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CEPS Research Quarterly


A Research Profile

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Feature Editorial

(Un)Cooperative Federalism: Challenges for Policing in the 21st Century

CEPS Director, Prof. Simon Bronitt



In 2008, Kevin Rudd's new Labor Government hosted an event at Old Parliament House in Canberra called the Federal Criminal Justice Forum. The two-day meeting (held over 28 and 29 September) followed on the heels of the Australia 2020 Summit held 6 months earlier. The Forum, which was much smaller than the 2020 Summit brought together 150 practitioners, policymakers and academics to identify and discuss the key issues confronting the administration of federal criminal justice in Australia. As one of those invited presenters, I focused my allotted 7 minutes at the podium on what I believed then (as now) to be the most serious challenge in policing in Australia, what may be termed as one of the enduring legacies of federalism's failure. Unlike their Canadian cousins, Australia's architects of federalism did not pursue the blueprint of a single national criminal law. Rather Australia's system of criminal justice was left as a matter of State responsibility, which has led today to nine overlapping and competing systems. Frontline police involved in investigation know all too well that crime does not respect borders, whether they are internal or external ones. As a result, local law enforcement agencies are regularly hampered by jurisdictional uncertainty (whether they possess powers to investigate and prosecute offenders for activity that crosses border), as well as a lack of familiarity of other jurisdiction's laws and procedures.

To date, the solutions to these failures in federalism have been largely ineffective. Consider the example of the Model Criminal Code (MCC),

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which promised a uniform criminal law for Australia in the early 1990s. This national project, established by the Standing Committee of Attorneys General, developed a set of uniform model criminal laws intended for adoption in all Australian jurisdictions. The project was subject to extensive public discussion and consultation with the legal profession. Although the MCC was modeled on the US Model Penal Code published by the American Law Institute, it was not nearly as successful in terms of implementation at State level. In Australia, it proved to be much more difficult to persuade individual states to cede sovereignty over crime and justice from the local to the federal level. This failure of cooperative federalism in criminal justice may be contrasted with other regulatory fields, such as Corporations and Consumer Law, where the national interest in devising and applying national standards held sway.

Why is criminal justice different? Put simply, ‘law and order’ politics at the local level has proven to be an insurmountable obstacle to the development of a national model for criminal law reform. This persistent state of ‘uncooperative federalism’ continued until the 9/11 terrorist attacks, that demanded more assertive national leadership and expansion of the federal footprint in criminal law and investigation powers. Since 2001, a raft of new federal laws (creating offences and expanding powers) has been enacted dealing with terrorism, serious and organised crime, money laundering and proceeds of crime, foreign bribery and human trafficking offences, with the commensurate expansion of federal capability for law enforcement both within and outside Australia.

It may not be possible to reverse the founding constitutional ‘compact’ in Australia that shares powers in the criminal justice space between the Commonwealth, State and Territories. Acknowledging this political ‘fact of life’ when addressing the Forum in 2008, I pursued the more modest proposal of identifying covert policing and investigation laws as an area where there was a strong public policy argument for enacting a single federal law. While accepting that the criminal law would still vary across the nine Australian jurisdictions, at least police officers would operate under a single law governing covert policing. This measure would enhance protection of human rights by ensuring consistent protection of citizens’ rights to privacy, control crime by facilitating cross border operations for serious crime, and enable interoperability between law enforcement agencies. Five years later, reform in this field proceeds in a piecemeal fashion – there is no national agenda for criminal justice reform addressing the issues which daily confront operational policing in this country.

It is incumbent on the academic research community to highlight these weaknesses and to engage with, and inform, public debate and policy development: through making submissions to national inquiries and royal commissions, and disseminating our findings beyond conventional academic sources (as important as these peer reviewed outputs will be to academic advancement). Obviously, my spirited 7-minute advocacy efforts in 2008 did not have any major impact on the direction of reform. In my mind, the failure of the Forum (and my own contribution) to make any significant contribution to reform lay not in the idealism of the new federal government to be more consultative. Rather, it lay in the failure to have a considered *modus operandi* that could *systematically* integrate knowledge and insights shared at the forum into policy development and implementation.

Across various policy domains, including policing and security, there is a need to undertake more research into how scientific knowledge is generated (including the effective integration of stakeholder knowledge) and how this evidence is (or is not) then implemented into policy and practice. I believe that CEPS has been at the forefront of such an experiment in the field of policing and security, and in various ways has been assisting in the translation and transfer of research into better public policy outcomes and law reform. Underlining this point, I extend my congratulations to Prof. Gabriele Bammer on the publication of her latest book, *Disciplining Interdisciplinarity*, profiled on page 4. In which she reiterates calls for a new science of integration and implementation (I2S) to assist academics and policy practitioners in their respective aspirations for more rigorous interdisciplinarity and evidence-based policy.

Protecting Cultural Heritage: A Conference in Bhutan

By Prof. Duncan Chappell

There can be few more exotic and remote places to hold an international gathering than in Thimphu, the capital of the ancient Himalayan nation of Bhutan. But that is where Interpol and the Government of Bhutan, with financial support from the Government of Norway, held a conference in February of this year on the subject of the 'Protection of Cultural Property in Asia'.

Together with an archaeologist colleague from ANU, Damien Huffer, I was invited to participate in this meeting and to present a paper based on a joint research project that we are engaged in to better document and understand the patterns of illicit trafficking in cultural property within the Asian region. As an affluent and developed nation within this region Australia is believed, regrettably, to be one of the destinations for a significant volume of looted objects from countries like Cambodia, China, India, Thailand and Vietnam. Evidence for this can be found in a number of places including the recent revelations about the activities of the former New York City-based antiquities dealer, Subhash Kapoor, who is alleged to have supplied many of the world's major museums and art galleries with stolen or looted objects from the region, including our National Gallery in Canberra and the Art Gallery of NSW in Sydney.

The papers presented at the Bhutan conference revealed a troubling and largely unchecked demand in the wealthier nations of the world for cultural heritage objects from the Asian region - a demand met all too frequently by clandestine and well-organised traffickers who ruthlessly pillage archaeological sites for fresh stock to sell to equally complicit and unscrupulous dealers and collectors in North America, Europe, Australia and elsewhere. Law enforcement agencies in the Asian region, including those



in Australia, are ill equipped to deal with this illicit trafficking - a situation acknowledged by Interpol and one which requires rapid remedial action in the form of measures like better training for our custom's officials and the development of new expertise among our police forces in investigating and prosecuting those responsible for this organised criminality. We very much hope that through CEPS, and our own research, the looting of cultural objects will soon become a thing of the past.



Project Update

CEPS to sponsor the First Global Conference on Research Integration and Implementation

By Prof. Gabriele Bammer

The culmination of the CEPS Research Program on Integration and Implementation will be a global conference which aims to bring together researchers and educators who use systems-based, action-oriented, interdisciplinary approaches (I2Sconference.org).

The conference will showcase CEPS case studies using these methodologies, as well as advances in developing research integration and implementation which have been made in the CEPS research program. It will also provide an advanced foundation of concepts and methods for future research in the policing and security areas.

Showcasing CEPS Case Studies

Research that crosses disciplinary and practice boundaries and that has relevance for policy and practice change is a hallmark of CEPS. CEPS Director, Prof. Simon Bronitt and Conference Chair and CEPS program leader and Chief Investigator (CI), Prof. Gabriele Bammer, have started working with CEPS CIs to exploit the conference opportunity as a way of highlighting this aspect of CEPS research. CEPS Partner Investigator, Prof. Gloria Laycock (also on the conference International Advisory Committee) will also assist in recruiting a wider range of policing and security contributions.

Showcasing CEPS Contributions to Advancing Methodologies for Research Integration and Implementation

My book, *Disciplining Interdisciplinarity: Integration and Implementation Sciences for Researching Complex Real-World Problems*, was published by ANU E Press in January. It is available free online at <http://epress.anu.edu.au/titles/disciplining-interdisciplinarity>. The book will be formally launched at the conference.

An unusual feature of this book is that it not only provides an exposition of a framework for a systematic approach to address complex real-world problems like widespread poverty, global climate change and organised crime, but it also includes 24 commentaries about the book's proposals, including by leading policing and security scholars Simon Bronitt, Fasihuddin and Michael Wesley.

The book tackles three core domains:

1. Synthesising disciplinary and stakeholder knowledge,
2. Understanding and managing diverse unknowns, and
3. Providing integrated research support for policy and practice change.

A case is made for a new research style – integrative applied research – and a new discipline of Integration and Implementation Sciences or I2S. The book describes how these will be developed.

The conference will also showcase other methodological advances



made in the program, especially by Associate Investigator Prof. Michael Smithson on understanding and managing unknowns.

Building a More Advanced Foundation for Future Interdisciplinary Policing and Security Research

The conference builds on the *Disciplining Interdisciplinarity* book to bring together dispersed networks and the methodological insights they have developed. These methodologies are referred to as multidisciplinary, interdisciplinarity, transdisciplinarity, systems-based, mode 2, post-normal science, systemic intervention, system dynamics, cybernetics, team science, integrated assessment, adaptive management, implementation science, sustainability science, public engagement, theory of change, coalition theory, and action research. There are also overlaps with elements of project management, complexity science, operations research, modelling and simulation, policy science, impact evaluation, ecological economics, decision sciences, and management science.

As well as linking these networks, the conference aims to 'take stock' in order to develop more advanced and solid foundations for future work on complex real-world problems, such as those which occur in the policing and security areas. This includes developing an accessible repository of what are currently widely dispersed and hard-to-find concepts, methods and case studies about applying systems thinking, scoping and boundary setting, framing, dealing with values, harnessing and managing differences, undertaking dialogue, building models, applying common metrics, accepting

unknowns, advocacy, end-user engagement, understanding authorisation, dealing with organisational facilitators and barriers, and much more. An important conference outcome will be an open 'data commons' of resources.

To facilitate the networking and stocktaking functions, the conference will occur online as well as onsite in Canberra. The dates are 8-11 September, 2013.

Key References

Bammer, G. 2013 *Disciplining Interdisciplinarity: Integration and Implementation Sciences for Researching Complex Real-World Problems*. ANU E-Press. <http://epress.anu.edu.au/titles/disciplining-interdisciplinarity>.

First Global Conference on Research Integration and Implementation, September 8-11, 2013 in Canberra and online www.i2sconference.org.



FIRST GLOBAL CONFERENCE ON
RESEARCH INTEGRATION
AND IMPLEMENTATION

SEPTEMBER 8-11 2013
CANBERRA, AUSTRALIA
AND ONLINE

International Workshop on Responses to Drug Crime in China, Griffith University, Brisbane, 4 December 2012.

Assoc. Prof. Sue Trevaskes

CEPS has an expanding institutional partnership with China's premier criminal law institute, the College for Criminal Law Science (CCLS) at Beijing Normal University. Over the last three years, CEPS and CCLS have organised a number of international workshops on topics relating to criminal law and practice in China and the region. This latest workshop on state responses to drug crime in China is a topic of growing regional significance. China indeed has a serious problem with drug crime. There are over 1.5 million drug users registered by police, most of whom are heroin users. China's production of synthetic drugs has increased dramatically in recent years. The majority of Burma's amphetamine-type stimulants (ATS) and heroin is now smuggled into international markets in Europe and North America through China. Heroin production in Burma has slowed in recent years but heroin coming into China from the Golden Crescent region of Afghanistan has increased significantly in the past five years. Most of the heroin coming into the transit route of China via air, sea and overland is destined for international markets through ports in northern and southern China. Given that it is now a major regional transit and production centre for ATS, precursors and heroin, China's drug crime is both a national and international issue which impacts on the social and economic development and on human security both domestically and internationally.

In recent years, China has softened its punishment responses towards a number of serious crimes, with the introduction of a national criminal justice policy called 'balancing leniency and severity'. This policy which has now superceded the decades-old draconian 'strike hard' policy against all types of serious crimes,

calls for a more 'balanced' approach to punishing many crime types especially crimes such as homicide and serious assault that are triggered by interpersonal disputes. For a small number of crimes, however, 'strike hard' remains in force. Serious drug crime is one of the crimes that continue to be punished severely. China's criminal law makes it a capital offence to smuggle, traffic in, transport or manufacture over 50 grams of narcotic drugs.

Chinese authorities are in the process of reforming state responses to drug crime. One aspect of this response has been to enhance legal regulation particularly by clarifying definitions of drug crime and by improving sentencing practices. Another aspect of the state's response has been to improve procedures for extradition and for cooperation with international policing counterparts. Debates on reforming sentencing practices and developments on international law relating to drug crime including extradition, were the two main topics discussed at the one day international workshop in Brisbane on 4 December 2012. The workshop featured presentations from some of China's top criminal law experts including Prof. Gao Mingxuan and Prof. Zhao Bingzhi. Prof. Gao is widely recognised as a founding father of contemporary criminal law in China. Prof. Zhao Bingzhi is Dean of the CCLS and a consultant to the Supreme People's Court. He is frequently called upon to provide advice on law and justice reforms. Other presenters include Profs Wang Xiumei, Yin Jianfeng, Liu Zhiwei, and Huang Feng. Prof. Wang is one of China's leading experts on international law and the Executive Director of the International Criminal Court (ICC) Project Office in China. Profs Yin, Liu and Huang are all widely known in China

as leading experts on criminal law.

The morning session of the workshop focused on problems in reforming drug sentencing, especially in relation to transporting drugs. When a number of aspects of the Criminal Law were due to be amended in 2011, many judges and legal experts urged the National People's Congress (NPC) to capitalise on the opportunity and to lessen the harsh penalty for drug transportation. Legislators were urged to take into consideration the fact that drug transportation by drug mules cannot be compared in seriousness to drug trafficking, smuggling and manufacturing drugs which are routinely committed by organised crime groups. The workshop presenters noted that the main reason why this advice was ignored is the predominant thinking in Chinese political circles, which considers serious drug crime a highly socially detrimental crime for which the death penalty is assumed to be the most appropriate deterrence.

The seminar speakers highlighted a number of factors relating to serious drug crime that will impact on the future direction of serious drug crime reform in China. Serious drug crime is increasingly transnational in nature; it increasingly involves very large volumes; most drug crimes now typically involve criminal organisations and professional criminals; trafficking heroin increasingly involves high purity levels; and it is manufactured and trafficked by increasingly sophisticated criminal organisations who now rely on technology including the internet and increased use of weapons in the commission of crimes. In short, there is a well developed criminal drug market in China.

The punishment of drug crime in China has an important international element that is of interest to Australia and the region. China passed an extradition law in 2000. As a condition

for seeking extradition to China for the prosecution of drug crimes, China's extradition law allows for the People's Republic to make assurances, if sought, that the death penalty will not be given in extradition cases. This assurance was not sought in a recent high-profile case of the drug lord Naw Kham who was extradited from Burma in 2011, wanted for the murders of 13 Chinese sailors on the Mekong River. Naw Kham was a Burmese drug lord known as the godfather of the largest drug trafficking gang operating on the Mekong River. Burma handed him over to Chinese authorities to be tried in Yunnan province in 2012. While Burmese, Chinese and Thai police frequently cooperate in transnational criminal investigations, this was the first time in a criminal trial in China that Burmese and Thai police had given evidence at a major trial. Naw Kham was convicted of homicide, drug trafficking, kidnapping and hijacking and was sentenced to death.

Criminal law theory in China conceives of 'social order' as a state of order or stability characterised by a stable social environment. Stable social order is manifest in society's orderly and stable economic production and the stable social relations between members of a community. Drug crime damages the social order in many ways, not least of which is the health and lives of drug users, their families and their communities. Those who are found guilty of damaging or threatening social order attract harsh punishment in China. Given the importance placed on social order as a state imperative, it is unlikely that the death penalty for smuggling, trafficking and manufacturing illicit narcotics will be abolished in the next decade. Given that these crimes are nowadays increasingly committed by loosely organised criminal networks – local and regional – that are adept at evading law enforcement, drug crime will continue to be a major policing challenge for China and the region in the next decade and beyond.



Participants at the Responses to Drug Crime in China Workshop, Griffith University, 4 December 2012.

The Mysteries of Detective Work

Dr Nina Westera

The public want serious crime investigated and solved effectively – the guilty convicted and the innocent exonerated. Detectives are entrusted with this crucial role. Worryingly, however, the mysteries of detective work lie not only in the cases they investigate, but also in the role itself. A scarcity of research means that ideas about what makes an effective detective are more likely to be informed by images in popular culture (e.g., Sherlock Holmes, Hercule Poirot) rather than empirical evidence.

The professionalisation of detective work – the desire of many police services – cannot happen until robust empirical research clearly defines what makes a detective effective. I led a team of researchers from ARC CEPS to address this gap in the research (also in the team were Prof. Mark Kebbell from Griffith University; Dr Becky Milne from Portsmouth University, England; and Prof. Tracey Green from Charles Sturt University).

Five different police services, who also wanted to know more about the detective role, participated in our research (Australian Federal Police, New South Wales Police Force, New Zealand Police, Queensland Police Service and Western Australian Police). They supplied us with a total of thirty experienced detectives who we interviewed, using a variety of methods derived from psychological science, to find out what makes an effective detective.

The interviews suggest that far from romanticised depictions in popular culture, the detective's role is both complex and demanding. Detectives must be multi-talented individuals. Our research identified eleven different skill categories that detectives require for effective performance:

- | | |
|--------------------|----------------|
| 1. Communication | 7. Knowledge |
| 2. Motivation | 8. Experience |
| 3. Thoroughness | 9. Tenacity |
| 4. Management | 10. Resilience |
| 5. Decision-making | 11. Teamwork |
| 6. Leadership | |



Detectives investigate a murder-suicide in Onaero, North Taranaki, New Zealand.



Dr Nina Westera

These skills should form the basis of policy for the recruitment, training and management of detectives.

Detectives identified communication as the most important skill for the job. Effective detectives can communicate with anyone, anywhere and at anytime. There is perhaps no other role that involves talking to such a wide variety of people in a wide variety of circumstances: from a traumatised victim who does not speak English; to an aggressive and intoxicated suspect; to a medical expert who may provide vital forensic evidence. Despite this wide variety of interactions, the detectives interviewed for this project described the universal need to adopt an empathetic and non-judgemental approach that treats each person according to their individual needs.

Also essential to enabling detectives to perform effectively, is for police services to anticipate and pre-empt any future challenges that may impact on the profession. Thus, we also asked the detectives about the challenges for remaining effective in the future. The detectives' responses suggest that the police services face many similar challenges. The main concern of detectives was that the demanding nature of the role makes it difficult to recruit new detectives and retain those already in the role. Keeping up with rapid advances in technology and the additional workload resulting from increased accountability measures were also commonly cited challenges.

The findings of our research provide a starting point for both defining effectiveness and identifying the challenges to remaining effective. Our next step is to continue to work together with police services on the development of evidence-based practice that enables detectives to perform their role as effectively as possible.

For more information see:

Westera, N., Kebbell, M. R., Milne, R., & Green, T., (2013). *Defining the "effective detective"*. Briefing Paper, Issue 20. Brisbane: ARC CEPS.

Westera, N., Kebbell, M. R., Milne, R., & Green, T., (2013). *Developing the "effective detective" of the future*. Briefing Paper, Issue 21. Brisbane: ARC CEPS.

The Gandel Holocaust Studies Program for Australian Educators

Dr Melanie O'Brien



Gabriel Bach looking through his photos from the Eichmann Trial

In 2012, I was selected as a recipient of a Gandel Foundation Scholarship to participate in the 2013 Australian Holocaust Educators Program. The Program runs over the course of a year, and includes an online course, an intensive course at Yad Vashem (YV) in Israel, and continued engagement in Australia including an education project that all participants must produce.

Between December 2012 and January 2013, I spent a month in the wonderful country of Israel. Three weeks were spent as part of an intensive course at YV, the leading research and museum base for Holocaust studies. The course was aimed at teaching Australian educators how to teach the Holocaust and Jewish history. It covered Jewish history from ancient times, Judaism, the Holocaust, and the aftermath of the Holocaust, including the history and culture of modern Israel. The idea behind the course is that to fully understand the Holocaust and its consequences, you need to understand Judaism, the Jewish people, and Jewish history. As part of the course, we were able to experience Jewish culture through such events as Shabbat Synagogue service and dinner. We were guided through the YV museum, and given access to YV resources and scholars.

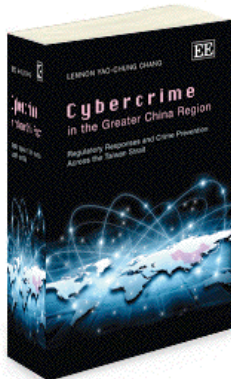
We were also very privileged to be able to meet a number of Holocaust survivors, and hear their incredibly diverse experiences. These experiences ranged from a survivor who had hidden in plain sight as a Catholic in France; to Anne Frank's best friend who ended up in Bergen-Belsen with Anne; to two of 'Schindler's Jews', who met and fell in love at Oskar Schindler's factory.

We also had a lecture in the last session of the course from Efraim Zuroff, the chief 'Nazi hunter' of the Simon Wiesenthal Centre. Although his work is winding down, Zuroff is clearly still passionate about the need to bring justice to perpetrators of Nazi war crimes and genocide perpetrated during the Holocaust. Outside the course, I was able to meet Judge Gabriel Bach (ret.), who was one of the three prosecutors of Adolf Eichmann in 1963.

I wish to express my gratitude to the Gandel Foundation for making my participation in this amazing program possible. The increased knowledge and educational skills I have gained will enable me to approach my research and teaching on the Holocaust and other genocides and mass atrocities from a more personal and multi-disciplinary perspective.

Cybercrime in the Greater China Region: Regulatory Responses and Crime Prevention across the Taiwan Strait - Asst. Prof. Lennon Yao-chung Chang

Cybercrime is a worldwide problem rapidly increasing in magnitude. Taiwan and China are suffering the most in the Asia Pacific region. Obstructed by the special political situation between both countries, there is still no formal cooperation against cybercrime across the Taiwan Strait. And, possibly because of the sensitivity and complexity of the topic, there is very little published research (in either Chinese or English) on this area.



My book, *Cybercrime in the Greater China Region: Regulatory Responses and Crime Prevention across the Taiwan Strait*, discusses the extent and nature of cybercrime in and between Taiwan and China, focusing especially on the prevalence of botnets (collections of computers that have been compromised and used for malicious purposes). The book uses routine activity theory to analyse Chinese and Taiwanese legal responses to cybercrime, and reviews mutual

assistance between the two countries as well as discussing third party cooperation. To prevent the spread of cybercrime, the book argues the case for a 'wiki' approach to cybercrime and a feasible pre-warning system. Learning from lessons in infectious disease prevention and from aviation safety reporting, *Cybercrime in the Greater China Region* proposes a feasible information security incident reporting and response system.

The book has been well received by both academics and practitioners from China, the US, UK and Australia. Prof. Susan Brenner from the University of Dayton (US) notes that the "very thoughtful and impressively researched study of cybercrime in the greater China region is an invaluable contribution to the information and analyses available in this area." The Director, Information Security, China and APJ at Cisco Systems, Dr Meng-Chow Kang, said that the book is "an important contribution to the current limited understanding of the cybercrimes and related laws/regulations and incident reporting issues across the straits between the two major economies in the Asia[n] region." This book was published in November 2012 by Edward Elgar Publishing.

CEPS Member Profile

Mr Shannon Brandt Ford, Charles Sturt University



Mr Shannon Brandt Ford, MA, is a Research Associate with the Centre for Applied Philosophy and Public Ethics (CAPPE) and Adjunct Lecturer with the Australian Graduate School of Policing and Security (AGSPS), Charles Sturt University. He is also completing his doctorate with CAPPE, which is an ARC Special Research Centre that connects rigorous analytical thinking with policy input, community discussion, and professional aims. Mr Ford's dissertation is titled 'Police and Military Killing: The Ethics of Institutionalised Lethal Force'.

Mr Ford's research interests include the theory and ethics of: cybersecurity; national security institutions (including military, police and intelligence agencies); leadership and strategy; politics, criminal justice systems and the law; and analytical and critical reasoning in applied contexts. He recently wrote a research paper titled '*Jus Ad Vim* and the Just Use of Lethal Force-Short-of-War' which will appear in the *Routledge Handbook of Ethics and War: Just War Theory in the 21st Century*, edited by F. Allhoff, N. G. Evans and A. Henschke.

Mr Ford is currently lead investigator of an National Security College (NSC)-funded research project on the ethics of cybersecurity. This project will develop an ethical framework for guiding cybersecurity decision-making in the Australian context. He also co-organised (with Adam Henschke) a recent workshop on Ethics and the Technologies of War. This workshop

identified likely key ethical issues resulting from emerging military technologies.

Mr Ford has taught at the ANU, the Australian Defence Force Academy (University of New South Wales), and the NSC. He has a Master of Arts (International Relations) from ANU, and Bachelor of Arts (Psychology) and Master of Social Science (Sociology) from University of Queensland. He was also a CAPPE Research Fellow on the ARC project 'Police Leadership in the 21st Century'.

Before starting his academic career, Mr Ford spent ten years as a Defence Strategist and Intelligence Analyst. This included working in Strategic Policy Division, the Defence Intelligence Organisation, and the Information Strategy and Futures Branch. He also completed a Peace Monitoring secondment to the Solomon Islands in 2001.

Other News

[OPERATION SATOUR: The 1971 Springbok Tour of Queensland](#)

More than 100 people attended the Queensland Police Museum on Sunday 24 February to hear speakers talk about the controversial 1971 Springbok Tour which provoked the Queensland Government to declare a State of Emergency in July of that year. The audience included many people from both sides of the policing barriers – protestors, uniformed police and Special Branch officers. The seminar was convened by CEPS Research Scholar, Mr Barry Krosch, a former Queensland Police Special Branch officer, who is writing a history of the Special Branch in Queensland. Barry drew on his archival research to talk about police surveillance and intelligence during the tour.

[CEPS Research Fellow attends Dhaka Colloquium](#)

Dr Angela Higginson attended the Dhaka Colloquium on Systematic Reviews in International Development in Bangladesh from 10 to 14 December 2012. The Colloquium was hosted by BRAC University, in association with CIDA, 3ie and ICDDR-B, under the auspices of the Campbell Collaboration and International Development Coordinating Group. The colloquium was attended by policymakers and researchers interested in the systematic use of research evidence to inform global development policy. The colloquium provided an excellent opportunity to engage with colleagues and develop new relationships with researchers and policy makers in international development.

[CEPS Research Fellow invited to discuss probability of large scale terrorist events](#)

CEPS Research Fellow, Dr Gentry White from the Policing and Security Program in ISSR, UQ, has been cited for his "...expertise in modeling terrorist activity..." by the editors of *Annals of Applied Statistics*, and invited to serve as a discussant for the paper 'Estimating the historical and future probabilities of large terrorist events', by Aaron Clauset and Ryan Woodard. The paper will be featured at an invited session at the Joint Statistical Meeting this August. The session will feature the authors' presentation, followed by comments from discussants, including Dr White. The paper and discussant contributions will be published in *Annals of Applied Statistics*.

CEPS Summer Scholar Profiles

Siobhan Allen



I started the Summer Scholars program at the start of the Summer Holidays before starting my Honours year in 2013. I was excited, but more curious, to find out what I would be doing, and whether it would be indicative of what the coming Honours year would be like. I was fortunate enough to know another summer Scholar from my undergraduate studies, Madeline, and I think this helped me to settle comfortably into my new role.

My research project examined the literature in the field of driver compliance among provisionally licensed drivers, and the impact that police and parents have on the enforcement of graduated driver licensing restrictions. The issue of the deterrence of police and parents on influencing young Queensland drivers' behaviour is yet to be fully explored in the literature. My supervisor for the Summer Scholars program was Dr Lyndel Bates, who has unfortunately left Griffith University, although I have not let her get away that easily! Assoc. Prof. Tina Murphy was also an unofficial supervisor on my project.

I certainly enjoyed working in CEPS and was overwhelmed by the welcoming atmosphere of the Centre. Most of all, I felt privileged to have been sung happy birthday by the CEPS team whilst celebrating with cake. I would like to say a brief thanks to all the people I met in CEPS – I really enjoyed myself and I learned many valuable skills to take into my Honours year.

Ji-Shen Loong

Ji-Shen Loong graduated with First Class Honours from The Australian National University where he studied Law and Art History and Curatorship. His interdisciplinary law and humanities thesis examined the relationship between property jurisprudence and early-nineteenth century landscape paintings, highlighting the contributions of art towards our understanding of property, and how art itself constructs 'law'. His research interests are in Asian Art Markets and Art Patronage/Collecting. Ji-Shen is currently a Research Assistant with the National Judicial College of Australia in the area of Commonwealth sentencing. He is Convenor of Amnesty International's Sexuality-Based Discrimination network in the ACT/NSW region.

Ji-Shen's Summer Scholar research project integrates law and the humanities with the history of art crime in Southeast Asia, focusing specifically on case studies examining the British in Burma and the French in Cambodia. By engaging with poststructuralist and postmodern approaches to colonial legal history, this project explores links between art, aesthetics, the histories of collecting, and art crime. Importantly, by adopting inter/transdisciplinary approaches, it views the history of art crime and the legal responses to these crimes through the lens of law as a cultural form. The project is broadly divided into two strands. The first considers the relationship between the aesthetic dimensions of art crime and how the collecting practices of cultural institutions during the colonial era sustained and justified the removal of cultural property. The second examines intersections of law and the social history of art crime in order to give meaning to the contemporary debates surrounding the illicit antiquities trade, and the development of a legitimate (legal) market for cultural property.

Madeline Hales



In December 2012, I graduated from a Bachelor degree in Criminology and Criminal Justice at Griffith University. I was awarded a position within the 2013 Griffith University Summer Scholars Program in Crime and Justice.

My areas of interest include crime prevention, critical infrastructure disruption by Issue Motivated Groups (IMGs) and threats to national security. My interest in these areas was furthered by a fifteen-week placement in the Counter-Terrorism Strategic Policy Branch, Department of Premier and Cabinet. There, I was fortunate enough to rewrite the 2012 Risk Context Statement, providing a threat analysis of past and current international, domestic and Queensland trends concerning IMGs and their disruption to critical infrastructure.

I noted with interest the 'Vulnerable Infrastructures Project' at CEPS and decided to research IMGs as part of my placement in the Summer Scholars Program. During my internship, I worked alongside Assoc. Prof. Janet Ransley and former senior public servant and PhD student Ms Kate O'Donnell, who both supported my interest and highlighted emerging tactics of these groups. I met senior researchers, world-class academics and professionals in fields including policing, security, terrorism and human rights, and had the chance to enhance my knowledge of conducting research in an independent and supervised environment.

This opportunity inspired me to continue with Honours in national security, in the hope to contribute to the literature surrounding our current security climate.

Selected Recent Publications

Forging New Conventional Wisdom Beyond International Policing

By Bryn Hughes, Charles T. Hunt, Jodie Curth-Bibb

Hughes, B., Hunt C. & Curth-Bibb J. (2013) *Forging New Conventional Wisdom Beyond International Policing*. Boston: Brill Publishers.

Forging New Conventional Wisdom provides a comprehensive critique of today's conventional wisdom in the area of peace and capacity development operations.

Accordingly, the examination's scope includes Australia's aid missions through AusAID, its Australian Defence Force deployments, as well as the many security and capacity building endeavours currently undertaken by the Australian Federal Police across the globe. The focus covers both implementation and monitoring and evaluation. The critique challenges the main pillars of state-centrism, ethnocentrism, and technical solutions which currently constitute the international community's approach to this area.

The book offers more than just a critique, however. It develops - and then applies to three current case studies - a framework designed to overcome the deficiencies identified in its critique. In so doing, the framework demonstrates how contexts as distinctive as the rural Solomon Islands and urban Liberia can be better understood.

It is noteworthy to mention that the book contains three in-depth case studies of ongoing peace and capacity development missions. These allow the reader to gain a clear sense of how the new conventional wisdom set out in this book would lead to substantially different interpretations compared to today's conventional wisdom.

The book is structured into four parts. The first part sets the context by tracing the history of international missions and how they have been evaluated. The second part takes on the current practices of state and ethnocentrism in the way the international community goes about the missions. The third section challenges the extant practices surrounding monitoring and evaluation, and the final part comprises the in-depth case studies, which show how alternative ways of thinking could improve our approaches in this space.

A book launch was successfully held on 21 March 2013. In attendance were key members from CEPS, including Director Prof. Simon Bronitt, Prof. Paul Boreham and Prof. Mark Western, who heads The Institute for Social Science Research (ISSR), as well as the formerly high-ranking AFP member Mr John McFarlane, who is now at the Australian National University. Mr McFarlane offered a considered critique of the book, noting the many instances and areas where the book resonated with his vast experiences in policing and peace operations. He concluded by calling it an extremely well-written and important book and a necessary read for practitioners and policy makers as well as academics.

Ayling, J. (2013). What Sustains Wildlife Crime? Rhino Horn Trading and the Resilience of Criminal Networks, *Journal of International Wildlife Law and Policy*, 16(1): 57-80.

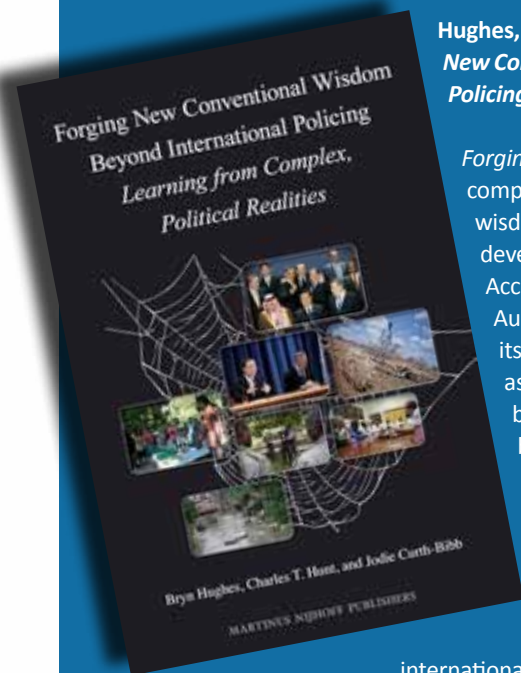
The problem of illegal trading in wildlife is a long-standing one. Humans have always regarded other sentient and non-sentient species as resources and tradeable commodities, frequently resulting in negative effects for biodiversity. However, the illegal trade in wildlife is increasingly meeting with resistance from states and the international community in the form of law enforcement and regulatory initiatives. So why does it persist? What makes the criminal networks involved in it resilient? In this article, I consider the networks involved in the illegal trade in rhinoceros horn that is currently posing an existential threat to most rhino species. The article examines possible sources of these networks' resilience, both internal and external, and the implications for how the trade could be tackled.

Hufnagel, S. & Roach, K. (Eds.) (2012). *Emergency Law*. Ashgate: Farnham.

The essays selected for this volume provide a comprehensive overview of the philosophical, ethical, historical, legal and practical issues in the diverse field of emergency law. The essays focus on terrorist attacks and natural disasters and highlight the roles of a vast variety of actors, such as the military, fire services, health services, police, volunteers and many more.

The volume reveals legislative trends in emergency law by combining different national, international and comparative legal perspectives on a number of different types of emergency situations. In addition, essays taken from a practitioner perspective provide insight into civilian and military emergency management on the ground and the frequently reoccurring legal challenges.

By comparing different national approaches to emergency law and emergency management, this collection of essays goes beyond the narrow view of one political system and draws instructive conclusions relating to the similarities and differences between a variety of common law and civil law systems and constitutional set-ups.



Media Bytes



On 26 January 2013 *The Australian* featured a comprehensive review of *Australia's Asia: From yellow peril to Asian century*. The book features a chapter 'In the same bed dreaming differently' by CEPS Chief Investigator Prof. Mark Finnane.

CEPS Associate Investigator, Prof. Jason Sharman, featured in the February 16th 2013 edition of *The Economist* speaking on the surprising resilience shown by tax havens in the face of a widespread crackdown on tax avoidance.

ABC's *Drive* spoke with CEPS Chief Investigator Prof. Mark Kebell on 13 February 2013 about the release of notorious sex offender Robert John Fardon. Prof. Kebell said the biggest indicator of future behaviour is past behaviour.

On 11 March 2013, Carl Judge, Independent MP for Yeerongpilly, spoke with ABC's *Mornings* and called on the Newman Government to review the extent of police resources tied up in managing registered sex offenders, arguing that other services, such as parole/probation officers, would be more suitable. He called for more research on the topic, and specifically referred to the role played by the ARC Centre of Excellence in Policing and Security.

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

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