THE PARADOX OF FICTION AND TERRORISM'S OVERSHADOWING OF ORGANISED CRIME AS A LAW ENFORCEMENT CONCERN

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ABSTRACT

In light of criticism by political commentators and law enforcement experts about counterterrorism overshadowing the investigation of other forms of serious crime—in particular, organised crime—this study explored whether the use of intelligence-led policing would be better directed towards all serious crime, rather than prioritising terrorism. An expert jury comprising twelve subject/practitioner specialists were surveyed. The study used a purposive sampling technique to gauge the jury's views on the current policy priorities, with the options being counterterrorism to serious crime, and the value of intelligence in policing regarding these offences. The findings, though not conclusive, provide compelling support for the hypotheses. That is, the results of a decision-tree analysis showed that intelligence-led policing could provide approximately 2.1 times the utility over the current approach.

Keywords: Organised crime, counterterrorism, terrorism, paradox of fiction, corruption, intelligence-led policing, decision tree analysis, policy analysis

INTRODUCTION

If we were to use a nautical metaphor to represent where society is in relation to investigating and prosecuting serious crime, it might be stated something like this: "We are adrift in a sea of crime." And, while wandering through these waters, it could be said that one crime in particular has drawn us close to some treacherous rocks—the crime of terrorism. The catalyst for the prioritisation of terrorism by law enforcement was the 9/11 attacks, and in Australia, this was accelerated by the attack on Australians in 2002 in Bali, Indonesia.

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Like the mythical Greek Sirens, terrorism could be argued to have drawn society's attention to it. In doing so, it has been argued that counterterrorism has consumed a disproportionate amount of concern, energy, resources, and time (Colvin, 2005), metaphorically, placing society at peril of hitting these rocks. Continuing the metaphor, these rocks represent exposure to other forms of serious crime that, arguably, deserve more attention.

As far back as 2005, defence scholars questioned the resources being funneled into counterterrorism: "Aldo Borgu of the Australian Strategic Policy Institute and the Director of Terrorism Studies at the Australian National University, Clive Williams, want an audit of counter-terrorism spending in Australia since the September 11 attacks to find out whether taxpayers are getting their money's worth" (Colvin, 2005). Ten years later, these warnings are still being echoed by "...a number of defence scholars and former officials, caution[ing] against treating terrorism as a strategic force on a par with powerful nation states" (Australian Government, 2015: 20). But it seems the message is getting through to policy makers because during an address to the public in Washington DC in January 2016, Prime Minister Malcolm Turnbull stated, "[Islamic State of Iraq and Syria's] threat to sweep across continents like the armies of Mohammed, to stable their horses in the Vatican, are crazed delusions. We should not amplify them" (Turnbull, 2016: 8).

Until this point in time, anecdotal evidence ran contrary to this positon. Take the case in Australia where the federal government allocated "…$631.4 million in extra resources to track, disrupt and prosecute Australians involved in violent extremism, both at home and overseas" (Hockey and Cormann, 2014: 5). This expenditure was in addition to A$306.4 million allocated for counterinsurgency operations Australia spent in Iraq. Yet, neither Australia nor any of the Five Eyes intelligence partner countries—comprising Australia, Canada, New Zealand, the United Kingdom and the United States—nor any country in Europe with an advanced economy was listed in the top fifteen countries that experienced either a terrorist attack or death, or had been involved in a kidnapping incident (NCTC, 2012: 9, 13).

In fact, only seventeen US private citizens were killed by terrorist attacks in 2011 and "these deaths occurred in Afghanistan (n=15), Jerusalem (n=1), and Iraq (n=1). Overall, US private citizen deaths constituted only 0.13 percent of the total number of deaths worldwide (N=12,533) caused by terrorism in 2011" (NCTC, 2012: 17). No Australian was killed.

As tragic as the events in Toronto, London, California, Sydney, Paris, and Brussels in 2015 and 2016 were, these events seem to have, again, justified the diversion of law enforcement resources towards counterterrorism. Nonetheless, organised crime's modus operandi involving money laundering, identity crime, trans-border travel, and arms trafficking were, arguably, the enablers for these terrorist events (William & Felbab-Brown, 2012). Therefore, it could be argued that political leaders, policy-makers, and law enforcement commanders have been, in general, lured from navigating a steady course through the waters of crime, and taking the ship of civil society dangerously close to a predominately single-issue focused enforcement strategy—that is, a focus subjugated by counterterrorism.

If this argument carries sway, then the question that presents itself is: Would it not be better to prosecute serious forms of crime using an all-crimes approach? Such an approach could be characterised by the now well-established strategy known as *intelligence-led policing*[1] (Ratcliffe, 2016).

CONTEXT

Policy development is rarely clear cut (Prunckun, 2015: 322). When formulating policy options, it often takes the form of a range of options, starting with the decision to do nothing[2] through to the "gold standard." The span of options is designed to cater for what is available in terms of resources, fits with the political priority or economic imperative, the societal demand, available technology, as well as considerations. It is usually the case that finding an acceptable option is based on brokering a marriage between the desired level of outcome/output and the various inputs. In the case of terrorism during the early part of the 2000s, it appears that society needed a heavily weighted response, but now, some sixteen years later, this thinking is being questioned.

> The risk of terrorist attacks on people or infrastructure in Australia [has been] mentioned repeatedly. Some, however, including a number of defence scholars and former [government] officials, cautioned against treating terrorism as a strategic force on a par with powerful states. (Australian Government, 2015: 20).

In fact, political observers are now questioning whether we are repeating our blindness to emerging threats by failing to recognise the consequences posed by organised crime. Take for instance Roach (2011: 448) who said that the complexities of 9/11 have raised "…questions of whether we have lost perspective and devoted too much of our limited resources to preventing terrorism when there

are many other threats to human security." Observers are warning that organised crime is one threat that demands our attention (Dawson, 2015). According to the Australian Crime Commission—the Australia agency for criminal intelligence, organised crime has the capacity to:

> ...significantly affect the wellbeing of families and communities across Australia. Serious and organised crime diverts funds out of the legitimate economy and undermines the profitability of lawful business. It removes large amounts of money from the Australian economy that could be otherwise used to fund services, roads, hospitals and schools. This money is instead lining the pockets of criminals. (Dawson, 2015: 1)

For over a decade Australian law enforcers have acknowledged that organised crime activities are potential enablers for terrorists (Hesterman, 2013; Brown & Felbab-Brown, 2012). The link between serious organised crime and terrorism, though at times may be indirect or consequential, forms a persuasive argument for the use of intelligence-led policing in conjunction with the investigation of serious crime. Therefore, the findings of this exploratory study are likely to be of interest to decision-makers when considering the development of new policy approaches. The findings may also be of interest to intelligence agency chiefs and law enforcement commanders when it comes to prioritising the deployment of resources that are under their remit.

PARADOX OF FICTION

To deal with serious forms of crime, law enforcement agencies have employed different management strategies, borrowed mainly from the business sector, to allocate resources. But when it comes to the crime of terrorism, it appears that common-sense may have exited the equation. Why? Perhaps it is the nature of the crime itself. Citing an accent Chinese stratagem, Prunckun wrote (2014), "the first pillar of terror" is to "kill one, frighten ten-thousand." And, as he pointed out, with the electronic media, this message has the effect of reaching a larger audience than in decades, or centuries, past; and with the scale of killing possible (e.g. 9/11 attacks), it has the potential of frighting people everywhere on the globe. "The perpetrators of terrorism are 'media hungry' in their determination to shock the world. They are well aware that all of us spend a lot of time looking aghast at what has been called 'terrorvison' (Whittaker, 2002: 132)."

This strategy is borrowed from the literary theory known as the *paradox of fiction* (Radford, 1975: 67–80). Essentially, this theory states that in order for a

story (fiction) to achieve believability, it must convince the reader that it is real (Levinson, 1990: 79–80). Although the reader knows the story is fiction, the writer can, to a large degree, convince (i.e. deceive) the reader into believing the story though the use of various literary tropes, techniques and imagery. This is evident when a reader says, "the book was a page turner," "I couldn't put it down," "the writing made my heart race," and so on. It's argued here that terrorist leverage the paradox of fiction in frightening the global population through, not writing, but a stage production (i.e. a form of theatrical fiction) when society intuitively knows the odds of harm coming to them or their societies are so slim, but nonetheless believe in the fiction being projected.

"The word 'terror' originated from the Latin verb *terrere* which means 'to frighten' (Sutalan, 2013: 70)." Zachara (2012: 283–284) points out that terrorism is simply theatre. It does not require any of the systems that the black market needs to flourish. Regardless of whichever definition one selects to describe terrorism, the common characteristic is that its end-state is political (and religion is just one manifestation of political positioning). Financing of an attack does feature in terrorism, but it is merely a means to achieve results. The chief characteristic of that result is the publicity of kidnappings, hijackings and indiscriminate killings through bomb, small arms and knife attacks; or by attacking critical infrastructure—thus drawing attention to the terrorist group's political message by creating a fictional stage-show by killing one in order to frighten tens-of-thousands (Bhalla, 2010).

By way of example, a 2009 Australian National University study (McAllister, 2009) into the public's fear of terrorism showed that 44 percent of people polled were either "somewhat concerned" or "very concerned" that they or a family member, could be the victim of terrorist attack (Australian Government, 2015: 132).[3] From this study we can see that all it takes is a bit of "theatre" to spread "…significant and widespread concern about the threat of being the victim of a terrorist attack—however unlikely, statistically, that may be (McAllister, 2009: 9–10)."

The subject literature suggests there is nothing of substance beyond the terrorists' fiction—their attacks are like the facade of a Hollywood movie set. Unlike failed states, such as Syria, in developed industrialised nations, there is no alternative "government" terrorists have ready to replace the existing systems of governance. They have no alternative political, social, or economic systems waiting in the wings. Although one might argue that ETA in the Basque region of

Spain and FARC in Colombia fit this description, the evidence to support these organisation's claims to *actually* be able to replace these governments may simply be hyperbole (William & Felbab-Brown, 2012: 7–8).

Yet, with organised crime, it is already a "shadow government." Its shadow systems that are currently in place are under organised crime's firm control (Liddick, 2008: 1); take for example, some well-known regions in southern Italy (figure 1). Organised crime sits outside the control of civil society (Reid, 2014), and therefore, making these organisations low-profile targets for law enforcement. It is argued that organised crime is invisible; terrorism is highly visible.

Figure 1—Protesting organised crime in Naples, Italy (photograph by author)

Given the concerns generated by acts of terrorism, political leaders have responded in the strongest terms. On the face of this, this is not an unreasonable response. These are, after all, terrible crimes at the upper end of the scale of seriousness. But if one was to level-headedly consider the proportionality of the responses to date, perhaps a different set of actions should have been

recommended to these leaders. Especially in light of the paradox of fiction. If a risk-based approach were taken, would a different set of priorities emerge? Could organised crime emerge as the crime target society should focus its concerns? If so, could an intelligence-led methodology be more appropriate strategy for resource allocation across the spectrum of serious crimes?

INTELLIGENCE-LED POLICING

The term *intelligence-led policing* originated in England in the 1990s (Anderson, 1997: 5). The development of the scheme was the direct result of the Kent Constabulary having a finite amount of resources to control and investigate crime in its jurisdiction. The system was seen as a logical way to "…de-emphasized responses to service calls by prioritising calls and referring less serious calls for general non-police services to other agencies" (Peterson, 2005: 9).

Therefore, it is sometimes known as *intelligence-driven policing* (Ratcliffe, 2003: 1). The Kent Constabulary's aim in the 1990s echoes the argument being made in this paper for allocating today's equally limited law enforcement resources based on the same logic. Scholars such as Peterson (2005: 9) have endorsed this view calling for intelligence-led policing to be employed as the basis for investigating all forms of serious crime, citing "fusion centers" as a natural command structure for sharing intelligence. Currently, there is a growing number of law enforcement agencies that claim to be intelligence-led. This is evidenced by creation of fusion centres (sometimes termed, *joint/multi-agency taskforces*) in America, Canada, and Australia (Walsh, 2011).

Closely aligned to intelligence-led policing is the concept of *problem-oriented policing* (POP). Although similar, problem orientated policing varies in that it undertakes a study of the problems that give rise to crime and then crafts a tailored response for each issue. This model uses an approach comprising: 1) analyse; 2) study; and 3) evaluation (Goldstein, 2003: 14). Therefore, it is argued, that by using problem-orientated policing's problem solving methodology with the approach used by intelligence-led policing, the latter's effectiveness can be enhanced (Ratcliffe, 2016: 184–187). So, in the context of the proposition being put forward here, although the strategy is simply referred to as intelligence-led policing, it assumes the use of problem-oriented policing as its method.

METHODOLOGY

Statement of Guiding Purpose

Given the criticisms surrounding the current counterterrorism-centric approach to serious crime control, and the emerging concerns about the impact of organised crime, this exploratory study asked the question: Should decision-makers move to widen the use of an intelligence-led strategy? Such an approach would not only assess the risk of terrorism, but also the risk posed by other forms of serious crime in an objective framework. To facilitate an analysis of this problem, this investigative study used the following statement to guide its inquiry: Would prosecuting serious crime using an all-crimes approach using intelligence-led policing be a more desirable strategy?

Method

A hypothesis based on the statement of guiding purpose was tested using a survey of subject experts. The hypothesis was: adopting an all-crimes, intelligence-led policy is more desirable than maintaining the current counterterrorism focused policy. The null hypothesis was: Adopting an all-crimes, intelligence-led policy was *not* more desirable than maintaining the current terrorism focused policy.

Data Collection

The study empanelled a jury of twelve[4] subject/practitioner experts using the principles of *purposive sampling* (Dane, 1990: 303; Vito et al., 2008: 126–127). Monette et al, (1990: 126) argue that this sampling method is suited to matters like the one under investigation because the study focuses on a cohort that is able to be defined in simple terms: that is, the participants were selected because they were authorities in the field of law enforcement (all held postgraduate degrees) with knowledge of serious crime investigation as well as criminal intelligence practice (all but one had been at some stage in their careers, been practitioners). In this regard, the group could be regarded as *opinion leaders* (Stringer, 2014: 79).

The purposive sample was drawn in near equal proportions from the Five Eyes intelligence countries. The country representation was as follows: Australia, n=3; Canada, n=2; New Zealand, n=2; United Kingdom, n=3; and the United States, n=2. The reason for selecting a heterogeneous selection of countries was to avoid the perception of bias that might occur if a single Five Eyes country was used (Richie et al., 2003: 79).

The task of this expert jury was to come to a view about the persuasiveness of the study's hypothesis. The twelve were asked to consider the hypothesis and based on their knowledge and experience, assign probability to the two policy options. That is, they were asked to allocate a percent to each policy that represented the likelihood each might have in achieving an outcome for investigating and prosecuting serious forms of crime.

Limits

As with all applied criminological research, there are limitations. In the main, the findings of this study cannot be used to generalise to any particular population outside the parameters of the group sampled. Nevertheless, although generalisation is an important goal of applied research, the desire in this case was to *control* for confounding variables that might be introduced by using a different sampling procedure (Monette, et al., 1990: 154).

In addition, the study did not allow for all possible permutations to be explored (for instance, the so-called *black swan*[5] outcomes). But the study did not set-out to do this. The study simply sought to explore whether there was support, beyond mere postulation, by the sample cohort that the current thinking on the counterterrorism-centric approach to prosecuting serious crime would benefit by a substitution for one that uses intelligence-led policing.

Analysis

Using a decision-tree analysis (see figure 2), the jury was asked to rank five possible outcomes associated with these two policy choices. The ranking process ranged from the selecting the outcome with the most utility (5), to the lowest (1). The outcomes that the jury considered were:

- An intelligence-led policy might improve prosecution of more forms of serious crime;

- An intelligence-led policy might make no difference than to current terrorism-focused policy;

- An intelligence-led policy might result in an unpredicted negative impact in prosecution crime;

- The current terrorism-focused policy is likely to continue to yield no better—no worse results in terms of prosecution of serious crime; and

- Maintaining the current terrorism-focused policy could, in time, expose civil society to other forms of serious crime through its inability to target these crimes.

The resulting data were aggregated and the mean was calculated. The scores for the policy percentage split and the ranking of the policies outcomes were then used to compute the *expected utility* using decision-tree analysis. Expected utility is score assigned to one of a number of policy options. It is calculated by the sum of the utility for each possible outcome. The sum is derived by multiplying the probability of its likelihood by a utility factor. As such, if the null hypothesis is to be rejected, the results of the expert jury's decision would need to indicate a higher expected utility for the intelligence-led policy.

RESULTS

The verdict of the expert jury was conclusive regarding the desirability for an intelligence-led strategy. The percentage they assigned to this policy option ranged from 40% to 100%, with a mean of 66.7%. The standard deviation was $\sigma18.5$. In comparison, the percentages assigned to the current counterterrorism policy ranged from 0% to 60%, with a mean of 33.3% ($\sigma18.5$). These findings are shown in a scatter-plot in figure 2.
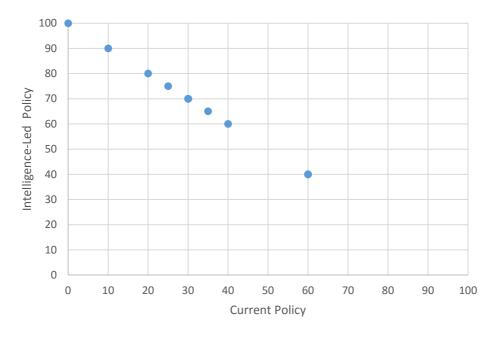

Figure 2—Percentages for the two policy options.

Note that there were four repeated values in the results, hence only eight data points are displayed. This suggests that "data saturation" was reached with a sample of twelve.[4] The results show a clustering of data points in the upper half of the scatter-plot. This indicates a strong negative correlation regarding the current counterterrorist-centric policy, thus providing compelling support for the study's hypothesis.

Table 1—Rankings for the five policy outcomes.

Potential Policy Outcomes	Average Likelihood Ranking from Highest to Lowest
An intelligence-led policy might improve prosecution of more forms of serious crime.	5.0
The current terrorism-focused policy is likely to continue to yield no better / no worse results in terms of prosecuting serious crime.	3.2
An intelligence-led policy might make no difference than the current terrorism-focused policy.	2.7
Maintaining the current terrorism-focused policy could, in time, expose civil society to other forms of serious crime through its inability to target these crimes.	2.7
An intelligence-led policy might result in unpredicted negative consequences in terms of being able to effectively prosecute serious crime.	-1.4

The Five Eyes experts' deliberations regarding the ranking of the five possible outcomes of these two policy choices are shown in table 1. The rankings range from the most desirable (5) to the least desirable (1). The results show that an

intelligence-led policy was the most desired (i.e. 5). The jury's judgment in this regard also provides persuasive support for the study's hypothesis.

These two sets of data were then examined using decision tree analysis. The calculations and the results for the expected utility of each policy are displayed in figure 3. This figure shows the expected utility for staying with the current counterterrorism focused policy was 2.0 and the expected utility for the all-crimes, intelligence-led policy was 4.2. Another way to look at this result is to say that the expert jury considered, on average, that there would be 2.1 times the utility in implementing an intelligence-led approach. Like the previous result, this finding provides further support for the study's hypothesis.
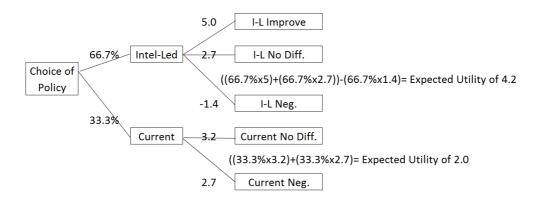

Figure 3—Decision-tree analysis for the expected utility of the two policy choices.

DISCUSSION AND CONCLUSION

The results of this study show that intelligence-led policy was the most desirable of the policies canvassed (i.e. 5 on a scale of 1 to 5). Although these results are exploratory, they are compelling indicators, suggesting that if an intelligence-led policy were adopted, it is likely to have approximately 2.1 times the utility than the current policy. This implies that if society is to be successful in its efforts to address the most pressing forms of crime, then law enforcement commanders need to intervene by adopting an intelligence-led approach to *all* serious crimes.

So, why has the concern for terrorism supplanted other forms of serious crime in society's collective conscious? The subject literature suggests a number of reasons, but the chief explanation is what has become known as *the first pillar of terror*; that is, kill one, frighten ten-thousand (Prunckun, 2014). This approach has its roots in the anarchist theory of *propaganda by deed* where "…acts of

violence are used more for visibility and drama than for military value" (Zachara, 2012: 283). "As a modern American analyst put it, terrorists want a lot of people watching rather than a lot of people dead (Pandey, 2006: 4)." And, history has shown that this theatrical tactic works. But as a Rand study has pointed out:

> The nation's zero tolerance for terrorism may soon come into direct conflict with the need to reduce budgets, including, perhaps for the first time, to consider real declines in counterterrorism funding. (Jenkins, et al., 2014: viii)

The Rand study (Jenkins, et al., 2014: viii) underscores the fact that nations with advanced economies have, and continue to, allocate disproportional amounts of resources to the investigation and prosecution of terrorism, rather than on what scholars are saying is a more serious from of crime—organised crime. This because the damage to civil society:

> …is exacerbated by the fact that the most important criminals are typically political and societal elites: informal power brokers, powerful politicians, and businesspeople. The nexus between organised crime groups and state authorities is driven by the motives of profit and power and is exemplified by countless mutually beneficial exchange relationships. Acquiring access to state power allows crime groups to gain immunity for their illegal enterprises and exploit the social, economic, and political apparatus of the state, while for their part government officials pursue cooperative arrangements with organised criminals to fatten their wallets, secure votes, and control their political enemies. (Liddick, 2008: xiii–xiv)

Yet, some political leaders, across the political spectrum, still issue warnings that are out of step with those that acknowledge that there is no existential threat; that for instance the 2015 decree by the then-Australian Prime Minister: "Prime Minister Tony Abbott says the Islamic State group is 'coming after us'. . ." (APP, 2015). At the time of writing, US presidential candidate for the Republican nomination, Donald Trump, told a public gathering that, "torture works." He stated, "We should go much stronger than water boarding … They're chopping off heads. Believe me, we should go much stronger because our country's in trouble, we're in danger" (*The Atlantic*, 2015).

Terrorist violence is aimed at generating fear and insecurity (i.e. a psychological impact) by suspending rational thought, thus prompting a violent response by authorities (and perhaps a legally draconian response through the law) (Wilkinson, 1977: 80–81). This is done so that terrorists can recruit people to its

cause (Lynn, 2012). Political comments, like those cited, as well as calls for stricter laws, only aid terrorists in reaching their objective (Lynn, 2012; Stohl, 2006). It is at the time of a terrorist attack that society needs to have a measured response; not a disproportional reaction (Stohl, 2006 :60).

> Hitting at the mindset of the terrorist and discrediting the ideas that generate terrorism is the big prize. A law enforcement action that flows out of a "rule of law" paradigm, involving meticulous investigations and prosecution in courts, is likely to be far more damaging for the ideas that terrorists stand for (Abbas, 2013).

In this regard, intelligence-led policing presents itself as the foremost policy option. It takes an all-crimes and risk-based approach to responding. It offers political leaders sound evidence-based solutions to the range of criminal problems society faces—not emotionally charged description of problems that, on balance, are not as threatening as analysis would suggest. As Ratcliffe (2016: 185) argues, without a rationally-based approach, the current ways of thinking moves "…police away from being objective about crime threats to being driven by factors such as scaremongering. Instead of *intelligence-led policing*, we end up with *media-led policing*…".

Terrorism is just one of the many forms of serious crime; but one that is unable to demonstrate that it poses an existential threat—this is a fiction: "…[terrorists] do not threaten our national existence. That is the story ISIL wants to tell; that's the kind of propaganda they use to recruit" (Obama, 2016). In this regard, it would pay dividends to recall the advice of then British Prime Minister, the late Baroness Thatcher who advised that all democracies "…must try to find ways to starve the terrorist and the hijacker of the oxygen of publicity on which they depend" (Thatcher, 1985).

Although, law enforcement agencies are using intelligence-led policing to address the issue of terrorism (Peterson, 2005), the results of this exploratory study suggest that political leaders would benefit from law enforcement commanders' advice that we need to avoid a policy failure in addressing organised crime—we need a shift in our approach. We need a simple policy that states law enforcement agencies:

> …will collect and analyse information on individuals and groups who are suspected of being involved in [*all forms of serious crimes*] and will provide this information to the chief executive officer for crime prevention and decision making purposes. (California Peace Officers' Association. 1988: 8)

Moreover, society needs to acknowledge organised crime as a political problem, so that governments can respond. If organised crime is not acknowledged, then politicians are likely to deem that no problem exists and hence authorise no policy shift.

NOTES

1   Although originally termed *intelligence-led policing* (and abbreviated I-LP), the method is applicable to other agencies tasked with criminal investigations. So, although the term IL-P is used in this paper, it is implied that it could be substituted with the larger concept *intelligence-led law enforcement*.

2   Although it should be acknowledged that *doing nothing* could, in some situations, be deemed to be the best policy option (Prunckun, 2015: 322).

3   The survey conducted by the Social Research Centre of the Australian National University used a national random sample of the adult population aged over 18. The survey interviewed 1,200 people with a response rate of 32.5 percent. The results were then weighted to represent the national population, giving the survey's margin of error as ±2.5 percent (McAllister, 2009: 18).

4   The subject literature on the topic of sample size for purposive sampling was silent as to the optimum number. So, following the time-honored legal method of having twelve jurors, this study employed an international jury of twelve subject/practitioner experts.

5   According to Nassim N. Taleb (2007) a black swan event, whether it is positive or negative, will have a massive consequence even though the likelihood of the event is improbable.

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