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Contents

Human Trafficking and Sexual Servitude: Organised Crime's Involvement in Australia

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ABSTRACT

This study examined the context of organised crime groups that traffic in people for the Australian sex industry. It is a qualitative study of twenty-one cases of human trafficking. The study found that criminal networks preyed on vulnerable females from countries such as Thailand, South Korea, and China. Victims were deceptively recruited with the cost of their travel to Australia held against them as a highly inflated debt. As a result, they find themselves forced into sex work to repay the debt. This study examined the attributes of the organised crime syndicates involved in the people trafficking and discussed the context in which they operate in Australia. The study used the Sleipnir framework to analyse organised crime groups and it is recommended that the Sleipnir model is integrated into future law enforcement activities in respect of human trafficking. The introduction of a standardised data and statistical collection tool in respect of human trafficking would provide law enforcement and intelligence agencies with a conceptual framework and a greater comprehensive description of human trafficking.

Keywords: organised crime, sex trafficking, human trafficking, people trafficking, Sleipnir model

INTRODUCTION

To date, there has been limited primary research that has directly addressed the extent to which organised criminal groups are involved in human trafficking in in Australia (David, 2012). The majority of Australian information is from parliamentary and government reports. A Parliamentary Joint Committee on the Australian Crime Commission (2005) noted that it was particularly interested in the extent of any relationship between trafficking in women and established criminal networks. At that time, the Parliamentary Joint Committee concluded that there appeared to be no strong involvement of organised crime in Australian sex trafficking. Part of the reason the knowledge gap in Australia exists is due to

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the lack of understanding about the context of organised crime groups involvement in this form of people trafficking.

Much of the literature struggles with the concept of organised crime, both in terms of the regulatory frameworks and also in respect of identifiable attributes. This study set-out to investigate what the Australian context for organised crime's involvement in sexually orientated human trafficking. Secondly, the study explored the usefulness of the Sleipnir model for analysing organised crime groups involvement in sex trafficking. The Sleipnir model was developed by the Royal Canadian Mounted Police in 1999 as an intelligence model that factors in the characteristics of organised crime (RCMP, 2010).

LITERATURE REVIEW

What is Organised Crime?

Part of the problem in determining the involvement of organised crime in human trafficking is agreeing on what constitutes *organised crime*. The common misconception is that transnational organised crime traffickers operate in large syndicates (Raymond, 2001). But, as is seen in the United Nations' (UN) definition of organised crime, a large syndicate is not necessarily required and the involvement of a group of three persons can be considered an organised crime group. This is supported by the International Organisation for Migration (IOM) that has identified three different types of networks: large scale (contacts in both countries of origin and destination), medium scale (specialising in trafficking from one specific country) and small-scale networks (which traffic one or two women at a time) (Segrave et al., 2009).

For the purpose of this study, the United Nations definition of organised crime was used as a base-line to determine if a group of people met the criteria of organised crime. This is provided for in the *United Nations' Convention Against Transnational Organized Crime* (UNCTOC) (United Nations, 2000), as being:

> …a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit (United Nations, 2000: 5).

One concept that arises from this definition is that of a *structured group*. The UNCTOC defines a structured group as one that is not randomly formed for the

immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure. It can be seen from the spirit of this definition that the United Nations determined that for a group to be structured there must be some form of planning and tacit agreement amongst the group members to commit an offence and it was not a spur of the moment decision. Other than that, there does not need to be any formal agreement of defined roles or structure within the group, leaving it open to the conclusion that in terms of "structure" of an organised criminal group; the only prerequisite is a group of three or more people who have a tacit agreement to commit a serious crime.

Framework for Understanding Organised Crime

Although a baseline organised crime definition was applied, there was still a need to apply a framework to understand the context of "organised." A framework for organised crime as a descriptor is based on the nature of the groups and their approaches to crime rather than their activities or enterprises (Morrison, 2002). Morrison (2002) highlighted that there is a need to deal with organised crime from both an operational and a policy perspective. At the local, operational level, it may be expedient to use a simple list of shared characteristics such as in the United Nations definition as a baseline to determine whether a group is engaging or not in organised crime. However, Morrison (2002) indicated that this type of definition is not adequate in the broader debate about the nature of organised crime and it is unlikely that it can stand the test of time. Morrison (2002) also concluded that a framework of organised crime was necessary for a definition of organised crime, one which included the different sets of initiating circumstances, the range of characteristics, and actions of organised crime groups, and perhaps most important of all, the various impacts experienced by communities, such as local crime. Morrison (2002) supported a framework that broke organised crime down into its constituent parts.

Other scholars, such as Finckenauer (2005), propose a framework that began by looking at elements of organised crime. Mann and Ayling (2012) explored the concept of organised crime based on a historical survey of important crime models. Early theorists of organised crime examined the phenomenon through a lens of hierarchical structures and power relations within criminal syndicates and members' families (Mann & Ayling, 2012). Organised criminality then shifted through a business enterprise approach with a focus on illicit markets.

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Since the year 2000, models of organised crime have been presented as networks and transnational in nature (Mann & Ayling, 2012).

Long Matrix for Organised Crime

Law enforcement agencies have tackled the practical problem of determining what constitutes organised crime in a way that is more robust than the general legislative definitions, such as that of the UN definition. In 1999 the Royal Canadian Mounted Police (RCMP) developed an intelligence model that factored the characteristics of organised crime. To assess indicators of organised crime activity and to provide an ability to understand the context of organised crime involvement in any given case, the RCMP developed the Long Matrix for Organised Crime (RCMP, 2010) known as Sleipnir. The Long Matrix for Organised Crime uses a set of twelve attributes that break-down the phenomenon into the most important shared, observable qualities. The attributes of organised crime in rank order are listed in table 1.

Each of these attributes is measurable and weighted, therefore providing a description about the nature of the organised crime group under examination. The purpose of the Sleipnir method is to rank the attributes crime groups "threat profile" (Prunckun, 2015: 290–291). The weights and associated definitions for each attribute reflect consensus achieved using the Delphi Method (Strang, 2005). The Sleipnir technique has been accepted and used in Australia, and also in countries such as Belgium. The method moves from description to explanation (Black & Vander Beken, 2001). The Sleipnir model has been described by Zoutendijk (2010) as being scientifically solid approach when compared to other organised crime assessment methods. This is because the manner in which the instrument was developed. The Sleipnir model was chosen as the framework to analyse the context of organised crime in sex trafficking for this study.

Human Trafficking in Australia

The elements of what constitutes human trafficking is defined in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (Trafficking in Persons Protocol) (United Nations, 2000). Article 3 of the Trafficking in Persons Protocol defines trafficking as occurring when a person intentionally recruits, transfers, harbours or receives another person, through threat or use of force or some form of deception, fraud, violence or coercion for the purpose of exploitation. It further defines exploitation to

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include conduct that is so severe and harmful that it is proper to describe it as, for example, slavery, forced labour and sexual exploitation.

In 2003, the Australian Federal Police established the Transnational Sexual Exploitation and Trafficking Teams (UNODC, 2009), which in May of 2011 were renamed Human Trafficking Teams to better reflect the crime type. In 2005, criminal offences reflective of slavery, trafficking of persons, sexual servitude and debt bondage were enacted in the *Commonwealth Criminal Code 1995*.[1] These offences cover all the forms of trafficking in persons listed as a minimum requirement in article 3 of the UN Trafficking Protocol (UNODC, 2009).

In determining the level of organised crime in human trafficking there are no definitive studies relevant to Australia. What is known is that most trafficking is national or regional and carried out by people whose nationality is the same as their victims; and that victims from Asia are trafficked to the widest range of destinations (UNODC, 2009). Australia is a primary destination for those victims from Asia (United States Department of State, 2009).

The *Trafficking in Persons Report* (Attorney General's Department, 2010) describes cases of people trafficking for sexual exploitation as largely involving "small crime groups," rather than "large" organised crime groups. Furthermore, these crime groups use family or business contacts overseas to facilitate recruitment, movement and visa fraud. The report further adds that people trafficking generally involves other crime types, including immigration fraud, identity fraud, document fraud and money laundering; and it further describes the offenders as sophisticated. In respect of the level of trafficking in persons to Australia, the number of persons trafficked into the country is unknown. Australia is primarily a destination country for trafficked women, most of who come from Thailand, South Korea, and to a lesser extent mainland China (UNODC, 2009; Parliament of Victoria, 2010). The U.S. TIP Report adds that most women trafficked into Australia end-up working in the sex industry in the major cities (United States Department of State, 2009). Most prosecutions of sexual servitude and trafficking in persons in Australia have occurred in New South Wales and Victoria, with two cases in Queensland and one in the Australian Capital Territory. This may be due to the population concentration along the east coast, and the size of the local sex industries; however, it is possible that human trafficking occurs in other parts of Australia, albeit on a smaller scale, which makes it more difficult to detect (Parliament of Victoria, 2010).

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1.	Corruption (weighting 100)	The corruption of public officials through the practices of illicit influence, exploitation of weakness and blackmail. Also, the ability to place organised criminals or their associates into sensitive positions.
2.	Violence (weighting 70)	The use of violence, and intimidation through explicit or implicit threats of violence, against targets outside the group to further any organisational objective.
3.	Infiltration (weighting 55)	The efforts to gain a foothold within legitimate private organisations and businesses to further criminal activities. This control or influence may be used for: money laundering, establishing pretence of propriety, facilitating, protecting and concealing criminal enterprises, and/or for intelligence gathering.
4.	Money Laundering (weighting 43)	The process of legitimising cash or other assets obtained through illegal activities. Effective money laundering conceals the criminal origins and ownership of the funds, creates a legitimate explanation for the proceeds of crime and creates wealth over time.
5.	Collaboration (weighting 32)	The extent of collaborative links between this and other organised crime groups.
6.	Insulation (weighting 29)	The efforts to protect the main figures in the group from prosecution through the use of: subordinates, fronts, corruption and/or other means.
7.	Monopoly (weighting 29)	Control over one or more specific criminal activities within a geographic area of operations, with no tolerance for competition. This does not prevent partnerships of profitable convenience between or among organisations. Violence, intimidation and/or informing on competitors are common methods used to establish or maintain monopoly.
8.	Scope (weighting 27)	The geographic sphere of operations and influence of the organised crime group.
9.	Intelligence Use (weighting 25)	The intelligence/counter-intelligence and counter-surveillance capabilities of organised criminals. Used to defend themselves against law enforcement and rival groups, and to identify new targets.
10.	Diversification (weighting 24)	The extent to which the illicit activities of the group are diversified.
11.	Discipline (weighting 21)	The practice of coercing obedience to hold the organisation together. This includes the use of violence, intimidation and other sanctions or forms of coercion on group members and associates.
12.	Cohesion (weighting 20)	Strong bonds are fostered at both individual to individual, and individual to organisation levels to create criminal solidarity and common protection. The bonds can be created through such factors as common backgrounds, blood relationships, financial relationships, length of association and geographic origins. They can be instituted through rites of initiation and required criminal acts of loyalty.
13.	Victimisation (not weighted)	The infliction of harm, injury, economic loss or substantial impairment of rights on an individual, group or business in order to undertake or further criminal activities.

Table 1— Sleipnir Organised Crime Attributes

Although over 346 investigations of human trafficking have been undertaken in Australia at the time of this study, with 34 charges being laid, many experts consider that there is insufficient knowledge to confidently make a claim about the involvement of organised crime groups in sex trafficking in Australia (Schloenhardt, 2008). The *Inquiry into People Trafficking for Sex Work in Victoria* received suggestions from several individuals and organisations that organised crime networks were rife in the sex industry in Australia; however, there was little evidence supplied to support or negate such a proposition (Parliament of Victoria, 2010).

Links between Organised Crime and Human Trafficking

While there is an assumption that international organised crime groups are involved in human trafficking, this assumption is not well tested (Aronowtiz, Theuermann, & Tyurykanova, 2010; David, 2012). Schauer and Wheaton (2006) attempted to bring together the literature available on the subject of sex trafficking women into the United States and found that although a small body of literature existed, it did not display a disciplinary concentration or orientation. Shelley (2010) asserted that most studies provide little comparative analysis, and few have paid much attention to the role of organised crime in human trafficking, the economics of human trafficking, and the money laundering of the traffickers. One complicating factor in considering the level of organised crime involvement in human trafficking is the evolution and diversity of understanding concepts about organised crime (David, 2012; von Lampe, 2011).

Segrave et al. (2009) pointed-out that there is remarkably little in either research or more general literature of traffickers; what we do know is that certain actors may or may not be part of organised criminal networks and that most traffickers were male. However, internationally, the crimes of human trafficking are recognised to be diverse and to vary in scale and sophistication, with offenders being identified as either highly organised criminal groups, loosely connected networks, individuals, or family and friends of the victim (UNODC, 2010). In support of this Aronowitz et al. (2010) also identified that trafficking offenders differ from one case to the next and range from soloist or individual traffickers, to lose networks of organised criminals, to highly-structured international trafficking networks.

Overall, the subject literature identified that there is diversity in the organisation of trafficking offending (David, 2012; Aronowitz, 2009). In their

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analysis of the business model of trafficking, Aronowitz et al. (2010) observed that trafficking operations can fall into a continuum ranging from individual traffickers through to highly-structured international trafficking networks. There are trafficking syndicates that are characterised by small groups of organised criminals who may be involved in domestic trafficking or small-scale international trafficking. These criminal networks are highly flexible and may be comprised of family members or friends. Smaller networks will not be characterised by specialisation due to the limited number of members who may be required to fulfil various roles.

Another level of organisation involves middle-sized, more sophisticated groups which are involved in the provision of victims for sex markets in foreign countries (Aronowitz et al., 2010). They sell their victims to brothel owners in the destination country and may organise the rotation of victims between cities and countries. There is limited specialisation and these criminal syndicates are less sophisticated than the highly-structured criminal organisations.

At the highest end of the continuum are highly-structured organisations that control the entire trafficking process from recruitment and transportation through exploitation and victim disposal. These groups provide the full set of services throughout the entire trafficking chain, which may also include such things as document forgery, safe houses and maintaining relationships with corrupt government officials. These criminal enterprises are characterized as horizontal and decentralised. Their flexibility allows for a rapid response to law enforcement activity and legislative changes and the ability to adapt to fluctuating supply and demand markets. Because these organisations operate internationally, members of the group may be in origin, transit, or destination countries (Aronowitz et al., 2010).

David (2012) reviewed the literature and concluded that the organisation level of criminality is diverse and varied. Surtees (2008) found that in South-Eastern Europe, much human trafficking is by organised criminal groups, which contrasts with regions such as South-East Asia where trafficking is often informal and managed through personal connections. Nevertheless, in South-Eastern Europe, trafficking networks have well-defined organisational structures and operate in several territories and markets.

DiNicola (2000) also found that European organised crime groups who trafficked persons very rarely dedicated themselves to that activity exclusively and

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would shift from one illicit activity to another. Webb and Burrows (2009) found that complex hierarchical trafficking structures are rare with most operations relying on links between independent cells or brokers, and family and other social contacts were pivotal to the trafficking process. Hodge and Lietz (2007) also found variations in structure of organised crime groups with some becoming vertically integrated and engaged in the recruitment, transportation and pimping of women, whilst others were decentralised and specialised in a particular area of the trafficking process.

Hughes (2000) argued that whilst causal factors, such as poverty and war, create an environment conducive to human trafficking, the most critical element is criminal networks. Criminal organisations have an interest in manipulating the push and pull factors that are conducive to the recruitment and trafficking of women (Monzini, 2004; Zhao, 2003). Crime groups, particularly traffickers, have also seized the opportunities created by the global economy (Shelley, 2010). Graycar (2002) also analysed the methods by which human trafficking is carried out and identified a range of approaches that included either small groups of organised criminals, or international trafficking networks. Schauer and Wheaton (2006) assert that organised criminals are involved in human trafficking as it is more lucrative than drug trafficking and the criminals take advantage of the state of imbalance of two markets. Increased consumer demand makes way for organised crime as organised criminals are set-up for making a profit by catering to demand for illegal goods and services (Schloenhardt, 1999; Hughes, 2003).

An Australian Government report (Australian Government, 2009) identified that groups detected in sex trafficking in Australia have been small rather than large organised crime groups. The groups tended to use family or business contacts overseas to facilitate recruitment, movement and visa fraud. The report went on to highlight that groups involved in human trafficking in Australia do not appear to have the same high levels of organisation and sophistication as drug traffickers. Research by David (2008) found that while the groups involved in trafficking in persons to Australia clearly have a level of organisation, they are not at the 'high end' of major organised crime.

In 2013, Simmons et al., released analysis of nine trafficking schemes involving fifteen offenders who have been convicted of human trafficking and slavery offences in Australia. It was the first analysis of offenders convicted in Australia. Of interest is that over half of the fifteen offenders were women and that of the female offenders in Australia they all played diverse roles; some were

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recognised as leaders. It was also found that of the offenders analysed, most of the offending occurred in brothels.

Simmons et al. (2013) found that the offenders did not match stereotypes about highly organised criminals. In the nine trafficking schemes analysed, the offenders shared similar backgrounds to their victims and in some cases, also a history of prior victimisation. However, all the nine Australian schemes involved varying levels of sustained planning and coordinated activity over time. Most of the schemes involved multiple victims who were exploited over some months or longer and all made profits. Simmons et al. (2013) found that the description of Schloenhardt et al. (2009) of involving small, yet sophisticated organised crime networks applied to some, but not all the cases. The nine cases were found to be consistent with international literature in that the Australian schemes varied from an offender who operated in relative isolation to more organised schemes involving offenders with offshore facilitators who were paid for various services from recruiting to arranging visas and travel (Simmons et al., 2013).

The overall findings of the Simmons et al. (2013) study is that the reported cases of offending in Australia do no match common assumptions about high-end organised crime and found that the groups were relatively small, with many using family or business contacts to facilitate recruitment, movement and visa fraud.

METHODOLOGY

The population group in relation to this study consisted of 346 Australian Federal Police investigations that were undertaken by the AFP Human Trafficking Teams between 25 November 2003 and 29 October 2013. Many of the investigations in the population refer to forced labour, slavery and migration related offences, which when content analysis was applied reduced the population of cases down to 114 investigations that related to sexual servitude. These 114 investigations became the population of cases that the researcher could access to examine and analyse as part of this research.

All one-hundred and fourteen (n=114) investigations pertaining to trafficking for sexual exploitation or the peripheral offences of sexual servitude or debt bondage were analysed for content. A sample size of 21 cases (investigations) that contained extensive sources of evidence in which a comprehensive examination of each document contained within could then take place. Each of the 21 cases selected were ones in which a full and comprehensive

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investigation was undertaken by the Australian Federal Police. This equates to 18% of the population frame.

A case study method of research was applied to each investigation. A case study method is a detailed examination of an event or incident (the case) to identify data from all available sources pertaining to that case. In this instance the case was a single human trafficking investigation. The first phase of analysis was content analysis of each document within each case. This consisted of identifying concepts and themes that were consistent with the Long Matrix of Organised Crime. The use of the Long Matrix of Organised Crime allowed for a combination of predetermined codes and emerging codes and could be described as a qualitative codebook.

The second phase of analysis was to undertake axial coding to identify emerging themes and relationships that occurred between the individual cases/investigations. The purpose of this was to refine a set of generalisations, or more precisely, identify interrelationships and correlations across the cases.

The third phase of analysis was selective coding which was undertaken to explore core categories at a higher level of abstraction. This method of inductive analysis was used to generate theory in respect of the context of organised crime involvement in sex trafficking in Australia.

FINDINGS

Each case study was analysed to identify indicators of organised crime attributes as described in the Sleipnir framework. Each attribute under Sleipnir was given a weighting which is an indication of the capacity and capability of each criminal enterprise and the threat that each organised crime group poses to society. Table 2 provides a comparison of the attributes of each criminal syndicate forming the sample. In respect of the twenty-one case studies analysed in this sample there were two cases (Operation Bluestone and Operation Cryolite) where the group was not considered an organised crime group/syndicate as the number of persons involved did not meet the definition for organised crime as outlined by the *UNCTOC*. The comparison of attributes across the case studies using the Sleipnir weightings was useful in identifying common attributes of organised criminality, as well as the level they are observable. This provided further clarity in respect of understanding the context of organised crime involvement in sex trafficking in Australia.

Application of the overall weightings indicated that of the nineteen case studies that involve an organised crime syndicate, their extent of organisation varied widely. However, the application of Sleipnir in assessing levels of attributes was useful in determining the context of organisation of each criminal syndicate. It was observable that in a general sense, violence, insulation and scope of operation were the most common attributes across all syndicates. However, as individual case studies, it was clear that the criminal syndicates observed in Operations Raspberry, Myrtle, Prussian, Alizarin, Cornsilk, Kitrino and Mavro were the more highly organised as they had observable attributes that were more heavily weighted, indicating an increased capacity and capability of organised criminality.

The highest weighted attribute for an organised crime syndicate was that of 'corruption'. The findings from this study were that there were very few instances of observable corrupt activity from the criminal syndicates that were studied. Despite this, what is evident is that those syndicates that had observable attributes of corruption were ranked higher, as a threat, than those that did not. For example, the criminal syndicate from Operation Raspberry was assessed as having high levels of corrupt activity, violence, infiltration and money laundering; the four highest Sleipnir weightings, which ranked this syndicate as the highest threat to society due to their capability and capacity to be organised.

The second most weighted attribute of organised crime, 'violence', was observable across all twenty-one case studies to varying degrees, indicating the nature of human trafficking, sexual servitude and debt bondage as a criminal enterprise was intertwined with violent behaviour committed by the criminal syndicates. Scope of operation was also an attribute that featured in each case study. Similarly, attributes of 'insulation' were observable across all cases, indicating that criminal syndicates employ some efforts to defend themselves from law-enforcement.

		Sleipnir Attributes														
	Australian Federal Police Operation Name	Corruption	Violence	Infiltration	Money Laundering	Collaboration	Insulation	Monopoly	Scope	Intelligence Use	Diversification	Discipline	Cohesion	Victimisation	Sleipnir Score	Overall Ranking
Organised Crime Syndicates	Burlywood	N	M	M	M	M	M	M	H	N	H	N	H	H	200	10
	BK & AM	N	H	N	N	N	N	N	M	N	H	N	H	H	138	16
	Bole	N	M	N	N	H	N	M	L	N	H	N	N	M	127	19
	Bluestone	N	H	H	M	M	M	N	M	N	M	N	N	M	203	9
	Bistre	M	M	L	M	N	L	L	M	L	H	N	H	M	196	11
	Blush	N	M	N	M	M	M	N	M	N	M	M	N	H	123	20
	Cerulean	N	H	N	M	M	M	M	H	N	N	N	N	H	164	14
	Cornsilk	H	H	M	M	M	M	M	M	N	H	N	H	H	322	3
	Cryoltie	N	H	N	N	M	M	L	M	N	M	N	N	M	133	17
	Ekala	N	H	N	M	N	M	M	H	N	H	H	N	H	193	12
	Maroon	N	H	M	N	N	M	M	H	L	M	N	H	H	192	13
	Alizarin	N	H	M	H	H	H	M	H	L	H	M	H	H	294	5
	Kitrino	H	H	M	M	L	M	M	M	N	N	N	H	H	290	6
	Myrtle	H	H	M	H	M	M	M	H	N	M	M	H	H	356	2
	Silversky	N	M	N	M	M	M	M	M	L	L	N	H	M	147	15
	Mavro	N	H	H	N	M	M	M	H	N	H	N	H	H	241	7
	Pastel	N	M	H	N	N	L	N	H	N	L	N	N	H	130	18
	Prussian	H	H	H	N	H	M	N	M	M	M	N	N	H	310	4
	Raspberry	H	H	H	H	M	M	H	H	N	M	M	H	H	398	1
	Seaboard	N	H	M	M	N	M	M	M	N	H	N	H	H	206	8
	Veleta	N	M	N	N	N	M	L	M	N	N	N	M	H	80	21

H – High   M - Medium   L - Low   N - Nil

Table 2—Comparison Criminal Syndicate Attributes

Of the remaining attributes of organised crime, there were always some crime syndicates which did not show indicators of these yet showed indicators of other attributes. What this revealed was that the crime syndicates studied predominantly rely on violence, threats and intimidation to progress their criminal enterprises, while they employed some methods to insulate themselves from detection and prosecution. Apart from this, the remaining attributes varied across the different syndicates and highlight that their methods of operation varied from case to case.

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THE CONTEXT OF ORGANISED CRIME INVOLVEMENT IN SEX TRAFFICKING IN AUSTRALIA

Scope of Operations

Of the twenty-one cases in this study, all but two identified that the origin of victims was from Asia. This is an important factor when considering the context of organised crime. The context of organised crime involvement in sex trafficking in Australia reveals that to enable the identification of victims for recruitment, the syndicate must have members, associates, or at the least, links into other countries. In the more highly organised crime syndicates in this study, such as those observed in Operation Burlywood, Operation Raspberry and Operation Alizarin there were observable links to syndicate members across several countries at the same time. The findings of this study are consistent with government reports; for example, the Australian Institute of Criminology trafficking in person monitoring report 2009–2011 (AIC, 2012) identified that a considerable proportion of known trafficking victims in Australia originated from Asia and the majority were trafficked for the purpose of sexual exploitation.

This study found that the recruitment of victims in the source country mainly occurred by nationals of that country. It was evident that all aspects of the trafficking process were controlled or overseen by the one syndicate. The data indicated that the recruiters, financiers, facilitators and exploiters were all working for the syndicate with a common purpose.

It was found that the crime groups involved in Operation Burlywood, Operation Cornsilk, Operation Ekala, Operation Alizarin, Operation Kitrino, Operation Maroon, Operation Mavro and Operation Raspberry were responsible for all aspects of the trafficking process. Even with the low and mid-level organised crime syndicates observed in this study, where it could be identified that a "broker" was involved in the recruitment and facilitation of transport of the victims, the data indicates that the individual broker was still part of the criminal syndicate and recruited victims on behalf of the syndicate.

There were no data that indicated that recruiters or brokers in countries outside of Australia were acting autonomously, as their own enterprise, and dealing with several organised crime syndicates at any given time. This finding is contrary to some reports, such as the Australian Institute of Criminology report, which describe that recruiters sell victims on to organised crime groups and that "…this would indicate that there are few instances of organised crime groups

dominating the entire process of recruitment, transport and exploitation" (AIC, 2012: 30). This is an important finding, as it indicates that the identification of victims, recruitment, transport and subsequent exploitation are all undertaken by members or closely linked associates of the one criminal network and not by specialised groups undertaking discrete portions of the process, as described by the AIC report (2012).

Violence

The level of violence used or threatened by the syndicates is another important element when considering the context of organised crime involvement in sex trafficking in Australia. Violence is weighted heavily in the Sleipnir model as a key indicator of organised crime activity, particularly when the type of violence displayed is used as an offensive tactic and an integral part of the syndicates' strategy to be applied in a premeditated manner; as opposed to whether the violence or intimidation is used as a defensive tactic only.

The cases analysed in this study indicated that violence, threats and intimidation were consistently used by the crime syndicates as an offensive tactic, sometimes with long term strategic aims involved, other times as a more short-term measure. The predominant purpose for the use of violence by the criminal syndicates was to ensure compliance and obedience by victims to the syndicates' demands. Violence was used to ensure exploitive conditions were maintained. This is consistent with numerous government reports and other studies. For example, the Parliament of Victoria (2010) inquiry into people trafficking for sex work found consistently there was a 'breaking-in' stage when women first arrived in Australia, which included removal of passports, being locked in rooms, escorted to and from the brothel to the place of accommodation, general isolation, and not being provided money.

In this study, violence was never perpetrated against a victim during the recruitment phase; it was only when the victims arrived in Australia that the violence began. These findings reinforce previous research and government reports that violence against the victims is a key method of trafficking syndicates, particularly during the exploitation phase.

Corruption

This study highlights that trafficking for the purposes of sexual servitude in Australia is not overly reliant on the corruption of public officials and can survive

as a criminal business enterprise regardless. In this study there was little evidence of corrupt activities forming part of the organised crime syndicates' methods. Evidence of corruption was identified in Operation Myrtle, Operation Raspberry, Operation Cornsilk and Operation Prussian, all common in the context that the syndicate heads were known to be aware when compliance visits or search warrants were to be conducted at their brothels by regulatory agencies, allowing them to remove victims before it happened.

There was never any substantiated investigation undertaken that identified the source of corruption. This is an important distinction between human trafficking syndicates and traditional organised crime groups and relevant to law enforcement agencies to understand that corrupt activity is not necessarily a characteristic of human trafficking syndicates in Australia. This supports an Australian Crime Commission report (2015) that describes Australia as a relative corruption-free country in respect of public sector corruption. Where corruption has been observable in this study it is generally at lower levels and does not significantly impact on the ability for law enforcement agencies to disrupt these criminal networks.

Infiltration

Somewhat related and observable on a larger scale than corruption is the infiltration of the criminal syndicates into private businesses. It was observed that the crime syndicates would infiltrate legitimate businesses, in particular migration agents, medical practitioners, and language schools. The need for this was based on the regulatory environment that exists in respect of visa requirements and the health requirements of working in a licensed brothel. For example, the syndicate head in Operation Mavro owned an education facility and an onshore migration agency, both of which were used to facilitate the movement of victims into Australia and to comply with visa requirements.

In the same case study, the syndicate head employed a principal to run the language school and would provide women to him for sex. In Operation Prussian, for example, a Melbourne doctor would fraudulently provide medical certificates for victims working in the brothel for large payments of money from the syndicate. The most common link identified in the case studies was into private education facilities to fulfil TU-570 student visa requirements. It was common that the victims never attended the schools they were enrolled in as part of the process to

enter Australia, and therefore; the crime syndicates were often paying bribes or gratuities to maintain this charade.

The Australian Crime Commission (2013) did predict that infiltration into legitimate business by organised crime groups is a growing concern. In respect of human trafficking for sexual exploitation in Australia, and supported by the findings of this study, that prediction and concern is valid. Unlike Asia and Europe, Australia is somewhat difficult to enter illegally; however, it remains an attractive destination country for traffickers. Human trafficking syndicates need to exploit the regulatory environment that exists in Australia in respect of visa requirements and the health requirements of working in a licensed brothel.

This study identified future research opportunities in respect of the infiltration of organised crime into legitimate businesses. It would be beneficial to explore the connections and relationships between legitimate and illegitimate-irregular businesses in respect of how trafficking may be facilitated along or during the trafficking process, with a view to determining if trafficking syndicates with greater legitimate connections can survive longer and operate more successfully.

Money Laundering

There was significant evidence of money laundering with thirteen criminal syndicates observed to be laundering money, some with large money flows in-and-out of the country; and consistently the data indicated that the money was being sent back to the country of origin of the traffickers. There were only a few instances where it was identified that funds were spent on lavish lifestyles, particularly when those syndicate heads or brothel managers submit tax returns indicating modest salaries below A$50,000. However, this was often contradicted by AUSTRAC and financial institution reports providing evidence of large amounts of money being transferred out of the country and to a lesser extent back into Australia. For example, the syndicate head in Operation Alizarin utilised associates and reverse money remitters to move between A$100,000 and A$200,000 on a weekly basis.

The movement of money observed in this study is consistent with various government reports and studies in respect to sex trafficking. Money laundering is an intrinsic enabler of serious and organised crime. Organised crime groups rely on it as a way of legitimising or hiding the proceeds of their criminal activities. The consistent theme identified in the current study is that large amounts of money

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have been laundered overseas and that those criminal syndicates involved in sex trafficking in Australia were making significant financial profits.

In respect of laundering methods, it was clear that most of the trafficking syndicates used basic methods, predominantly through bank deposit transfers and international money remitters. There were only three cases, being Operation Alizarin, Operation Myrtle and Operation Raspberry that showed an indication of complex and high-level attributes of money laundering where the laundering process was outsourced to professionals. There is no existing research relative to Australia that explores the money laundering practices of human trafficking syndicates. This study found evidence of money laundering activity by the organised crime syndicates involved in sex trafficking.

Diversification

A key finding of this study was the contradiction of the assumption that organised trafficking syndicates may be linked to other forms of criminality. This study showed that although there were some isolated cases where the syndicates were involved in trafficking drugs, the primary focus of the syndicates was prostitution and the criminal offending observed predominantly surrounded the trafficking of persons for that purpose. This is consistent with Schloenhardt and Jolly (2013) who found there is no proven link between trafficking in persons and other forms of organised crime. Nonetheless, this should be viewed from possibly a uniquely Australian context, as more than 30% of organised crime groups active in Europe are considered poly-crime groups as they are involved in more than one crime area (Europol, 2013).

Victimisation

Victimology is an important consideration when analysing people trafficking cases. This attribute was developed by this study and included as an attribute of organised criminality because the crime of trafficking in persons is reliant on the criminal syndicate identifying and then recruiting a certain type of victim.

It has been observed through this study that most victims are from Asia, with two case studies involving victims of Russian and Indian origin. Origin of country is an important consideration as it was observed that the syndicates in this study particularly targeted victims due to some common features which all made the victims vulnerable to being exploited. Most of the victims were from low socio-economic backgrounds, whether it be from a region of a country, or just a

particularly poor family. Often women were working in massage parlours in their own country and were lured to Australia based on the promises of lucrative earnings for doing the same thing, only to find the conditions were not as described, they were then isolated, exploited and dependent on the trafficking syndicate for survival. Similarly, there were incidents observed where the promise of education and jobs were made which would earn the victims far more money than they could in their own countries.

The observations in this study were that these women were deceived in order to ensure their transport into Australia and upon arrival were placed into exploitive conditions of sexual servitude. Victim identification and recruitment was a significant element of the context of organised crime activity when it relates to sex trafficking in Australia.

Healey (2012) described that human trafficking is driven by supply and demand, and a lack of protection, poverty, a lack of access to employment and education, discrimination of minorities and cultural practices that are all factors that make persons vulnerable to being exploited. Healey (2012) described that due to these factors; vulnerable groups were more easily manipulated, tricked or forced by traffickers into exploitive situations. The observations in this study support the premise described by Healey (2012). The addition of analysing victimological factors provided for deeper understanding and analysis from an Australian perspective and it was evident that exploitive conditions imposed by trafficking syndicates work due to the background, origin, social standing, level of education and isolation of the victim. In the paradigm of human trafficking, victims are the essential element for any organised crime group to succeed.

By developing this additional characteristic and adding it to the Sleipnir model of organised crime group, allowed for deeper analysis of the victimological indicators. From a law enforcement perspective, the use of a victimological framework identifies opportunities in which the disruption of the trafficking process can occur.

CONCLUSION

The study found that organised crime syndicates are heavily involved in trafficking women into Australia for the purpose of sexual exploitation. The crime syndicates may vary in size, structure, and methodology, but nevertheless they are considered organised crime syndicates under the *UNCTOC* definition. The organised crime groups analysed revealed increased and higher-level indicators in

respect of attributes related to violence, scope of operations, money laundering and infiltration of business/entities. This was reflective of the process required to be successful as a trafficking syndicate and aligns to the phases of trafficking and exploitation of victims.

The study identified that in Australia, the network nature of the organised crime groups showed great scope of operations and they are considered transnational organised crime networks. Of interest to existing research is that the recruitment, transport, and subsequent exploitation of victims are all undertaken by members or linked associates of the one criminal network.

The study also identified that organised crime networks involved in sex trafficking in Australia showed very little capacity to corrupt public officials; however, there was much greater infiltration of private businesses. This is influential in respect of human trafficking because future research that explores the question whether this is unique to Australia or is applicable to global human trafficking markets would prove thought-provoking.

Prior to this study, there had been no known research in respect of the money laundering practices of human trafficking syndicates operating in Australia. This study adds to finds that there is significant evidence of money laundering activity by human trafficking syndicates linked to Australia.

Another key finding of this study that contributes to and somewhat contradicts existing literature is that it was shown that although there were some isolated cases where the syndicates were involved in other crimes, the primary focus of the syndicates was prostitution and the criminal offending observed predominantly surrounded the trafficking of persons for that purpose.

There are a number of implications that arise for law enforcement in Australia based on the findings of this study. The 'network' nature of the organised crime groups identified in this study should be of great concern to Australian law enforcement efforts to prevent trafficking. The difficulty facing Australia is the ability to disrupt and dismantle organised crime groups that are transnational in nature. It was also evident the organised crime networks observed in this study are flexible and fluid to exploit the demand for prostitution services in Australia. A recommendation of this study is to introduce a standardised data and statistical collection tool in respect of human trafficking, that provides a conceptual framework and a more comprehensive description of human

trafficking in order to enhance intelligence holdings and contribute to targeting criminal networks involved in people trafficking.

This study has identified the ability to use the Sleipnir framework, being a law-enforcement developed intelligence method for use in a research context. The application of the Sleipnir model was an effective framework that was able to be consistently applied to the data. Its successful application in this study supports an ongoing role in research when analysing the characteristics of organised crime groups. In terms of a law enforcement application, the Sleipnir framework had application to identify the strengths and weaknesses of a crime group. During the midst of an investigation into a human trafficking crime syndicate, the analytical application of the Sleipnir framework can provide valuable intelligence and inform the tactical direction of an investigation. It is recommended that law enforcement agencies integrate the Sleipnir tool into their activities in respect of people trafficking.

It was identified in designing the methodology for this research that the Sleipnir model lacked reference to victimological indicators. In the paradigm of human trafficking, victims are an essential element for any organised crime group to succeed. For this study a definition of victimisation was developed using a victimological framework that recognises that a human victim is a central commodity for organised crime groups in respect of human trafficking as a crime. If a law enforcement or intelligence agency chose to incorporate 'victimisation' as an attribute, they would need to undertake a Delphi survey to determine the requisite weighting and priority of the characteristic.

NOTE

1. Divisions 270 & 271 of the *Commonwealth Criminal Code 1995* contain the relevant offences of people trafficking, slavery, deceptive trafficking, sexual servitude, and debt bondage.

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Pacific Gateway:
State Surveillance and Interdiction of Criminal Activity on Vancouver's Waterfront

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ABSTRACT

Unionised work environments within large seaports attract transnational organised crime, and this presents a challenge for law enforcement agencies. If media stories are true, a motorcycle club called the Hells Angels has established a presence on Vancouver area waterfronts since coming to the province of British Columbia. Associations between longshore union locals, club members, and known contacts are implied and presented as evidence of participation in criminality. This paper revisits the perception that criminal activity is endemic in the Port of Vancouver because of a lack of policing, adequate resources, and indifference from port authorities, employer bodies, as well as union leadership. In an era of heightened concerns about public safety and national security, federal and provincial governments understand the importance of seaports, especially in Vancouver and up the Fraser River. These port facilities are important to international trade that flows through them as part of Asia-Pacific Gateway and Corridor initiatives. Therefore, targeted investments, close coordination amongst government departments and agencies, and engagement with waterfront stakeholders promote secure places hard for organised criminals to operate freely.

Keywords: Port policing, Royal Canadian Mounted Police, Canada Border Services Agency, International Longshore and Warehouse Union, Hells Angels, Vancouver

INTRODUCTION

The presence of organised crime in North American ports and waterfront unions has captured the public imagination since the showing of *On the Waterfront*, a 1954 movie based on Pulitzer-winning articles (Johnson and Schulberg, 2005). The story involved ordinary longshore workers standing-up to corrupt and murderous union officials who were involved with New York City mobsters (Block, 1982; Demeri, 2012). By raising this problem, Hollywood asked how government authorities could allow such criminal activity to persist. The

Canadian equivalent was a series of articles in May 2015, written by investigative reporter Kim Bolan, that documented members in longshore union locals with criminal records and alleged ties to Hells Angels (Vancouver Sun, 2015a). The Royal Canadian Mounted Police (RCMP) long considered Outlaw Motorcycle Gangs (OMGs) principal players in organised crime in Canada (Beare, 2015).

The fact that individuals belonging to OMGs worked in the longshore industry as members in good standing in the International Longshore and Warehouse Union (ILWU) was hardly a surprise to government officials. Bolan gained information from information requests and interviews with members of the Royal Canadian Mounted Police and Canada Border Services Agency (CBSA) before approaching Transport Canada, the federal department holding legislative responsibility for ports and marine security (Transport Canada, 2015). Her doggedness in pursuing stories on crime, gangsters, and Vancouver's seedy underside won her the 2016 Jack Webster Award for Excellence in Legal Journalism.

Picking up the theme, *The Romeo Section*, a Canadian Broadcasting Corporation spy/crime drama produced by Chris Haddock, aired episodes with triad-connected criminals using longshore contacts to move drugs from a tracking device-tagged container off the Vancouver waterfront.[1] A reality television series on Shaw Media channels, *Border Security: Canada's Front Line*, also featured CBSA teams performing inspections and interdiction in Port of Vancouver (Canada Border Services Agency, 2014). Given such portrayals in popular culture, there is little wonder that the public has been left with the idea that law enforcement is barely scratching the surface. However, it is relatively easy to sensationalise organised crime working in Canadian seaports and through waterfront labour unions.

Separating perception from reality is important in understanding this issue. Crime on Vancouver waterfronts is a problem managed in several ways and involving many agencies. As a transit point, the port provides a venue for movement of illicit drugs and other criminal-related activities. The state, represented by port authorities, law enforcement and security agencies, possesses surveillance and interdiction capabilities suited to the nature of the problem and likely organised criminal groups. Hells Angels, visible because of their stylised appearance, fit the image of sophisticated criminals flaunting the best efforts of police. There is evidence that OMGs form some part of unionised longshore workers employed on Vancouver waterfronts (Vancouver Sun, 2015a; Criminal

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Intelligence Service Canada, 2014a), but their actual influence is progressively diminishing because of technological improvements, greater law enforcement coordination, and better governmental policies, as well as efficient practices by law enforcement agencies.

WATERFRONT CRIMINALITIES

As the largest city with a commercial seaport in Western Canada, Vancouver and its surrounding suburbs provide dock terminal employment, and with it, criminal activity (Port Metro Vancouver, 2014a). Along the shores of Burrard Inlet and the up the Fraser River, specialised facilities handle shipping containers, packaged lumber, and bulk commodities. An artificial island with terminals on Roberts Bank near the Canada-US boundary connect the mainland by a causeway, and this accounts for a growing proportion of shipping.[2]

The Vancouver Fraser Port Authority (VFPA) manages federally-owned industrial land through leases to private terminal operators. The latter, in turn, are responsible for building and maintaining facilities, observing environmental and marine safety standards, and general site security. In terms of marine port security, Canada follows the International Maritime Organisation's International Ship and Port Facility Security (ISPS) Code to meet internationally-accepted norms, thus giving confidence to shippers and member states (Edgerton, 2013; Brooks, 2014). Following Australia's example, the Canadian government has engaged investment banker Morgan Stanley to explore further privatisation of Canadian seaports, including Vancouver, to unlock investment potential and promote greater trade efficiency. Regardless of management model, it is axiomatic that policing of criminal activity at ports concerns governments at all levels - from federal down to municipal.

The criminal problem on Vancouver waterfronts changes and evolves. Theft (stealing a whole cargo) and pilferage (stealing partially from a cargo) became so prevalent in the late-1960s (National Harbours Board Police, 1979) that a federal police force responsible for national ports was formed under a former RCMP member (Cassidy, 1968). With the advent of shipping containers, drug smuggling—especially from Asia and South America—gradually became predominate. This is in large part due to increased supply in source countries, as well as domestic demand, and included cannabis, heroin, cocaine, and in later years, methamphetamine-based narcotics. As a port of entry, Vancouver was a conduit for illegal drugs into Canada and America by organised crime groups

(Eski, 2011; Public Safety Canada, 2014). The RCMP concluded an agreement with Ports Canada Police (PCP) for sharing intelligence in drug enforcement matters (Royal Canadian Mounted Police, 1986). Human trafficking for prostitution purposes, import of prohibited weapons, and export of stolen automobiles in shipping containers to other countries in the developing world also occurred (Lantsmen, 2013). To minimise the risk of detection, criminals cultivated connections with people working on the docks, and even sought waterfront employment themselves.

The presence of criminal elements amongst waterfront workers concerned law enforcement agencies. During a review of port policing in 1992, Justice René J Marin considered the Vancouver situation still warranted professional port police (Canada Ports Corporation, 1992). His view was no doubt formed because the Ports Canada Police detachment regularly seized quantities of illegal drugs and disrupted other criminal activities (Vancouver Ports Corporation, 1996). But, despite opposition from the provincial attorney general, the federal minister of transport announced his intention to disband the federal port police (Vancouver Sun, 1997).

Municipal police forces—Vancouver Police, Delta Police, and the Royal Canadian Mounted Police under contract to the province—assumed responsibility for law enforcement for this jurisdiction. In addition, the Coordinated Law Enforcement Unit (CLEU), which was a civilian provincial body focused on organised crime, provided a small investigative section dedicated to ports (Criminal Intelligence Service Canada, 1998).

Afterwards, Vancouver Fraser Port Authority signed agreements with the province to provide funding toward port policing and security. These funds were redirected to the Royal Canadian Mounted Police when a National Port Enforcement Team (NPET) was established. Senator (James) Colin Kenny, senator from Ontario, who chaired a standing committee studying national security and the transportation sector, stressed the vulnerabilities of a seaport wide-open to exploitation by criminal elements (Senate, 2007). A direct line was drawn from disbanding federal port police to the growing boldness of organised crime groups, like the Hells Angels. The RCMP, a benefactor of increased investments in marine port security after 2005, was less sanguine about organised criminals gaining a foothold on the waterfronts. The Waterfront Joint Forces Operation (WJFO), an RCMP-led joint task force including a senior CBSA intelligence officer and representatives from the Vancouver and Delta police departments, was created

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from the National Port Enforcement Team for criminal intelligence-gathering on the waterfront.

ENFORCEMENT ROLES AND CAPABILITIES

The nature of seaports requires a multilayered, shared responsibility to achieve security. The task is bigger than just one police force (Toddington, 2007). Brewer (2014), in a comparative study of ports in Melbourne and Los Angeles/Long Beach, highlighted the complex network of collaborative effort behind port security in addressing waterfront threats—criminal or otherwise—by agencies inside and outside of government.

The Royal Canadian Mounted Police holds a privileged position because drug enforcement falls under its mandate, and marine port security is part of provincially contracted policing delegated to the municipal level. Vancouver and Delta police forces, each with capable marine and intelligence units, exercise jurisdiction in those parts of VFPA that are not covered by the RCMP (Lynch, 2007).

Information sharing, facilitated by formal structures and informal contacts, builds domain situational awareness (Avis, 2003). The Marine Security Operations Centre (MSOC), located at Esquimalt on Vancouver Island, provides a data fusion function and close liaison between security and law enforcement partners subject to restrictions on security clearance and legal release of operationally pertinent information (Canada Border Services Agency, 2016).

The Department of National Defence (DND) gathers intelligence and locates ships and aircraft inbound to Canada's west coast, while Transport Canada and the Canadian Coast Guard track commercial ships inside Canadian territorial waters. Intelligence summaries from Transport Canada and threat assessments from the Canadian Security Intelligence Service (CSIS), a domestic security agency focused on collecting human intelligence, supplement criminal intelligence (Hamilton, 2011).

The Communications Security Establishment (CSE), another security agency reporting to the minister of national defence, provides signals and cyber intelligence beyond the technical capabilities of the RCMP and municipal police forces (Communications Security Establishment, 2015), upon formal request under judicial warrant since privacy laws prevent collection of intelligence against Canadian citizens directly. The military follows the same legal regime and treats

any requests for domestic intelligence in a similar fashion (Canadian Joint Operations Command, 2014).

If application of force is necessary in the seaport environment, RCMP E Division maintains a standing tactical marine Emergency Response Team (ERT) close by. In the last resort the military's Joint Task Force 2 (JTF2), trained assaulters with helicopter insertion, small boat, and sniper capabilities, are at ninety-minutes notice to move from a base in Central Canada with pre-positioned equipment in a west coast depot. The argument that the Canadian state is more than a match for any violent criminal group because the police and military are better armed and trained is compelling.

Several initiatives enhance border security and inspection of ships and containers passing through Vancouver. The Canada Border Services Agency developed targeting programs in conjunction with United States Customs and Border Protection that has customs agents abroad in foreign countries and centralised clearance vetting. Advance Commercial Information (ACI), in place since 2004, requires shippers to provide CBSA with detailed electronic data on origin source and content 24-hours prior to departure from Asian ports where the Canadian law enforcement mandate begins. Any container identified as high risk for contraband is either held back from loading or subject to further scrutiny during transit across the Pacific. CBSA compliance enforcement teams meet suspect containers upon arrival in Vancouver (Public Safety Canada, 2011).

With current technology, radiation detection portals screen all inbound containers, ion mobility spectrometry and trademarked Itemizer detect traces of explosives and narcotics, remote camera-mounted vehicles inspect underwater portions of ships, and dog teams work customs-controlled areas. CBSA law enforcement powers extend to release of containers to trucking companies and railways, lower risk containers forwarded immediately, and suspicious items referred for secondary inspection. The Vancouver Fraser Port Authority used Asia-Pacific Gateway and Corridor funds to build two new container examination facilities on Burrard Inlet and on Aboriginal lands in Tsawwassen near port terminals, to replace an older one more distant in Burnaby (KPMG, 2010; Transport Canada, 2013). These CBSA-operated facilities have fixed detection devices and sufficient room for unpacking. CBSA maintains positive control over containers until contents are verified or drugs and other contraband found.

Given the CBSA partnership and other security-focused investments, the Vancouver Fraser Port Authority ended funding to the Waterfront Joint Forces Operation in late 2015. An internal briefing note explained no other Canadian port paid for such a service, port policing fell outside its business model, and money was redirected to other priorities (Port Metro Vancouver, 2014b).

A security team is led by a manager reporting to the harbour master. The port performs on-water and land patrols, staffs a round-the-clock service operations centre, with real-time feeds from video cameras and transponders on trucks, issues port access passes, and cooperates with government and private industry. It even operates a Transport Canada-authorised drone for surveillance (Port Metro Vancouver, 2015). As part of legislated marine port security requirements, Transport Canada scrutinises and audits security plans from terminal operators on VFPA-leased land (Kinney, 2009).

Contracted private security firms such as Securiguard and GardaWorld perform basic security and control access to low priority areas. In practical terms, withdrawal of funds to the WJFO meant loss of municipal police liaison officers and a few provincially-designated RCMP positions (Vancouver Sun, 2015b). At times, the WJFO appeared more taxed by public and Aboriginal protests against Kinder Morgan Trans Mountain pipeline expansion and increased tanker traffic to a Burrard Inlet refinery than organised crime. The VFPA and the RCMP, if disagreeing on funding formulas for port policing, at least considered levels of criminal activity sufficiently managed to work within the resource envelope given them.

OUTLAW MOTORCYCLE GANG BRAND

Governments and police confront savvy competitors in the variety of OMGs represented by Hells Angels. Unlike most organised criminal groups, Hells Angels do not seek anonymity, craving the limelight (Barker, 2014). Full patched members display their affiliation in public with crested clothing and leather accessories. Hells Angels have a reputation for hard partying, risk-seeking adventure, and longing for the open road, usually on expensive and loud motorcycles. Hells Angels, originating in Oakland, California, first came to Canada in the French-speaking province of Quebec, where violent turf wars over the drug trade and ties with La Cosa Nostra crime families in Montreal gained them dominance (Cherry, 2005). OMGs provoked a crackdown and arrests only after they started targeting prison guards, judges, and other public officials.

The first four Hells Angels chapters in British Columbia opened in 1983 in Vancouver, White Rock, Nanaimo, and east end Vancouver when they took over the established Satan's Angels motorcycle club (Edwards and Auger, 2012). The newcomers fought other gangs and carved out a sizable share of local distribution markets for cannabis and cocaine. A federal organised crime task force encapsulated the phenomenon:

> In recent years motorcycle gangs have been particularly troublesome. They are engaged in virtually every type of organised crime from drug trafficking to prostitution and contract murder. The major gangs are competitive and expansionist in absorbing smaller groups. In many cases, they have evolved from unkempt troublemakers to smart entrepreneurs very conscious of their public image (Solicitor General of Canada, 1988).

Hells Angels laundered money through gambling establishments and legitimate real estate, and business fronts. As revenue flowed, higher leadership in OMG passed themselves off as respectable business people and valued community members (Schneider, 2009). Violence and day-to-day actions fell to younger inductees in feeder satellite gangs that were loosely associated with the Hells Angels. Actual numbers remain small at some 121 "patched" Hells Angels in ten chapters across the province, the latest Hardside chapter opened in March 2017 (Vancouver Sun, 2017a).

Hells Angels alternate between good guy and tough guy images. It has been long understood that the motorcycle social club mystique provides cover for criminal activity. Although British Columbia has legislation for civil forfeiture of assets obtained from crime, provincial authorities and courts have been reticent about declaring Hells Angels a criminal organisation (Katz, 2011). Hells Angels, much like their Mafia mentors (Criminal Intelligence Service Canada, 2002), act like an extended family bound together by kinship and doling out of patronage within a set hierarchy punctuated by violence and power struggles. In October 2016, Bob Green, a high-profile Hells Angels considered one of British Columbia's top bikers, was gunned down by two younger affiliated associates.[3] Gang-style killings and sudden disappearances commonly remain unsolved once handed over to the British Columbia Coroner's Service, although the RCMP and municipal police forces run investigations that build comprehensive intelligence dossiers for future reference (Canadian Press, 2016).

To law enforcement agencies, OMGs represent a known quantity tolerated for the sake of intelligence gathering, which is preferable to some alternatives. Sher and Marsden (2003), using off-record interviews, claim policing rivalries was one factor behind Hells Angels gaining influence on Vancouver waterfronts. For instance, Allen Dalstrom, a senior investigator leading an anti-gang project known as PHOENIX, received an apology and multi-million-dollar settlement in a case of wrongful dismissal from the Organised Crime Agency of British Columbia (OCABC), which was later subsumed by the RCMP's Combined Forces Special Enforcement Unit. He was alleged to have compromised operational security and interfering with RCMP drug enforcement operations.

Hells Angels are susceptible to informants and undercover operatives (Hall, 2011). In exceptional circumstances, crown prosecutors drop charges or withdraw from trials rather than reveal confidential intelligence sources and techniques in evidence (Department of Justice, 2011). The thoroughness of police penetration into OMGs provides information otherwise unobtainable by regular intelligence methods. Chinese, Vietnamese, South Asian, Central and South American, Russian, and Eastern European gangs present certain language and cultural barriers. Removing Hells Angels through, say, a zero-tolerance enforcement campaign would, arguably, present an opportunity for any of these criminal groups to "fill the vacuum," where law enforcement agencies would have to rebuild their intelligence networks and data holding to deal with what would be a substantial threat (rather than a criminal nuisance).

BLAME THE UNION

In between law enforcement and OMGs stands the International Longshore and Warehouse Union. The union holds a privileged position in regard to hiring and employment on Vancouver area waterfronts. It is the dominant waterfront dock union that operates province-wide, as well as down the Pacific Coast. The ILWU's long-time leader was Harry Bridges, an Australian by birth. In efforts to deport him, the Federal Bureau of Investigation (FBI) investigated Bridges for alleged Communist involvement and labour racketeering and shared this information with the RCMP through the American embassy in Ottawa (Afrasiabi, 2017; Royal Canadian Mounted Police, 1967). Though perceived as an honest person who cared about rank-and-file members, Bridges defended Jimmy Hoffa of the Teamsters union who had deep connections with organised crime (Neff, 2015; Boehm, 1977), and vanished mysteriously after release from prison in 1975.

The International Longshore and Warehouse Union engages in a radical and militant tradition that defied authority and state attempts to discipline the waterfront workforce (Schwartz, 2009). The cornerstone of ILWU's power was control of the dispatch, and assigning shift work. In Vancouver, dispatch is done by the British Columbia Maritime Employers Association (BCMEA), whereas ILWU Local 502 performs dispatching for the Fraser River and Roberts Bank. Longshoring and related waterfront industries come under federal regulations and labour codes. Waterfront workers work as casuals until inducted into the union as regular members; typically, eight years after starting unless possessing some specialised trade or skill. It should be noted that most ILWU members are honest and hardworking people.

How Hells Angels enter and remain in ILWU locals is no secret. Like any member, they work their way up off the dispatch boards until someone sponsors them for full union membership (confidential source). OMGs essentially employ the same progression pattern and are quite familiar with putting in time. The Hells Angels (and the RCMP) also recruit existing union members (confidential source). Longshore workers in British Columbia are generally well-paid and enjoy superior benefits and pension arrangements, attractive to both ordinary workers and the criminally-inclined. Belonging to the union confers benefits and eligibility to vote on union matters or stand for election to executive or dispatch positions.

The ILWU practices a form of grassroots democracy, and if popular or convincing enough, bikers win some elections. Hells Angels have been known to openly wear colours to regular and executive meetings (confidential source). Once comfortably established in the union, Hells Angels sponsor other family members and associates (Vancouver Sun, 2015a). The ILWU has many multi-generational families that have worked the docks, as represented by Larry Amero, one longshore worker charged with drug trafficking in Quebec whose abdomen-wide Hells Angels tattoo provides law enforcement with a perfect poster boy .[4] Hells Angels gain sufficient seniority for placement high on the dispatch and become foremen in a separate union local. Criminal convictions for drug and related offences are no bar to union membership since jobs wait for them once released from prison or jail (Vancouver Sun, 2015a). It could be argued that few occupations offer criminals such levels of job security and entitlement.

Longshore workers experience greater scrutiny as part of mandatory marine port security measures. Transport Canada's Marine Transportation Security Clearance Program (MTSCP), in force in Port of Vancouver since 2008, requires

waterfront workers employed in sensitive or restricted areas and terminals to apply and obtain a transportation security clearance, renewable every five years. The Royal Canadian Mounted Police, in conjunction with CSIS, check backgrounds, criminal charge records and convictions, as well as known associates and affiliations (via the Canadian Police Information Centre (CPIC) central database (confidential source). Connection with Hells Angels is one ground for review of a transportation security clearance; the specific numbers given in table 1 (Transport Canada, 2015):

	Refused	Cancelled	Suspended
2010	1	1	0
2011	10	6	1
2012	5	2	0
2013	15	9	1
2014	21	14	2
2015	3	4	1

Table 1—Canadian Marine Transportation Security Clearance Data for Port of Vancouver

The International Longshore and Warehouse Union unsuccessfully mounted a court challenge to Transport Canada's Marine Transportation Security Clearance Program as an unfair restriction on employment. Longshore workers equated denial of transportation security clearances with the potential loss of jobs (Cowen, 2007). Port passes issued and administered by the Vancouver Fraser Port Authority that give access to general dock areas through security-manned gates are handled separately from the MTSCP. Longshore workers with criminal pasts and known links to OMGs may still work in areas, but outside of terminals identified with a security classification. Denial of a port pass on the basis of an infraction or being caught in a criminal act on-site, might lead to a longshore worker becoming unemployable (Christopher, 2015). Such rare occurrences are considered on a case-by-case basis. Nevertheless, the union has obligations to ensure work functions are performed honestly and represent those individuals who transgress.

The Canadian ILWU rarely responds to allegations of wrongdoing (presumably on the advice of its legal counsel), not even when a treasurer in one

local embezzled more than a million Canadian dollars from union funds to cover a gambling habit (Public Safety Canada, 2014). Labour racketeering, corruption, and criminal activity are sensitive subjects for any union. Longshore workers may talk tough, but they are neither violent nor prone to criminality. Canada relies on existing federal legislation in labour, criminal, and public security fields absent anything like the Racketeer Influenced and Corrupt Organizations (RICO) Act in the United States. Application of provincial civil forfeiture targeting criminals requires an order from a judge, which could extend to the assets of a union if shown to be proceeds of crime. Being so closely associated with Hells Angels involves risks and rewards.

CONCLUSION

Vancouver is Canada's gateway to the Pacific. In an era of increased threats to North American security, the area's seaport has become a contested arena that places law enforcement and government agencies against criminal groups like the Hells Angels, which has been infiltrating waterfront unions (confidential source). As such, it is important that public officials should not underestimate the influence and sophistication of these organised crime groups to find creative ways to conduct their illegal business in these venues. The situation in the Port of Vancouver is neither intractable, nor unmanageable, though continued vigilance remains necessary. Surveillance and interdiction efforts on behalf of the Canadian state target criminal elements, and the drug trade that motives them by drawing upon various law enforcement agencies' capabilities.

Technological improvements, better coordination and policies, and focused intelligence can increase the risk-to-profit ratio for criminal groups operating on waterfronts. Canadian chapters of the Hells Angels with connections to North American gangsters and their onward links to transnational crime groups present a threat to national security. Police could shut-down OMGs if circumstances and the public demanded, as was done in Quebec a decade ago. That is why public image and branding remains so important to Hells Angels because the Royal Canadian Mounted Police is trying to outmaneuver these gangs. In the meantime, the Canada Border Services Agency continues to improve interdiction capacity and extend its law enforcement authorities. It follows that the International Longshore and Warehouse Union could aid in finding a solution because the Hells Angels are most unlikely to survive in a law-abiding union driven by an ethical compass. Waterfront workers, and the union that represents them, face a stark

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choice—honest or dishonest, legitimate or criminal. Unions beset by labour racketeering and organised crime links are always the most vulnerable.

NOTES

1. *The Romeo Section* ran two seasons before being cancelled in May 2017. Two previous Haddock productions filmed in Vancouver, *Da Vinci's Inquest* (1998–2006) and *Intelligence* (2006–2008), attracted critical acclaim. The latter featured an ambitious female RCMP inspector leading an organised crime unit interacting with local drug dealers and security agencies. Ian Tracey directed and acted in the television series.

2. Deltaport at Roberts Bank is forecasted to handle twice the number of containers than Centerm and Vanterm on Burrard Inlet by 2030 (Ocean Shipping Consultants, 2016).

3. One of Green's alleged assailants, Jason Wallace, an 856 Gang member, sought police protection by turning himself in, after another suspect, Shaun Clary, was found dead and dismembered in Langley. Wallace pled guilty to manslaughter and received an eight-year prison sentence. His family went into hiding fearing retribution from the Hells Angels (Vancouver Sun, 2018).

4. In August 2017, Larry Amero was released from custody when a judge stayed the charges against him after a Supreme Court of Canada decision in another case questioned excessive lengths of time coming to trial, known in Canadian jurisdictions as the Jordan rule. He spent a little less than five years in custody awaiting a court date (Vancouver Sun, 2017b).

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Australian Correctional Management Practices for Terrorist Prisoners

Nathan Thompson‡

ABSTRACT

Management practices for incarcerated terrorists is an important counterterrorism policy consideration. Moreover, there is a misconception that once incarcerated, terrorists cease to be a risk. If correctional management regimes are implemented poorly, terrorist prisoners may be afforded the opportunity to remain active while incarcerated, including the recruitment of other prisoners, and the planning of future attacks. Equally, they may be viewed as role models or martyrs for sympathisers to aspire to. Despite the magnitude of the consequences, there is no agreed approach to managing Australian terrorist prisoners. As such, a dichotomy of dominant models has emerged; that is, to either segregate terrorist prisoners, or conversely, to disperse them throughout the wider prisoner population. Each strategy presents its own set of benefits and risks. This paper compares the management practices for terrorist prisoners in the states of New South Wales and Victoria to determine the strengths and vulnerabilities of each of these approaches. The paper concludes that policy-makers should consider reassessing current strategies. It suggests that a focus that extends the immediate containment considerations to encompass post-release factors would bring benefits for society.

Keywords: prison security, prisoner management, terrorism offences, Australia

INTRODUCTION

ethods of effectively managing terrorist prisoners[1] is an area of continuous Mdebate within corrections. Although incarcerated for their criminal acts, they differ from conventional criminals. While the focus for mainstream offenders was on addressing the criminogenic factors that contributed to their offending behaviour; the focus for terrorist offenders was on their ideological motivation which was often considered to be altruistic. Accordingly, imprisoned terrorists "…view themselves as political/religious activists rather than criminals" (Community Justice Coalition [CJC], 2016: 8). As such, it is argued that terrorist prisoners are managed, based on who they are rather than what they have done.

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This paper posits that conditions of confinement can influence the likelihood of continued commitment to, and further involvement in terrorist activity post-release. Consistent with the argument that "…a reduction of recidivism rates is the primary goal of all government policies relating to prisons" (CJC, 2016:10), focus must extend beyond the immediate security and containment considerations to encompass effective reintegration support following their release from custody. Therefore, correctional policies and practices in the Australian states of New South Wales and Victoria were analysed to compare each approach respectively. From this, a cause-and-effect assessment was developed that identified the areas of significance for each approach, along with the resultant behavioural outcomes.

MANAGEMENT MODELS

Management practices for terrorist prisoners remain an important consideration in counterterrorism initiatives (Copley, 2002). In addition, there is a misconception that once incarcerated, terrorists ceased to present a risk (Warnes & Hannah, 2008). If management practices are implemented poorly, terrorist prisoners could be afforded the opportunity to remain active while incarcerated (Copley, 2002; Jones & Morales, 2012). Further, the mistreatment or victimisation of terrorist prisoners, whether perceived or actual, through overzealous management regimes may also act to support the internalised grievance or sense of injustice that had initially served to motivate these offenders (CJC, 2016; Department of Prime Minister and Cabinet, 2010; United Nations Office of Drugs and Crime [UNODC], 2016).

Likewise, imprisonment presented the potential to transform terrorists into "…iconographic symbols for followers on the outside" (Copley, 2002: 10). This could act to enhance the status of terrorist prisoners in the eyes of impressionable sympathisers (Porter & Kebbell, 2011; Silke, 2014; Veldhuis, 2016), which is now reportedly being observed among incarcerated terrorists in some Australian correctional facilities (Stewart & Maley, 2015; Toohey, 2014).

Despite the magnitude of the consequences, there was no agreed approach to managing terrorist prisoners (Jones & Morales, 2012; Veldhuis, 2016). Prison administrators have found it necessary to balance the risks of avoiding special treatment against impeding their ability to remain actively involved in terrorist activity (UNODC, 2016; Veldhuis, 2016; Warnes & Hannah, 2008). Current management practices, while diverse in their specific detail, constituted a well-

defined dichotomy, namely separation (also referred to as concentration) and dispersal (also referred to as integration) (Jones & Morales, 2012; Neumann, 2010; Penal Reform International, 2015; Veldhuis, 2016) and each approach presented its own set of risks and benefits.

Separation Regimes

Separation entails the clustering of terrorist prisoners within the same facility and could be further divided into the sub-categories of segregation and isolation (Neumann, 2010; Silke, 2014; Veldhuis, 2016). Segregation refers to the removal from the mainstream prisoner population however a limited degree of interaction among the segregated population was permitted while isolation prevented all peer interaction (Neumann, 2010; Silke, 2014).

The objective of this approach is to create an interpersonal barrier between terrorist and non-terrorist prisoners (Veldhuis, 2016), and thus reduce the degree of influence that terrorist prisoners could exert over impressionable peers and sympathisers. Arguably, this comes at the expense of creating an environment that is conducive to peer reinforcement of their terrorist ideology (Copley, 2002; Kennedy, 2008; Veldhuis, 2016) and confirmation of the perceived status derived from their identity as a terrorist (Copley, 2002; Porter & Kebbell, 2011).

Dispersal Regimes

Dispersion refers to the distribution of terrorist prisoners throughout the prison population (Jones & Morales, 2012; Neumann, 2010). Silke (2014: 246) identified the benefits of this approach as being to, "…encourage dissent within the terrorist organisation…" and diminish the influence that terrorist prisoners exert by making them a minority within the wider prisoner population (Bucci & Bachelard, 2015; Toohey, 2014; Veldhuis, 2016). However, this is achieved at the expense of free interaction between terrorist and non-terrorist prisoners and as such, offers greater opportunity for incarcerated terrorists to proselytise (Copley, 2002; Neumann, 2010; Stewart & Maley, 2015).

AUSTRALIAN PERSPECTIVES

In Australia, the management of terrorist prisoners is primarily governed by the *National Custodial Management Guidelines for the Management of Inmates/Prisoners Deemed to Present a Special Risk to National Security* (NSW Parliament. Record of Proceedings, June 8, 2005: 16553) and the administration of those guidelines was delegated to each respective state. Alternately, the

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benchmark policy, *The Standard Guidelines for Corrections in Australia,* made no specific reference to the management of terrorist prisoners. It did however, offer direction for the management of high risk inmates by stating:

> There are occasions where the risk profiles of particular persons in custody require additional components for their effective management. Consequently, an appropriate management regime should be developed and implemented to ensure the ongoing management and good order of the prison is preserved (Australian Institute of Criminology, 2012: 36).

This recommendation aligns with findings by Veldhuis (2016: 2), which gave preference to "…a 'security first' approach which was geared toward achieving immediate control and risk management often at the expense of prisoner rights or longer-term considerations such as reintegration." It is consistent with evidence that some Australian jurisdictions had favoured such an approach with the objective of preventing the proliferation of extremist propaganda throughout the prison population (Jones & Morales, 2012; Stewart & Maley, 2015), and maintaining a high-degree of control over this prisoner group through the implementation of highly restrictive management regimes (Banks, 2016; Bashan & Silmalis, 2015).

Arguably, the security focus has driven the creation of specialised accommodation units (informally referred to as *Supermax*) such as the *Olearia Wing* at Barwon Prison in Victoria and the *High-Risk Management Correctional Centre* (HRMCC)[2] at Goulburn Prison in New South Wales (NSW Parliament, 2006, White., 2016). The assignment of a special status demanded the implementation of special management approaches for prisoners convicted of terrorism-related offences (Corrections Victoria, 2015a; Corrective Services NSW [CSNSW], 2015; Spaccavento, Dowel, & Quilkey, 2008).

Consideration was given to the legislative environment governing the management of terrorist offenders in Australia, which could be said to be in a perpetual state of enhancement. For example, the introduction of mandatory imprisonment for returning foreign fighters (see *Counter-Terrorism Legislation Amendment (Foreign Fighters) Act, 2014* (Cth)) will undoubtedly result in an elevated front-end demand for correctional administrators. The provision to indefinitely detain convicted terrorists who are considered to present a continued risk to national security will further contribute to administrative system pressure (see *Criminal Code Amendment (High Risk Terrorist Offenders) Act, 2016* (Cth)).

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To demonstrate, it was reported that this legislation would initially likely apply to nine inmates in New South Wales and four in Victoria who were convicted of Commonwealth terrorism offences. However, with time, it may be applied to a further twenty-three current prisoners in New South Wales, eleven in Victoria, and two in Queensland (Hutchens, 2016). Accordingly, Community Justice Coalition (2016: 30) asserted that "…recent legislative efforts by the Government to indefinitely detain terrorist offenders even after serving their sentence suggests a national gravitation towards continued incarceration over improving rehabilitative efforts," which demonstrated a preference for a punitive approach over one that featured rehabilitation.

Notwithstanding these legislative, operational, and administrative considerations, correctional administrators in New South Wales and Victoria have implemented contrasting management strategies (Jones, 2016). New South Wales favoured segregation, which observed the clustering of terrorist prisoners in special facilities (NSW Parliament, 2016). Victoria preferred a dispersal strategy whereby terrorists were distributed across the prison system and only segregated if they represented a specific risk (Bucci & Bachelard, 2015; Jones, 2016).

Administrative Approaches

The primary administrative consideration in prisoner management was the prisoner classification system. During a 2006 Parliamentary inquiry, the then-NSW Commissioner Woodham explained the significance as "…the security of a prison is not barb, tape and towers: It is the classification system. If you get that right you are as good as you are ever going to be" (NSW Parliament, 2006: 29), and it was ultimately concluded during that enquiry that "…an effective classification system is fundamental to the security of a correctional system" (NSW Parliament, 2006: 29). Corrections Victoria reported that, "…the assessment and classification of prisoners is critical for the security, safety and well-being of prisoners and a pivotal process in the smooth operation of the prison system" (Victorian Ombudsman, 2006: 73).

New South Wales

In New South Wales, the classification of terrorist inmates was informed through application of the *Violent Extremist Risk Assessment—Version 2* (VERA 2), which was applied in conjunction with generic offender assessment methods (NSW Department of Justice, 2014; Silke, 2014). This assessment graded the inmate against thirty-one criteria; twenty-five being risk factors and six protective factors.

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These factors were separated into the categories of *Beliefs and Attitudes, Context and Intent, History and Capability* and *Commitment and Motivation* (Pressman & Flockton, 2012). Globally, the reliance on risk assessments in prisoner classification was increasing and served to "…impact sentencing, correctional classification, placements, program interventions and release determinations" (Silke, 2014: 144).

Notwithstanding the guidance provided by VERA 2, administrative practice evidently favoured segregation. This was observed through the assignment of *Category AA* (for males) and *Category 5* (for females) security ratings, which were specifically created for terrorism-related offenders and defined as:

> …the category of inmates who, in the opinion of the Commissioner of CSNSW represent a special risk to national security (for example, because of a perceived risk that they may engage in, or incite other persons to engage in, terrorist activities) and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment (CSNSW, 2015, Section 12.3.2).

The Category AA and five security classifications were unique insomuch that they were arguably assigned based on the nature of the offence rather than on the identified level of risk. This contrasted with the remaining security classifications, which were risk-based and encompassed a variety of offence types (NSW Parliament, 2006, NSW Parliament, 2016).

Correctional administrators in New South Wales exercised the capacity to assign an additional security designation. Although independent, when defining the relationship between the security classification and security designation it was concluded that "… it is not possible to understand the management of high risk offenders by the Department without considering classification and designations together" (NSW Parliament, 2006: 27). As such, the combination could be argued to have enabled greater specification of the nature of risk presented by high-risk inmates.

Of relevance was that of the *National Security Interest Inmate* designation, which was created solely for terrorist offenders. This designation was assigned in circumstances that represented:

> …[a] risk that the inmate may engage in, or incite other persons to engage in, activities that constitute a serious threat to the peace, order or good government of the State or any other place (Reg 15, Crimes (Administration of Sentences) Amendment (National Security Interest Inmates) Regulation, 2015 (NSW)).

Alternately, additional security designations, such as *Extreme High Security* and *Extreme High Risk Restricted* were assigned based on the level of risk to others or the threat posed to the "good order and security" of the correctional facility and could be imposed on any inmate who satisfied these criteria, including those convicted of terrorism related offences (CSNSW, 2015, Section 18.3.2).

This classification framework attracted criticism for being overly complex and confusing (NSW Parliament, 2006). The existing practice, which specifically defined terrorist offenders as a unique entity indicated that terrorist inmates were administratively segregated within the classification system. This arguably contributed to the development of the *terrorist identity* among inmates in New South Wales correctional facilities (Rubinsztein-Dunlop & Dredge, 2016). The existence of this identity was further detailed by Spaccavento et al. (2008) who reported that there was a reluctance to downgrade the security classification of a terrorist inmate due to safety concerns and asserted that:

> …there is a real risk that a Category AA inmate, once so classified, will remain so classified regardless of his *actual* "special risk to national security", contrary to the policy of applying the least restrictive security level appropriate to an inmate's level of risk (Spaccavento et al., 2008: 1)

Notwithstanding these concerns, it was concluded that, "…persons charged with terrorist offences are regarded as representing a new and special risk to the security of the State, justifying a special security rating within the correctional system" (NSW Parliament, 2006: 50).

Victoria

In contrast, the Victorian approach offered less distinction in its classification of terrorist prisoners and instead integrated this offender group into the existing prisoner classification process. Terrorism offences were assigned the highest score (7) on the offence severity scale which predisposed this prisoner group to being assigned the *A1* security rating (Corrections Victoria, 2016). This rating was defined as *High Security* (the highest security rating in the Victorian system).

Still, this rating was not exclusive to terrorist prisoners, but rather, was universally applied in circumstances "…where the prisoner poses a major threat to the physical safety of other prisoners or staff, or the good order and security of the prison" (Corrections Victoria, 2016: 3).

Consistent with New South Wales, Corrections Victoria also exercised the capacity to assign a risk-based designation in conjunction with the security rating, namely *Special Category Status* (Corrections Victoria, 2015a). Again, this designation was not exclusive to incarcerated terrorists. However, terrorist offenders were predisposed to Special Category status due to the definitional criteria for its assignment. This included cases where the prisoner "…has been sentenced to a minimum effective sentence of 10 years or more, or has been in custody for 10 years or more," or where the case "…may be of special community interest," or in instances where "…[the prisoner] requires special attention due to his/her need for intensive program support or high levels of supervision" (Corrections Victoria, 2015a: 3).

The Victorian approach favoured the principle of treating terrorist prisoners like any other serious offender. Furthermore, classification decisions resulted from actual levels of risk rather than the nature of the offences. In doing so, the opportunity was reduced for incarcerated terrorists to assume a terrorist identity because of their classification. The outcome was diminished status and even discredit within the prisoner population. This was considered an essential condition when viewed in conjunction with the operational practices that allowed for a greater level of interaction (when compared with New South Wales) between terrorist and non-terrorist prisoners.

Operational Practices

New South Wales

Category AA and Category 5 prisoners were predisposed to segregation by virtue of the requirement for such inmates to "…be confined in special facilities" (CSNSW, 2015, Section 12.3.2). Nevertheless, the nature of these facilities was not defined (Spaccavento et al., 2008). In practice, the segregation of Category AA inmates in the HRMCC was favoured (El-Said, 2015; NSW Parliament, 2016). This unit was designed to safely and securely house inmates:

> …who have been assessed as posing a high risk to the safety of the community, correctional centre staff and/or other correctional centre inmates or present a serious threat to the security and good order of a

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correctional centre and a serious threat of escape (NSW Parliament.,
2006: 71).

Consistent with the 'security first' approach detailed by Veldhuis (2016), New
South Wales posited that "The primary goals of the HRMU are security related,
and the unit achieves its security objectives very well. It should also be made
clear that this unit is not primarily a therapeutic unit…" (NSW Parliament, 2006:
67).

Inmates housed in the HRMCC were subjected to a tiered management
regime whereby privileges were granted and withdrawn based on inmate
behaviour (Banks, 2016; NSW Parliament, 2006). Association with other inmates
was one such privilege and some tiers of the hierarchal management regime
imposed a condition of complete social isolation whereby all peer association was
disallowed. Other tiers allowed limited interaction with specified peers, however
in all cases, free association with the general inmate population was prevented
(NSW Parliament, 2006).

Arguably, parallels can be drawn between the objectives of the HRMCC
and the *Terrorist Wing* concept presented by Veldhuis (2016). Then again, while
the Terrorist Wing Model imposed an impermeable barrier between terrorist and
non-terrorist prisoners (Veldhuis, 2016), the barrier within the HRMCC more
aptly resembled that of semi-permeable. This was due to the placement of other
high-risk non-terrorist inmates (such as escapees and gang leaders) in that same
facility (NSW Parliament, 2016; Rubinsztein-Dunlop & Dredge, 2016; Sutton,
2017). This practice allowed for a degree of association between HRMCC
inmates (NSW Parliament, 2006; Sutton, 2017) and presented the opportunity for
non-terrorist inmates to become indoctrinated by their highly concentrated
terrorist peers (Rubinsztein-Dunlop & Dredge, 2016; Sutton, 2017).

To rectify this vulnerability, a revised management approach was
announced by CSNSW whereby terrorist inmates would be segregated from non-
terrorist inmates through the creation of a dedicated terrorist wing within the
HRMCC (O'Sullivan, 2017).

In practice, the most important benefit of segregation was observed in the
removal of the most influential terrorist proselytisers from the general prison
population (NSW Parliament, 2006, NSW Parliament, 2016). This restricted the
ability of these inmates to use their terrorist identity to freely influence and recruit.
Notwithstanding this, two convicted terrorists were progressed from the HRMCC

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to the mainstream prisoner population after having their security classifications downgraded in early 2016 (Harris & Phelps, 2016). This supported the assertion that a predisposition to segregated confinement was not absolute and challenged the concerns expressed by Spaccavento et al. (2008) that Category AA inmates would remain so classified regardless. It was compliant with the human rights practice of applying the least restrictive security classification commensurate with the identified level of risk (UNODC, 2016).

Consistent with the subject literature, the segregation of terrorists in the HRMCC was reported to create conditions conducive to peer reinforcement of terrorist ideologies among the segregated cohort (Banks, 2016; Rubinsztein-Dunlop & Dredge, 2016; Sutton, 2017). This enabled a strengthening of their terrorist identity (Rubinsztein-Dunlop & Dredge, 2016), and reports of the indoctrination of non-terrorist inmates (Harris & Phelps, 2016; Schliebs, 2016).

Internationally, this approach attracted criticism because "…the concentration policy, probably as a result of fear-based pressures in the decision-making context, is based on exaggerated risk assessments and flawed assumptions about the nature and degree of prisoner radicalization and how it can be countered" (Veldhuis, 2016: 6), and was described in the Australian context as "…problematic and probably counter-productive" (Jones, 2016: Para 1).

Arguably, the shortcomings of segregation were evidenced in the cases involving Khaled Sharrouf and Guy Staines who, following their release from prision, were reported to have travelled to Syria to become foreign terrorist fighters with *Islamic State* (IS) (Info Ops HQ, 2016; Schliebs, 2016).

Victoria

Management strategies in Victoria mirrored that of New South Wales with *Operation Pendennis* defendants being segregated in the high security *Acacia Unit* at Barwon Prison (Carlton & McCulloch, 2008). This practice attracted criticism from the judiciary and resulted in a benchmark ruling by Victorian Supreme Court Justice Bongiorno (see *R v Benbrika and Ors*, Ruling No. 20), who defined the relationship between highly restrictive conditions of confinement and the defendant's diminished ability to receive a fair trial. This resulted in all the accused being transferred to an alternate facility for the duration of their proceedings (Carlton & McCulloch, 2008).

More recently, and in contrast with earlier practice, Corrections Victoria adopted a dispersal model where terrorist prisoners were distributed across several prisons (El-Said, 2015; Jones, 2016). An objective of this strategy was to reduce their collective influence (Bucci & Bachelard, 2015). The benefit was observed in the diminished standing that terrorist prisoners had in the general prisoner population (Bucci & Bachelard, 2015; Stewart & Maley, 2015). This included "…weakening the narrative…that Muslims had to rise-up against a justice system that was inherently against them" (Bucci & Bachelard, 2015: Para 10).

While provision existed to segregate problematic prisoners, this was not considered a long-term option and focus remained on management strategies to facilitate the prisoners' return to a mainstream placement (Corrections Victoria, 2014). National guidelines recommended that "…restrictions placed on high risk prisoners should be no more than are necessary to maintain safety and security based on an individual assessment of the prisoners' risk(s)" (AIC, 2012: 36). Consistent with this recommendation, Corrections Victoria (2015b: 14) asserted "…the effective management of this group of [segregated] prisoners is an ongoing process of negotiating a balance between competing requirements – control and necessary restrictions versus rehabilitation and meaningful activity."

In practice, Abdul Nacer Benbrika was identified as being one of the most visited prisoners in Victoria (Stewart & Maley, 2015). Furthermore, several Benbrika's visitors were considered to have travelled to foreign conflict zones and engaged as foreign fighters after visiting and being inspired by him (Dowsley, 2016; Info Ops HQ, 2016). This reportedly resulted in Benbrika's transfer from Port Phillip Prison to Barwon Prison's Acacia Unit in late 2015 to disrupt his influence and followed further reports that he was proselytising within the prison (Bucci & Bachelard, 2015; Dowsley, 2016; Info Ops HQ, 2016). This demonstrated a key vulnerability of the dispersion strategy. That being, that higher levels of peer contact enabled influential figures, such as Benbrika, to freely act as a propagandist.

De-Radicalisation Programs

Therapeutic programs were, arguably, at the forefront of de-radicalisation initiatives, both in prisons and in the community and were considered to be a significant component in offender rehabilitation (AIC, 2012, Victorian Ombudsman, 2015). Notwithstanding the potential long-term benefit of such programs, Australian de-radicalisation initiatives were described as modest (El-

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Said, 2015), and the Community Justice Coalition (2016: 21) reported that "…targeted de-radicalisation programs, however, in Australian prisons appear rare," with a systemic preference for punitive options that "…may simply serve to entrench anti-authoritarian and extremist belief" (CJC, 2016: 22). This supported the proposition that the "safety first" approach was favoured despite Veldhuis (2016) having cautioned against it, and arguably, demonstrated a predisposition in favour of punitive responses while long-tern rehabilitation appeared to be secondary.

New South Wales

Initial responses by New South Wales were informal and included initiatives such as the *Muslim Chaplaincy Program* which aimed to "…contain radicalisation and [ascertain] how to engage with partner organisations to assist with the transition from custody to community" (Khoury, 2014: 1) and further "…to engage prisoners and reinforce acceptable beliefs and values" (Khoury, 2014: 2).

New South Wales implemented a more structured federally funded program (NSW Parliament, 2016). Namely the *Proactive Integrated Support Model* (PRISM), which was directed at prisoners who were identified as being at risk of radicalisation (CJC, 2016; Markson, 2016, NSW Parliament, 2016). This program focused on a combination of life skills and religious moderation (Andersen, 2016; NSW Parliament, 2016). This program reportedly did not encompass inmates who were charged or convicted of terrorist offences, nor was there an alternative program specifically for terrorist prisoners (Andersen, 2016; Markson, 2016). At the time of writing, no statistics pertaining to PRISM were available.

Victoria

Corrections Victoria demonstrated an early interest in de-radicalisation programs (Akbarzadeh, 2013; El-Said, 2015; Brown, 2015; Dowsley, 2016), which evidently favoured offender rehabilitation over punitive responses (UNODC, 2016). The motivation to de-radicalise Victorian prisoners resulted in the implementation of the *Community Integration Support Programme* (CISP) (Akbarzadeh, 2013; El-Said, 2015). It was summarised that this initiative:

> …is directed at Victorian-based Muslim offenders for terrorism related offences. The program provides Islamic awareness sessions to prisoners; re-integration support for those who are nearing release from prison; religious support and mentoring; and post release, re-integration

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individual and group social support including family support where appropriate. Continued participation in the program is mandated as part of released prisoners' parole conditions (Victoria Police, 2010 as cited in Akbarzadeh, 2013: 459).

The objective of this program was "…challenging radical ideas and correcting distorted views on jihad among convicted terrorists" (Akbarzadeh, 2013: 459). This approach extended beyond the period of incarceration to encompass community and family support post-release which is was specifically aimed at preventing a relapse to terrorism (Brown, 2015). Mid-2017 reports indicated that twenty-two current and former Victorian prisoners were engaged in this program (Houston & Donelly, 2017). However, the future of CISP is uncertain with reports that the Islamic leadership has withdrawn its support for the program citing concerns that an over emphasis has been placed on Islamic radicalisation while neglecting right wing extremism (Le Grand & Urban, 2017).

In practice, the level of success experienced by de-radicalisation programs in Australian prisons was unclear (CJC, 2016; Khoury, 2014). The Victorian Ombudsman (2015: 5) concurred reporting more generally that "…although much research supports the proposition that programs can be effective in reducing recidivism, it is not possible to confidently state how effective any individual program is."

Prison de-radicalisation programs were broadly criticised for being incapable of achieving their objectives due to "…dealing with highly radicalised individuals…" who are "…in a confined environment where they are together and are reinforcing each other's views" (Andersen, 2016, Para 3,4). Akbarzadeh, (2013: 452) concurred reporting that "…the success of this approach, however, has been limited because it fails to take into account the full array of factors that contribute to radicalisation." The Community Justice Coalition echoed these concerns and asserted that the current approach "…overlooks 'affiliation' factors such as personal relationships, social networks, and the sense of community and belonging, which exert a strong influence over decisions to join a terrorist organisation" (CJC, 2016:19).

El-Said (2015) was critical of Australian de-radicalisation programs and argued that the role and influence of the offender's family in the de-radicalisation process had been completely neglected. This contrasted with the Saudi Arabian program that was reportedly yielding success rate of between eighty and ninety-eight percent (El-Said, 2015; Silke, 2014), although it was also argued that this

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high success rate was due to cultural factors that were specific to the Saudi Arabian context (El-Said, 2015). Notwithstanding this, it was proposed that the Saudi approach represented a possible model for other countries' de-radicalisation programs. Though these adapting countries would have to embrace the Saudi cultural context to expect similar results (CJC, 2016; El-Said, 2015). For this to occur in Australia, the current predisposition for punitive management practices over rehabilitation would have to be reassessed.

CONCLUSION

Management practices for incarcerated terrorists represent a dichotomy; namely to segregate from other prisoners or to disperse throughout the prison population. This paper investigated the contrasting approaches implemented in New South Wales and Victoria, which encompassed administrative procedures, operational practices and therapeutic programs within the custodial environment.

The prisoner classification system was identified as being potentially the most important factor in effective offender management for terrorists. This was observed through the potential to develop a terrorist identity, which afforded inflated status, and consequently, the ability to influence those who were vulnerable to terrorist propaganda.

New South Wales favoured a segregated approach, clustering terrorists in the state's high-risk management centre. But, the segregation of terrorists was potentially counterproductive to the goal of rehabilitation. This was further exacerbated by the cohabitation of high-risk terrorist and non-terrorist offenders. Conversely, Victoria preferred a dispersal model were terrorists were distributed across several prisons. The fears of widespread proselytising were arguably unfounded with such behaviour being limited primarily to one influential individual.

With reports that released terrorist prisoners, and those inspired by them, continue to seek to travel to foreign conflict zones to engage in terrorists training and activities, the objectives of offender rehabilitation are not being achieved. In view of this, policy-makers should consider reassessing current strategies. Focus should extend beyond the immediate containment considerations to encompass post-release factors. By doing so, the benefits for society would increase.

1. In New South Wales those incarcerated are referred to as *inmates*, while Victoria refers to them as *prisoners*. Therefore, the terms inmate and prisoner are used interchangeably in this paper.

2. The High-Risk Management Correctional Centre (HRMCC) was formerly named the High-Risk Management Unit (HRMU), and as such may be referred to as either dependent on the era of that reference.

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Women in International Policing:
Replacing an "Old Boys Club"?

Saskia Hufnagel[§] and Maira Hassan

ABSTRACT

Globalisation has increased the importance of international police cooperation. While cross-border law enforcement can be traced back as far as the Nineteenth Century, police cooperation today—such as Joint Investigation Teams, International Liaison Officers, and Interpol—only came about in the Twentieth Century. It was developed to counter transnational organised crime, such as drug crime and immigration crime, as well as terrorism. But, another aspect of international policing is that of peacekeeping; that is, the deployment of national police to countries during or after conflict to maintain law and order where the local police do not have sufficient capacities. This paper examines how women have been elevated in this police cooperation role, particularly Interpol and international peacekeeping. The discussion focusses on whether there are indications that internationally related tasks and agencies provide a more accepting environment for female police officers as opposed to a national police force setting.

Keywords: international police cooperation, women in policing, Interpol, peacekeeping

INTRODUCTION

Police organisations have changed significantly since the 1970s because of the challenges of globalisation. The first deployment of international liaison officers took place about this time and developed into the type of police attaché we see today. During this time, the organisational arrangements changed as well (Weisburd and Braga, 2006: 360). One of the most important changes has been the introduction of more female police officers (Natarajan, 2016: 8–9). Some countries have used female police officers in the role of international liaison officers and in other high-profile international positions; for example, within Interpol (Interpol, 2012; Interpol, 2012a).

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As a general observation, the number of women included in international policing exceeds the number of women in national police forces. By way of example, England and Wales employed 28.2% female police officers in their forces in 2015 of which those in senior ranks (i.e., chief inspector/lieutenant and above) was 21.4%, compared with 30.2% of women at constable rank (Home Office, 2015). The German Federal Police (Bundespolizei) comprises an even lower 13.9% of women officers (Bundespolizei, 2015; Deutscher Bundestag, 2014). According to hiring data gathered by the Federal Bureau of Investigation, women account for about 12% of active duty police officers in the United States (Moraff, 2015). In Australia, the Australian Federal Police is looking at introducing gender targets as less than 20% of uniformed staff are women and only 15 of 84 senior leaders are female (Anderson, 2016).

These are just a select number of countries, however, considering that they are some of the most developed nations in the world, a higher number of female officers could have been expected considering gender equality legislation. In contrast, the number of female officers working at Interpol amounts to 44% (Interpol, 2014).

This paper assesses whether there are indications that the inclusion of women in international policing and peacekeeping roles has followed similar developments and what aspects might lead to different levels of inclusion of female officers within these diverse policing tasks as opposed to a national police force setting.

INTERNATIONAL AND NATIONAL POLICING

For the purposes of this paper, *international policing* will be defined as police work that crosses international boundaries and is carried out by police officers who are employed by their home nation state but deployed to either a foreign country or a multinational policing organisation; such as Interpol or Europol. International policing can, of course, also be carried out within the nation state; for example, if police request legal assistance from another national police force. However, this is not discussed here because the officers investigated should be immersed in a non-national policing context.

The tasks of the officers selected here as *international* are removed from those of a national officer as they have no enforcement powers in their international line of work. An exception to this definition of international policing is that of international peacekeeping missions, where officers retain, or are given

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special enforcement powers, to carry out (national) front-line policing tasks in combat zones.

WOMEN POLICE IN NATIONAL AND INTERNATIONAL CONTEXTS

Research regarding women in policing emerged as an important criminal justice issue in the 1990s (Heidenson, 1989; McKenzie, 1993). However, among studies at the time, few focused on women in international policing (Hazenberg and Ormiston, 1995; Hazenberg and Ormiston, 1996). Of the international policing studies, most were carried out within a European context that lacked a wider global perspective.

At the national level, Germany, Sweden, Britain, the Netherlands and Norway have had women working in their police forces from the early-1900s, other European states only started to employ women in the 1960s and 1970s, such as Austria, Spain, Luxemburg and Ireland (Brown, 1997: 2–3). According to data from the European Network of Policewomen (2008), within Europe (rather than the European Union), countries with the lowest percentage of female officers were Turkey and France, while the highest percentages existed in Estonia, Sweden, United Kingdom, Italy, Norway and the Netherlands (see also Holm, 2000: 43, Pruvost, 2009: e36, Home Office, 2016).

In most European countries, a so-called *staged approach* was applied when women were first integrated into the police forces. This approach has currently also been recommended for the integration of women police in strongly patriarchal societies, such as Brazil and India (Macdowell Santos, 2005; Natarajan, 2008). The staged approach means that the female staff starts not armed and working mainly with children, female victims and in the context of domestic violence (Prenzler and Sinclair, 2013: 117). The introduction of women to the police through specialised all-women units has in some countries been claimed to make acceptance for male colleagues easier as they do not seem to encroach on male territory (for example the Polish Women's Police Brigade, see Brown, 1997: 4).

To increase the number of women in policing, different jurisdictions have employed different approaches. The litigious approach was adopted in America and Australia (Brown, 1997: 7). Legislation in America and the United Kingdom led to changes regarding discrimination in the workforce, enabling further integration in the 1960s and 1970s (Prenzler and Sinclair, 2013: 117). Other approaches to reinforce women participation in policing included support, training, the introduction of paid parental leave, part-time employment

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opportunities, childcare support and special women units (Prenzler and Sinclair, 2013: 117). However, in 2006 it was estimated by the British Association of Women Police that to ensure an adequate progression and cultural integration of women in the police, a 35% representation of female officers would be necessary (Prenzler and Sinclair, 2013: 116; Brown and Heidensohn, 2000).

Instead of a balanced parity of fifty-fifty, this percentage is stated as representing a "tipping point" where the organisation in itself shifts, the path to equality between men and women within the number of officers in reaching complete parity becomes less pronounced and the remaining gap to 50% less incremental. According to Brown (1997), this would be the tip-over point to gender balance and ensure that acceptance exists throughout the force and the community (Brown, 1997: 15).

The goal of 35% (at least for uniformed staff/officers) has not been achieved in all national police forces. South Africa and Australia come close, with up to 30%. Although Belgium is in this same realm, the number includes civilian staff, which comprises 50% of female police staff in Belgium. The Estonian police have 45% female staff, but nearly half of these are non-uniformed personnel (Institute for Public Security of Catalonia, 2013: 21).

The low number of uniformed staff has often been blamed on the misconception that women are not able to exercise frontline policing due to the need to use physical force, while the office workers or detectives could be regarded to use "soft" policing skills. The inability of women to exercise enforcement powers as well as the necessity to use physical force could be viewed as a male policing "myth" (Silvestri, 2017: 9), but the lower numbers of female officers in operational and uniformed policing indicates that this myth is shared by many countries across the globe.

An example for the myth working in the favour of women could be given at the national level by the case of France. In France, a country with one of the lowest numbers of female officers in Europe generally, the number of women in police leadership positions is disproportionally high. There are more women commissaires (18% in 2005) and inspectors (17% in 2005) than patrolwomen (14% in 2005) (Pruvost, 2009: e36). Pruvost argues that a reason for this are the more managerial (less enforcement) oriented tasks attributed to higher ranks and the consequently higher level of acceptance towards women exercising them.

Another reason is likely the ability of women to enter managerial levels from the outside without rising through the ranks (Ewijk, 2012).

WOMEN IN INTERNATIONAL POLICING

Compared to national policing, there is a higher number of women involved in international police organisations, such as Interpol. Officers deployed to Interpol do not have enforcement powers, so there is no link to be made to the requirement of physical strength. Interpol is not a "dangerous place" and working there does not include operational tasks, unlike, for example, war and war-like zones where international peacekeepers operate. Covering all time zones, Interpol has three Command and Coordination Centres that offer an around-the-clock point of contact for national police forces seeking urgent information. After the Second World War, the first headquarters was established in Lyon, France. In 2011 a further Coordination Centre was opened in Buenos Aires and a third has become operational in Singapore in 2015 (Interpol, 2016).

Table 1—Numbers of women in Interpol

Year	Female Officers	Total Number of Interpol Staff
2014	44%	819
2013	42%	756
2012	42%	703
2011	41%	673
2010	No Data	No Data
2009	42%	645
2008	42%	588
2007	43%	562
2006	42%	541
2005	42%	502
2004	No Data	443
2003	No Data	431
2002	No Data	406
2001	No Data	391
2000	36%	443
1999	No Data	373

(Source: Interpol *Annual Reports* 1999–2014)

While the subject literature on the establishment of Interpol is plentiful, with Anderson (1989) discussing the "old boys club" of Interpol's former influential leaders, less has been published regarding women in this organisation (Manzoor Arain, 2014). However, the Interpol annual reports from 1999 to 2014 show how

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the numbers of women in the organisations have grown from 36% to 44% based on the total number of Interpol staff. These data are shown in table 1.

They demonstrate that the goal of having 35% women to have a fully implemented female component was achieved in 2000 (perhaps earlier, but these data were not available to this study). This situation is different from most national police forces around the world.

To explain the phenomenon of number equality in this organisation, it is useful to look at the advertisements for positions published by Interpol. At the time of writing there were several employment advertisements posted on the Interpol website. The fact that many positions were open to non-police might also explain the higher number of women in Interpol. Furthermore, the position of criminal intelligence analyst can attract a disproportionate number of female applicants, a position in much demand by organisations such as Interpol (Sanders, 2015).

Some of the tasks highlighted in these job advertisements included: maintaining relationships; analysis and dissemination of information; identifying country specific cooperation problems; organisation of meetings and conferences; preparation of reports and presentations; and liaison activities. These job requirements have little in common with operational policing at, say, street level enforcement. The positions furthermore required university degrees—in some cases advanced degrees (e.g., master's degrees or PhDs)—and knowledge of certain foreign languages, which is not usually a selection criterion in local police forces. But, none of the tasks required physical strength. The myth that women are not naturally capable of using force, unlike men, might hence work to their advantage when applying for positions in international policing organisations (Interpol, 2015).

WOMEN IN INTERNATIONAL PEACEKEEPING

Women's participation in international peacekeeping, especially in comparison to other forms of international policing is low (UNSC, 2013). According to the United Nations statistics from September 2015, women constitute approximately 3.2% of the total military personnel and approximately 10.8% of the police involved in UN International Peacekeeping missions. In 2014, the percentages were 3.0% and 9.1%, and in 2013, 2.7% and 9.7% (UN Statistics, 2010, 2013, 2014). In fact, the increase has been incremental, less than 1% over the five years,

with 2.6% women military and 9.2% police peacekeepers in 2010 (UN Statistics, 2010).

There is some research, conducted on European peacekeepers that has attempted to answer how women are perceived by their male co-workers regarding what has become known as *gender mainstreaming*. This employment approach was adapted in response to UNSCR Resolution 1325 (2000). The research investigated whether women in international peacekeeping roles were effective. This is because gender mainstreaming has been criticised for being a "quick fix," or what some have termed as the "add-and-stir" approach that merely increases the number of women but changes little else (Valenius, 2007; Simic, 2010). However, even these numbers have not increased drastically (table 1), which begs the question: What is the reality of gender mainstreaming in international peacekeeping operations?

MORAL POLICING ROLE

The pressure exerted by Resolution 1325 has to do with the fact that "…peacekeepers have been responsible for rape and sexual assaults on women and children in host nations" (Bridges and Horsfall, 2009: 122). The implication being that these were committed by male peacekeepers. Consequently, the role, it seems, women play here is that of something akin to "moral policing." Bridges and Horsfall (2009) admit that "…of course, the presence of female personnel cannot *stop* sexual violence; it will deter some men," suggesting that "…a balanced force can 'reduce the level of sexual harassment and violence against local women'" (Bridges and Horsfall, 2009: 125, emphasis in original).

This seemingly positive attribute to women's presence is somewhat jaded. Simic (2010) outlined how "…it is assumed that women are more peaceful than men and that their mere presence…can…potentially decrease sexual offences committed by their male colleagues" (Simic, 2010: 190). This reflects a study conducted by the UN Division for Advancement for Women (1995) that suggested that "…men are more likely to behave in a civilised manner if surrounded by their own women" (Simic, 2010: 190). Not only does this force women into becoming the conscience of a male-dominated workforce, but more damagingly, it disallows men to be viewed as civil on their own accord; it reinforces the perception that the male sex drive is something that men cannot and should not have to control unless made to do so.

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THE ESSENTIALIST ARGUMENT

In contrast with the pacifying role of women, the perception of male masculine behaviour provides some natural morality and is perhaps the key issue in the evident lack of gender-parity in peacekeeping. It seems that some male peacekeepers consider women to have a pacifying effect. In Valenius' study of Finnish Peacekeepers in Kosovo (2007), a male peacekeeper recounted that:

> …two teenage Kosovo Serb girls…were weeping, watching their village burn. He could not do anything to comfort the girls. A female peacekeeper arrived and according to him, by her mere presence she was able to calm the girls down. He admitted that he was helpless in that situation because of his gender. (Valenius, 2007: 515)

And yet, in other accounts, women are found to be less, if at all, sensitive in accordance to their assumed nurturing nature. The all-female Indian police unit in Liberia, for example, portrays a "…fit into military hypermasculine environment" implying that the increase of female peacekeepers "…will not necessarily increase sensitivity to gender issues" (Simic, 2010: 194). It turns out that the essentialist label of being inherently and overtly sensitive forces women to not associate with it. In Sion's study of Dutch peacekeepers in Bosnia and Kosovo (2008), women peacekeepers, in order to be trusted and be taken seriously by their male colleagues, found it "…important…to be part of the male group" (Sion, 2008: 569).

The consequence of this was that "…as part of being 'one of the guys'" the female peacekeeper was forced to "…suppress her sexuality and femininity" by becoming a "…non-woman: a nonthreatening being who is able not only to listen to men's fantasies and adventures, but also help them by supplying soft pornographic magazines" (Sion, 2008: 569). Moreover, due to this gender-essentialist perception, many female peacekeepers, despite being qualified for combat, were given roles that their male superior officers deem more fitting. In the case of Dutch peacekeepers, "…some of the women said they wished to serve in a combat role but were refused on the grounds of being a woman"; essentially, "…instead of the functions they had been assigned to before the peacekeeping mission, they were given simple and unchallenging administrative work during the mission" (Sion, 2008: 575).

This reflects the earlier theory of the skills advertised for Interpol positions as descriptive of feminine or non-risk qualities (i.e., communication skills and

language proficiency) over enforcement or tasks requiring physical strength (masculine qualities) which are usually associated with policing. Far from the assumed perception of women's role in a male-dominated workforce, women, at least in the context of international peacekeeping, neither desire to be the "moral police" in keeping their male colleagues in check, nor do they wish to be isolated as the "soft and sensitive" ones, forever penalised, despite being trained and qualified, for the stereotypes bestowed on their gender.

ABSENCE OF MEN IN "GENDER"

With this lens of women's perceived value, there is little chance for a fluid penetration or a true mainstreaming into peacekeeping. In reality, the addition of women in peacekeeping operations "competes for attention" (Carey, 2001: 63). Pruitt (2015), in her role-play stimulations with students studying peacekeeping, observes that:

> …the young woman leading the military component of this role-play did not noticeably pay any more attention to gendered issues than pervious or current male students. She, like other students, appeared at times overwhelmed by the complex realities of competing interests…and along with her teammates in the first instance decided to 'pass the buck' on these issues to the NGOs, who, not having communicated with the military group on this issue, assumed the military group would handle it (Pruitt, 2015: 92).

The idea of gender-mainstreaming reduces the role of women into a task, a symbolic "check-box" amongst other management priorities. However, it is passed on to another party due to the inherent inability for women's inclusion to be reduced to a mere administrative project; it is not task-based but ideological. In addition, the notion that women are the ones who ought to care about this most and push further to implement gender mainstreaming, takes the onus away from men. The term *gender mainstreaming* is problematic in itself. Carey (2001), in discussing Women and Peace and Security, outlines issues Hilary Charlesworth identified with gender mainstreaming where "…*gender* is assumed to be a synonym for *women*. This assumption leaves male identities unexamined and requires women to change but not men" (Carey, 2001: 62, emphasis in original).

Accordingly, in the analysis of gender essentialism in Canadian Foreign Aid, Tiessen (2015) praises the Dutch report (Dutch National Action Plan) for noting "…that 'securing male understanding and support for UNSCR 1325 is crucial for its effective implementation. One way to achieve this is to broaden the

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conception of gender by including masculinities perspective on peace and security'" (Tiessen, 2015: 91). Otherwise, women are left with a heavy burden of not only proving themselves and being accepted in the "old boys network," but also ensuring that their presence is some catalyst for change and accomplishment of the UN Resolution.

MAKING "SPACE" FOR WOMEN

One of the illustrations of the absence of men in achieving gender mainstreaming (i.e., gender parity) is reflected in the physical space of peacekeeping missions. Firstly, the space within the job description favours men over women. In the context of Finnish Peacekeepers in Kosovo, "…it was pointed out that without military training, female peacekeepers would not be able to carry their weight with regard to patrolling and defending the camp" (Valenius, 2007: 516).

Where countries have mandatory male conscription, one can see the domino-effect of lower numbers of women in peacekeeping operations. And, those women who do mange their way into such postings, can find peacekeeping operation camps isolating experiences. In *Camp Ville* where Finnish, Swedish, Slovakian, amongst others were being accommodated, the female peacekeepers had segregated barracks (Valenius, 2007: 517).

Although understood to prevent sexual harassment, the lack of fairness is apparent: "…if the male colleagues harass them…the system responds by moving the women" (Valenius, 2007: 517). In the same camp, "…pornographic films are shown on request on the public internal TV channel after 10pm" despite public nude photos of women being prohibited (Valenius, 2007). The inconsistent messages given from the practices allowed and the moving of the women as a solution reinforces the same hypermasculinity. A certain kind of masculinity, "…the heteromasculinity of 22–24-year-old men" (Valenius, 2007: 517), is being encouraged, making little welcoming space for women. Unfortunately, not having a clear stance and constantly deterring from adopting a comprehensive resolution of the ideological issues does not help men understand their role within a gender-equal regimen and it does not allow women to feel like they belong.

Ultimately, argument comes down to the question of how women "fit" into this historical and ideological manifestation of hypermasculinity naturalised in the concept of the military spilling over into peacekeeping missions. According to a study *Mainstreaming a Gender Perspective in Multidimensional Peace Operations* in 2000, among many findings one is that of a turn-over whereby

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having 30 percent female mission personnel corresponds to more local women quickly joining peace committees "…which are less hierarchical and more responsive to female concerns" (Bridges and Horsfall, 2009: 125). This bodes well with the 35% goal for national forces estimated by Brown and Heidensohn as a "tipping point." However, it is difficult to conclude that the mere increase in numbers could be the magical solution without falling into the trap of an "add and stir" approach.

Having a positive action might aid in facilitating at least an adequate initiation to the possibility of gender-parity. In other arenas, such as the recent fifty-fifty representation of women and men in the Canadian cabinet, if nothing else, may help to naturalise the idea of women's presence in a historically male-dominated work space. Nonetheless, simply allowing women into the "old boys network," especially in the context of peacekeeping missions, making them "one of the guys," seems to change little else within the work space, job description or ideology of the men who ought to be seen and included too as equal stakeholders of gender equality in peacekeeping.

DISCUSSION

When comparing the required skills for the position of law enforcement officer at Interpol with the tasks of a peacekeeping officer, or police within national contexts, it becomes apparent that physical strength plays no role at Interpol. The first issue addressed regarding peacekeeping was the bias towards women's skills, separating tasks into masculine and feminine tasks. Looking at the Interpol job description, one would be hard pressed to find many tasks falling into such groups. If anything, most tasks could be described as being feminine with the exceptions of occasional night shifts and the ability to work under pressure.

An assumption can be made by looking at the national police and peacekeeping situations that the more physical strength the task *seems* to require, the less women will be involved. If the tasks do not require physical strength or even enforcement powers, and are cut-out for more commonly perceived female attributes, such as networking, communication and good organisation skills, women are likely to be considered for the job—even in higher (managerial) ranks. The fact that the Interpol tasks are largely characteristic of *office-like* work and less archetypally *police* work, might work in favour of female applicants and explain the higher number of women in Interpol.

International policing tasks outside the peacekeeping realm could be qualified as less gendered or even more female. Job descriptions assessed show mainly communication, networking and organisation skills required. Nevertheless, one could claim that most of the operational tasks of an officer require these skills and physical abilities are of comparatively low significance even in national/operational positions. Harris and Goldsmith (2010) claimed in their peacekeeping research that men opposed women in policing to keep the myth of dangerous policing alive. While the argument for physical strength or the lack thereof could be upheld in an operational/enforcement power context, it certainly cannot be insisted upon in other international policing scenarios. Therefore, women might be more likely to be accepted at the international policing level and in international policing agencies.

With regard to national and frontline policing, it is rather shocking to see the low level of women involved in most countries around the world. Acceptance of women in this profession by society in general, and their male colleagues in particular, is still low, even in societies with advanced, constitutionally granted gender equality rights, such as Germany and Austria. Unlike the female officers in the U.S. and Australia, who campaigned for their rights before the courts, using gender equality legislation to better their situation, women in many European police forces are still a small minority. Regardless, most European countries have deployed women internationally as liaison officers, to Europol and to Interpol.

The numbers are disproportional to the national numbers. This could be explained by the required skill-set being more attractive to women or, more likely, by the fact that women, even if they prefer frontline policing tasks and master them successfully, choose a work environment where they feel accepted and treated equally to men.

Coming back to the French example, where the proportion of women in managerial ranks was higher than in lower ranks, women are more readily accepted at a higher rank level, or international agency level, because they are not operational and no myth about dangerousness must be upheld. The problem is, however, how women get to the higher ranks or international levels in the first place. Women still must go through the ranks in most countries to achieve leadership positions and international postings. They might therefore never achieve the more accepted ranks and tasks due to issues such as childcare and lack of acceptance within the lower ranks. For women to be represented more equally

in the police, these are important problems that need to be addressed at the national level.

Lastly, have women changed the "old boys network"? The evidence is not compelling. Women have chosen to be part of networks where they feel accepted and treated equal to men, such as Interpol. While Anderson (1989) concluded that Interpol is an "old boys network," one might say today that it is an "old boys and girls network." Police women in international capacities enjoy higher acceptance and feel treated equally to men, which creates more self-confidence and increases numbers of applications. If the tasks are not gendered, the network cannot be gendered either. Eliminating the myth of the dangerousness of police work might therefore more generally lead to higher acceptance of women in policing and equal treatment to men.

ABOUT THE AUTHORS

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The Criminology & Criminal Justice Companion

by Susan Robinson and Tracy Cussen
Palgrave, London
2017, softcover, 233 pages
ISBN: 978-0-230-22992-1

Reviewed by Dr Henry Prunckun

Criminology has been the subject of scholarly inquiry for over a century. The first appearance of the term was in the late-1800s, but the first university degree program did not appear until the mid-1900s. This may seem odd, but as a distinct discipline, criminology grew out of sociology, and to some extent psychology and law. What started as the study of the sociology of deviance, is now a field of study in its own right.

Though, the study of system of administration associated with crime—criminal justice—incorporates many other disciplines. Some of these disciplines are economics, business management, psychology, law, political science, physics, and biology. So, we see that the subject areas that touch on how crime is defined, enforced, or how justice is applied to those deemed criminal are very wide.

As a result, the decades since the first university courses in criminology were offered have seen a plethora of text books published. Two approaches to how authors have approached this task can be summarised as: those that take a macro look at crime and justice issues; and those that present a micro-examination of specific topics. Both approaches are valuable to students and practitioners but having approached the subject in this way means that one needs several texts to provide a comprehensive set of reference material. However, Robinson and Cussen's text—*The Criminology & Criminal Justice Companion*—offers scholars a single source of authoritative information.

Unlike other texts on these topics, this is a slim volume. Nonetheless, when compared to some voluminous texts, its brevity provides more usable information per page. Although graduate students may have the luxury of time to sit and read

a lot of material, undergraduates need to understand what could be called an avalanche of information, and they need to do this quickly. So too do criminal justice practitioners, especially government policy officers; they often need an authoritative source of information that is readily accessible. In my view, this is the central strength of *The Criminology & Criminal Justice Companion*—critical information in an easy to understand discussion.

The book features chapters on key aspects of criminology and criminal justice. It covers theories and theorists, some of the key issues in the field, an examination of the criminal justice system, and how criminal justice research is conducted. For the undergraduate student, there is a chapter on how their new-found crime and justice knowledge can be used to establishing a career for themselves. Overall, this is an impressive new text that will be at home with scholars as well as practitioners.
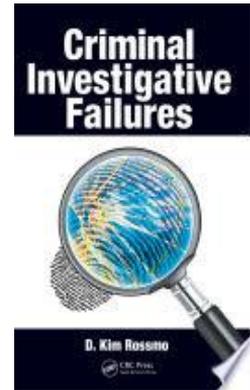
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Criminal Investigative Failures

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Reviewed by Dr Amber McKinley

In the last fifty years there has been a growing recognition of problems associated with failures in criminal investigations (Newburn, 2008). Examples of such failures may have critical outcomes, including wrongful convictions (Rossmo, 2009), broken lives (Jones, 2016), and a dissatisfied public who are distrusting of police investigators (Brandl & Horvath, 1991; Tufts, 2000). Although a vintage publication, *Criminal Investigative Failure* is still useful because it continues to provide practical insight into complex investigations. The author D. Kim Rossmo, who holds a PhD, has conducted research in the areas of criminal investigations, policing, and offender profiling, as well as being a Detective Inspector with the Vancouver Police Department. His policing service spanned twenty-one years.

Rossmo's book provides insights into the weaknesses that occur when a major crime investigation is undertaken, especially the complex processes that must be followed to succeed. Education, training, and open-mindeness appear to be the keys to this success because most people appear affected by the so-called "Hollywood effect." That is, crimes regularly featured as front-page news where the expectation is that the police will solve them and bring the perpetrator to justice, thereby not only keeping the public safe, but giving *just desserts* to the perpetrator (Tyler, 2005). This expectation is reinforced by a culture imbedded in popular entertainment: the nightly police, legal, and forensic television dramas that feature killers who are identified and brought to justice using seemingly unlimited resources (Schweitzer and Saks, 2007), all within sixty-minutes.

This unrealistic portrayal of police investigations has been encouraged by this "cops-and-robbers" cinema genre where the police always triumph. This also applies to popular fiction that ranges from children's entertainment, such as

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Scooby-Doo, to the teenage detective in Veronica Mars, and continuing onto the adult realm of Sir Arthur Conan Doyle, and Stuart McBride. In all these examples the main character(s) almost always solve the crime. The reality for police is that not all crimes are solved, raising questions about police performance.

Rossmo suggests that there are three main reasons for investigative failure: 1) cognitive biases; 2) organisational traps; and 3) probability errors, such as the prosecutor's fallacy, in forensic science and criminal profiling (Rossmo, 2009). The author discusses these issues via true crime examples that highlight logical mistakes made by veteran investigators, and analytical errors in several infamous criminal cases. He also examines specific strategies to minimise the risk of criminal investigative failures (Rossmo, 2009).

This book delivers what it promises with chapters two through to seven introducing concepts such as: cognitive biases including perception; intuition, tunnel vision; organisational traps; groupthink; rumour; ego; and probability errors (Rossmo, 2009: 9–54). He advocates that investigators must be prepared to dedicate themselves for the length and breadth of an investigation, no matter how complex it is; otherwise, the chances of the crime being solved diminish. If the investigation lacks quality at the beginning, then further efforts by detectives are not likely to solve the case (ICMA, 1991, as cited in Hunter, 1997: 35).

It is imperative that detectives and investigators keep an open-mind and see the evidence for what it is. Moreover, the style of detection is of primary importance due to cognitive bias and heuristic leaps. Chapters eight through to twelve provide case examples of unsolved, investigation failures, and wrongful convictions written by the affected family members, investigators and lawyers. Chapter fourteen, written by House, Eastwood, and Snook, present six Canadian cases, illustrating central contributing factors that lead to investigative failure. The final chapters are recommendations and conclusion directed specifically at all levels of law enforcement.

The critical review of major police investigations may be hard to reconcile with the powerful demands for confidentiality and solidarity often characterised in police culture, their policies and procedures (Chan, 1997; Loftus, 2009; Reiner, 2010; Terpstra and Schaap, 2013). Rossmo, in developing this book interviewed detectives and investigators in relation to major unsolved crimes and asked them to share where they consider their jobs went wrong, so this book is by police, for police. *Criminal Investigative Failures* systematically defines and investigates the

causes and issues identified within failed investigations. Most importantly, it details practical strategies for avoiding investigative pitfalls, with the intention of proactively preventing possible failures in the future.

NOTES

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ABOUT THE REVIEWER

Dr Amber McKinley is a lecturer at Charles Sturt University. Her current research interests include: serial homicides; theoretical, applied and forensic victimology; factors influencing homicide clearance rates; and the effects of demographic, temporal, and geological factors on the solvability of homicides.

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Introduction to Forensic Psychology: Essentials for Law Enforcement
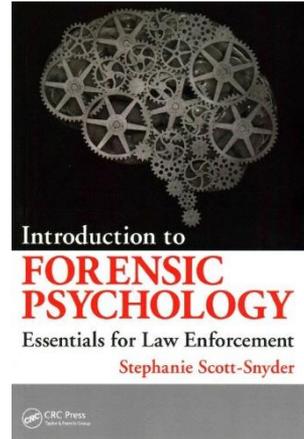
Reviewed by Dr Susan Robinson

Forensic psychology is a relatively new branch within psychology, but an even newer field within law enforcement. It is not an easy feat to take a complex subject such as psychology and make it, not only relevant, but also interesting to policing practitioners. Stephanie Scott-Snyder has managed to successfully do this in her new book, *Introduction to Forensic Psychology*.

This book is written with police in mind. It uses case examples to show how forensic psychology can be used by law enforcement agencies to track offenders and to understand the motivations behind their offending. The text is divided into three parts, with the first part providing an easy to understand over view of what forensic psychology is, and how it is applied. Part two looks at crimes and criminals in four areas: psychopathy; understanding homicide; sex crimes; and domestic violence. The author breaks-down the various crimes as well as the profiles of the offenders involved. Part three gives a detailed coverage of forensics, police, and investigative work—including investigative interviewing techniques with particular classes of offenders.

Not being a psychologist, I found the first part of this book somewhat pedestrian and uninteresting, nevertheless for someone who is a psychologist, or who has studied this subject, I would assume this part would be easier to read. Initially the author goes through the history of forensic psychology seemingly to build the case that psychology is important to policing. She then goes on to discuss various psychiatric disorders, and the police response to mental illness. It is at this point that the discussion begins to have some relevance for policing. An entire chapter is devoted to psychopathy, which applies the theory and practice of forensic psychology to cases such as John Wayne Gacy, Gary Tison, and Aileen

Wuornos. There is even a section that deals with how to recognise psychopathic suspects and how best to approach them during an interview, and another part that deals with psychopathy in women and children. These are areas that are not often covered in other books.

The predominant focus of this text is aimed at law enforcement personnel, with the exception of the first part, which is aimed at a psychology qualified readership, the author does this well because she covers most of the topics of interest to practical policing and in an easy to digest way. These areas include domestic violence, school violence, and homicide. The author also discusses crime scene analysis, profiling and police investigations. She does this in a comprehensive and practical way. For example, the book breaks-down behavioural profiling of offenders into the typologies of organised and disorganised, and then goes into a detailed comparison of the two to enable law enforcement to easily distinguish organised from disorganised offenders simply from assessing the crime scene characteristics. The author also includes the offender characteristics of organised versus disorganised offenders to enable law enforcement officers to be better able to profile the offender.

Introduction to Forensic Psychology: Essentials for Law Enforcement by Stephanie Scott-Snyder is a useful book for psychologists and criminologists working in the criminal justice field. It is also useful for students studying this subject, and for those working in law enforcement. It is a book that will be beneficial in training courses. I expect it will be often referred to throughout the career of any person who owns it.

ABOUT THE REVIEWER

Dr Susan Robinson is a criminologist and lecturer at the Australian Graduate School of Policing and Security.

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