bushfires in Australia and more specifically Victoria were

mentioned among other western locations in a July 2020 video titled “incite the believers” posted by al-Hayat Media (SITE Intelligence, 2020, July). This video appears to revisit the earlier topic discussed by *Inspire* magazine, again hoping to motivate and mobilise home-grown Australian terrorists to undertake a pyro-terrorism attack. The widespread death and destruction caused by the bushfires appear to have caught the attention of a terrorist organisation that is constantly evolving and adapting its methods in an attempt to engage in successful attacks against western targets. The perceived relevance of the information seen in the 9th issue of *Inspire* magazine is a likely motivation for resurrecting and re-circulating this content, which has been identified along with newer content encouraging the use of airships to start fires, following on from success in Gaza (SITE Intelligence, 2019, November).

AUSTRALIA’S EXPERIENCE

Australia is not immune to the use of fire by terrorists and other violent extremists. One of the five white supremacists convicted over a spate of firebombings on Chinese restaurants in Perth in 2004 (Harris-Hogan, 2017) was identified as having already served prison time for earlier arson attacks on Asian owned businesses as part of the neo-Nazi Australian Nationalist Movement in Perth in the 1980s (TRAC, n.d.). Other arson attacks have included the 1995 attack on the French Consulate in Perth (“Israeli Woman Imprisoned,” 1995) and two separate attacks targeting a Toowoomba mosque in 2015 (“Toowoomba mosque damaged,” 2015). In Melbourne, three Sunni Muslim men were convicted of terrorism charges after they tried to burn down a Shiite Mosque in 2016 (“3 convicted of terrorism,” 2019).

While mainly targeting uninhabited buildings these attacks can still generate fear, damage critical infrastructure, and lead to adverse outcomes for the community. Counter-terrorism police in Melbourne are continuing to investigate a deliberately lit fire of a power and phone tower in May 2020, with an offender yet to be arrested (Pearson, 2020). This follows an increasing trend of attacks on 5G towers globally (Meleagrou-Hitchens & Crawford 2020), with SITE intelligence (2020, May) identifying online chatter promoting these 5G arson attacks. Of most concern are attacks that directly threaten the lives of community members through the use of violence. The man arrested over the murder of a security guard at a Melbourne abortion clinic in 2001 had reportedly planned to “shoot as many as possible before setting fire to the clinic and sealing the doors,” (Harris-Hogan, 2017, p. 6). The anti-abortion activist was fortunately overpowered before he could execute his plan. In the wake of anti-lock-down protests during the 2020 Covid-19 Pandemic SITE intelligence (2020, May 12) identified a right-wing accelerationist Telegram channel inciting arson attacks against police in Sydney, providing maps of police station locations. While this is a concerning idea no such attacks have taken place at this stage.

Melbourne Attack 2018

The most recent example of fire being exploited in an Australian national security context comes from 2018. On Friday 9 November 2018, at around 4.20pm, the Somali-born perpetrator ignited a four-door utility containing several LPG cylinders in the middle of Bourke Street in the CBD (Henriques-Gomes, 2018). He then proceeded to attack people in the vicinity with a knife, killing one and injuring two others before being shot and killed by responding police (SBS News, 2018). It was reported that the perpetrator’s passport had been cancelled in 2015 after concerns he was going to travel to Syria to fight with IS (Henriques-Gomes, 2018), an action that likely saw him refocus his efforts into carrying out an attack on home soil. Limited official open-source information is available in regards to this attackers exact intentions, we can however address the facts that are known and identify the risks associated.

The location and time of the day provided ample potential victims and almost guaranteed a high degree of media coverage. Such a busy location in the center of the city could have seen crowds converge to observe what was occurring, thereby providing extra victims for the terrorist to target. The use of LPG cylinders in the vehicle presents a risk of a boiling liquid expanding vapour explosion (BLEVE) (Hahn, 2019), with the potential for explosion occurring during the initial stages, injuring many civilians, or as a form of secondary device, exploding as emergency services converged on the scene. The fairly intense fire could have drawn firefighters into a potential ambush unaware of the malicious intent behind what was occurring. If the police had been unable to stop him as quickly as they did (Henriques-Gomes, 2018), a risk exists that paramedics and firefighters could have been attacked or their response delayed as they staged while the active threat was ongoing. This could have led to fire spread and delayed the medical treatment of victims. Again the exact intentions of the attacker are unknown but the burning vehicle did come to rest just on the footpath of a tree-lined street close to the awning of a building. The flame height at the peak of this fire, which can be seen in news images ("Bourke Street attacker," 2018), had the potential of igniting nearby trees or building awnings which could have spread the fire to a structure. This then leads to a whole number of the risks discussed later in this paper regarding structure fires and evacuations.

RISKS

Considering Australia's experiences along with observations from international events we can begin to understand the risks to safety that are associated with pyro-terrorism and interpret how it relates to the Australian context.

Urban Environment

Strict building regulations mean that Australia's high-rises are quite safe with active and passive fire safety features aimed to reduce the spread and effects of fires (Wormald Australia, n.d.). During the San Bernardino terrorist attack in 2015, however, one of these features worked against first responders. Whilst the incident did not involve fire, a round from one of the terrorist's firearms struck a sprinkler pipe causing a flow of water that soaked some victims (Brazier et al., 2016). The police and probation officers attempting to rescue victims were without litters or stretchers and discussed afterward how difficult rescue operations were when victims became slippery from the water.

Despite this occurrence, sprinklers play an important role in containing fires and reducing their spread throughout structures. They form part of a building's fire protection systems along with other elements such as smoke detectors and pressurised staircases assisting in evacuation. In 2006, an Al Qaeda operative was arrested after he had gained employment at a hotel in England to learn how to disable security and fire systems as part of a larger terror plot (US Department of Homeland Security, 2012, p. 4). If these features are sabotaged by terrorists and made inoperable, there is again a risk the fire could rapidly grow and spread, hampering the efforts of firefighters and affecting responder safety and the safety of anyone trapped. Apart from sabotage, the use of strategically placed incendiary devices could also reduce the effectiveness of a building's fire safety features (Sheppard, 2017). If this was to occur, firefighting crews may be required to establish alternate water sources and entry points, delaying their response to the fire. Any delays in attacking structure fires can lead to compromised structural integrity and possible collapse (Kodur et al., 2019, p. 6), endangering the lives of those who cannot evacuate safely and preventing firefighters from entering. In New York City in 1995, a gunman entered the Freddy's Fashion Mart in Harlem, firing shots and

taking hostages before setting fire to the store. 8 people died including the gunman with firefighters forced to abandon their rescue attempts due to the risk of structural collapse (Atwater, 2012, p. 25). Temperatures can reach above 1,000°C during the fully developed stage of a fire which significantly affects the structural members of a building (Kodur et al., 2019, p. 6). While not the primary tactic, the subsequent fires which developed after aircraft struck the World Trade Centre on 9/11 led to the structural collapse of the buildings (Pfeifer, 2013, p. 5). If the evacuation corridors in a 100-story building are congested a complete evacuation could take up to two hours (Sheppard, 2017, p. 57). This delay is a real concern in Australia with overcrowding in high-rises an ongoing issue (Wright 2017), combined with sabotage, and fairly transient occupants unaware of building layout and evacuation procedures. These concerns exist even before considering the possibility of non-compliant combustible cladding on the building.

After a fast-moving external high-rise fire occurred at the LaCrosse Building in Docklands, Melbourne in 2014, it was discovered that the building's façade was clad in a combustible cladding contrary to the Building Codes of Australia (Genco, 2015). This aluminium composite cladding (Victorian Building Authority, n.d., Aluminium Composite Panels) was found to contribute to the fast rate of fire spread and raised concerns that several other buildings around Australia could be covered in the same. While investigations in Melbourne continued, the Grenfell Tower fire occurred in London in June 2017, killing just over 70 people (Fox Koob et al., 2019). This fire was attributed to the same form of combustible cladding that Australian authorities had been concerned about following the Lacrosse fire. The Grenfell fire exposed the vulnerability of high-rise buildings and the risks for those living in them. Buildings with combustible cladding targeted by terrorists pose the risk of rapid fire spread endangering the lives of occupants and responding emergency services, with the high temperatures causing delamination of the panels, dropping debris from height, as was seen at Grenfell (Taylor, 2017). The intensity of the fire and high winds can also lead to fire spread to nearby structures. When another external high-rise fire involving combustible cladding occurred in Melbourne in 2019, the Metropolitan Fire Brigade refused to publicly release a list of suspect buildings stating, "Given the current environment we have in terms of terrorism and other arson activity, the release of information that identifies properties at risk of rapid-fire burning, would be a risk to those communities," ("Arson, terror fears over suspect cladding," 2019). This shows an understanding of the risks associated with the application of pyro-terrorism within the urban environment.

Rural Environment

While great risks exist with pyro-terrorism in the urban environment, risks in the rural environment are also significant. Bushfires are nothing new for Australia and much of the risks posed by bushfires exist whether the cause is pyro-terrorism or not. Over the warmer month's bushfires rage through many Australian states requiring large amounts of manpower on the fire ground, in support roles, and at the strategic level. They force the evacuations of communities, threaten critical infrastructure, and can result in death. AQAP appeared well aware of these factors when they encouraged the lighting of bushfires in *Inspire* Magazine. Saying this, terrorist organisations would face difficulty instilling fear and claiming the credit for a bushfire in a setting the government would be quite capable of denying or discrediting such involvement (Bendle, 2009, p. 15). It has been reported that Australian fire services attend between 45,000 and 60,000 vegetation fires each year, with arson and suspicious fires accounting for almost half of the vegetation fires in Australia (Bryant, 2008, p. 2). With such a large number of deliberately lit fires occurring each year, the ability for a terrorist organisation to suddenly lay

claim to a bushfire would be difficult, with the fear held by the community already in place from a history of bushfires and arson activity in rural areas.

While there has not been a recorded bushfire caused by pyro-terrorism in Australia, other countries have experienced attacks. The United States (U.S) faced a spate of pyro-terrorism attacks in the 1990s when the Earth Liberation Front (ELF) set fires to various forests, commercial and industrial buildings (Bendle, 2009, p. 17). Spain and Greece have claimed pyro-terrorism in politically motivated bushfires that have occurred there, as well as Estonia who in 2006 had their forests threatened with pyro-terrorism by a group calling itself Forest Incinerators (Deshpande, 2009, p. 38-39). A third of all bushfires in Israel are reportedly caused by pyro-terrorism (Baird, 2006, p. 418), although some argue that considering the nature of the Palestinian-Israeli conflict these are more military acts rather than terrorism (Sheppard, 2017, p. 24). Among the risks that exist with terrorists igniting bushfires are the destructive forces that can result. It has been claimed that bushfires can rival the destructive forces of nuclear weapons (Baird, 2006, p. 415), leaving terrorists with an extremely effective weapon that takes little effort. The plots can be quite hard to intercept and the fires very difficult to control (Besenyő, 2019, p. 1236). The results can be disastrous if multiple fires are ignited over a large area, with communities at risk of being cut off and the threat that multiple fire fronts could combine into a single large front as we saw with weather changes during bushfires in Victoria and New South Wales in 2020 (Wahlquist et al., 2020). With bushfires, the topic of climate change has been raised in recent years with conditions conducive to bushfires expected to increase, yet despite the risks to public safety pyro-terrorism and climate change are rarely addressed together (Buck, 2017). The favourable conditions for bushfires could lead to added interest by jihadist groups as they continue to adapt their strategies to attack western targets.

Ambush Tactic

The use of fire by terrorists could initially mask the malice behind an incident and increase the risk of harm to our responding emergency services. The fire could be used as an ambush tactic with responders, focussed on extinguishment and victim rescue, lured into a trap (Wood, 2017). Two separate incidents that occurred in the U.S involved a fire and the subsequent ambush of emergency responders resulting in the deaths of firefighters and a sheriff's deputy. In Memphis, in 2000 two emergency calls, including one from the suspect saw emergency services respond to a house fire in a quiet neighbourhood with a report of shots fired. As firefighters arrived they were immediately shot at by the suspect who killed two of them before also killing an arriving sheriff's deputy (Yellin, 2000). On Christmas Eve 2012 in Webster New York, firefighters arrived on the scene of a house and car on fire in what was described by authorities as a trap. Four firefighters were shot, with two dying from their wounds (Robbins & Kleinfield 2012). Although not terrorism, these incidents illustrate the risks associated when fire is used as an ambush technique by an individual with malicious intent. The victims in both of these incidents appear to have been drawn into the response to the fire and then targeted with limited opportunity to escape once there. In 2014 a Florida man was killed in a shootout with police after setting fire to his house and ambushing responding officers, killing one. It was reported that this violent actor held anti-government and anti-establishment beliefs (Associated Press, 2014).

In Australia, firefighters were forced to retreat when attacked by a violent individual with an axe in Melbourne's north in 2015. In what was described as an arson rampage the violent actor set several cars and a house on fire before targeting responding firefighters ("Firefighters turn hose on man," 2015). While the intent of this individual is unclear this

incident helps to illustrate that while uncommon, Australia is not immune to the risks associated with the use of fire in an ambush context.

When discussing ambush, and especially the ambushing of emergency responders, the topic of secondary devices needs to be raised. Traditionally this has focused on the use of explosives; however, discussions should be extended to the use of pyro-terrorism targeted at emergency responders (Sheppard, 2017, p. 27). It may sound quite extreme, but the use of timed incendiary devices adds a risk that the first wave of emergency responders could be injured or isolated from additional support and resources (US DHS, 2012, p. 7), especially in a bushfire scenario with rapidly changing fire conditions.

Delays in Response

Fire services are equipped and experienced in the response to fires while policing agencies often face the threat of aggression and violence, however, pyro-terrorism can begin to blur the lines in traditional response strategies between police and fire services (Frazzano & Snyder, 2014, p. 2). An increased risk then emerges with elements of all fields of expertise needed to effectively combat these situations. Firefighters are unable to enter a location to extinguish a fire if there is a risk they will come under armed attack. They are equipped to tackle the heat and toxic smoke but not a ballistic threat. For the police, they are unable to enter the scene to counter the threat of violence if they are required to pass through a smoke or fire-filled environment. Combinations of both fields of expertise are needed to address the complexities at a pyro-terrorism attack location. During a series of complex coordinated attacks by terrorists in Mumbai India in 2008, fire was used during the siege at the Taj Mahal Palace Hotel to delay the response by government security forces. In analysing their response, Shankar et al., (2011, p. 50) cited a lack of coordination between fire services and other agencies with fire services reportedly slow to respond, and their equipment inadequate (Rabasa et al., 2009, p. 11). Delays in response can work in the terrorist's favour by prolonging the duration of the attack, thus creating more casualties, and more dramatic images to increase media interest (Urban Fire Forum, 2014), just as we saw in Mumbai. (Rabasa et al., 2009, p. 1-2). Evidence suggests that significantly more damage is caused by arson fires than ordinary fires (Sheppard, 2017, p. 46), therefore increasing the need for a quick knockdown. Potential delays in attacking the fire can occur due to concerns over scene safety and the threat of violence, the need for forced entry, or delays in arriving on the scene, with any large scale incident likely to cause traffic disruptions (US DHS, 2012, p. 7). In looking at the delays in firefighting due to the threat of violence we can again refer to those incidents of firefighter ambush in the U.S. Another ambush occurred in Oregon in 2018 and while fortunately no emergency responders were killed, it did delay the commencement of firefighting activities due to the ongoing threat. The original structure fire spread to three other homes with all four houses eventually burning down (Li, 2018). Similar scenes were seen after the Webster fire in 2012 where seven homes were destroyed due to firefighters being unable to protect these exposures due to the continued threat of gunfire (Regan & Santora 2012). While withdrawing from these types of scenes addresses the firearms risk, the risk to firefighter's safety is inversely affected with delays leading to fire growth and spread making for a more complex fire-fight. This also increases the risk to any victims who may be requiring rescue.

Resourcing

As fires or incidents grow in size they start to place pressure on emergency service resources. Despite the likelihood of complex coordinated attacks being lower in Australia (Zammit, 2017), lone-actor or small-cell terrorist attacks could still affect resourcing at an incident. The use of incendiary devices at multiple locations or a large bushfire can see the

need to split emergency services resources across multiple locations, leading to a risk of a delayed response or insufficient resources to tackle the threat, scale of the fire, or the number of casualties (Wood, 2017). At the height of the LaCrosse high-rise fire in Melbourne, almost 30 firefighting appliances and 122 personnel were on scene combating the fire (Metropolitan Fire and Emergency Services Board, 2014, p. 13). These are just the firefighting resources on the scene of one fire, with multiple other agencies also providing resources in support of the fire service at this incident. The 2019/2020 Australian bushfire season has been described as the state of New South Wales' busiest on record with the widespread bushfires not only straining fire service resources but also emergency call centre staff and the state's ambulance service who's call volume also dramatically increased (Fitzsimmons, 2019). With heavy call volumes and crews committed at multiple or large scale incident locations, it becomes difficult for the emergency services to provide the resources needed to combat a pyro-terrorism event, with this resourcing difficulty contributing to the delays discussed above.

Risks to Civilians

While traditional arson typically targets buildings and infrastructure, terrorist attacks often target civilians to leverage power. The use of fire as a weapon by terrorists can be indiscriminate, with burns, smoke inhalation, and other evacuation-related injuries leading to fatal outcomes. Fire can trap victims in an incident, it can cause confusion and hysteria and can kill without the violent actor having to make direct contact with the victims. In 2007, 68 people were killed on a train in India when timed incendiary devices detonated on-board (US DHS, 2012, p. 5). In September 2012, a dual-phase arson and armed attack on the U.S mission in Benghazi, Libya, contributed to the death of the U.S Ambassador by smoke-inhalation (Pfeifer, 2013, p. 6). The threat toxic smoke possesses can be further exemplified by the 1980 MGM Grand fire in Las Vegas. While not caused by arson, it resulted in 85 fatalities. Of these, 79 deaths were caused by either the smoke, carbon monoxide, or a combination of both (Clark County Nevada, n.d., VIII-4). For victims who are exposed to carbon monoxide a by-product of the combustion process, decreased oxygen levels can lead to disorientation, confusion, and panic (NSW Health, 2013) which can affect their decision-making and how they respond to the ongoing threat. The threat of ambush is not exclusive to emergency services either, with civilians ambushed during a terrorist attack in Nigeria on the 6th of July 2013 (GTD, 2019b). In this attack, a fire was ignited at a government school by members of the terrorist group Boko Haram. As staff and students fled the burning building, they were shot in an ambush resulting in 46 fatalities. Although occurring in different threat environments to that of Australia, these illustrate some of the risks that exist to civilians when fire is incorporated in single or dual-phase terrorist attacks.

ADDRESSING THE RISKS

Multi-agency strategies need to be developed before an attack occurs to plan ways to mitigate any life-threatening fire threat during an active violence situation such as a terrorist attack. In the event fire is used by terrorists, or other violent actors, fire services need to play a vital role during the decision-making process to combat the incident. Fire services can provide police and counter-terrorism leaders with expert knowledge on fire suppression, fire safety systems, and fire behaviour. Policy and procedures should be developed and put in place to allow agency commanders of all levels to respond appropriately to reduce delays in firefighting, and victim rescue, while addressing any active threat. The appropriate use of resources and considerations for potential multiple coordinated attacks should also play a part in this planning. The incidents discussed in this paper help to demonstrate that fire can be

applied as a weapon in a variety of ways; therefore any related policy should provide a level of flexibility for responders to adapt it to the situation they are faced with.

Within the Northern Virginia region of the USA police and fire agencies have come together looking at how to combat what they refer to as “active violence with fire incidents”(Northern Virginia High Threat Response Program, n.d.). Known as the Northern Virginia High Threat Response Program, work on developing a comprehensive Fire as a Weapon Incidents Database (FWID) has been carried out along with practical research into response strategies (Jernegan, 2021). This research has included activities such as training police in basic fire suppression operations as well as the use of equipment such as breathing apparatus and thermal imaging cameras for smoke-filled environments. They have also assessed the compatibility of firefighting equipment with police tactical vehicles, and how to use police ballistic equipment to protect firefighting vehicles. These research activities have allowed local agencies to begin exploring ways to integrate their response for pyro-terrorism or active violence with fire incidents in order to develop evidence-based policy.

Developing these relationships between emergency service agencies is important. Coordination between the emergency services is crucial to ensure that each agency’s strategic direction is consistent with that of the control agency. For terrorism events, the control agency will likely be the police. This cooperation and coordination needs to flow down to the tactical and operational level so those on the ground combating the event are acting with a unified approach providing the best possible response to these events. The strategic level of emergency service agencies set a direction for their organisation’s response and coordinates their agency’s resources. The strategic direction they stipulate is used by tactical level commanders closer to, or at the scene of, the incident to develop tactical plans in line with this direction. These tactical plans are then executed by the operational level commanders on the scene of a terrorist event (JESIP, n.d). The operational level is likely the first command structure enacted for an incident, initially conducting operations based on their agency’s policy and procedure at the time.

In addition to policy and procedure, equipment and training should be provided to frontline emergency services to better prepare them for an integrated response to these incidents. The scenes of Mumbai highlighted the extremely dynamic and high-threat situation that the emergency services may face, with some policing agencies in the U.S recognising that an ongoing armed threat at a pyro-terrorism attack may create an environment too unsafe for firefighters to enter. However, the equipment and expertise of firefighters are still required to combat these fires. In saying that, the fire condition at an incident can make it too unsafe for police, as was seen at a Freddy’s Fashion Mart fire. Police attempted to provide cover to firefighters who were working to control the fire and rescue the hostages. Eventually the heat and smoke forced the police to withdraw while firefighters continued further into structure without police protection (Atwater, 2012, p. 25). In answer to these difficulties agencies such as the LA County and San Bernardino County Sheriff’s Departments are now training their tactical operators in the basics of firefighting (San Bernardino County Sheriff SED, 2020) and obtaining the appropriate equipment to address fire as a weapon (L.A Sheriff Dept. SEB, 2020). This contributes to reducing the time it will take to access these fires, contain them, address any potential armed threat, and rescue victim who may be trapped.

The concept of SWARM units has been raised with the acronym standing for Syndicated, Water-enabled, Anti-siege, Response Matrix. These integrated teams of firefighters and police could be created for the purpose of rescuing hostages or threatened person’s in environments “that may include firearms, smoke, and fire, or explosives,”

(Newman, 2011, p. 43). To be successful these units would need to be on standby to provide a quick response to attacks. While this concept has merits through its ability to provide a higher level of expertise in response to fire as a weapon incidents, the low frequency of incidents would create difficulties for agencies to justify maintaining such a capability. In a position statement produced in 2014 by the Metropolitan Fire Chiefs Urban Fire Forum, Integrated Tactical Response Teams, formed by first responding resources similar to those developed for active shooter incidents were a recommended practice to improve capability for fire as a weapon incidents (Urban Fire Forum, 2014). Training for frontline emergency service responders should go beyond just how to respond to such events. Educating responders on early recognition of potential fire as a weapon incidents will help them to more swiftly identify the event and shape their response more appropriately. Being aware or recognising the potential of an ambush or unfolding pyro-terrorism attack could lead to earlier decision making, improving the response to an incident. This may then flow onto improved recovery due to a reduction in damage and fatalities.

CONCLUSION

The use of fire by terrorists further increases the risks faced by both innocent civilians and responding emergency services, requiring a coordinated response from agencies. Fire's simple application as a weapon in terrorist attacks presents unique challenges and calls for skills and capabilities that extend beyond what a traditional policing response can provide. The ability to deal with an armed threat in a fire or smoke-filled environment has challenged agencies and policymakers. While pyro-terrorism as a whole is a fairly rare tactic (Deshpande, 2009, p. 42) this paper has not tried to credit the likelihood of pyro-terrorism above any other form of terrorism but rather aimed to highlight its simplicity in use and the associated risks it generates.

Fire could be used by the home-grown jihadi, the right-wing extremist, or during environmental protest and action. Its use can aid in a plan of ambush or contribute to the complexities of siege situations. As was seen with the 2018 Melbourne terror attack and discussed in jihadi propaganda, the use of fire can grab news headlines and put extremist activities on the front page. In a time where terrorist groups are evolving and continuously trying to exploit vulnerabilities, it is important to understand that both the urban and rural environments are susceptible to the effects of pyro-terrorism, from bushfires to city high-rise fires. While bushfires will occur with or without terrorism, the targeting of urban environments is of great concern. Densely populated areas and fire behaviour within structures lead to extreme dangers for the civilian population and emergency service responders. The incidents discussed from across the world are examples of these added complexities of pyro-terrorism with Australia not immune. Pyro-terrorism should be part of current counter-terrorism discussions and planning to ensure agencies are developing a strategy to adequately respond to these events. Considering the amount of pyro-terrorism propaganda circulated and attacks that have been carried out by jihadist and right-wing actors, Sheppard's argument for more research in this area is valid. The significant appeal and consequence of pyro-terrorism warrant further study (Deshpande, 2009, p. 37) and with the current literature on pyro-terrorism leaning towards the bushfire threat, it is hoped this paper will encourage further discussion about the urban environment. The use of fire as a component of single or dual phase attacks must be further recognised, researched, and understood if it is to be effectively countered.

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Criminal Justice System Capacity Building: Lessons from a Longitudinal Training Project in Guyana

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ABSTRACT

By drawing on two data sets— a performance monitoring plan and an outcome-based evaluation— generated over five years, this article describes training practices developed within a criminal justice system capacity building project in Guyana. The key stakeholders the project included members of the police force, including crime scene and police investigators, police prosecutors and public prosecutors, staff of the forensic labs, magistrates, and judges. The training sessions were led by international subject matter experts in a multidisciplinary and cross-sectional environment. Analysis of the data with reference to program's guiding educational principles, reveals the following positive factors of the trainings: recognition of co-constructed knowledge within a learning community, cross-sector training, and ongoing workplace support. The article showcases some of training practices and offers strategies for further development of high-impact educational programs for criminal justice system. The authors argue that such training programs need to be dynamic, collaborative, responsive, iterative, and embedded in the enabling environment of a community of practice.

Key Words: Program design, International development, Police education, Capacity building, Community of practice, Professional learning communities

INTRODUCTION

This article examines training practices developed for a criminal justice system capacity building project in Guyana developed by Justice Education Society (JES) and delivered from 2015 to 2020. JES is a Canadian-based organization that creates and delivers training programs to the justice sector across Central and South America. By offering the training events as stages towards creating a professional learning community (DuFour & DuFour, 2013) the programs introduce new skills and behaviours in established communities of practice (Lave & Wenger, 1991). Given that training programs are embedded within a broader system of capacity building projects, they also enhance trainees' potential to influence other actors in the system through their actions and relationships.

The training practices described in this article were developed within a longitudinal training program in the justice sector, carried out through an international cooperation project. The data presented in this article were generated using 1) a performance monitoring plan and, 2) an outcome-based evaluation which gleaned the outcomes and probed to understand which activities and outputs contributed to the outcomes. Combining these two complimentary evaluation frameworks allowed us to generate multilayered data from a complex training environment and understand the impact of the training program on the Guyanese criminal justice sector. This article will unfold as follows: First, we provide a background to the project

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and discuss previous research on the principles of criminal justice sector training, we follow by outlining the conceptual framework that guided the development of training programs offered by JES as well as evaluation and analytical frameworks. Finally, we outline the main findings and elaborate on some practical recommendations.

BACKGROUND

Guyana is a South American country bordering Venezuela, Suriname, and Brazil. In recent years it has seen a significant increase in violent crime, murder, armed robbery, and sexual violence. The criminal justice system in Guyana is generally underfunded, under-resourced and therefore faces significant challenges. Despite the fact that nearly one in four Guyanese consider crime to be a pressing issue in their country (Sutton & Baxter, 2017), public trust in policing and justice agencies is low, as are conviction rates.

In 2015, JES began working in Guyana with key actors in the criminal justice system to build individual and organizational agency and support changes in capacity, behaviours, and relationships aimed at strengthening the integrity and responsiveness of Guyana's criminal justice system.² An initial needs diagnostic (Hicks, 2015) illuminated the need for improvements within the police investigative units and among police prosecutors. These included a generally low quality of police investigations, as well as a low level of trust and confidence between institutions within the system and in the public. Moreover, the working culture did not seem to encourage or reward creative thinking and the acquisition of new practices. While identifying these areas of improvement, the diagnostic also highlighted the potential of the existing knowledge system. The project had two main objectives:

1. Strengthen the Guyanese criminal justice system by improving the investigation of crime and crime scenes, case preparation, and trial advocacy, and ensuring media and public support for justice system reform.
2. Develop the capacity of the Guyanese criminal justice system to collect and effectively digital evidence recorded at a crime scene.

The principal challenge faced by JES has been to ensure that a systemic change in the working culture – both on the individual and organizational levels – would be sustained after completion of the project. Mainly, the project aimed to address deficiencies within the criminal justice system in Guyana by building local capacity for the securing, managing, presenting and evaluating of evidence. Furthermore, our project aimed to foster organizational transformation as well as individual behavioural change. Specifically, the project focused on building the technical capacities of all parts of the criminal justice system (police, prosecution and the judiciary) to work with criminal evidence according to international standards. It also sought to establish the collective culture and innovative partnerships needed to provide a systemic response to violence and criminality, including public education and media sensitization, to ensure public confidence and support.

CRIMINAL JUSTICE SECTOR TRAINING AND INTERVENTIONS

Criminal justice sector interventions often include (re)training of police, prosecutors and judges. Globally, we are seeing a shift towards more systemic approaches to training, rooted in theories of adult learning (McCay, 2011; McCoy, 2006), student-centered instruction (Birzer, 2004), and cross-sector learning or learning in partnership (Hoyle & Emslie, 2010). It

²Funded by the Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State.

has been noted, however, that regardless of their geographical location, police training and education programs often face similar challenges, particularly related to their design and delivery (Cordner & Shain, 2011).

Some countries meet the challenge of developing impactful training programs by involving different agencies in curriculum creation. In Brazil, for example, police academies are increasingly partnering with universities and other post-secondary institutions to encourage cross-sectional dialogue and facilitate joint training sessions (Rogério Lino, 2004). Similar interventions can be found in the EU, the USA, India and other countries (Paterson, 2011), which point to possible benefits in the design of training programs. In some countries, training recognizes and promotes lifelong learning culture. A study conducted in Poland with the police (Kordaczuk-Wąs & Sosnowski, 2011), suggests that in-service training is often welcomed by the officers. Notably, the authors highlight the role of nonpolice institutions in the delivery of trainings, “since specific fields of activity may require specialist knowledge acquired by professionals dealing with particular issues, e.g. domestic violence, preparation of prevention programmes or communication with the media” (p. 321). At the same time, the authors note that the many officers do not have opportunities to engage with nonpolice agencies in their self-development. Similarly, in Croatia, there is a growing recognition of the value brought on by the continuous professional development (Veic & Cajner Mraovic, 2004). Notably, much of the educational restricting work in Croatia is done with the international cooperation and assistance programs.

However, as noted by Kratcoski (2004) there is still a need of comparative international perspectives on delivery of such training programs, allowing for exchange of knowledge and experience. Moreover, more research is needed in the assessment of the effectiveness of such trainings and sharing of promising practices.

TRAINING AS A SITUATED PRACTICE

We conceptualize training as a situated practice through which learners and facilitators mutually enrich one another. Thus, the objective of our training program was not only to share knowledge and practical skills, but to facilitate creation of a community of practice (Lave, 2019; Lave & Wenger, 1991; Wenger, 1998; Wenger, McDermott, Snyder, 2002). In addition, we pose that adults are especially receptive to learning within professional learning communities because their rich lived professional experiences are recognized throughout the training process. In professional learning communities peers engage with peers in deep reflection on an issue, question or dilemma and “learn deeply . . . to develop shared meaning, and identify shared purposes related to the topic” (Hord, 2009, p. 41).

Originating from the seminal work of Jean Lave and Etienne Wenger (1991), the notion of communities of practice has firmly established itself in the research and implementation of professional development³. Lave and Wenger pose that learning is not simply situated in knowledge and practice confined to the traditional classroom but is more so a “generative social practice in the lived in-world” (p. 35). In other words, when engaged in a dynamic and social process of learning, individuals move from the periphery of their community of practice to its centre “gaining access to sources of understanding through growing engagement (p. 37).” Thus, learning within a community of practice results in people “deepen[ing] their knowledge

³For some interdisciplinary examples see Akerson, Cullen, & Hanson, 2009; El-Hani & Greca, 2013; Wilding, Curtin, & Whiteford, 2012.

and expertise in [one] area by interacting on an ongoing basis” (Wenger, McDermott, Snyder, 2002, p.4).

A community of practice is characterized by the “mutual engagement of participants” (Wenger, 1998, p. 73) where the meaning and purpose of actions are negotiated between the members of the community. Wenger (1998) specifically differentiates mutual engagement and such common teaching techniques as teamwork or collaborative exercises. He specifies that mutual engagement is grounded both in challenges of misunderstanding and opportunities for understanding, as well as in the differences and similarities between diverse members of the community. A community of practice is also characterized by “a negotiation of joint enterprise” (Wenger, 1998, p. 77), which reflects and enables the mutual engagement described earlier. Negotiation of joint enterprise does not always equate agreement, but it is crucial for sustaining communal cohesion. It is important to note here that the finalized enterprise should be understood as a “local collective creation of a community” (p. 80). In other words, diverse members of the community have an opportunity to voice their opinions and establish “a regime of mutual accountability” (p. 81) where each member understands that their role and purpose is to sustain the community itself.

Finally, a community of practice develops a “shared repertoire” (Wenger, 1998, p. 82) to make and negotiate meaning within the group. Grounded in the historical sustainability of the community as well as recognising the dynamic state whereby newcomers move to the centre due to the affordances of legitimate peripheral participation, shared repertoire serves as a resource for both mutual engagement and negotiation of shared enterprise. In describing the role of shared repertoire, Wenger specifically highlights that misunderstandings “are not merely problems to solve, but occasion for production of new meanings” (p.84). Thus, challenges are seen as productive moments of growth and not obstacles in the way of community’s evolution. Seeing our training interventions as unfolding within a specific community of practice, we sought to understand how different actors in the justice system experience professional development training. In other words, community of practice framework allowed for a broad and holistic analysis of training projects.

EVALUATION METHODOLOGY

The data were generated using a performance monitoring plan (PMP) with annual and end-of-project targets and results anticipated for key performance indicators and outcome harvesting (Wilson-Grau, 2018; Wilson-Grau, Britt, 2012) used to first ‘harvest’ the outcomes and then determine whether the project contributed to these changes. Combination of these two complimentary evaluation frameworks allowed us to generate multilayered data within a complex training environment as well as understand what impact it was making within Guyanese communities of practice.

Project evaluations were conducted in 2018, 2019 and 2020⁴. The monitoring and evaluation of the training project was based on principles of Developmental Evaluation. Patton (2006; 2010) describes Developmental Evaluation as an evaluative approach that facilitates ongoing reflection and that supports co-creation of learning and adaptation. Within this

⁴The 2018, 2019 annual evaluations were external, independent exercises; the 2020 evaluation was an internal extension of this process, which has strengthened the evaluation capacity and thinking culture of the team, prioritizing learning and adaptive management in a participatory and systematic way.

evaluation framework, continuous evaluative exercises provide real-time (or close to real-time) feedback for the programme staff, highlights emerging findings, supports programmatic learning and documents programme adaptations and rationale for changes.

In 2018 we adopted an outcome-focused approach, which combined elements of outcome mapping and outcome harvesting to capture both planned and unexpected results and identify links between the activities and outcomes of the project. Following this, the Mid-term Outcome Evaluation continued to build on the outcomes harvested by using the Outcome Harvesting steps to review documentation, distill and classify outcomes harvested, engage with key stakeholders to substantiate outcomes, and to analyze and interpret these outcomes.

Throughout 2019, project staff and subject matter experts identified and recorded outcomes in an outcome harvesting spreadsheet-based database. Outcomes were identified from public sources, personal interactions with partner institutions, subject matter expert reports and other sources. During the February 2020 evaluation trip to Guyana, the project team conducted 13 interviews and 2 focus group discussions. To facilitate discussions, interview participants were asked to reflect on what changed for them individually since January 2019 and what changes were most significant; what changed institutionally and what change was most significant; and what gaps they can still see. From these transcribed interactions, the project manager then identified and recorded additional outcomes that were added to the outcomes database. Approximately 240 outcomes were recorded for the period between January 1, 2019 and March 31, 2020.

All interactions with research participants of the evaluation were audio/video-recorded; JES team also took notes during evaluation sessions. Each participant received a consent form informing participants that their participation is voluntary and outlining the purposes of the evaluation and how its results will be used. Through the use of the consent form, JES obtained permission to record from each participant. The data were analysed and categorized thematically (Braun & Clarke, 2006) according to three categories. The first category identified area of project intervention relating to a particular stage of the criminal justice process. The second category related to a particular progress marker, which had been developed by the project for each stakeholder group. The final category highlighted whether the progress was institutional, individual, or whether it was not accomplished. In order to maintain reciprocity with the stakeholders, the progress markers were validated by magistrates and interview participants. Based on the thematic analysis and categorizations, outcomes were summarized into broader, key results supporting project objectives and organized by areas of project interventions. Some outcomes represented success factors – intermediate outcomes that in turn supported achievement of objectives. Other outcomes were negative and were included as challenges still affecting the criminal justice system.

An inherent limitation of the outcome harvesting methodology is that it captures only those outcomes that are clear and evident to a specific research participant (Wilson-Grau & Britt, 2012). The evaluation team attempted to mitigate this limitation by inviting a diverse group of stakeholders to participate in evaluation activities, as well as corroborating the data with that collected throughout the year and stored in the outcome harvesting database. While there was dialogue and sensemaking during the interview and focus group discussion, the main recording and final summarization and interpretation of outcomes was primarily done by a single person (project manager), who also wrote the report. This is a result of resource/staffing limitations. To confirm validity of the analysis, two project team members (Project Director and Country Representative) read and provided feedback on the initial research findings.

FINDINGS

The monitoring and evaluation process allowed the research team to identify intermediate outcomes, which supported achievement of the project's objectives. As a full discussion of these outcomes is beyond the scope of this paper, we focus, instead, on the skills and knowledge that sustained one of the communities of practice. The evaluation of this project not only highlighted the processes within a community of practice of Guyanese criminal justice system practitioners, but also illuminated the impact of training on moving the community towards a new pattern of effectiveness over the course of the five years that the training took place.

The various actors in the criminal justice system formed a community of practice that contributed to the improvement of the overall quality of major crime investigations. These changes reflect the notion of mutual engagement posed by Wenger (1998) as one of the characteristics of a community of practice. As members of the community of practice, different stakeholders sustained mutual accountability in investigations. Prior to the project, criminal files were not consistently sent to the office of the Director of Public Prosecutions for legal advice, which contributed to a lack of accountability. To address this, JES experts stressed the importance of having legal advice prior to submitting criminal files. As a result, more crime files were sent to the office of Director of Public Prosecution for legal advice. In the words of one trainee: *"we have been pushing to have legal advice in all criminal files . . . all crime files before we institute charges."*

In addition, lack of cooperation between police units undermined mutual accountability. As such, training facilitated some practices that otherwise would not have taken place. One of the trainees commented that prior to the training investigators were *"doing their work in isolation from the crime scene ranks"* and there was lack of cooperation *"between the investigator as in what type of evidence the crime scene person would have recovered at the scene and how valued that evidence could be."* He noted that the collaborative training yielded more cooperation in the field and that as a result, they *"see much more success, since from those training."*

Change of any kind has an inherent element of risk to it, which often makes following established practices a more attractive option than attempting new ways of doing things. With that in mind, it was illuminating to see how stakeholders engaged in the negotiation of their joint enterprise. Arguably, one of the best examples of this that also legitimized peripheral participation can be seen in a comment one of the supervisors made regarding what advice they would give to a struggling colleague:

He needs to interact with the subordinates, he needs to build a relationship with them, he also needs to listen, [...] understand what is their defaults, what is their strength, what is their weakness and try to build them up in those capacity. Also, he needs to implement a feedback system and delegate and he needs to be in the know of the investigation, not just be the boss, he needs to be the leader, he needs to be in the know. Only so that he can get the day to day briefing of each investigation, he can be a part of that, and only that way he can achieve to being of the standard of that other investigator.

Further examples came from seeing early adopters of new practices demonstrating them to their subordinates and convincing their superiors that these new methods would bring results. A trained participant commented that *"we had to satisfy [...] our superiors, to get their buy-in. [...] [the] boss has certain concerns: "Are the crime scene being properly processed or if this*

being handled properly? [...] So when we're done, from the way how we would do our work - those that were trained by JES, - that would have reassured our heads in the way how we're doing our work." Furthermore, because they had been jointly negotiated by the community of practice, the new methods were received positively, while old approaches were sometimes rejected. However, this was not always the case, as the professional community was only beginning to develop a joint set of practices. Consider this example from practice shared by one of the trainees:

I was quite impressed with the prosecutor [who had JES training]. However, she asked to prosecute in Courts in the outlying district, it therefore meant that another prosecutor was asked to come to be the [...] prosecutor. This prosecutor has not been exposed to JES training so there is that gap; so, where as I found in the case of the first prosecutor, she was able to stand her ground when defense council meet certain objections and be able to deal readily with the evidence very eloquently. With this new prosecutor—no fault of hers—she has encountered tremendous difficulty in being able to engage meaningfully with the defense counsel.

Overall, due to legitimate peripheral participation of the trained members of the community of practice, more and more members of the Guyanese criminal justice system became convinced of the value of the new methods promoted by the project. We found that an increasing number of Guyanese criminal justice system members began developing a shared repertoire. Having a common repertoire has the potential to sustain what Wenger (1998) calls the continuity of the community of practice. In this project, the repertoire was established through shared practices such as note-taking, statement-writing, court testimony by police, identification and collection of evidence, as well as documentation of crime scenes. For example, one of the trainees explained in an interview: *"The most significant change I have seen in our investigative process for last year would have been a more proactive, thorough and a more structured way in which we approach our investigations."* Moreover, the research team observed improvement of police teams' ability to complete investigations and supervise subordinates. The evaluation also identified a significant increase in the shared practice of video-recording police interviews of suspects and the use of CCTV footage in investigations. These instances demonstrate the value of collaboration when working toward a common goal. Although the training activities contributed to positive changes in the criminal justice system, it is important to note that these positive outcomes were enabled and reinforced institutionally within the Guyana Police Force. Had it not been for the establishment of a professional learning community across judicial sectors, these change may not have been possible.

DISCUSSION

Due to the fact that criminal justice systems operate with a diverse range of stakeholders, understanding of multiple stakeholders' roles, responsibilities, and training needs was essential to the project's goals. The key stakeholders the project included members of the police force, including crime scene and police investigators, police prosecutors and public prosecutors, staff of the forensic labs, magistrates, and judges. From within the police force, JES selected key opinion leaders⁵. These leaders participated in further professional development offer coaching to their peers and supervisors in the Guyana Police Force.

⁵ We use the term Key Opinion Leaders to describe an interaction between the community (in this case coaching and mentoring the peers) and influencing/advising superiors.

The diversity of stakeholders necessitated that training engaged professionals from each sector in the same learning environment. We used a variety of teaching methods and formats that not only imparted skills and knowledge, but also encouraged the application of creative problem solving and critical thinking skills beyond the classroom walls. We elaborate on the promising practices of the training design in this section.

Dynamic and iterative course development

The training formats included classroom presentations by experienced international subject matter experts and local trainers on a new approach used in their field the use of forensic evidence, video evidence, major case management, trial management . In addition, the trainers implemented dynamic and interactive exercises to help each participant understand the information and skills necessitated by the introduced approach. Most of the curricula used a scenario-based learning approach relying on Guyanese cases, a method that has been successful in engaging investigators, police prosecutors and magistrates in Guyana. All training incorporated iterative design (Francis, 2009) by drawing on feedback from participants and tailoring the presentations to recognise local needs. The research team observed that iterative course design enabled the subject matter experts and local trainers to gauge the learners' interest and recognize their identity as valuable members of the community of practice.

Collaboration and attention to learners' needs

The subject matter experts that delivered the training came to know the participants. In addition, they gained insight into the specific challenges and issues present in the justice sector in Guyana, which helped inform their teaching. As a result, each expert was able to design their syllabus to reflect relevant issues. Additionally, they incorporated ongoing coaching into their course, adapting their instruction as local circumstances changed. Each subject matter expert made themselves available online or by phone when not in Guyana. Relationships built in this manner proved to be important for the participants, as one explained, “[W]e would not be able to retain everything at one time. So that’s why I call [one of the project SMEs] and let him remind me again how to proceed at the scene. . . . he is always available.”

The project encouraged collaboration within the Guyanese justice sector which created shared commitment to a common vision for strengthening the criminal justice system. To facilitate this, much of the programming took place in a multidisciplinary environment where participants from other fields and agencies were present. We anticipated that the participants would better understand the new methods being discussed and could respond more knowledgeably when they encountered that new skill. To illustrate, training sessions on forensic video evidence were offered to forensic video analysts, major crime investigators, crime scene technicians, police prosecutors, magistrates and judges jointly. Having a cross section of disciplines and expertise in the room enabled interdepartmental conversations. During these sessions, stakeholders discussed the technology, the extraction process and processing stages as well as the procedure necessary to bring the evidence before the court. As a result, participants were able to fill in knowledge gaps and the role of each stakeholder was better understood. These findings echo research on workplace participatory practices which recognizes learning as negotiated between multiple actors (Billet, 2004; Billett, Barker, Hernon-Tinning, 2004) and argues that organizations need to promote co-participation to sustain active learning in the workplace (Billet, 2001). The participants of our project responded positively to a cooperative multi-disciplinary environment. For example, according to the interviews, investigators trained through this process now enter a crime scene more aware of the need to be cautious not to disturb the scene until it has been processed by a technician. In addition, this training approach has assisted police prosecutors and magistrates to better

understand hearsay evidence and continuity of evidence, and to apply this knowledge more effectively in court proceedings. In the words of one of the participants (a police prosecutor):

[Cross-training made] it easier for the prosecutors in court because we are on the same wavelength, we see through the same lens. Sometimes you know, the lawyers who are not that fortunate to get this training, they would keep objecting to certain things and the magistrate would say, oh no this is it. And that's the way it is.

We observed that pathways of change evolve from a positive initial reaction and enthusiasm for embracing new skills and learning, to the consistent application of skills while also championing the methods in the workplace, with the external partners and members of the public. In order to sustain progress, all the actors in the interlinked judicial system need to understand the importance of the new skills they have learned and consistently apply them. The quote above highlights the importance of the cross-sectional training and reminds us of the fundamental goal of the project – the systemic change of the working practices. Having participated in the trainings, different stakeholders were able to work together more effectively due to applying the “same lens” to an issue at hand.

Development of an enabling environment

An important component of the sustainable training model was our emphasis on collaboration among the various units and disciplines involved in the investigation and prosecution process. To ensure application of the new learning across the policing community, instructors identified individuals in each discipline who demonstrated an ability and talent to assume a training role within their group. These local trainers were expected to champion that new skill area and be available to provide information and serve as a local subject matter expert within their units. In this way, they provided motivation for colleagues to adopt these new approaches as best practices and contribute to overcoming an observed culture of mediocrity that prevailed at the time. Further, specific leadership training was offered to those local trainers who had potential to act as key opinion leaders⁶ (KOL). Beginning in 2017, the KOL program emphasised the importance of continuous self-development and provided opportunities for participants to demonstrate leadership within the scope of their authority, including how to build strong relationships with peers, superiors and subordinates, with a focus on working to develop trust and confidence. The KOL training had a great impact on ensuring the sustainability for the program. For example, during two two-day seminars in April 2018, the trained local trainers presented on a range of subject areas to over 50 subordinate detective officers, divisional detective officers, and head prosecutors from each policing division. The police prosecutors generally agreed that training the trainers had made a difference. In the words of one participant: “*[The training] . . . really helped me. So, I was able to understand what was expected of me at the other side of the room being the trainer. So, it built a certain amount of confidence as trainer.*” The research interviews demonstrate that as the trained participants moved into supervisory roles, there was a greater chance that the learning would be sustained and become entrenched. To support this transition the JES team and subject matter experts held regular round table sessions with the senior management of the Guyana police force to review recommendations resulting from the project. These sessions presented an opportunity to acknowledge areas of success and progress and to raise concerns that required

⁶ Note that key opinion leaders do not simply provide mentoring to their peers but are seen as leaders and influencers in their own sphere of influence.

attention within the community of practice. We elaborate on the importance of creating a community of practice through training below.

CONCLUSION

Training activities of the project sought to create a professional learning community (as conceptualized by DuFour & Eaker, 1998; Hord, 2009; Harris & Jones 2010) in which the experience was comprised of both a social practice and an educational program. To achieve this, a collaborative approach to project implementation and training delivery was implemented. It helped to more fully understand the context and systems within which the project was working, and to champion an adaptive management approach. Similar to the community of practice, professional learning communities value diverse levels of participation through peer support and mentoring. The project identified improved accountability as a key factor contributing to improvements in the quality of major crime investigations. From its early stages, the project focused on building the capacity of local leaders, which contributed to the early adoption of new practices among a group of trained individuals. This was also possible due to inclusion of participants from across the criminal justice sector in the same training activities, leading to better understanding of each other's roles and fosters better working relationships. Participants noted that this contributed to stakeholders holding each other accountable for implementing new practices.

Despite the objectives of the project being to develop skills, encourage cross fertilization within the police and between the stakeholders, there were some unexpected results such as development of a cadre of leaders, beyond mentors who became change makers. This, we argue, stems from the promising practices discussed earlier in this article. The evaluation interviews at the end of each training term confirmed that participants believed they had benefitted from the teaching methods we used. We also observed that the participants embraced the skills training with enthusiasm. Moreover, several recommended broadening the training to include new recruits, other units, and other supervisory levels. We argue that international training programs for professional learners need to be dynamic, collaborative, responsive, iterative, and embedded in the enabling environment of a community of practice. Working within a community of practice model ensures that the training program understands the larger context, including how the system works, the role of various actors within the system, motivating factors, the capacity of individuals, and so on in order to best approach and foster change. Moving forward, senior management in a similar multidisciplinary institutional situation needs to prioritize continuing education and training programs for all ranks so the cultural shift toward improved supervisory and investigative processes can be sustained.

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Appendix

The key stakeholders for whom the project sought to support and influence change in were:

- Police Commissioner and Deputy Commissioners: manage the police force.
- Crime scene investigators: collect and process evidence at a crime scene, specialize in forensic evidence. (Not including forensic video evidence)
- Police investigators: direct crime investigations, manage the files and provide their files for the prosecutors.
- Police interviewers: a subset of investigators, trained specifically for interview skills (with and without video recordings).
- Police prosecutors: Prosecute cases at Magistrates court. They are not legally trained; they have other regular police duties. ECAP Police Prosecutors are senior prosecutors dealing with the most serious offences and are housed at the DPP chamber.
- Key Opinion Leaders: JES selected trainers who have participated in further professional development and provide training and coaching to peers and supervisors in the GPF
- Prosecutors at the Office of the Director of Public Prosecution: Prosecute cases at High Court and Court of Appeal; legally trained lawyers.
- Guyana Forensic Science Lab: Managed under Ministry of Public Security and staffed by civilians. Broader client base.
- GPF Forensic Lab: Managed under the GPF and staffed by police. This is referred to as the 'crime lab'.
- Forensic video analysts: Trained police experts who extract video and process it to use as evidence in court.
- Magistrates: lower court judges, make decisions in civil matters, criminal summary matters and adjudicate at preliminary hearings as to whether a case goes to trial at High Court.
- High Court Judges: Supreme Court; make decisions in civil and criminal indictable matters.
- Chancellor: head of entire Judiciary for Guyana and Appeal Court Justice.
- Guyana Police Force Public Relations Office: Office of GPF that is responsible for police public relations.
- Media: Media reporters who report on court cases.

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The role of detection avoidance behaviour in solving Australian homicides

Amber McKinley¹ and Claire Ferguson

ABSTRACT

Detection avoidance (DA) behaviours include removing evidence, manipulating bodies, and offenders protecting their identity, and staging the scene. There is a dearth of research on DA and its impact on homicide investigations. This study examines the role of DA in solving homicides in Victoria, Australia. It explores DA tactics used by offenders in 116 unsolved homicides, compares them to 35 solved homicides, and proposes a framework for their potential effect on solvability factors. The framework suggests that detection avoidance maps on to several solvability factors in complex ways, potentially complicating police investigations in a manner different to that anticipated. Future research is recommended.

Key Words: Australian homicide, Homicide solvability, Clearance rates, Detection avoidance.

INTRODUCTION

Homicides are rare in Australia and 10.5% are unsolved (Bricknell, 2019). This research is one of the first discussions of whether specific offender behaviour – detection avoidance – has the potential to impact solvability factors. Detection avoidance (DA) is when an offender attempts to hide, destroy or manipulate evidence to avoid detection and apprehension (Beauregard & Bouchard, 2010; Beauregard & Martineau, 2012, 2014). Extant literature on DA indicates that these behaviours most likely occur in homicides where victims and offenders are acquainted, when solvability factors would otherwise be present (Ferguson, 2015a; Schlesinger Gardenier, Jarvis, & Sheehan-Cook, 2012). This study explores the impact of offender DA behaviours on homicide solvability. It aims to unpack whether offender behaviour affects solvability in Australian homicides, and if so, how.

Australia's National Homicide Monitoring Program (NHMP) have collected since 1989, the most recent data (2015-2016) reveals approximately 264 incidents per annum; a rate of 0.9 per 100,000 with 10.5% remaining unsolved (Bryant & Bricknell, 2017).

Homicide solvability in Australia

Many factors influence police responses to homicide, which are unique to each community. These include rates of occurrence of known solvability factors, investigative procedures, case closure policies, and proactive efforts by police to prevent homicide. Solvability factors are elements discovered within the crime event that help investigators to identify the perpetrator and clear the case. These factors include (Geberth, 2015, McKinley, 2015):

- Suspect(s) can be identified, even if unknown to the victim
- Suspect(s) are known to the victim;
- Suspect's vehicle can be described and identified;
- A modus operandi is present which fits an established crime pattern;
- Suspect(s) have specific knowledge of crime scene
- The presence of physical evidence; and

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- Belief that the crime may be solved with publicity or additional investigative effort.

While these factors appear within Australia and internationally, little empirical work has been done here in the last 20 years. Additionally, little research relating to homicide solvability in Australia or elsewhere mentions the fact that perpetrators actively thwart investigative efforts through DA.

Internationally, two theories of homicide solvability have been proposed to explain why some homicides remain unsolved. The discretionary perspective maintains that whether a homicide is cleared depends on the victim's characteristics and the crime location, where detectives use their discretion to preference cases involving victims whose class, race, sex, and age make them worthy of persistence (Carter & Carter, 2016; Riedel, 2008). The non-discretionary theory, conversely, holds that public and organizational pressure leads investigators to work equally on all homicide cases (Riedel, 2008). Though there is modest support for both theories, studies have found that non-discretionary factors, like physical evidence and cooperativeness of witnesses affect solve rates more significantly, at least in the USA (Bynum, Cordner, & Green, 1982; Carter & Carter, 2016; Roberts, 2007).

Literature related to investigator discretion in Australia has only examined police interaction with Indigenous people, family and domestic violence reports, and people living with mental illness, not homicide (Godfredson, Ogloff, Thomas & Luebbers, 2010; Parker & Sarre, 2008; Scott & Jobes, 2007). Therefore, little can be said about police discretion and homicide solvability in Australia.

Research that is available in Australia suggests the process of solving a homicide is extremely complex (McKinley, 2015). Solvability has been directly related to systemic factors like police training, education, management styles, and budget restrictions (Geberth, 2015; McKinley, 2015). There are a multitude of other factors outside of police institutions impacting solvability such as bystander interaction, conditions of or at the crime scene (before to police attendance) and, we propose, DA behaviours of offenders (Beauregard & Field, 2008; Ferguson, 2015b). When the perpetrator alters the crime scene, interferes with evidence or disposes of the body to avoid detection, known solvability factors may be affected, and efforts to clear the case compromised (Ferguson & Pooley, 2019; McKinley, 2015).

Detection Avoidance in Homicide

DA behaviours have also been referred to as countermeasures, forensic awareness, precautionary acts and adaptive behaviours in the criminology and forensic psychology literature (Neimeyer, Pepper, & Salfati, 2008; Turvey, 2012). Though many offenders would prefer to avoid detection, only a few authors have examined how countermeasures are employed by offenders and the impacts on solvability. The existing limited literature tentatively proposes: 1) different DA behaviours are used by different types of offenders; 2) countermeasures increase in number and sophistication when victims and offenders have a previous relationship; 3) the number of offenders using DA is increasing; and 4) these efforts are detrimental to investigating and prosecuting homicides.

Literature examining DA in general is scarce, and only a few studies focus on homicide. behaviour in 2008, Neimeyer, Pepper and Salfati examined 85 solved serial homicide cases involving 17 offenders. In this sample, less than 20% of offenders used 'adaptive behaviours' to avoid detection. Brown and Keppel (2012) studied 347 child homicides from the USA and found about half (52.7%) employed countermeasures.

Beauregard and Martineau (2014) examined 350 Canadian solved and unsolved sexual homicides, measuring 16 different aspects of DA. They determined that 45.7% (n = 160) of all murderers sampled carried out at least one DA strategy, and 81% had selected their victims at random (i.e. stranger homicides). Of the total sample, 30.6% destroyed evidence, 11.1% disposed of the victim's body, 4.3% protected their identity, 11.4% acted on the victim or environment (by locking the victim in, for example), 0.9% staged the crime scene, and 12% used other precautions, such as securing an alibi or using a look-out. Precautions in particular were more likely to be found in solved than unsolved cases. However, generally speaking the literature shows that where DA is present, the case has a higher chance of remaining unsolved. The present study will address the shortfall of information relating to DA homicide solvability in Australia.

METHODOLOGY

This analysis explored whether DA affects homicide solvability in Australia, and if so, how? A sample of unsolved homicides from a publicly available database was compared to a sample of solved cases from the same area and approximate period. For unsolved cases, publicly available data offered the best potential for estimating DA behaviours due to its availability and standardised collection. While official documents would likely provide more qualitative detail, official data on unsolved homicides in Australia is difficult to access due to the lack of central or state-wide databases containing details on DA, and police confidentiality. To avoid these difficulties and maximise the sample of unsolved cases, a database compiled by an Australian media outlet was used. The database was accessed free online, with additional details available by paid subscription. The database contained details of 137 unsolved homicide cases from the state of Victoria, spanning from 1975 to 2016. Each case contained incident level data, including: victim(s) name(s), suburb, date of homicide or disappearance, age of the victim(s), sex, street, council, post code, cause of death, a summary of facts, latest investigative development, lines of inquiry, map, and links to additional resources.

Each one of the 137 cases was examined to determine whether they were unsolved as of November 2019. Unsolved cases were defined as those where a conviction for murder or another charge had not been achieved. Cases involving arrests but no charges, charges being dropped, acquittals, or suspects being deceased and never convicted were included because they remain 'on the books' for police purposes and may evidence particular DA behaviours which prevented a conviction being achieved despite a suspect being known.

A group of solved cases was sampled and analysed for comparison to the unsolved cases. Summaries from court decisions, sentencing documents and appeal documents were gathered from the Victorian case law section of the legal database Austlii. This section was searched using the term "murder", and 3089 results were returned. Cases were assessed to determine if they involved a homicide and contained a summary of facts.

The first 35 cases that were completed homicides and involved a conviction for murder or manslaughter were included in the comparison sample. Duplicate cases and those involving a charge of inciting murder or attempted murder were not included, but those involving both trials and guilty pleas were included.

Procedure

After 137 unsolved and 35 solved cases were identified for the sample, case summaries from each of the databases were assessed to determine whether and which DA behaviours were

present, for example: the body being dumped somewhere or the victim's car being set on fire. As per the literature (Beauregard & Martineau, 2014; Brown & Keppel, 2012; Pepper & Salfati, 2008) the DA behaviours coders considered: homicide planning (such as when offenders laid in wait and executed the victim), manipulation of the victim's body (for example disposing of, hiding or covering the body), destruction of evidence (such as cleaning up or arson), acting on the victim or environment (tying the victim up, locking them in, disabling phones), offender protecting their identity (wearing a disguise, gloves or using a condom), staging the crime scene (manipulating the scene, for example making a homicide appear as a suicide), verbal staging (disposing of the victim's body and reporting them missing), using other precautions (for example securing an alibi), abducting the victim, and suspect(s) leaving the country. Additional information on unsolved cases was sought from other publicly available sources such as detailed coronial inquest findings and media articles, where necessary.

RESULTS

Descriptive Findings

Summaries of 137 unsolved homicides were examined and descriptive analyses completed. Unsolved cases are compared to solved cases in the following section. Upon initial analysis, all 137 cases were unsolved as per the definition: where a conviction for murder or another charge related to the death had not been achieved. However, 21 cases were removed because homicide could not be established. In all of the 21 cases removed, the victim's body had never been found and a lack of other evidence meant it could not be determined that they were killed by someone else. Cases where the victim's body was not recovered but other evidence led to coroners deeming the death as a homicide remained in the sample. After no body, suspicious disappearances were removed, the sample consisted of 116 known unsolved homicides.

Unsolved cases from 1975 to 2016 involved 129 victims. Two cases involved triple murders, 9 cases involved double murders, and 105 cases involved single victims. Thirty-five cases were gang or organised crime related (executions), two were murders in prison, three were infanticides and one was a triple homicide; secondary to arson. The circumstances of the remaining cases were unknown, with some thought to be sexually motivated, some suspected as domestic violence homicides, and others random attacks.

Unsolved versus solved cases

Pearson's chi-square (χ^2) tests of independence were performed to determine if there were statistically significant associations between any of the DA behaviours and whether the homicide was solved or unsolved. For each cross-tabulation, where greater than 20.0% of cells had expected counts of less than 5, significant likelihood ratios (*LR*) are reported rather than Pearson's chi-square values.

As can be seen by the frequencies cross-tabulated in Table 1, there was a significant relationship between the number of DA behaviours present, and whether the homicide was solved $LR(4, N = 103) = 23.87, p < .01$. Unsolved cases generally involved only one known DA behaviour, whereas solved cases often involved more than one. In solved cases, the average number of known DA behaviours was 1.71, whereas in the unsolved cases, the average number of DA behaviours was 1.42. There was also a significant association between destroying evidence and solvability $\chi^2(1, N = 151) = 45.58, p < .001$. Solved cases were more likely to involve known evidence destruction than unsolved cases. Within evidence destruction, arson appeared specifically important, with it being known that arson was involved more often in

solved cases than in unsolved cases $LR(1, N = 151) = 13.33, p < .01$. There was a significant relationship between the offender acting on the victim or environment (such as by binding the victim or using a look-out) and the homicide being solved $LR(1, N = 151) = 5.35, p < .05$. Unsolved cases appeared less likely to involve known attempts to act on victims or the environment.

Table 1: *Known detection avoidance behaviours in solved and unsolved Australian homicides*

DA behaviour known	Unsolved n (%)	Solved n (%)
Planning the homicide	35 (30.2)	9(25.7)
Manipulation of the victim's body	35 (30.2)	11 (31.4)
Destruction or removal of evidence***	15 (12.9)	24 (68.6)
Arson**	3 (2.6)	8 (22.9)
Acting on the victim or environment*	7 (6.0)	7 (20.0)
Offender protecting their identity	6 (5.2)	5 (14.3)
Staging the crime scene	5 (4.3)	1 (2.9)
Verbal staging	3 (2.6)	0 (0)
Using other precautions	0	1 (2.9)
Abducting the victim	4 (3.4)	3 (8.6)
Suspect leaving the country	4 (3.4)	0 (0)
Total cases involving known DA	82 (70.7)	25 (71.4)
Count of DA behaviours present ***		
1	50 (64.1)	5 (20.0)
2	23 (29.5)	10 (40.0)
3	5 (6.4)	7 (28.0)
4	0 (0)	1 (4.0)
5	0 (0)	2 (8.0)
Average count of DA behaviours (when present)	1.42 behaviours	1.71behaviours
No known DA present	34 (29.3)	10 (28.6)

*significant to $p < .05$

**significant to $p < .01$

***significant to $p < .001$

DISCUSSION

Over two-thirds of solved and unsolved cases in Victoria involved some DA behaviour. Results from international samples indicate rates of DA range from approximately 20% to 52% in different types of homicides and different regions, suggesting levels of DA in Australian samples are comparatively high (Brown & Keppel, 2012; Neimeyer, Pepper & Salfati, 2008). The type and number of DA found in solved versus unsolved cases in Australia indicate a relationship between DA behaviour and solvability, although perhaps in more complex form than found in other research. That is, the current findings suggest that establishing the presence of DA by offenders may be positively related to police solving the homicide. This indicates two things: that DA can be overcome and homicides solved despite its impacts, and that establishing DA has been used by offenders may be an important step towards counteracting the ill-effects of DA behaviour.

When compared with the solved sample, the specific DA tactics used in the unsolved sample show the potential impact of each behaviour on police solving the homicide. For example, in unsolved cases it was much less likely that evidence destruction had been established, suggesting that investigators determining evidence has been destroyed or removed may be important to solvability. An example from the unsolved cases is illustrative of how a failure to recognise that evidence has been destroyed may impede known solvability factors -

the unsolved case of teenager Karmen Chan. In Chan's matter there was early evidence that she had been abducted, raped, and murdered, and her skeletal remains were found a year later with three bullet wounds in the back of her skull. She was thought to be the fourth victim of a serial rapist due to her case matching a known pattern in his MO. This offender washed his victims, meticulously planned the event, and carried numerous weapons. In this case, while it is suspected that the victim was washed and weapons disposed of, the nature of these behaviours means that they cannot be certainly established. Even with establishing the victim has been abducted and raped, and the presence of a known pattern in MO, the nature of the presumed DA and associated absence of physical evidence in this case appears to have greatly impacted solvability.

Establishing the use of arson is an important factor in solving the sampled cases, perhaps helping to explain the absence of other evidence key to investigative progress. Other Australian research shows that arson used to destroy evidence or mutilate bodies complicates an investigation due to important evidence being absent. However the lack of this evidence does not preclude solvability (Ferguson et al, 2015). Failing to establish that fire has been used may create difficulties in addition to evidence being unavailable. For example, arson associated homicides across Australia often involve high levels of planning and premeditation, factors that can impact solvability. Together these findings show layers of complexity are added through arson, despite other positive solvability factors present, such as relationships between victims and offenders (Ferguson et al., 2015).

As an example, in the matter of Kath Bergamin, who was abducted and murdered in 2002, arson appears to have played an important role. A day after Bergamin's disappearance, fire engulfed a car used by her adult son on her estranged husband's farm. Her remains have never been found. Charges were laid against her estranged husband, however they were later dropped due to lack of evidence. While it is known that fire is likely to have been involved in this homicide, whether the fire was deliberately lit could not be established due to the nature of fire and corresponding ambiguities in the evidence. The fire effectively hindered physical evidence being collected from the vehicle which might have allowed for associations to be made between the victim, the vehicle, the suspects and the presumed disposal site of her body, resulting in a lack of evidence and negative searches for the victim's remains.

In the unsolved sample, only 6.0% of offenders are known to have acted on the victim or environment (by binding, drugging them, or locking them in), whereas 20.0% of cases in the solved sample involved similar behaviours. Similarly, in the solved and unsolved Canadian homicide sample, 15.6% of offenders in the solved cases acted on the victim or environment, and only 1.0% in the unsolved cases. This highlights the importance of establishing how victims are subdued. A failure to determine if victims have been acted upon by offenders may prevent MO and pattern associations being made, or may fail to explain a lack of surveillance by witnesses and cameras. It may also be the case that acting on the victim or environments creates additional evidence and positive solvability factors, meaning that investigations may benefit by looking for such behaviours. So, despite being counterintuitive, acting on the victim may increase the chance of a homicide being solved, as indicated here and in the international literature (Beauregard & Martineau, 2014).

In the unsolved case of 13-year-old Clare Morrison, DA in the form of disposing of the victim's body at sea effectively prohibited investigators determining medical cause of death, whether a sex crime was involved, and whether and how the victim was acted upon to subdue and contain her. This led to difficulties in determining whether Morrison might have been

abducted and killed by a sex offender with a known MO, or not. The victim was last seen walking down the road and was missing for only 7 hours before her body was discovered. Unfortunately, her disposal at sea led to her body being mauled by a shark, effectively impacting on several solvability factors and preventing the homicide being cleared.

Finally, the number of DA behaviours used differed between solved and unsolved cases, with solved cases involving higher counts of DA behaviours than unsolved cases. While counter-intuitive, this finding indicates that discovering the true extent of DA behaviours used by offenders may be positively associated with solving the homicide. It may also be that, while DA is designed to hamper investigations, establishing the presence of several DA behaviours is important circumstantial evidence, pointing to parties responsible and creating other avenues of inquiry. Where it has not been established if DA behaviours have been carried out, establishing circumstantial patterns to produce new leads may remain elusive.

The case of Lucia Amenta provides an illustrative example. In this case, almost nothing is known about how the victim disappeared or came to be deceased. Almost no evidence is available to specifically determine whether DA behaviours were perpetrated, except to say that her body was placed into a barrel, weighted and put into water. By the time her body was discovered, the 70-year-old had been missing for 21 months. The forensic pathologist was not able to determine the time since death with any degree of certainty as the rate of decomposition was considered extremely variable and dependent upon a number of factors. The time when the victim went missing, how and where she was killed, and the use of any other DA behaviours remain unknown. In this case, despite it being intuitive that other DA behaviours have been used by the offender to avoid detection, the significant impact of the one known behaviour, disposing of the victim's body, means that no others can be ascertained, and the homicide remains unsolved.

In combination the current findings and the available literature indicate that the use of some DA behaviours is related to homicide solvability, however, with a more complex interplay of factors than anticipated and discussed in the available research.

Given the findings of this analysis and the literature on both DA and solvability, it is clear that the use of DA strategies can impact on solvability. In this sample it appears that the relationship between DA and solvability may be multifaceted. Rather than DA behaviours simply preventing homicides from being solved, failing to establish the presence of some DA behaviours may also work in concert with other factors to impact solvability. For example, while countermeasures like disposing of a victim's body may create the opportunity for evidence to be lost or contaminated, it may also cause the homicide to remain undiscovered for some time, ensuring the most basic facts cannot easily be established. Destruction of evidence may prevent links being made between victims, vehicles, and crime scenes, making it unclear how the homicide was perpetrated. DA behaviours related to crime scene staging may confuse the manner of death determinations and result in delays due to the necessity of a more detailed assessment of suspicious deaths. Other DA behaviours may obscure links between victims and offenders, confuse the assessment of MO, or limit the utility of witness statements.

Limitations of the study

This examination of the role of DA on solving homicides is limited in several ways. First, by nature of the research questions, this project was limited by the difficulty of comprehensively examining DA behaviours in unsolved homicide cases. Because unsolved cases have unknown offenders, the level and type of DA present and its effect on the

investigation can be difficult to measure, and levels of DA may be underestimated, especially in comparison with the solved cases. In unsolved cases it cannot be known if offenders took additional steps to avoid detection, beyond what is obvious at the crime scene, from the circumstances, or from available witnesses. It should be noted therefore that rates of DA reported in the unsolved cases are likely conservative, measuring only the most overt DA behaviours used by offenders.

Using publicly available data sources, compiled by the media for the unsolved sample, also creates a series of limitations in the results of this project. Since media data is not officially collected its reliability is unknown. It would be expected that hold back information, commonly not released publicly by police, which could be relevant to DA would not be accounted for here. Moreover, the brevity of the summaries, even with the additional materials examined also means that relevant DA behaviours might not be accounted for in this analysis. Reliability problems in the unsolved sample are tempered by the fact that this analysis sought only to count the most obvious DA behaviours, those which could be established without the homicide having been solved.

The unsolved homicide database also limits the generalisability of the findings since it is not known how cases are added to the database or whether any are missing. The impact of this issue on the results is reduced due to the exploratory nature of the study, and since we do not try to generalise from the findings. However, it is acknowledged as a limitation.

CONCLUSION

Despite having high solve rates relative to other nations, 11% of homicides in Australia remain unsolved (Bryant & Bricknell, 2017). Along with the absence of known solvability factors, a failure to solve many of these cases may be due to high levels of DA behaviours perpetrated by offenders. This research is one of the first discussions of whether and how DA impacts on solving homicides. Findings show that unsolved cases in Australia evidence a lot of DA, and that common behaviours have a complex relationship with known solvability factors, potentially preventing homicides being solved.

Specifically, establishing that offenders have destroyed or removed evidence, especially through the use of arson; uncovering whether and how victims were controlled or contained; and effectively recognising the number of DA behaviours perpetrated all appear to be related to whether a homicide is solved. The framework proposes that destroying evidence may prevent persons of interest being identified; obscure relationships between victims, offenders, vehicles and crime scenes; and confuse pattern associations. Acting on a victim or their environment to contain them may obscure the MO and prevent pattern associations being made, as well as prevent surveillance through witnesses or cameras. The use of multiple forms of DA may compound issues associated with a lack of physical evidence, negative crime scene searches and difficulties associating victims with persons of interest, amongst other things. However, this analysis has shown that issues created by the use of DA can be overcome when the behaviour is identified. Indeed, the presence of DA may even assist with clarifying theories in the investigation, produce useful circumstantial evidence, and create additional evidence of DA behaviours. A failure to establish that DA has been used produces all the obstacles outlined, but may also fail to take advantage of the opportunity created by the use of DA behaviours. Together with other challenges common to homicide investigations, such as a lack of cooperating witnesses, impacts such as these appear to have the potential to hinder successful homicide investigations. Additional research is required to demonstrate and quantify the effect

of DA behaviours on solvability factors. Research should focus on how to limit the impacts of DA through investigator training and frontloading of police resources at the outset of investigations involving possible DA behaviours.

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Book Review

Investigating Corruption in the Afghan Police Force: Instability and Insecurity in Post-Conflict Societies

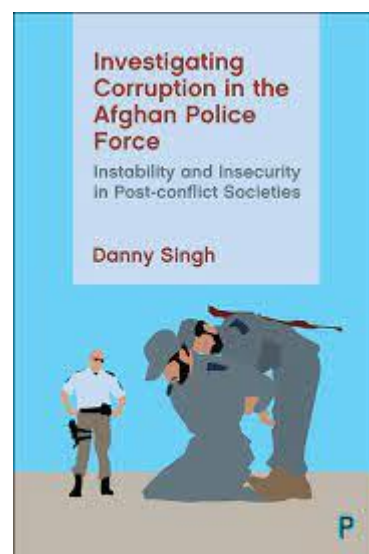
By Danny Singh

Policy Press

2020, 237 pages

ISBN: 9781447354680

Reviewed by Leighann Spencer



Police corruption can hinder development and negate peace processes; a glaring statement given the August 2021 fall of Afghanistan to Taliban control. One might say that hindsight is 20/20. Yet as Danny Singh shows throughout this book on police corruption in Afghanistan, the warning signs were there. The past twenty years of international intervention had placed anti-corruption measures on its agenda. However, the rapidly executed neoliberal model of post-conflict reconstruction underscored by Western connotations of corruption engendered an environment where the phenomenon reigned. Danny Singh thus illustrates the country-specific drivers and manifestations of corruption to frame future prevention strategies in Afghanistan and other post-conflict states.

This contextual analysis is well situated within the criminological literature, starting from the definitions and frameworks of corruption through the familiar question: a few bad apples or a rotten orchard? By examining the types of corruption, from the low-level ‘grass-eater’ acts of petty bribes to the higher-level ‘meat-eater’ acts of selling police posts or planting evidence, it becomes apparent that the answer depends on the circumstances. Regardless of whether it is an individual or organisational problem, corruption can affect the legitimacy of a police force, and by extension, the legitimacy of the state.

Given the impact of police corruption, chapter 2 breaks down the common prevention strategies, such as Commissions of Inquiry, institutional reform, community policing and the input of civil society, pay reform, rotation strategy and training. Such strategies have achieved some success in places like New York and, in Australia, New South Wales. However, the author is sceptical of these strategies alone and, as shown by chapter 3, especially within the context of post-conflict states. More pertinent case studies of Iraq and Haiti reveal the difficulties of corruption prevention during internationally driven neoliberal post-conflict reconstruction. This is particularly the case in cases of counterinsurgency, where police become militarised and “corruption buys peace” (55).

This is evident, for example, with reference to the case of the Afghani post-conflict reconstruction era. The 2001 Bonn Agreement on re-establishing

government institutions saw political bargaining with warlords, and security sector reform prioritised the military and police with a disregard for the justice sector in upholding the rule of law. The combination of German-led police reform with a focus on civil service, and USA-led police reform with a focus on counterinsurgency, left the Afghan police with an ambiguous mandate and insufficient training. Although the country had a legacy of patronage politics, intervention exacerbated competition and favouritism. The fact that approximately 55% of the Afghan population remained in poverty, including police recruits who were poorly paid yet risked their lives, was a further problem towards post-conflict reconstruction.

By 2019, corruption within the Afghan police and wider state institutions persisted. Concerningly, the Taliban used this to their advantage, painting the state as illegitimate and offering alternative security. Some citizens turned to vigilantism as a third security option. To address the phenomenon beyond the Western setting, Danny Singh assesses the drivers of corruption within the Afghanistan context. This includes economic and political drivers, which can be drawn from the aforementioned post-conflict reconstruction shortfalls. Moreover, he utilises a social constructivist perspective of cultural drivers: “corruption is also subjective, like deviance” (122).

Through interviews with representatives of Afghan ministries, non-governmental organisations and police, chapter 7 illustrates various the prevalent drivers and kinds of police corruption. Economic and political drivers have seen patronage-based recruitment and state capture by the drug industry on a grand scale. Culturally, most respondents considered individual petty bribery as socially acceptable, termed *rishwat* which relates to a proverb around efficiency. Interestingly, the common-in-the-West noble cause corruption was not found in Afghanistan; a lack of emotional investment saw no common cause to fight for. Yet it was shown that police culture, specifically the on-the-job socialisation and internal solidarity, in addition to minimal accountability, allowed corruption to go unfettered.

Indeed, the Afghan police and wider state institutions are a ‘rotten orchard’. However, the types of corruption must be distinguished. There is the survival-based *rishwat*, and then there is the high-level *fasad* (the dirty) which compromises institutional legitimacy. This book concludes with contextual, evidence based anti-corruption strategies for both types as grass-eating has been known to lead to meat-eating. These are presented as necessary for post-conflict reconstruction and combating Taliban resurgence. Despite its foreboding undertones, Danny Singh’s book provides crucial insight into the events in Afghanistan, and a comprehensive approach to addressing police corruption in post-conflict states.

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