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# CEPS Research Quarterly

## A Research Profile

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### Feature Editorial

## Does the Mafia Collect Art? Exploring Some Questions About Organised Art Crime

Prof. Duncan Chappell

In contemporary Australian law enforcement circles, art crime is certainly not on the top of any priority list for attention. You will find no mention of it, for instance, in the *Commonwealth Organised Crime Strategic Framework* which in 2010-2011 views money laundering, amphetamine type stimulants and identity crime as prime targets. If they think of it at all, most police would probably consider art crime as a rather esoteric byway which they rarely traverse, while at the public level its profile is likely coloured by exposure to glamorous movie portrayals of urbane jewel thieves plundering the paintings and associated trappings of the homes of the wealthy.

The realities of art crime are in fact starkly different. Although there is no evidence that the Mafia and other denizens of the traditional world of organised crime either steal or collect art on a systematic basis, there is highly credible evidence that many aspects of art crime are both well organised and lucrative. Art crime can be broadly classified into three main categories:- theft, fraud and the looting of cultural property. Accurate and reliable estimates of the nature and dimensions of each of these categories are not currently available either nationally or globally, but one widely repeated assessment is that art crime in general is the third highest earning criminal trade worldwide after drugs and arms trafficking. Suspect though this assessment may be, we do know that each year millions of dollars' worth of looted cultural objects from countries like China, Egypt, Greece and Italy find their way into the galleries and auction houses of cities like London, Paris and New York, where they are eagerly bought by collectors and institutions.

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We also know that with the astounding prices now being paid for works of art, both ancient and contemporary, there is a thriving industry in the production of fakes and forgeries which also find their way into the art market place. Last, but not least, there is also an active demand for stolen art, whether to use as a form of ransom or to barter for drugs and other illicit goods. Recently, for example, London's famed Tate Gallery paid millions of pounds to recover two paintings by the 19th Century English painter JMW Turner. The paintings, valued at more than 24 million pound, were believed to have been stolen by Serbian gangsters who still remain at large.

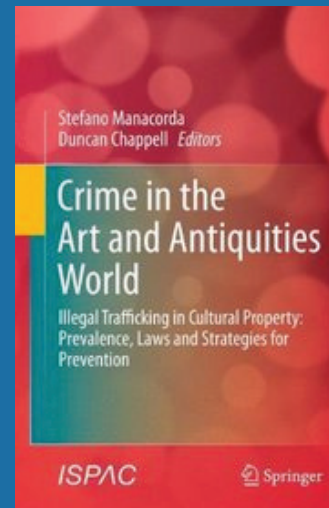
The Australian art market is obviously far smaller than its counterparts in Europe and elsewhere, but it remains vulnerable to art crime as the above two examples illustrate. First, one of our most important and extensive forms of contemporary painting is produced by Aboriginal artists around the nation. A recent Senate inquiry into the indigenous art industry estimated its annual value as high as A\$500 million, much of it from overseas sales. Not surprisingly such activity attracts criminals, and the problem of fakes and forgeries in the indigenous art market is a real one. Conservative estimates suggest that at least 10% of contemporary indigenous art work is of dubious provenance, and the real figure could be much higher. Clearly, such levels of fakery represent a substantial blemish upon an industry of vital economic and cultural importance to Aboriginal communities across the country.

A second example of an art crime risk is to be found in the thriving investment market linked to the superannuation industry for all forms of art. Many self-managed super funds now see art as a safer investment than stocks and shares, opening the door for unscrupulous dealers to peddle fake paintings and objects to frequently naive purchasers, and to engage in other

fraudulent practices. An ongoing police investigation is said to be underway in New South Wales and Queensland into one such dealer who is believed to have swindled up to A\$30 million from self-managed super fund investors.

Art crime investigations of any sort in Australia are a definite rarity. In research that I have conducted with colleagues at the University of Melbourne we have been able to locate only two successful prosecutions of art criminals over the past three decades. Both of these cases involved the faking by non-indigenous individuals of works purporting to be those of famous indigenous artists. In large part, it is suggested, this absence of investigations is because of a lack of awareness on the part of law enforcement in this country of the nature and extent of art crime. No specialist investigative units exist to deal with this type of crime either Federally or in States and Territories. Thus even when investigations do take place, they are usually assigned to generalist detectives with extensive case loads and little knowledge of the realities of a largely unregulated, diverse and often opaque art market place. A further stumbling block is that many victims of art crime may be reluctant to report an offence to the police, because to do so may involve the loss of a substantial investment made in a fake or forgery. Insurance companies may also prefer to deal quietly and privately with criminals who steal a genuine and valuable work of art to ensure its safe return.

The overall message is that the status quo should not be allowed to prevail. Australian law enforcement should become much more extensively involved in art crime investigations, perhaps led by the establishment of a small national unit in the Australian Crime Commission with ongoing expertise and responsibilities akin to those already found in countries like Italy, the US and very recently Canada. We should also look much more closely at the link between money laundering



Duncan Chappell: Chair, International Advisory Board, CEPS; Adjunct Professor, Faculty of Law, University of Sydney; Co-editor (2011) *Crime in the Art and Antiquities World*, *Illegal Trafficking in Cultural Property*. Springer: New York.

and art crime for art works represent an excellent and readily transportable means of disposing of illicit profits. And finally, it is hoped that CEPS will be able to conduct an international workshop early in 2012 to explore further how best to stimulate law enforcement interest and involvement in combating this form of organised crime.

## Out & About

### Commissioner Atkinson visits CEPS

By Insp. Jason Saunders

CEPS had the pleasure and honour of a visit from Commissioner Bob Atkinson for an informal meet and greet.

Commissioner Atkinson has led the Queensland Police Service (QPS) since November 2000. As Queensland's second longest serving commissioner, he leads more than 15,000 employees, one of the larger police departments in the western world. During his appointment, the Commissioner has introduced the Operational Performance Reviews (OPRs), which have contributed to an overall reduction in crime of more than 20%. They have been a key component of his four 'P's – Professionalism, Performance, People and Partnerships.

Partnerships have underscored the relationship between QPS and CEPS since the Centre's inception in 2008. Indeed, QPS was one of the early and significant partners of CEPS, and this relationship continues today.

During the morning tea, the Commissioner spoke to a large number of CEPS staff and reflected on the many changes since he first joined QPS in the late 1960s. In those early years, there was little if any relationship between academia and police. Fast forward to 2011, QPS actively pursues research and evidence-based policing. This commitment is evident with an Inspector serving as a full-time Police Fellow at the Centre and QPS' involvement with a number of research



CEPS OLD Police Fellow, Inspector Jason Saunders and Commissioner Bob Atkinson

programs at CEPS. The recent induction of Deputy Commissioner Ian Stewart into the Evidence-Based Policing Hall of Fame (awarded by George Mason University, US), along with the earlier induction of Assistant Commissioner, Peter Martin, speaks to the emphasis QPS places on research-based practice.



CEPS Research Fellow, Dr Tim Legrand, Dr Jeff Reeves of the Griffith Asia Institute, and Dr Ding Dou, School of International Studies, Peking University

The second instalment of the Australia-China Futures Dialogues was held at the Gold Coast on the 17 November 2011. Convened by the Griffith Asia Institute and the Centre for Australian Studies, Peking University, this conversation series brings together representatives from academia, business and government to chart some of the emerging social, economic, and security challenges affecting the Asia Pacific region. The Second Track Dialogue, entitled 'Non-traditional Challenges to Asia's Security: Forging Resilience in

### Australia-China Future Dialogues

By Dr Tim Legrand

the 21st Century' addressed a number of issues. First, it articulated shared concerns regarding the range of natural disasters to have affected Asia-Pacific in recent years and, second, the need for collaborative and innovative approaches to resolving or mitigating the effects of such catastrophes on the Asia-Pacific region. CEPS Research Fellows, Dr Tim Legrand and Dr Saskia Hufnagel, participated in this event as part of their ongoing research project on critical infrastructure vulnerability, undertaken in partnership with Ms Kate O'Donnell. The Dialogue incorporated a series of presentations by participants from Australia, China and other Asia-Pacific states in which the benefits of mutual learning were emphasised. Discussions throughout the day reflected a strong consensus that isolated state responses to natural or man-made disasters are no longer viable nor desirable. The Asia-Pacific region has experienced, and continues to experience, devastating

natural disasters. Indeed, over the long term, climate change portends an increase in the frequency and scale of weather-related natural disasters. Sudden catastrophes can cripple communities and economies: notably, the tsunamis that struck Thailand in 2001 and Japan in 2011; the earthquakes in Christchurch in 2011 and Sichuan in 2008; and the flooding in Brisbane and Bangkok in 2011.

These disasters provide both experience and impetus for learning and cooperation. The Australia-China Futures Dialogues marks merely the beginning of an important ongoing engagement between Australia, China and its Asia-Pacific neighbours. Such exchanges allow us to learn from one another, cooperate in crisis, and stave off the debilitating effects of disasters on communities, businesses and governments alike.



## 2011 CEPS Conference

By Ms Kate O'Donnell, CEPS Practitioner-in-Residence, Transport and Main Roads

**2011 began with a series of natural events and human catastrophes that tested the resilience of governments, frontline agencies and citizens. Events in Australia, as well as our Pacific neighbours, New Zealand and Japan, brought home the power of disaster and how it affects people and communities.**

**The theme of the conference reflected the policing and security challenges in the face of disasters, whether wrought by the hands of terrorists or by nature. Consistent with CEPS' aim to produce excellent research with high salience for policy-makers and industry, the conference program was designed to showcase academic and policy-relevant research from a range of domains including transport security, infrastructure security, emergency management and cyber-security and safety.**

**In the decade since 9/11, terrorism has loomed as an ever present threat to our safety and collective security. The conference extended that focus to examine security in its broadening scope, taking account of natural disasters, climate change, cyber-security, and infrastructure vulnerability. The conference program was developed to highlight how strong government, industry, private-sector, non-government organisation, and academic partnerships might strengthen research and policy response in these areas.**

The conference was officially opened by the Attorney-General, the Hon. Robert McClelland MP (pictured above). The Attorney-General reflected on national security and the diverse threats facing Australia. With the Australian government's continued policy focus on resilience in the face of all-hazards, he reinforced the continued need to build and maintain strong partnerships and coordination across diverse sectors. The Attorney-General challenged the conference delegates to bring together different perspectives to think imaginatively about new solutions and how they can be implemented.

With a diverse program and a strong focus on partnerships, the speakers and conference delegates examined new and emerging research and its applicability to broad policy areas. The session on Disaster Resilience chaired by Prof. Mick Keelty AO APM highlighted the strength and direction of

partnerships between industry, government, non-government organisations and academia. The session brought home to delegates



Three concurrent sessions focused on transport security, infrastructure security and emergency management. They provided a forum for emerging policy positions and academic research and an opportunity to discuss on how research can better support evidence-based policy. The sessions also presaged potential threats and policy responses, and how these might benefit from targeted research.

that no one sector has all the answers: effective disaster preparation, response, and recovery, relies on a complex network of policies and organisations, each with their unique role to play in different communities. Likewise, with so much of Australia's infrastructures and economy dependent on technology, the session on Cyber-Security and Cyber-Safety chaired by Assoc. Prof. Nick O'Brien, presented a unique and daunting set of challenges to governments, industry and academia.

Just as 'linked up government' has its challenges in the complex policy environment of national security, so too does 'linked up academia'. A key message from this year's conference is the need to better coordinate academic efforts in support of policymaking. By efficiently harnessing our research effort, better academic and policy outcomes will be more readily achieved.

# 'Risk and Resilience: Redefining Security'



As guest speaker at the Welcome Reception, Mr Greg Vickery AM, President of the Australian Red Cross (pictured above), reminded us all of the true consequences of disaster and the key role that Australia plays in the region when it comes to disaster response. Mr Vickery left conference delegates with the clear message that government and non-government organisations need to continue to work together to support effective disaster responses, both locally and internationally.

CEPS has one of the most significant concentrations of researchers working in the field of policing and security in Australia. Leading scholars come from a range of disciplines and backgrounds including criminology, social sciences, law, psychology, history, international relations and public policy. The conference provided a forum to showcase several key projects including research focused on the private security industry, understanding decision-making in counter-terrorism operations, corruption and vulnerable communities.



Ms Kate O'Donnell, and Prof. Simon Bronitt



**Prof. Lorraine Mazerolle officially inducted Deputy Commissioner Ian Stewart into the Evidence-Based Policing Hall of Fame. The Evidence-Based Policing Hall of Fame is an initiative of George Mason University in the United States. The Hall recognizes innovative law enforcement practitioners who have a record of implementing and incorporating evidence-based practices in their respective agencies.**

Deputy Commissioner Ian Stewart is a career police officer who has served with the Queensland Police Service (QPS) for over 30 years. He is a widely recognized police leader in Australia who has created capacity in the Australian environment for conducting rigorous evaluations of innovative new police practices. DC Stewart's organizational command was responsible for implementation of the Queensland Community Engagement Trial (QCET). QCET was world's first randomized field trial investigating the effects of legitimacy policing where, under randomized field trial conditions, we assessed the impact of police-citizen encounters on citizen perceptions of police. Results of QCET show that incorporating elements of procedural justice into a short police citizen encounter can influence, in a positive way, citizen perceptions of police legitimacy.

In addition to the QCET Trial, Deputy Commissioner Ian Stewart has a 20 year record of supporting, implementing and ensuring evidence based practice within the QPS. For example, under the command of DC Ian Stewart, QPS brought an evidence-based and data driven approach to quality assurance, and used a CompSTAT-like program of data collection to better prevent and control domestic violence. By incorporating what we know about domestic violence from the many randomized field trials throughout the world, DC Stewart ensured that approaches used to police domestic violence undertaken by the QPS were informed by evidence based knowledge.

In addition to his accomplishments in research and evaluation, DC Ian Stewart was the state disaster coordinator for the natural disasters that devastated the state of Queensland from December 2010 to January 2011. In this role, DC Stewart oversaw the coordinated response by Queensland emergency services to the destruction that left three quarters of the state of Queensland declared a national disaster, including over 70 townships and 200,000 people. DC Stewart brought an evidence based approach to the QPS response to these disasters, informed by his role on the National Counter Terrorism Committee (NCTC). As a result of these roles, DC Ian Stewart advocates for standards to be developed from the evidence of best practice to better prepare, prevent, respond and recover from disasters in the future, driving his philosophy of evidence-based practice.

## Conference In Focus

### CEPS and Beijing Normal University (BNU) MOU Ceremony and the First Joint CEPS-CCLS Workshop, October 2011

By CEPS Associate Investigator, Assoc. Prof. Sue Trevaskes, Griffith University

More than one year ago, CEPS conducted a workshop on the death penalty in China. A number of leading Chinese scholars visited Griffith University to discuss recent changes to Chinese criminal law. Led by Prof. Lu Jianping, from the College of Criminal Law Science (CCLS) at Beijing Normal University (BNU), a small delegation of experts presented papers on criminal justice policy and reform. Understanding how Chinese agencies deal with major crime in its organised and transnational forms, has important implications for Australia's policing agencies. It enhances our ability to engage with and respond to key issues in law and human rights in the region. Reform of the death penalty in China is an important international human rights issue, and this was the first time an event on this topic had been held outside China.

The 2010 workshop also provided an opportunity to discuss CEPS' research agenda on Chinese criminal justice, and to establish an ongoing relationship with CCLS. The College is presently China's only independent and comprehensive academic research institute that specialises in training Chinese academics and professionals exclusively in the area of criminal law. Its membership includes many of China's leading scholars on criminal jurisprudence, and it is well known as the nation's premier academic criminal law research college. CCLS also has institutional links with a number of global bodies and it is a member institute of the UN Crime Prevention and Criminal Justice Network (PNI). It frequently conducts joint research projects with prestigious international bodies including the Max Planck Institute for Foreign and International Criminal Law in Germany.

During the 2010 workshop, Prof. Lu and Prof. Simon Bronitt, signalled their intention to formalise the relationship



Prof Simon Bronitt, CEPS Director and Prof Lu Jianping from the College of Criminal Law Science (CCLS) at Beijing Normal University (BNU) sign the MOU at the First Joint CEPS-CCLS Workshop

between CCLS and CEPS with the signing of an MOU in 2011. This has now been realised. Prof. Bronitt, along with Prof. Mark Finnane, and Assoc. Prof. Sue Trevaskes, attended a signing ceremony for a Memorandum of Academic Exchange Cooperation at Beijing Normal University on 15 October 2011.

Following the formalities, CEPS and CCLS held their first joint workshop on Sino-Australia Comparative Criminal Law, which included senior academics and a large number of postgraduate students. Prof. Zhao Bingzhi discussed the most significant developments in Chinese criminal law over recent years, while Prof. Song Yinghui addressed the impending revision of China's criminal procedure law. Prof. Wu Zongxian gave a summary of recent changes in the area of community corrections in China. Prof. Bronitt and Prof. Finnane presented three papers outlining Australian developments viz. models of cooperative federalism in the field of criminal law, key trends in serious and organised crime, and terrorism law and human rights

protection in policing in Australia. One of the founding fathers of the Criminal Law in the People's Republic of China, Gao Mingxuan, Honorary President of College for Criminal Law Science, Beijing Normal University, provided concluding remarks.

Members of CEPS and CCLS also used this recent opportunity to propose a program of future exchange opportunities. One such exchange is slated for 10 and 11 December 2011, when Prof. Duncan Chappell, Chair of CEPS International Advisory Board, will attend and present at an international conference on the prevention and punishment of organised crime in Beijing, an event organised by CCLS and the Max Planck Institute for Foreign and International Criminal Law.

The next installment in CEPS-CCLS relationship will be an international workshop on Chinese criminal procedure law in March 2012 to be held in Brisbane.

## Project Update: The Implications of Social Networking for Covert Operations

Assoc. Prof. Nick O'Brien and Mr Mick Keelty

Will undercover operatives from police and other agencies be able to operate in the future? Research carried out at Charles Sturt University involved surveying police and other agency recruits to ascertain whether their picture was on the internet. The findings reveal a worrying trend.

It is well known that police and other agencies use undercover operatives, that is, officers using assumed identities to infiltrate gangs engaged in criminal activity. In Australia, the use of assumed identities is legislated at the State and Federal level.

Undercover policing is a unique strategy that requires significant support structures. To embed an undercover operative into an organised crime group can take a considerable amount of time, possibly years. Psychologists, and other specialist staff, often known as 'handlers', are also required to closely manage and supervise the officers during the entire process. It follows that this is costly, in both time and money, for both police and intelligence organisations. If not managed properly, experience has shown that the law enforcement organisation may be exposed to considerable compensation claims by undercover operatives who succumb to the stress of what is a very risky operational role.

Nonetheless, it is a valuable tactic that has led to arrests of major criminal figures and is used by many law enforcement agencies worldwide. It reduces investigation time as evidence can be collected quickly and expedites the court process, as police are able to present strong cases using direct testimony from the operative concerned.

It is also undeniably dangerous work for the officers involved. The cost of being exposed as a law enforcement officer could be the life of that officer.

The convergence of a number of technologies raises the following

question: 'Will undercover officers be able to operate safely in the future?' Dynamic technologies such as social networking, mobile phones, facial recognition software, and cloud computing, pose a number of problems for covert policing operations.

Social networking sites such as Facebook, Twitter, and LinkedIn are phenomenally popular. As at November 2011, Facebook boasts 800 million active members (who logs onto their account at least once a month), LinkedIn has 100 million members, and Twitter has over 200 million tweeters sending out an incredible 200 million tweets per day. It is claimed that over 100 million photos are uploaded to Facebook each day, with 750 million photos being uploaded over the 2010-2011 New Year weekend alone. Significantly, permission is not needed to upload a photo of someone else to the internet. In fact, many people may have their pictures on the internet (possibly 'tagged' with their identity) without their knowledge.

Mobile phone technology is also a significant concern. Most mobile phones now have cameras, many with comparatively high resolution. 'Smart' phones with geolocators, which record the location of the user as well as the time, date, and location of any photograph taken, look set to dominate

the market. These smart phones are increasingly used to access social networking sites. Facebook, for example, reports that 350 million people regularly access their Facebook accounts via their smart phones.

Facial recognition software is becoming more sophisticated and common. Apple's 'iPhoto', which comes as standard with Mac computers, has inbuilt software which allows users to search for individuals across their photographic library using facial recognition. Indeed, some inexpensive laptops now log users onto the system using this software. Research on facial recognition 'on the move' is being



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currently undertaken by the National Information and Communications Technology Australia (NICTA) Research Centre of Excellence

Cloud computing poses other problems. It allows individual access to the kind of computing power only once available to governments and the military, on a 'pay per use' basis. In a recent article entitled 'Cloud-Powered Facial Recognition is Terrifying', Jared Keller refers to experiments carried out at Carnegie Mellon University. This study involved researchers using facial recognition software called 'PittPatt' and cloud computing to compare a subject's face with those pictures publically available

on Facebook. Reportedly, it took less than 3 seconds to identify 10 possible faces with an accuracy rate of 30%.

Between November 2010 and February 2011, researchers at Charles Sturt University surveyed recruits with less than one year service in a number of organisations which use undercover officers to ascertain whether their pictures were on the internet. The survey showed that 85% of respondents used at least one social networking site, rising to 90% for those aged under 36 years. In the under 26 age group, almost 100% of respondents knew that there were pictures of themselves on the internet. Significantly, 85%

of respondents had had pictures of themselves uploaded by another person.

These findings, together with the convergence of technologies described above suggest that undercover operatives may not be able to work safely in the future. This is a significant policy deficiency and senior police officers need to manage the risk now.

The researchers intend to carry out another round of surveys early in 2012, possibly involving public servants in other departments in addition to those which use undercover operatives.

## Project Update: Research on Integrity in Policing

By Prof. Tim Prenzler

In August 2011 ex-Federal Agent and former Assistant Director of the New South Wales Crime Commission, Mark Standen, was convicted in a Sydney court of conspiracy to import and supply pseudoephedrine with the potential to produce an estimated \$60 million of 'crystal meth' – a particularly addictive and destructive drug. It was almost

unthinkable that a highly placed officer could stoop so low – an officer described by the ABC's 4 Corners program as 'a crime busting untouchable, a man at the heart of the nation's war on drugs'. But apart from Standen's obvious personal moral failure, the case cast a shadow over the police integrity system. Standen was a gambling addict who led a lavish lifestyle, but the warning signs were missed. His corrupt activity was brought to light following surveillance by authorities at the Dutch end of the conspiracy.

2011 was a bad year for police integrity in Australia on a number of fronts. The year also saw the resignation of the Victorian Chief Commissioner over allegations police released misleading crime data in order to support the government during an election; and the Victorian Office of Police Integrity released a report on systemic problems with inaction in the police discipline system. In Queensland, the Courier-Mail ran an exposé under the banner 'Queensland Police's Dirty Dozen', which used a freedom of information application to reveal a series of embarrassing corruption cases, including an officer soliciting sex in return for an offer to drop charges, and another officer stealing from victims of

burglaries and fires.

These are a few examples of the many police misconduct cases reported each year in Australia – and around the world. Policing is also beset by large numbers of complaints across a wide range of alleged unethical conduct, including excessive force, discrimination and inaction. In the CEPS project 'Integrity Systems', researchers are involved in analysing the nature and causes of police misconduct, and identifying and promoting effective strategies to optimise integrity. Amongst the bad news, there are number of success stories. As one example, members of the Integrity Systems project team are about to publish a study of a long-term major decline in public complaints against police in Tasmania, which can be attributed to police initiatives in training and procedures. The research team is also documenting other innovative strategies, including integrity testing, drug and alcohol testing, covert tactics, early intervention systems, enhanced ethics training, and complaint mediation. For more information of the project visit <http://www.ceps.edu.au/research/governing-for-security-research-program/integrity-systems>



Prof. Tim Prenzler, CEPS Chief Investigator, Griffith University

# Practitioners and Partners

## Mr Jon White, ANZPAA



Mr Jon White, Director,  
ANZPAA

The Australia New Zealand Policing Advisory Agency (ANZPAA) is a joint initiative of Australian and New Zealand Police Ministers and Commissioners. Established in 2007, the agency is a cross-jurisdictional organisation that brings together a diverse range of skills and resources to address common policing issues. It helps ensure that police services strive for excellence, especially in the area of community safety.

ANZPAA's work program reflects the strategic priorities of its board. Its brief is especially diverse and challenging given the complexities of the Australia and New Zealand policing environment.

One key area of strategic policy for the agency is advancing policing professionalism. This is being realised through the development of common practice standards to guide police education and training. These standards are envisioned to eventually cover all levels and fields of policing. They will inform curriculum development in the tertiary education and

training sectors external to policing, and ensure consistency at a national and regional level.

With the unprecedented level of emergencies in Australia and New Zealand this past year, it is timely that our agency focuses on emergency management. There is a need to achieve greater standardisation in Australia given the strategic dimensions of police leading multi-site, multi-agency and cross-jurisdictional emergency responses.

Additionally, ANZPAA is working up a national innovation strategy for forensic science. This will be done by:

- Developing an outline of the current status of forensic science research in Australia and New Zealand.
- Identifying new and emerging knowledge and technology which may impact forensic science service delivery.

These are just a few examples of the many projects ANZPAA will be undertaking over the coming years. Police jurisdictions are committed to enhancing the way that they collaborate on policy, best practice, people and resources when tackling matters of common concern.

ANZPAA will be working with jurisdictions to help them be as successful as they can be. Further information can be found at the ANZPAA website: [www.anzpaa.org.au](http://www.anzpaa.org.au)

## Ms Alice Hutchings, Australian Institute of Criminology

In March 2011, I found myself making the transition from sunny Brisbane to Canberra, just in time for winter. I was given very large boots to fill as a cybercrime research analyst at the Australian Institute of Criminology (AIC). Fortunately, this role complements my PhD research, which examines hacking and computer fraud, and I welcomed the opportunity to expand my knowledge to other related issues in the rapidly changing cyber environment.

I am pleased to report that I have survived my first eight months in Australia's capital city. Jokes about politicians, public servants, Fyshwick businesses and the local real estate market aside, I have found Canberra to be an engaging city, with an active home-grown arts and music scene. Close to the mountains, rivers and beaches, there are many recreational activities on offer.

My work has been stimulating and rewarding, and my first AIC publication is due for release shortly. This publication, part of the *Trends and Issues in Crime and Criminal Justice* series, examines computer security threats faced by small

businesses in Australia. The paper also provides potential countermeasures to prevent incidents from occurring. Recently, I have also prepared submissions for the Cyber



Ms Alice  
Hutchings, AIC  
Research Analyst  
and CEPS PhD  
Student

White Paper and the UK House of Commons Science and Technology Committee's inquiry into malware and cybercrime.

In the future, I look forward to strengthening the partnerships I have made at CEPS, and I am particularly interested in exploring joint research ventures with CEPS and the AIC in the area of cybercrime.

## CEPS Member Profiles

### Ms Julie Ayling



Ms Julie Ayling, CEPS  
Research Fellow, Australian  
National University

Ms Julie Ayling is a Research Fellow in the Regulatory Institutions Network at the ANU. Currently, she is a visiting fellow in the Department of Political and Social Sciences at the European University Institute (EUI).

Julie is working on the CEPS project Illicit Organisations, examining the nature of gangs, organised crime and terrorist groups, and the most effective responses to them. Her research explores the resilience and adaptive capacity of these groups and what this means for designing

law enforcement responses. She is particularly interested in legislative approaches to these groups. She is considering issues such as whether effective legislative approaches exist to deal with criminal groups as groups or networks, or whether it is more useful to continue to charge participants in these groups with individual offences. In addition, are there alternatives to relying on sometimes ineffective criminal laws? In Australia, outlaw motorcycle gangs (OMCGs) have been

the subject of innovative state legislation seeking to prevent, through the use of control orders against members of those groups, the organisation and conduct of criminal activity. That legislation has been successfully challenged in the High Court over the last two years, so Australian governments now need to rethink their approach and examine whether there continues to be a role for such civil/criminal hybrid laws despite their problems.

Recently, Julie and her colleague, Prof. Rod Broadhurst, made a submission to the South Australian Parliament's inquiry into the use of criminal intelligence that raised the possibility of using administrative and regulatory laws to target criminal groups. Such approaches are used with some success in several jurisdictions, including Europe and Japan. Julie plans to investigate European models such as the Dutch 'administrative approach' whilst at the EUI. She believes such models could assist Australian governments to deal with organised crime groups such as OMCGs.

Julie is also a Chief Investigator on an ARC-funded project entitled 'Transnational environmental crime: Applying network theory to an investigation of illegal trade, criminal activity and law enforcement responses'. This project is investigating, in partnership with the Department of Sustainability, Environment, Water, Population and Communities, emerging trends in transnational environmental crime and the conditions for successful regulatory and enforcement responses.

### Mr Alan Beckley

Alan Beckley was appointed as an Associate Investigator in CEPS in July 2011. He is a Senior Lecturer at the Australian Graduate School of Policing, Manly (Charles Sturt University), where he teaches several post-graduate and doctoral subjects related to policing, law enforcement, and security. Alan served 30 years as a police officer in the UK, working in two police services, mainly in general policing senior management roles. On retiring from the service, he lectured part-time at several universities and liaised as a management consultant. His two key sectors of expertise are central government (education) and police and criminal justice. Alan has successfully completed many consultancy and advisory assignments in the UK and internationally (18 countries), specialising in the subjects of policing and human rights and police professional standards. He has worked with the Council of Europe, the Indian Police Service (IPS) and the UK Foreign and Commonwealth Office among others. On behalf of CSU/CEPS, he recently contributed to a submission to Queensland Police Service on ethical police policies. Alan is currently working with the New South Wales Police Force on police training in decision making/operational management, and the Australian Federal Police

on an international police development project. He has written several books and had many articles published in practitioner journals on policing and legal matters. His PhD project is examining human rights, ethics and police professional standards. He is currently completing research into: the use of expert witnesses in criminal trials; and juveniles' experiences of complaints against police in NSW. Earlier research projects include personal liability of police; evaluating training outcomes and; the use of competencies in the police service.



Mr Alan Beckley, CEPS  
Associate Investigator,  
Charles Sturt University

# Research Reflections - Reinventing Intelligence

## Assoc. Prof. Grant Wardlaw

Intelligence has undergone significant changes in recent years, driven both by the nature of its environment and those of its clients, as well as by the perception of significant intelligence 'failures' in contexts such as terrorism. The national security system is facing a new and dynamic set of threats and risks – many of them conceptually more difficult to detect and defend against than traditional ones.

Changing concepts of national security are encouraging collaboration and cooperation between law enforcement, security, and foreign intelligence agencies, and blurring distinctions between agency responsibilities. Traditional notions of rights and responsibilities and the appropriate boundaries of privacy and civil liberties are being challenged by new intelligence-gathering technologies. The drivers of change continue to accelerate and mutate, and we can expect the nature of the intelligence enterprise to continue to alter rapidly in the future.

The convergence of criminal and security



Assoc. Prof. Grant Wardlaw is a Senior Fellow at CEPS ANU and is currently writing a book on changing concepts of national security and intelligence. Grant has had extensive international experience in police intelligence operations and information exchange arrangements, and has been a member of senior national intelligence committees in Australia.

intelligence in a counter-terrorism context has engendered change on both sides (notably, police using intelligence

disruptively rather than for prosecution and security intelligence now need to produce intelligence that can be held to the evidentiary standards of the courts). But will these same issues now be extended into the sphere of serious and organised crime? Is it desirable for criminal intelligence to be collected and used specifically to disrupt criminal behaviour without ever intending to go to prosecution? What implications does this have for traditional notions of transparency and accountability of law enforcement agencies?

My research examines how these changes are impacting on the world of intelligence, and assesses the policy implications of intelligence capabilities and missions that seem to be outstripping informed debate and legislative frameworks. Drawing on my own career in criminal intelligence, the rapidly expanding intelligence literature, and interviews with intelligence practitioners and clients, I am attempting to determine what is required to reinvent intelligence so it can function effectively and accountably in the rapidly changing world it seeks to understand.

## CEPS and Department of Transport and Main Roads Collaborative Seminar Series

By Ms Kate O'Donnell, CEPS Practitioner-in-Residence, Transport and Main Roads

Over the past few months CEPS and the Queensland Department of Transport and Main Roads have delivered a series of targeted training and development seminars as part of their Collaborative Research Agreement.

Each seminar has been specifically tailored to support either the professional development needs of departmental staff, or to support the department's industry stakeholder engagement program.

Following on from the successful public lecture on terrorism law in Australia by Prof. Simon Bronitt, the most recent seminars have focused on the preparedness of Queenslanders for natural disasters and terrorist events (presented by Dr Suzanna Ramirez and Dr Emma Antrobus); an operational overview of the 2005 London underground bombings (presented by Assoc. Prof. Nick O'Brien); and the politics and pathways of policy transfer (presented by Dr Tim Legrand). With different target audiences, each of these events has been very well received.

The seminar series is a clear demonstration of how CEPS is working closely with a key industry partner to make its research accessible and relevant.

## Guilt Admissions and Interview Techniques in International Courts and Tribunals

By Dr Melanie O'Brien

During the month of November 2011, I undertook a research trip to various countries in Europe. A significant amount of my time was spent carrying out research on guilt admissions and interview techniques used in international courts and tribunals. To do this, I interviewed lawyers and investigators who work at Interpol, the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the Special Tribunal for Lebanon. Many of these experts have also worked at a variety of tribunals/courts, so they are able to provide reliable comparative data for my research. These interviews followed up earlier work I conducted in May this year.

This project focuses on interviewing methods for suspects and 'insider witnesses'. 'Insider witnesses' are

those who have also committed international crimes, but are unlikely to be prosecuted by the court or tribunal in question. The goal is to determine what motivates perpetrators of international crimes to admit their guilt, and whether interviewing techniques can assist to increase such admissions.

The preliminary findings of this research show that perpetrators are more willing to admit their crimes when they know they are unlikely to be punished. Lower ranked soldiers are more inclined to speak about their crimes than high-ranked officers. There is a general lack of remorse amongst perpetrators. The most commonly conveyed sentiment is that 'bad things happen in war'.

In addition, I have determined that interview techniques have an important role to play in the prosecution of war criminals, and to this end, there is a need for standardised training in interview techniques at the courts and tribunals. There is also a greater role to be played by colleagues and superiors in evaluating the effectiveness of these procedures.

However, the research also shows that there are distinct differences when it comes interviewing suspects of international crimes. This requires any standardised training to be supplemented with knowledge specific to the region under investigation. This supplemental training would include elements such as cultural difference. A good example is the use of body language to detect deception.



The International Criminal Tribunal (ICTY) for the Former Yugoslavia

In Western cultures, a lack of eye contact can indicate lying, but in some African cultures, it is considered impolite to make eye contact in certain circumstances. Given that lawyers and investigators come to interviews with their own unintended biases, they need to develop extra skills beyond their previous domestic experience.

During the trip, I also attended three conferences: the *ICTY Global Legacy Conference* in The Hague in the Netherlands; a workshop on *Interrogation in War and Conflict* at Reading University in the UK; and a workshop on *Preventing Genocide: Root Causes and Coping Strategies* at the University of Antwerp in Belgium. At the latter, I presented a paper on the findings of my research, which was well received and provoked a great deal of discussion. My paper, along with others at the workshop – including an examination of the economic reasons behind the 1994 Rwandan genocide, and how former child soldiers in Uganda cope with their past of trauma and violence – signals an increased emphasis on empirical research by scholars of mass atrocities.



Dr Melanie O'Brien, CEPS Research Fellow, Griffith University, outside Interpol

## Grants Update

with Anne-Marie Hicks Desvignes, CEPS Research Development Officer



### ARC Grants

CEPS has submitted 2 applications to the ARC Future Fellowship grants round which closed 30 November 2011. Best wishes to both our applicants.

ARC Discovery Projects (DP) and  
Discovery Early Career Researchers

Award (DECRA) application preparation is underway. CEPS has supported all 3 Griffith University Expressions of Interest for DP and 3 for DECRA. Funding Rules for the Schemes are due to be released in December 2011. Please see ARC Website : [http://www.arc.gov.au/media/important\\_dates.htm](http://www.arc.gov.au/media/important_dates.htm)

### ERA 2012 Journal List released

The ARC has released the ERA 2012 Journal List. The Journal List defines the journals that are eligible for institutions' ERA 2012 submissions. For more information, please visit the ERA 2012 Journal List page : [http://www.arc.gov.au/era/era\\_2012/era\\_journal\\_list.htm](http://www.arc.gov.au/era/era_2012/era_journal_list.htm)

### Tools

Research Grants Coversheet : [http://](http://www.griffith.edu.au/research/research-services/research-grants/apply-for-funding)

[www.griffith.edu.au/research/research-services/research-grants/apply-for-funding](http://www.griffith.edu.au/research/research-services/research-grants/apply-for-funding)

Griffith University 2012 Salary Scales: <http://www.griffith.edu.au/research/research-services/research-grants/apply-for-funding/prepare-your-budget>

Griffith University Research Assistant/ Fellow Classifications: <http://www.griffith.edu.au/research/research-services/research-grants/apply-for-funding/prepare-your-budget>

FOR & SEO Codes: <http://www.griffith.edu.au/research/research-services/research-grants/research-calendar/resources-for-preparing-applications-and-reports>

## Other News

Congratulations to **CEPS Chief Investigator, Prof. Mark Finnane** and **CEPS Associate Investigator, Dr Rebecca Wickes** who were both successful in their recent ARC Applications. Prof. Mark Finnane is collaborating on the project 'The Australasian Legal History Library: Creating Historical Depth in Legal Data on AustLII', which was awarded \$330,000 to be administered by University of Technology, Sydney. Dr Rebecca Wicks is collaborating on the project 'What makes a community resilient? Examining changes in the adaptive capacities of Brisbane suburbs before and after the 2011 flood'. This project will be the first study to examine the key community processes and structures associated with community resilience both before and after the 2011 Brisbane floods. Drawing on a longitudinal study of Brisbane suburbs, it will critically assess the conditions under which suburban communities respond to and recover from a major disaster. The project was awarded \$427,000.

At the Griffith University inaugural annual awards ceremony for general staff excellence in the Arts, Education and Law Group, **Melanie Davies, Personal Assistant to the CEPS Director**, received a high commendation for her support to research. This is a deserving recognition of Melanie's years of hard work, dedication and unfailing commitment to the CEPS community, especially the welfare of staff, visitors and students. Congratulations Melanie on being one of the inaugural recipients of these awards.

**CEPS Chief Investigator, Assoc. Prof. Mark Kebbell**, has recently become an Editorial Board Member of the Official Journal of European Association of Psychology and Law. Congratulations Mark!

On 6 October, **CEPS Associate Investigator, Prof. Philip Stenning** had the honour of delivering the Ray Whitrod Memorial Lecture at Flinders University, Adelaide. Professor Stenning presented 'Governance of the Police: Independence, Accountability and Interference'. The paper will be published in the Flinders Law Journal in due course.

A New South Wales Police strike force has won a prestigious Australian Crime and Violence Prevention Award. The Strike Force was nominated by **CEPS Chief Investigator Prof. Tim Prenzler**, who published an evaluation of the project in the journal *Policing: A Journal of Policy and Practice* (Oxford University Press). The award was presented to Detective Superintendent Greig Newbery and Detective Inspector Andrew Waterman at Parliament House, Canberra, on the 25th of October, by Senator Kate Lundy, Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs. Also present was Dr Adam Tomison, Director of the Australian Institute of Criminology and Chair of the ACVPA Board.

# PhD Corner

Ms Sheena Fleming

I was sitting here one day last week, thinking about my PhD so far. You spend countless hours researching for your literature review, then countless hours writing, rewriting and editing. Then you fight your way (in some instances) through the mysteries of ethics. Finally, you send out your research proposals, in my case, to three different police services – two in Australia and the other in New Zealand, and you wait, and wait, and wait some more. It was

at this point, last week, that I found myself sitting there thinking ‘what if no one wants me?’. After all, my research is a little selective when you take into consideration all the other applications that agencies must receive.

My research involves looking at issues involving the recruitment and retention of Indigenous women police. In other words, how can we recruit more, and how can we hold onto the ones that

we have? I think that their issues are important, but do their superiors think so? After all, they are the ones that give the o.k. Two cups of tea later, I pulled myself together and logged on to start another day, and low and behold there it was – my first acceptance, from one of the Australian police services. Someone was interested after all. And you know what, my bet is that someone will be interested in your research too.



## Australasian Institute of Policing Awards Sheena's Excellence in Research Awarded

Sheena Fleming (pictured left) was presented the Australasian Institute of Policing award for *Excellence in Research on Improving Policing for Women*, at the Australasian Council of Women and Policing 13th Annual Excellence in Policing awards ceremony held in Hobart on 23 August 2011.

Sheena received the award for producing a first class honours dissertation on the topic of recruitment and retention of Indigenous women police. It made valuable practical findings about how to improve the representation and integration of Indigenous women in police work, and to improve their contribution to general and Indigenous communities. Congratulations Sheena!

CEPS Chief Investigator, Prof. Tim Prenzler presented the 'Excellence in Policing in the Asia Pacific Region' award sponsored by CEPS, at the 13th Annual Excellence in Policing Awards held by the Australasian Council of Women and Policing. This year's winner was the Sexual Offences Interagency Working Group (Royal Papua New Guinea Constabulary (RPNGC), Papua New Guinea Office of the Public Prosecutor, and the Papua New Guinea Department of Health).

The Sexual Offences Interagency Working Group have enhanced Government responses to victims of sexual assault through improving and promoting increased interagency cooperation and coordination of services for victims in Papua New Guinea.

Mary Sandy, instructor at the Vanuatu Policing Training College (VCP), received the Highly Commended Award for her exceptional leadership, vision and motivation in promoting the cause of women in the VCP. She is an inspiration to many.



Prof. Tim Prenzler presents State Prosecutor Tracy Ganaii and Detective Sergeant Tinol Pakiapon from RPNGC, recipients of the Excellence in Policing in the Asia Pacific Region award.



Mary Sandy receives Highly Commended in the Excellence in Policing in the Asia Pacific Region award, presented by Prof Tim Prenzler.

## Selected Recent Publications



### Book Launch - Pakistan's Stability Paradox: Domestic, Regional and International Dimensions

Contributing Editors: Dr. Ashutosh Misra and Dr. Michael E. Clarke

*Pakistan's Stability Paradox: Domestic, Regional and International Dimensions*, edited by Dr. Ashutosh Misra, CEPS Research Fellow and Dr. Michael E. Clarke, ARC Linkage Fellow, Griffith Asia Institute was launched by the Hon. Indian Member of Parliament (Lok Sabha) Dr. Shashi Tharoor, former Under-Secretary General, United Nations and also a prolific writer and media commentator, at the India International Centre in New

Delhi, on 1 December 2011.

The central theme of the book looks at Pakistan's stability paradox: why is it that despite Pakistan's efforts in recent years to stabilise itself politically, militarily, socially, religiously or judicially, such attempts have led to more instability? Contributing authors examine the various facets of internal and external security challenges, while taking account of the positives outcomes that have emerged from Pakistan's experience in the war on terror and civil-military interface over the years. Commentators and analysts have often suggested that Pakistan has been on the verge of state 'failure' or collapse resulting from a myriad of internal and external dilemmas. Yet, remarkably the Pakistani state has proven to be more resilient. This book identifies not only the factors that are contributing to Pakistan's perceived instability, but also those that have contributed to the state's resilience. Chapters explore this central paradox through three central dimensions of Pakistan's contemporary problems – the domestic, regional and international sphere.

The book has three parts:

Part One - Domestic Dimensions

Part Two - Regional Dimensions

Part Three - International Dimensions

### Chinese 'Black Societies' and Triad-like Organised Crime in China

Broadhurst, R. (2011). In F. Allum and S. Gilmour, (eds), *Handbook of Transnational Organised Crime*, Routledge: London, Chapter 10.

The handbook seeks to provide the definitive overview of transnational organized crime, including contributions from leading international scholars as well as emerging researchers. The work starts by examining the origins, concepts, contagion and evolution of transnational organised crime and then moves on to discuss the impact, governance and reactions of governments and their agencies, before looking to the future of transnational organised crime, and how the State will seek to respond.

### Australia's Relations with India: In the Light of Asia's Emerging Strategic Environment

Gordon, S. (2011). In A. Weigold and B. Stoddart (eds), *India and Australia: Bridging Different Worlds* New Delhi: Readworthy.

The ties between India and Australia dates back to the 18th century. They have several commonalities which serve as a foundation for close cooperation and multifaceted interaction. Before independence, both countries were part of the British Empire and presently both are members of the UNO, Commonwealth of Nations, G-20, IOR-ARC, ASEAN Regional Forum and Asia-Pacific Partnership on Climate and Clean Development. The essays in this collection attempt to analyse the various facets of India-Australia relations.

### Criminalizing Organizations: Towards Deliberative Lawmaking

Ayling, J. 2011, *Law and Policy*, 33(2): 149-178.

With threats from diverse criminal organizations on the increase and current state approaches being of variable effectiveness, legislatures now need to take a more systematic and deliberative approach to framing policy and legal responses to criminal groups. This article proposes a typology of legislative approaches to the whole spectrum of criminal groups that would facilitate a more holistic assessment of what to do about gangs, organized crime, and terrorist groups. It clarifies the advantages and disadvantages of different legal approaches, and paves the way for further research on more nuanced and effective laws on criminal organizations for the future.



From L to R: Dr Michael Clarke, Research Fellow, Griffith Asia Institute; Hon. Indian Member of Parliament and former United Nations Under-Secretary General, Dr Shashi Tharoor; and Dr Ashutosh Misra, CEPS Research Fellow, Griffith University



## Media Bytes



Professor Geoff Alpert on 60  
Minutes (US)

60 Minutes (US) featured **Prof. Geoff Alpert, CEPS Associate Investigator**, in a program on Tasers which aired 13 November 2011. The program reported the growing concern that Tasers may inflict unnecessary pain and, in rare cases, lead to death. Geoff has written what to-date is the definitive study of Taser use for the National Institute of Justice (US).

**Prof. Lorraine Mazerolle, CEPS Chief Investigator**, spoke with Paul Barclay on *Australia Talks*, ABC National Radio on 'Policing Challenges' 15 August 2011, regarding the London Riots in August. The British Police were widely criticised for their handling of the violence and disorder which erupted across England. The program focused on lessons for police in Australia.

On 3 October 2011, *The Courier Mail* published 'Australia should take care with proceeds of corruption landing here' - an op-ed article by **CEPS Associate investigator, Prof. Jason Sharman**. The op-ed suggests Australia is a prime haven for looted wealth.

**Dr Saskia Hufnagel, CEPS Research Fellow**, spoke to ABC Radio on 17 October 2011 about the Australian teenage boy held in custody in Indonesia for minor drug offences. Dr Hufnagel explained Indonesia should not be blamed for their drug policies; rather Australians need to act more responsibly, and be more legally and culturally aware when overseas. However, there should be a move towards a more coordinated approach to drug offences in the Australasian Region.

Do you have an item to contribute to the next CEPS Research Quarterly?  
Please forward any submissions to the Editor, Dr Yorick Smaal: [y.smaal@griffith.edu.au](mailto:y.smaal@griffith.edu.au)

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