Counter-Terrorism Policing and Culturally Diverse Communities

Final Report 2007

Australian Research Council Linkage Project

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Governance
The Project Steering Committee was made up of four representatives from Monash University, four representatives from Victoria Police and one member of the Advisory Board. It met on a bimonthly basis to review project progress and directions.

The Advisory Board was assembled from community representatives to give advice on the project. It met six times throughout the life of the three-year project and was instrumental in giving guidance and assistance to the project in the first year of research. Members of the Advisory Board are gratefully acknowledged for the time and support they gave the project and the ongoing community interface they helped the project to develop and maintain. Any shortcomings of the project remain the responsibility of the researchers and in no way can be contributed to members of the Advisory Board.

This project adhered to the reporting processes of the Australian Research Council that govern the administration of Linkage Projects and in addition was required to meet the ethical standards governing research required by the Monash University Standing Committee on Ethics and Research with Human Subjects. The project also reported to the Corporate Committee of Victoria Police that oversees research partnerships.
Members of the Project Advisory Board

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Executive Summary

This Report is the culmination of a three-year research partnership between Monash University and Victoria Police. The focus of the Report, Counter-Terrorism Policing in Culturally Diverse Communities, gives voice to a growing recognition that the world is changing in ways that presage the development of new approaches to criminal justice and social cohesion.

Against the background of the 9/11 terrorist attacks in the United States, and subsequent terrorist strikes in Bali, Istanbul, Madrid and London, among other places, the study focuses on the challenge posed by terrorism in culturally diverse communities. More specifically, it is an investigation into how counter-terrorism policing in Victoria, one of the most multicultural regions in the world, is perceived and experienced by both practitioners and members of different ethnic and cultural communities. To this end the study was divided into four distinct streams focusing respectively on policing, community attitudes, Commonwealth and state legislation, and the influence of the media, and how these four areas intersect to shape the way in which counter-terrorism policing occurs within Victoria.

From a longer-term perspective, the study was inspired by a commitment to the principles that underpin community oriented policing and to ensure that these principles remain relevant in a world where the threat of terrorist violence has taken on a new significance. As such, a core assumption that has guided research throughout this project is that to be effective in the immediate and longer terms, counter-terrorism policing needs to enhance both social cohesion and police legitimacy.

The originality of the project lies in two areas in particular. First, it lies in the access that was given to researchers to a wide array of culturally diverse voices across Victoria through a series of consultations and focus groups in metropolitan and regional areas. Second, it rests also on the willingness of serving members of Victoria Police to participate in a series of interviews and surveys on counter-terrorism policing. This report is therefore built on the trust and commitment to dialogue of over 1000 Victorians who served as research participants. Finally, the research was undertaken in an enduring spirit of cooperation and shared visions, qualities reflected not only in the enthusiasm of research participants but also in the regular meetings held between Monash University researchers and members of the Victoria Police Counter-Terrorism Co-ordination Unit, who met at least bimonthly for the three-year duration of the project. At the very least this spirit of cooperation provides a rebuttal of those who would claim that the innate sensitivities of terrorism preclude the possibility of cooperative and fruitful research and dialogue.

In brief, the Report identifies:

- Key issues in the perceptions and experiences of community and counter-terrorism policing from both police members and members of culturally diverse communities in Victoria.
- Factors that are critical in the operation of counter-terrorism legislation and policy in Victoria.
- Key issues in media reporting of counter-terrorism and terrorism in Victoria (will be published as an additional volume to this report).
- Recommendations for consideration based on these findings.

More generally, it confirms that Victoria Police has been able to capitalise upon the investments in promoting social cohesion and cultural diversity made by successive Victorian governments stretching back several decades to position itself as a national and international leader in the value it places on social cohesion. The findings of this research also indicate that Victoria Police is well placed to further integrate community-policing approaches into its counter-terrorism strategies. However, the findings also indicate the precariousness of police-community relationships when put under pressure through processes of alienation and social exclusion. It has taken many years of hard work on the part of governments, police and communities to build the uniquely harmonious multicultural environment that prevails in Victoria, but this work can unravel quickly if circumstances allow. The recommendations contained in this Report reflect the research team’s assessment on what needs to be done to protect this investment in social cohesion against a background of growing uncertainty, and occasional social tension, unleashed by threatened or actual terrorist violence at home or abroad.
In particular, the recommendations highlight the importance of increased communication and training within the policing organisation, and of the consolidation and enhancement of police-community dialogue in building and buttressing resilient partnerships. The recommendations also include the need to attend to the impact of the rapidly developing policy and legislative environment and the impact of the media on counter-terrorism policing and ongoing police-community relations.

This project was designed to expand the conventional counter-terrorism policing model in a way that incorporates fundamental tenets of the community-policing model. Prior to conducting this study we did not know how these new and rapidly changing counter-terrorism police roles, in the post-9/11 counter-terrorism environment, were being experienced by individual police members or the policing organisation. We also knew little of how communities perceived and experienced such policing. Police and culturally diverse communities have offered unique insights into how counter-terrorism policing is being experienced in Victoria and thus into its long-term effectiveness. Moreover, their experiences have formed a central plank in developing the counter-terrorism policing approach for culturally diverse communities which is included at the end of this Report.
# Abbreviations and Terminology

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<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td><strong>AFP</strong></td>
<td>Australian Federal Police</td>
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<tr>
<td><strong>ASIO</strong></td>
<td>Australian Security Intelligence Organisation</td>
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<tr>
<td><strong>CALD</strong></td>
<td>Culturally and Linguistically Diverse</td>
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<tr>
<td><strong>CBR</strong></td>
<td>Chemical, Biological, Radiological</td>
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<td><strong>CCA</strong></td>
<td>Commonwealth Crimes Act</td>
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<tr>
<td><strong>CHOGM</strong></td>
<td>Commonwealth Heads of Government Meeting</td>
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<tr>
<td><strong>CIA</strong></td>
<td>Central Intelligence Agency (US)</td>
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<tr>
<td><strong>COAG</strong></td>
<td>Council of Australian Governments</td>
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<tr>
<td><strong>CTCU</strong></td>
<td>Counter-Terrorism Co-ordination Unit</td>
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<tr>
<td><strong>CTCU&amp;EMD</strong></td>
<td>Counter-Terrorism Co-ordination Unit and Emergency Management Department</td>
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<tr>
<td><strong>FBI</strong></td>
<td>Federal Bureau of Investigation (US)</td>
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<tr>
<td><strong>IGIS</strong></td>
<td>Inspector-General of Intelligence and Security (Australian)</td>
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<td><strong>JI</strong></td>
<td>Jemaah Islamiya</td>
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<tr>
<td><strong>LEAP</strong></td>
<td>Law Enforcement Assistance Program</td>
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<tr>
<td><strong>MI5</strong></td>
<td>Security Service (UK)</td>
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<tr>
<td><strong>MI6</strong></td>
<td>Secret Intelligence Service (UK, also known as SIS)</td>
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<tr>
<td><strong>MLO</strong></td>
<td>Multicultural Liaison Officer</td>
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<tr>
<td><strong>NESB</strong></td>
<td>Non-English-Speaking Backgrounds</td>
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<tr>
<td><strong>OSTT</strong></td>
<td>Operational Safety and Tactics Training</td>
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<tr>
<td><strong>PDO</strong></td>
<td>Preventative Detention Orders</td>
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<tr>
<td><strong>PJC</strong></td>
<td>Parliamentary Joint Committee (Australian)</td>
</tr>
<tr>
<td><strong>PJCA</strong></td>
<td>Parliamentary Joint Committee on ASIO (Australian)</td>
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<tr>
<td><strong>SIG</strong></td>
<td>Security Intelligence Group</td>
</tr>
<tr>
<td><strong>SIS</strong></td>
<td>Secret Intelligence Service (UK, also known as 'MI6')</td>
</tr>
<tr>
<td><strong>Specialist Units</strong></td>
<td>Everything other than general duties policing</td>
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1.0 Overview

The September 11, 2001 terrorist attacks on New York and Washington and subsequent strikes in Bali, Istanbul, Jakarta, Madrid, London and elsewhere show how the national and global security environment is changing. Moreover, the spread of terrorist violence around the world has presaged the need for new and innovative counter-terrorism strategies. One of the key lessons of the past five years is that terrorists are both patient and highly adaptive—they have evinced a remarkable capacity to adapt their modes of operation to counteract many of the measures arrayed against them. In this environment the need for more proactive counter-terrorism policies has become an issue of pressing political and social concern.

Most recently Victoria Police has explicitly shaped its approach to the community in terms of social cohesion. The ‘Public Value’ of Victoria Police has been self-defined as “Creating a more just society by enhancing social cohesion, safety and the rights of citizens in our community” and by “Improving citizen satisfaction with police services”. In defining its public value in these terms Victoria Police has identified not only a commitment to social cohesion but an “obligation to enhance social cohesion”. It has also continued its commitment to community partnerships and enhanced forums for community dialogue. In conjunction with these internal developments Victoria Police has also taken an active role in the development and introduction of the Victorian Charter of Rights and Responsibilities, the first legislative statement of human rights in the history of the state.

This approach in many ways can be understood as a direct extension of a commitment to community policing which has sought to focus on local-level service needs and delivery as well as building and maintaining relations with diverse community groups. Community policing has been considered an important and growing element of Victorian policing over the past two decades with such initiatives as Local Priority Policing. Community policing in Victoria can also be viewed as being founded in a longstanding commitment to multiculturalism and cultural diversity on the part of Victoria Police and Victorian governments more generally.

Nonetheless, the explicit enunciation of values such as social cohesion represents a considerable shift for policing, which has historically shied away from a direct engagement with rights type discourses. It also represents a significant challenge for counter-terrorism policing, which at the international level has historically been configured in hard-power terms, as an actual or quasi-paramilitary function. As such, in many international jurisdictions counter-terrorism policing has often been seen as anathema to individual human rights and as part of the highly contestable argument that when it comes to dealing with the threat of terrorism there is an unavoidable trade-off between individual rights and national security.

A community-policing framework with explicit commitments to social cohesion and human rights presents new ways to frame and measure police legitimacy while at the same time providing opportunities for the development of workable measures for the reformulation and communication of policing style and substance in Victoria. Counter-terrorism policing provides a microcosm in which to view these organisational shifts, particularly in an environment of heightened global security concern.

Police organisations increasingly have a key role to play in the formation and implementation of counter-terrorism strategies. Accordingly, as part of a national Australian counter-terrorism response, Victoria Police is increasingly required to blend a traditional law enforcement role with responsibilities once considered the exclusive remit of national defence. However, incorporating law enforcement into areas once the sole preserve of the military inevitably changes the nature of police work and raises a host of legal, social and ethical issues which need to be addressed before such a change can be complete. A failure to match operational integration with the relevant attitudinal shifts and legal and social safeguards carries significant potential risks for both the utility of counter-terrorism policing as well as for the social and democratic health of Victoria more generally. In other words, the changed expectations in relation to law enforcement have given rise to a number of opportunities and challenges.
While there is broad consensus regarding the significance of the terrorist threat, debates concerning the most effective means of countering domestic and international terrorism are highly contentious and have the potential to be socially divisive. While policing is at the forefront of the fight against terrorism, there is a large body of research and experience that suggests that poorly calibrated counter-terrorism policing can marginalise and alienate key sections of society, and at worse may even exacerbate the risk of the same source of terrorism that such measures aim to combat. Such a development portends a greater reluctance by some members of the community to cooperate with police in counter-terrorism strategies. The erosion of the longstanding spirit of cooperation between Victoria Police and the state’s many culturally and religiously diverse communities is a development which must be avoided, not least because of its deleterious consequences in terms of social cohesion, but also because it would seriously undermine the counter-terrorism capabilities of the police. In the fight against terrorism the preparedness of all communities to volunteer information and work cooperatively with the police appears as a fundamentally important variable. As such, counter-terrorism policing needs to be developed in ways that enhance community-police partnerships.

At the heart of this concern is the fact that counter-terrorism, both pre- and post-9/11, has focused largely on groups that are considered ethnically, religiously or culturally distinct. Such approaches, often based on crude forms of racial profiling, have been common in counter-terrorism practices in places such as Northern Ireland and South Africa. In each of these instances counter-terrorism policing led to the increasing politicisation of communities and in so doing had the deleterious consequence of prompting many to view policing as a central part of the conflict, rather than a response to that conflict. Worryingly, there is some evidence to suggest that similar attitudinal processes have recently taken root in the United States, European Union and Australia, where post–September 11 anxiety has led some in the media and government bodies to unfairly target communities as inherently suspect and being sympathetic to terrorism or its causes.

Negative community experiences of counter-terrorism policing in countries such as the United Kingdom, North America and Northern Ireland are of significant concern to Victoria Police. This project was designed to foster links among researchers, police and community groups to facilitate a process that will allow Australia to avoid the pitfalls that have diluted the effectiveness of counter-terrorism policing in comparable societies. This study sets out the post-9/11 changes to the Australian policing environment and elaborates on the opportunities and challenges presented by them. It argues that an effective counter-terrorism policing strategy must first and foremost consolidate, strengthen and build bridges between communities by maintaining and enhancing an inclusive community-policing strategy.

In proposing this research, Victoria Police identified the actual and/or potential negative impact of counter-terrorism policing on their relationships with the entire Victorian community generally, but more specifically with groups who have been targeted or perceive they have been targeted by counter-terrorism policing specifically. To this end the project reflects a proactive commitment by Victoria Police to ensure that, in an atmosphere of heightened social anxiety caused by recent acts of international terrorism, its members remain well-equipped to protect the rights and security of all Victorians regardless of their cultural, religious or linguistic backgrounds. It includes recognition that Victoria Police members engage with the community in a range of ways, whether from police stations, on the street, in the functions of Specialist Units, or as Multicultural Liaison Officers (MLOs), and that their experiences of community policing and counter-
terrorism policing may differ. Thus police members can offer a range of insights into ways forward for a counter-terrorism approach that is built on strengthening multiculturalism and social cohesion. This project recommends alternative approaches to counter-terrorism policing that not only avoid community alienation but positively contribute to community cohesion by developing an innovative and dynamic approach to counter-terrorism by Victoria Police through enhancing and sustaining community-policing ideals and practices in the changing security environment.

1.1 Aims

This project has four streams of research investigation: the police organisation, communities, the media and the legislative/policy framework. The project aimed to:

- Document changes in counter-terrorism policy and legislative frameworks in Victoria and Australia following the events of September 11, 2001.

- Identify, describe, analyse and critically evaluate the prevailing rationales and assumptions that underlie understandings of terrorism and counter-terrorism held by Victoria Police members and by culturally and linguistically diverse (CALD) communities.

- Investigate media representations of counter-terrorism policing.

- Develop approaches to counter-terrorism policing that maximise opportunities for effective community-police cooperation while minimising the potential for an undermining of community-police relationships.

To this end, the project considered a number of aspects including core policing functions, human rights, and the degree of positive engagement and communication between police and culturally diverse communities.
1.2 Research Approach and Methodology

The research methodology was informed by the following key assumptions:

- Policing organisations have undergone significant change (in structure, focus and resource) in the post–September 11 environment as a response to government, community and media concerns about the threat posed by terrorism. While the events of 9/11 provided the initial impetus for these concerns, they have grown stronger in the wake of the deliberate targeting of Western tourists (including Australians) in Bali and the attacks against commuters in Western cities such as Madrid and London.

- A common theme within discussions generated by these attacks is the way in which terrorism is changing, especially in terms of the causes espoused by the perpetrators of this violence as well as the tactics they use. In brief, the recent wave of terrorist violence contains a stronger religious and cultural flavour, is more focused on the killing of civilians than conventional targets such as police, military personnel and political leaders, and, finally, is more global in its scope and motives.8

- Unfortunately much of the discussion stimulated by this research has been distorted in public debates whereby religion, especially Islam, is seen as causing or supporting terrorism. This is wrong on several fronts. Firstly, terrorism is a multifaceted phenomenon that cannot be reduced to a single causal factor. It results from a complex array of economic, political, psychological and social forces the precise mix of which varies from place to place and person to person. Hence, while it is true that terrorist groups that claim to be acting in the name of Islam do pose a threat to Australians, it is not the case that the animus of these groups is a function of their religion. Rather, a more complex set of rationalisations and perceived injustices are at work. The fact that these individuals wrap their justifications in a religious rhetoric is not evidence of their religious authenticity. Indeed, research undertaken in the course of this project confirms what many others have said repeatedly: the overwhelming majority of Victorian Muslims are just as appalled and offended by terrorist violence as are non-Muslims.

- However, neither of these qualifications refutes the more general observation that the nature of terrorism is changing and that the direction of this change has elevated the risk to Australia and therefore to Victoria. In short, distorted adaptations of religion are being used more frequently as a device to organise alienated individuals who might once have been united behind more secular ideologies (such as anarchism or National Socialism). At the same time, once drawn into such a group the terrorist may target civilian populations as a way of making their point. Finally, terrorism increasingly feeds off a combination of local and international issues; gone are the days when terrorists reflected purely parochial interests.

- These changes add weight to the argument that there is a need for a new counter-terrorism policing model. This model needs to be better able to anticipate and respond to the challenges that are posed by the evolutionary trajectory of terrorist violence. It needs to be better able to counter the use of culture and religion as recruitment devices, to be alert to how recruiters for terrorist causes can prey on the cultural and religious sensitivities of alienated and angry young people, and to develop a greater array of proactive policing measures that complicate the recruiters’ efforts to strike deep roots within certain sections of society.

1.2.1 Counter-Terrorism Legislation and Policy

The primary research methods used in the analysis of counter-terrorism legislation and policy were comparative and legal. Each of these methods overlaps and provides context for the other. The methodology was one of document analysis.

Comparative

The comparative method sought to place Australia’s legislative and policy response in an international context, particularly in reference to a number of key

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countries, including the United Kingdom and the United States. This approach allowed for comparison and contrast with other key countries to look for themes, convergence and divergence in response.

Legal
The legal method reviewed the content of the legislative changes. In particular it undertook an overview of the large volume of legislation with the aim of identifying trends and themes, particularly those likely to impact on law enforcement.

The documents reviewed included legislation, parliamentary debates, government media releases, reports to Parliament on the operation of legislation, government policy documents, statements by key policy makers, major reviews of legislation in Australia and comparison countries, all Victoria Police Annual Reports post–September 11, all Australian Federal Police (AFP) Annual Reports post–September 11, and all Australian Security Intelligence Organisation (ASIO) Annual Reports post–September 11.

1.2.2 Community Policing and Counter-Terrorism

Interviews
The researchers interviewed fifty Victoria Police members between April and September 2005, and conducted a force-wide online survey completed by 541 participants in November and December 2006. Thirty-two interviews were carried out in busy metropolitan stations with operational officers. Eighteen were conducted with members of Specialist Units directly engaged with counter-terrorism functions and/or community development liaison functions. An additional interview was conducted with senior management of Victoria Police. The interviews were governed by the protocols of the Standing Committee on Ethical Research on Human Subjects at Monash University where officers participated in the project under conditions of strictest confidentiality. Preparation of the interview questions was informed by discussions with the project’s Advisory Board and the transcripts have been coded and analysed with the assistance of a qualitative data software program NVIVO.

Members of the CTCU conducted information sessions on the research project at key stations and with Specialist Units, calling for volunteers to be interviewed. Officers interested in participating in the study then contacted Associate Professor Sharon Pickering who carried out all of the interviews. Interviews were carried out during working hours in the workplace and took approximately 50 minutes. This project received considerable support from officers volunteering to be interviewed, in contrast to the problems criminologists have historically faced in soliciting interviews from serving police officers. While it is difficult to be sure, the research team believes a number of factors contributed to this willingness, which include but are not limited to the following: the project was clearly seen as a partnership between police and academics; the changing culture within Victoria Police is more oriented towards providing feedback from the ground back to command; the perceived importance of the area of counter-terrorism; and the concerns officers have regarding security and community-related issues. Officers from three busy metropolitan stations were interviewed.

Force-Wide Survey
Informed by the interview findings a survey instrument was developed to examine attitudes and experiences of a wider membership of Victoria Police towards community and counter-terrorism policing.

The online survey was developed by a team of researchers at Monash University in consultation with key members of Victoria Police. An email was sent to all members of Victoria Police via the intranet, telling them about the survey and asking for volunteers to participate. A link to the online survey was included in the email. The online survey was live for two weeks in December 2006 on the Victoria Police intranet, and at closing there was a sample size of 541 respondents.

The survey consisted of 45 questions with mostly Likert scale response categories (such as ‘strongly agree’ through to ‘strongly disagree’). A majority of these questions were multi-part questions with the same response categories to make the survey easy for participants to fill out. Several of these multi-part questions asked for “other, please specify” responses, allowing participants to give free text responses if desired. As the survey was online, participants could simply click the appropriate response and then move on to the next question.

Survey questions centred on the following: attitudes to general changes within the force; attitudes to community policing, and working with diverse communities; attitudes to counter-terrorism policing; perceptions about levels of counter-terrorism training
and the training provided by Victoria Police; participants’ feelings about counter-terrorism legislation; and the challenges for counter-terrorism policing within Victoria Police.

Convenience sampling was utilised in the survey by asking for volunteers to participate in the online survey. The response rate of 541 participants represents approximately 5% of the force, and while this survey cannot be said to be representative of the force as a whole, it gives a good overview of general attitudes and opinions towards counter-terrorism policing and culturally diverse communities.

Participants came from a variety of age groups between 18 and 25 and over 50; however, approximately 52% of the sample were between the ages of 36 and 50. Twenty-two percent of participants were female. These figures broadly reflect the make-up of the force in 2006. In terms of the location of participants, 25.5% were located in the inner city, 48% came from metropolitan locations, and 22.5% from regional locations. Furthermore, approximately 60% of the sample came from operational police members in Regions 1 to 5. The cultural background of the participants roughly reflected the cultural composition of the force: 86% are Anglo. Approximately 7% of the participants were from Senior Ranks (Senior Sergeant and above) and 10% were VPS/Unsworn officers. Approximately 74% of the sample had served over ten years on the force.

Raw data from the online survey was provided in Excel format and converted into an SPSS data file. Data was then checked and cleaned for any errors. Data checking resulted in the deletion of four doubled-up participants, and left a participant total of 541. The data was then cross-tabulated by gender to see any initial patterns arising. Other cross-tabulations were subsequently performed to look at the influence on the data of other demographic variables such as location, area or cultural background. Charts and tables of these cross-tabulations were produced from SPSS where appropriate.

In some demographic variables, there are small numbers of some groups. For example, there were less than five participants from each of the following areas: Prosecutions (N=2), Media and Corporate Communications, and Corporate Strategy and Performance. Furthermore, there was greater variation where large sections of the sample skipped questions. For example, if participants had not operated under counter-terrorism legislation, they did not complete the questions in this section—meaning that results from this section are based on a small pool of participants, which may over-represent the data. And while the free text responses to the “other, please specify” question gathered some interesting responses, they did not capture any additional information not already included in the fixed response categories.

The survey itself was designed to be easily readable and easy to complete. One of the limitations, however, was its length. The length of the survey may have meant that some participants either dropped out before finishing or did not complete the survey. The multi-part nature of many of the questions meant that while there were 45 whole questions, there were over 120 separate questions to be answered.

1.2.3 Culturally Diverse Communities: Policing and Terrorism

Over the course of the project the Community Research team conducted over 60 interviews. These were comprised of 42 interviews with individual representatives of different ethnic and cultural community groups (usually the elected head of a recognised organisation), a series of small focus groups (of between 5 and 15 individuals, usually organised with the assistance of the individual community leader), and a complimentary series of larger public forums involving numbers of between 16 and 90 individuals. In the latter, after initial discussion the group was broken down into smaller working groups facilitated by project research assistants. The interviews at each level were undertaken in accordance with the protocols set out by Monash University’s Standing Committee on Ethical Research on Human Subjects.

A Snapshot of Cultural and Religious Diversity

In light of the sheer diversity of the wider Victorian population, it was not possible to conduct interviews with representatives of all of the cultures represented in the state. However, a cross-section of views was collected by targeting groups with a community focus (such as the Horn of Africa), but also by disaggregating these groups into their separate components (such as Somali and Eritrean). Using this approach, the following cultural and national
Counter-Terrorism Policing and Culturally Diverse Communities

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<th>Groups Participated in the Research Exercise:</th>
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<td>Afghani</td>
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<td>Arabic</td>
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<td>Chinese</td>
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<td>East Timorese</td>
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Preliminary Workshop

After settling on a sample of communities to be surveyed a draft questionnaire was prepared in accordance with the larger objective of generating insights into the experiences and views on counter-terrorism policing within different communities. Before taking this questionnaire to the public, however, a forum was convened at the Preston Migrant Resource Centre whereby chief investigators in the Community Research Stream put their questions to a panel of professionals and migrant caseworkers with extensive experience working within a variety of different ethnic and cultural groups. Feedback from this workshop allowed the chief investigators to refine the draft questions so as to minimise the prospect of any misunderstanding.

Surveys of Community Leaders

Once the draft questionnaire was completed invitations were dispatched to a series of community leaders inviting their participation in the research program. While the general response to these invitations was encouraging, there was a clear reticence on the part of some community leaders to participate. In general, there appeared several main reasons for their hesitancy.

Firstly, some community leaders replied by saying that terrorism was not a problem in their community and therefore there was nothing they could contribute. Our response to this was that the survey was not intended to probe the existence of terrorists within that particular community but to measure the extent to which the community felt that its place as a valuable part of the fabric of Victorian society had been maintained in the post-9/11 environment, especially on matters relating to counter-terrorism policing. This clarification assuaged the concerns of most, although not all, of those community leaders who were invited to participate. As a result the cross-section of cultural groups to be surveyed was slightly smaller than initially hoped for, with some leaders believing that terrorism is a problem that neither they nor their community need worry about.

A second general concern centred on the sensitivity of terrorism as a personal and social issue. This was especially so in the case of communities that contained significant numbers of individuals who had come to Australia as victims of either state or non-state terrorism. This very legitimate concern was dealt with by explaining that the research would in no way intrude into the personal lives of individual participants or of community groups who, in the words of one community leader, “don’t want to be reminded of what they escaped from”. In the end all concerns in this area were addressed to the satisfaction of all of those who expressed them. Indeed, interviews with these community leaders often proved to be among the most insightful and productive.

By the end of this stage in the research more than 40 interviews had been conducted with representatives of the twenty-four cultural groups listed above. The difference between the number of interviews and the list of sample communities can be explained by the decision to undertake interviews with different leaders from different community organisations. For example, some community groups are represented by several distinct (and sometimes competing) organisations. Where this was the case we sometimes interviewed the leaders of several different groups who claimed to represent the same community group.

The interviews were semi-structured in that every community leader was presented with the same set of questions and invited to expand on the different aspects of their responses, in their own words. An attempt was made to tape record many of the interviews but more than 60% of respondents expressed a degree of discomfort with this scenario. When this occurred the point was not pushed and the interview proceeded with the interviewer(s) recording responses by hand on a pro-forma questionnaire. Direct quotes were read back to the interviewee to verify the accuracy of the transcript. When asked about their reluctance to be recorded, the most common response was that they were nervous because of the general sensitivity around the issue of terrorism within the public domain.
Focus Groups
Following the interviews with community leaders a series of focus groups (of between 5 and 15 individuals) were convened, usually with the assistance of the individual community leader. Within the focus groups the same set of questions was put to cross-sections of the communities concerned. Our aim here was to build outwards from the comments of the community leader and to measure attitudes within the community in general, but to disaggregate these attitudes along age, gender and residential lines.

Based on the findings from the interviews at the community leader level, a decision was made to concentrate the focus groups on several particular areas relating to Muslim Victorians. There were several reasons for this. First, interviews with community leaders indicated that it was this element of Victorian society that was experiencing higher levels of anxiety in the current environment. Second, community leaders from non-Muslim groups were often reluctant to facilitate such focus groups because of the time commitment and/or because they saw the issue as having no relevance to their members. Third, we received unexpected levels of encouragement and support from across Victoria’s Muslim communities to follow the leads that had turned up during the first stage of the research process. Finally, there would be another chance to access a wider array of community views later in the research project when we moved to public forums.

Accordingly, the second stage of the research process within the Community Research Stream centred on a series of focus groups involving the following subsets of Victorian society:
- Afghani males (Eastern suburbs)
- Arabic youth (Northern suburbs)
- Arabic youth (South-eastern suburbs)
- Arabic youth (Western suburbs)
- Arabic women (Eastern suburbs)
- Horn of Africa (Northern suburbs)
- Iraqi community (Shepparton)
- Lebanese youth (Western suburbs)
- Muslim community (Mildura)
- Muslim community (Warrnambool)
- Muslim women (Northern suburbs)
- Muslim women (South-eastern suburbs)
- Sudanese community (Eastern suburbs)
- Sudanese community (Western suburbs)

Public Discussions
The final stage of the research process involved a series of larger public meetings (between 16 and 90 people) wherein discussion was again stimulated by the same set of questions and responses moderated against feedback received from the initial insights provided by community leaders and the follow-up insights from the focus groups.

A key objective of the public discussions, which involved larger numbers sometimes broken down into smaller working groups, was that they would allow the research team again to take account of non-Muslim voices. For example, at a public discussion in an outer South-eastern suburb participants from Middle Eastern backgrounds sat alongside those from the Balkan states of the former Yugoslavia, sub-Saharan Africa, Southeast Asia and the South Pacific.

A key objective of this initiative was to test responses to the same set of questions when posited in a multicultural environment, that is outside the potential comfort zone of one’s immediate social and cultural group. Interestingly, there was little clear variation in the nature of responses expressed in either the community forums or the public discussions.

A final initiative in this regard was an online survey inviting members of different ethnic and community groups to access a dedicated Monash University website and reply to a similar set of questions, albeit recalibrated to allow for easier quantification. The project and website were advertised widely through the ethnic and community media but attracted only a handful of responses.

Early inquiries among community leaders and contributors to this media as to why this might have occurred suggest that terrorism is seen increasingly as a ‘sensitive’ issue, and that while community members might be willing to trust individual researchers in face-to-face interviews, electronic surveys carry connotations of surveillance and people are reluctant to venture into a realm that might attract unwanted attention from security agencies. It is still unclear as to whether this is an accurate explanation, although across the three-year research period there was a discernible increase in concern over surveillance within some communities.
2.1 Counter-Terrorism Legislation and Policy

2.1.1 An optimal policy and legislative environment pays close attention to preventing terrorism through preventing attacks and preventing the growth of support for resort to violence in pursuit of political, ideological and/or religious causes. Establishing and maintaining a policing environment that successfully achieves this prevention requires a carefully balanced response that is the subject of continual reflection and refinement. The balance cannot be reduced to a simple equation or one-off set of policies or guidelines because it will inevitably involve ongoing monitoring and reflection. [Chapter 5]

2.1.2 The current counter-terrorism policy and legislative framework merges national security and law enforcement to an unprecedented extent. While community policing and counter-terrorism policing have traditionally been seen at opposite ends of the policing spectrum there is an emerging approach—that seeks to import the principles of community policing into national security. Victoria Police is well positioned to integrate community policing into counter-terrorism policing and to promote the expanded integration of community policing into national security. [Chapter 5]

2.1.3 The intermeshing of national security with law enforcement has seen substantial and unprecedented growth in the size, role, responsibilities, powers and resources of the AFP and ASIO. Both are recognised as leaders in the domestic counter-terrorism arena. As a result of different mandates, roles and histories these organisations approach their functions differently from Victoria Police. Victoria Police is distinct in articulating community policing, social cohesion and rights as part of its core business. Indeed, Victoria Police’s commitment to community policing as a core value will enhance its counter-terrorism capability. [Chapter 5]

2.1.4 Intelligence on potential threats and risk is particularly significant to the task of preventing terrorism. The best information available about the nature of the contemporary terrorist threat suggests that while traditional intelligence remains vital, community intelligence may be more effective and reliable in assisting to map the contours of the threat than intelligence gained from other sources. In addition, efforts to prevent terrorism through intelligence gathered via covert or coercive methods may become part of a dynamic that fuels future threats. Community intelligence gathering methods built on trust and community engagement do not present the same type of risk to future security. [Chapter 5]

2.1.5 The philosophical framework upon which police community engagement is based is critical to the successful integration of community policing into national security and counter-terrorism policing. Community engagement must be aimed at building trust, rather than based solely on the utility of gathering intelligence. Community engagement around counter-terrorism should be based on a philosophy of sharing information so that the flow of terrorism related information travels from communities to police and from police to communities. [Chapters 5, 6, 7]

2.1.6 Information considered significant to police in the context of community intelligence should include information on threats to communities that arise from popular perceptions that connect certain communities to the threat of terrorism. Community engagement and community policing in the context of counter-terrorism policing should incorporate a degree of democratic control over policing. There needs to be a commitment to ensuring that communities have information about and input into how information or intelligence passed on to police is then used. [Chapter 5]

2.1.7 Victoria Police members interviewed expressed more favourable views of state-based counter-terrorism legislation than of Commonwealth counter-terrorism legislation. [Chapter 6]
2.1.8 In relation to evidence gathering processes and inter-agency cooperation, police members remained more familiar and comfortable with the Crimes Act than with Commonwealth terrorism-related legislation. [Chapter 6]

2.1.9 Around one in ten police survey respondents had operated under specialist terrorist-related legislation, and most of these were located in Specialist Units. [Chapter 6]

2.1.10 All police members in Specialist Units noted the complexity of Commonwealth legislation and its rapid development. Many police noted that this legislation seemed to be developed in a way that did not directly engage with the needs of police members working on counter-terrorism in a state-policing context. [Chapter 6]

2.1.11 Members working in Specialist Units repeatedly called for the Commonwealth legislation to be simplified and/or codified and better directed at their needs. They particularly noted that such legislation had not been developed in consultation with units working at the coalface of counter-terrorism in a state-policing context. [Chapter 6]

2.1.12 A significant minority of police members surveyed who had used the legislation considered it barely workable or unworkable. [Chapter 6]

2.1.13 Those who considered the legislation barely workable or unworkable were largely located in Specialist Units with counter-terrorism remits. All respondents from Prosecutions (N=2) and Forensic Services (N=11) considered it either barely workable or unworkable. It should be noted that Victoria Police members located in the area of Prosecutions would not be called upon in counter-terrorism cases where prosecution would be undertaken by a QC external to Victoria Police. [Chapter 6]

2.1.14 Most respondents who had operated under specialist terrorist-related legislation indicated it could be improved through greater simplification and accompanied by better training. Notably respondents indicated concern over inter-agency cooperation, with a majority seeking greater clarity between state and federal legislation and between law enforcement and intelligence agencies. [Chapter 6]

2.1.15 The current Commonwealth Government policy approach to countering terrorism includes long-term measures aimed at preventing terrorism that incorporate building social cohesion. The policy, however, does not include these as core elements in preventing terrorism. Overall the Commonwealth’s policy emphasises prevention of terrorist events rather than prevention that aims to undermine the growth of support for terrorism. [Chapters 5, 6]

2.1.16 The Commonwealth’s counter-terrorism policy approach does not pay specific attention to human rights. [Chapter 5]

2.1.17 The counter-terrorism policy environment at the state level differs in emphasis from the federal level. In the Victorian Government policy it is clearly stated that a range of counter measures will be directed at both short-term prevention of terrorist acts and longer-term strategies aimed at reducing the support for terrorism. Both of these aspects are considered to be core to the task of preventing terrorism. [Chapter 5]

2.1.18 The Victorian Government pays specific attention to human rights in the development of counter-terrorism policy and legislation. [Chapter 5]

2.1.19 The Victoria Police policy approach to countering terrorism is consistent with the Victorian Government approach. It pays specific attention to human rights and includes enhancing social cohesion as a core element of its approach to policing. [Chapter 5]

2.1.20 Maintaining and enhancing human rights while countering terrorism is important in minimising the processes that lead people to support or engage in terrorist actions. The Victorian Government and Victoria Police policy foci are well-framed to minimise the processes that lead people to support or engage in terrorist acts. [Chapter 5]

2.1.21 The Commonwealth counter-terrorism legislative framework is focused on preventing terrorist acts. Its aim of disrupting terrorist networks and of targeting the very early stages of planning expands the remit of traditional criminal law. [Chapter 5]

2.1.22 Preventative Detention Orders (PDO) are particularly significant for Victoria Police and state police generally because they
represent a combined effort between the states and the Commonwealth. [Chapter 5]

2.1.23 The Victorian counter-terrorism legislation has not been widely used making it difficult to judge its effectiveness and other impacts. [Chapter 5]

2.1.24 The combined federal and state preventative counter-terrorism legislative framework will inevitably mean that the number of those who feel the effects of the laws who are innocent will be greater than under the traditional criminal law framework. Evidence from the United Kingdom and the United States suggests that the impact of this may be significant in terms of fuelling a process of alienation, social exclusion and, ultimately, support for terrorism. The preventative counter-terrorism legislative framework simultaneously creates challenges for community policing and makes community policing more important in preventing terrorism. [Chapter 5]

2.1.25 Profiling involving the use of race, ethnicity or national origin (or perceived race, ethnicity or national origin) as a basis for law enforcement decisions related to counter-terrorism efforts is ineffective in identifying potential terrorists. In addition, profiling can prove counterproductive because it stigmatises and alienates communities, thus undermining social cohesion. These negative outcomes can fuel support for terrorism and distrust towards police. There is no evidence to suggest that profiling is being used by police in Australia. There is evidence, however, of concern that counter-terrorism laws will lead to the use of profiling. [Chapters 5, 7]

2.2 Community Policing

2.2.1 The majority of Victoria Police members approached community policing positively and considered it important for effective policing. However, there remains some scepticism by a significant minority of police members towards community policing. [Chapter 6]

2.2.2 Attitudes towards community policing are heavily influenced by the leadership of individual stations and Specialist Units. Consequently community policing often remains ad hoc and not linked to organisation-wide approaches to working with communities. [Chapter 6]

2.2.3 Community policing was more clearly articulated and understood by police members located in Specialist Units; however, there remained uneven understanding and varying levels of engagement between communities and different Specialist Units. [Chapter 6]

2.2.4 There has been limited dialogue between stations and Specialist Units as to the value of community policing in relation to counter-terrorism. [Chapter 6]

2.2.5 Only police members located in Specialist Units identified community policing as an important element of counter-terrorism policing. [Chapter 6]

2.2.6 The key challenges for community policing were identified as a lack of time and resources. [Chapter 6]

2.3 Counter-Terrorism Policing

2.3.1 A significant majority of police considered that the changed security environment has had a profound impact on the daily work of Victoria Police members. [Chapter 6]

2.3.2 The changed security environment primarily presented challenges to police work in relation to limited resources and their understanding of the nature of the terrorist threat. [Chapter 6]

2.3.3 The key counter-terrorism challenges in the new security environment were time, resources and internal organisational issues (including coordination and interface between areas). [Chapter 6]

2.3.4 Less than a third of police respondents indicated that their role included a counter-terrorism purpose on more than a monthly basis. [Chapter 6]

2.3.5 Police members in Specialist Units had high praise for MLOs and saw them as critical to community relations generally and the counter-terrorism effort specifically. Importantly they recognised the burden MLOs carry in relation to a lack of cultural understanding within stations more generally. However, there was little evidence of either formal or informal exchange between Specialist Units and MLOs. [Chapter 6]
2.3.6 Police members serving in stations reported little or no operational counter-terrorism experience. However, they did express concerns over the preparedness of the force to respond to a terrorist incident and their role in the response. This was indicative of an overwhelming police concern with responding to rather than preventing terrorism. [Chapter 6]

2.3.7 The major counter-terrorism role of Victoria Police was considered to be response rather than prevention. [Chapter 6]

2.3.8 Victoria Police members are most confident of response and recovery capabilities and least certain in relation to their prevention and preparedness capabilities. [Chapter 6]

2.3.9 While some police members expressed a limited understanding of their role in the prevention of terrorism through their daily interactions with the community, many showed little understanding of basic counter-terrorism prevention issues or the relationship such issues have to their work. [Chapter 6]

2.3.10 All members of Specialist Units interviewed expressed varying levels of concern over the lack of focus on the prevention of terrorism and the increased focus on responses to terrorist incidents. This highlighted differences within the organisation between those who primarily considered their role to entail proactive prevention (Specialist Units) and those who saw their role as involving reactive response (police stations). [Chapter 6]

2.3.11 All members of Specialist Units interviewed expressed concern over the potential counter-productivity of some approaches to terrorism held by police and others. Specifically many were concerned at how poorly calibrated law enforcement could compromise the kinds of community policing they have been developing, often over long periods of time. [Chapter 6]

2.3.12 With few exceptions, Victoria Police members located in stations did not consider how adverse police interactions may compound feelings of community alienation and targeting. [Chapter 6]

2.3.13 Members in Specialist Units perceived members in stations as having limited resources and understanding of counter-terrorism, but also having significant potential to contribute to stronger community relations and hence a better force-wide counter-terrorism policing effort. However, it was clear that there is limited interaction between Specialist Units and stations. This needs to be addressed if the importance of community policing to the counter-terrorism policing effort is to be communicated to, and understood by, ordinary members. It is important that this communication go beyond the supervisory level to ensure that all members understand the integrated counter-terrorism approach proposed by Victoria Police. [Chapter 6]

2.3.14 The culture of the police station had an obvious impact on understandings of counter-terrorism. Some stations overwhelmingly considered counter-terrorism as non-core business. [Chapter 6]

2.3.15 While counter-terrorism was overwhelmingly considered an important issue for Victoria Police as a whole, many Victoria Police members considered counter-terrorism to be a challenge only for Specialist Units. [Chapter 6]

2.4 Counter-Terrorism Training

2.4.1 Clear and consistent force-wide messages about what constitutes counter-terrorism training is needed. [Chapter 6]

2.4.2 Counter-terrorism training yields the greatest benefits in understanding and capacity building when undertaken at the work site and in context. [Chapter 6]

2.4.3 Police members in Specialist Units reported that they had taken part in varying kinds and levels of counter-terrorism training. Nearly half reported that they had undertaken no training in counter-terrorism. All members in Specialist Units indicated that any training undertaken was done so upon the initiative of individuals and not organised in a uniform or targeted way across units. [Chapter 6]

2.4.4 Members in Specialist Units also actively encouraged greater counter-terrorism training at the Academy rather than tagging counter-terrorism training onto the already large training schedule of police members. [Chapter 6]
2.4.5 A minority of police members force-wide considered they were sufficiently trained to contribute to Victoria Police's preparation, prevention, response and recovery in the face of a terrorist incident. Respondents indicated they were better prepared in relation to response and recovery than preparation and prevention. [Chapter 6]

2.4.6 Operational members located in the regions responded with consistently low levels of agreement that they were sufficiently trained to contribute to the counter-terrorism role of Victoria Police. [Chapter 6]

2.4.7 Forensic Services reported the highest levels of confidence in the sufficiency of their counter-terrorism training. [Chapter 6]

2.4.8 Male officers consistently reported higher levels of confidence in the sufficiency of their training. Senior ranks (above the rank of Senior Sergeant) reported the highest levels of confidence in the sufficiency of their counter-terrorism training. This was in contrast to the responses of those in ranks of Senior Sergeant and below. [Chapter 6]

2.5 **Police-Community Partnerships and Dialogue**

2.5.1 Community policing presented opportunities and challenges in relation to CALD communities. [Chapter 6]

2.5.2 The majority of police members rarely have contact with CALD communities. [Chapter 6]

2.5.3 When police did have contact with CALD communities the primary challenges included a lack of time to develop relationships with diverse communities. Some police members felt inexperienced but most were concerned with language barriers and levels of cultural, religious and gender understanding. Additional concerns related to trust and levels of community and police support for the further development of police-community relations. [Chapter 6]

2.5.4 Overall Victoria Police members reported perceiving moderate to high levels of trust between themselves and the broader community. Lower levels of trust were recorded for relationships between Victoria Police members and CALD communities. [Chapter 6]

2.5.5 One of the most significant challenges identified by Victoria Police members of working with CALD communities was a lack of community trust. In particular Victoria Police members showed some understanding of the difficulties of developing trust with recently arrived communities who have left regimes where the police had been repressive. [Chapter 6]

2.5.6 There is limited evidence to suggest that Victoria Police members proactively engage in building trust and confidence with diverse communities. [Chapter 6]

2.5.7 Police members with access to an MLO routinely recorded the importance of, and their admiration for, MLOs they worked with, particularly in educating police about cultures, customs and basic language skills. [Chapter 6]

2.5.8 Police faced with time and resource constraints tended to 'leave' issues relating to CALD communities for MLOs. [Chapter 6]

2.5.9 Over-reliance on MLOs limits the capacity of all police members to learn from diverse community interactions and may be indicative of inadequate and diverging police responses to community issues. [Chapter 6]

2.5.10 In general, Victoria's culturally and religiously diverse communities display high levels of respect for and trust in Victoria Police. [Chapter 7]

2.5.11 There is a level of resilience in Victorian police-community relations that will allow for mistakes to be made in the course of counter-terrorism operations without any serious breakdown in the police-community relationship. [Chapter 7]

2.5.12 Goodwill between police and communities is a finite resource and could easily dissipate in response to missteps by Victoria Police, but also to the activities of other agencies or the media. This goodwill is the result of a generations-long investment in multiculturalism by successive Victorian state governments in partnership with Victoria Police and community groups. However, by its nature, it is vulnerable to eroding much more quickly than the time it took to be established. [Chapter 7]
2.5.13 Community-police goodwill is deeper among communities from East and Southeast Asia as well as among those from Western Europe who have a longer mass-presence in Victoria, such as the Greek and Italian communities. [Chapter 7]

2.5.14 Although levels of trust and respect for the police were also widely evident among some Middle Eastern and Muslim groups, there are clear signs that these relationships are coming under strain and will need special attention if they are to be nurtured and prevented from degenerating to levels that currently characterise police-community relations in parts of Western Europe, and even other parts of Australia. [Chapter 7]

2.5.15 Strains that some Muslim respondents felt had crept into community-police relations in recent years were not necessarily attributed to the behaviour of Victoria Police per se. Rather, there was a clear feeling among many Muslim respondents that federal agencies with counter-terrorism responsibilities had recently begun to assert themselves in ways that have undermined the rapport established over more than a generation with Victoria Police. In other words, there is a perception that Victoria Police are being marginalised in the area of counter-terrorism, and that on this sensitive issue communities have been compelled to deal with unfamiliar agencies who had little respect for their feelings and who seemed to go about their business assuming that ‘all Muslims are guilty’. [Chapter 7]

2.5.16 Muslim respondents were clearly angry at the way they have been portrayed in the media and by political leaders at the federal level. Some voiced a wish that the Victoria Police would do more to help protect their reputation, although they were unsure what exactly could be done. Many attributed what they saw as the excessively belligerent approach to counter-terrorism by some federal agencies to the political mood set by the media and political leaders. [Chapter 7]

2.5.17 It is also clear that there is a deep respect for Victoria Police among communities of East African and Horn of Africa heritage. Although in these cases the reputation of Victoria Police was affected by negative experiences with authorities in countries of origin: the widespread corruption and abuse of human rights by police and other officials in these parts of the world had fostered a general suspicion (sometimes bordering on fear) of people in positions of authority. In the words of one community leader, “if you ask an Australian about what they think of the police they will say ‘protection’. But if you ask someone who has spent most of their life in a dictatorship they will say ‘punishment’”. Community leaders felt that this will dissipate over time as newly arrived migrants become more familiar with Victorian culture and society. [Chapter 7]

2.5.18 There was a clear hesitancy across all communities when it came to directly volunteering terrorism-related information to Victoria Police. While this was slightly more pronounced among Muslim respondents, the reason cited by almost all of those who adopted this position centred on concerns about their privacy and a fear that they might be unwillingly drawn into subsequent counter-terrorism investigations. [Chapter 7]

2.5.19 Very few communities felt that they were consulted in the counter-terrorism policing process. While there was a clear understanding that the matter was one of high policy and as such they could not be consulted on every aspect of counter-terrorism policy, there was also a definite feeling of community disempowerment. [Chapter 7]

2.5.20 Communities expressed a desire for Victoria Police to play a greater role in public information on counter-terrorism. [Chapter 7]

2.5.21 Different community groups—but especially those from South Asia and the Middle East—expressed a desire to be informed of their rights and responsibilities under new counter-terrorism laws. These groups feel, rightly or wrongly, that the laws are specifically targeted at them and they are sometimes fearful of inadvertently breaking the law. [Chapter 7]

2.5.22 The focus groups also detected an extraordinary number of apocryphal and inaccurate assumptions about counter-terrorism laws. Perhaps the most worrying was a myth circulating among some young Muslims that the legal conventions governing the use of lethal force within Victoria Police have been diluted in relation to Muslims. [Chapter 7]

2.5.23 The contributions made by Victoria Police’s MLOs are extraordinarily highly valued by CALD communities, although there is a perception that MLOs are over-stretched. [Chapter 7]
3.0 Recommendations

3.1 Improve the Understanding and Approach to Community Policing and Counter-Terrorism Policing

3.1.1 The depth of operational understanding of community policing as core policing business should be increased, with critical links to developing stronger community cohesion, thereby aiding the prevention of terrorism. [Findings 2.2]

3.1.2 Victoria Police should take the lead in ensuring that counter-terrorism policing strategies and tactics pay adequate attention to the importance of community-policing approaches in the prevention of terrorism. A leadership role by Victoria Police in articulating and implementing the integration of community policing into counter-terrorism policing will assist in ensuring that the emerging knowledge in this area is incorporated into best practice counter-terrorism policing nationally. [Findings 2.2]

3.1.3 Community engagement and community policing in the context of counter-terrorism policing (and more broadly) should incorporate a degree of democratic control over policing. Specifically there needs to be a commitment to ensuring that communities have information about and input into how information or intelligence passed on to police is used. [Findings 2.1, 2.2]

3.1.4 The Victoria Police approach to counter-terrorism should be continuously monitored and refined. This monitoring should take into account the following: the strategic and operational environment; lessons and developments in other jurisdictions; and research on all aspects of terrorism, counter-terrorism and law enforcement (especially the dynamic between these three elements). It should also include feedback from diverse communities, particularly communities who may experience discrimination or alienation or perceive themselves as being unfairly targeted by law enforcement. [Findings 2.1]

3.1.5 There needs to be an increase in efforts to gain the trust and confidence of new and emerging communities, as a critical element of successful community policing and counter-terrorism policing. Adequate time, training and understanding needs to be directed at these issues in terms of everyday police work. [Findings 2.2, 2.3, 2.5]

3.1.6 Police members based in stations need to develop a clearer understanding of their role in relation to counter-terrorism, particularly the prevention of terrorism. [Findings 2.3]

3.1.7 Victoria Police members need to improve their awareness of issues such as community alienation and stigmatisation and the role they can play in countering such matters, particularly in relation to terrorism. [Findings 2.3]

3.1.8 Victoria Police members need specific direction in relation to the reporting and recording of intelligence. [Findings 2.1, 2.3]

3.1.9 Consideration should be given to developing a protocol to ensure that the mandated minimum standards of treatment under Preventive Detention Orders are clearly set out, and followed in practice. Consideration should also be given to providing human rights training to relevant police in relation to the provisions of the Terrorism (Community Protection) Amendment Act, 2006. Any such protocol and training should be developed with the assistance of the newly established Victoria Police Human Rights Unit. [Findings 2.1]

3.1.10 A policy statement rejecting the use of racial/ethnic and/or religious profiling by Victoria Police should be developed. The policy statement on racial profiling should be developed in consultation with the Victoria Police Human Rights Unit and the Victorian Equal Opportunity Commission. In addition, consideration should be given to monitoring the use of police discretion in relation to counter-terrorism policing to ensure that racial or religious profiling is not occurring, and to address it if it is. [Findings 2.1, 2.5]
3.2 Further Prioritise the Building of Resilient Policing Partnerships and Dialogues

3.2.1 In order to ensure that the value and maintenance of community-policing relationships is not isolated to Specialist Units or individual police members there is a need to develop strategies that involve police across all levels in the building and consolidation of community-policing partnerships. [Findings 2.2, 2.5]

3.2.2 Community policing is significantly limited by resource constraints, but also there appears to be a need to explore a range of strategies for improving communication with CALD communities. [Findings 2.2, 2.5]

3.2.3 Specialist police repeatedly reinforced the importance of robust multiculturalism as a crucial aspect in preventing terrorism in Victoria. This needs to be better communicated to the stations. Many noted that Victoria was well-placed to prevent terrorism through a productive approach to multiculturalism and social inclusion as a foundation for social cohesion. [Findings 2.2, 2.3]

3.2.4 Community engagement in the context of counter-terrorism must be aimed at building trust, rather than based solely on the utility of gathering intelligence. The philosophical basis of community engagement in the context of counter-terrorism policing should be formally documented. [Findings 2.2, 2.3, 2.5]

3.2.5 Community engagement around counter-terrorism should be based on a philosophy of sharing information so that the flow of terrorism-related information travels from communities to police and from police to communities. Protocols regarding the sharing of information should be developed with the Multi-Faith Council or other appropriate bodies. [Findings 2.1, 2.2, 2.3, 2.5]

3.2.6 Wherever practical, Victoria Police should consider establishing and regularising district-level Public Safety Partnership Meetings, wherein issues ranging from hate crimes to systemic racial and religious harassment can be raised with the police who can respond by outlining possible courses of remedial action, including (where possible) police investigation and prosecution. An initiative such as this is of critical importance for fostering a sense of community involvement in the counter-terrorism process and addressing nascent feelings of powerlessness within some communities. [Findings 2.1, 2.5]

3.2.7 Victoria Police has an opportunity to proactively build trust between CALD communities in diverse ways across Victoria. Members at all levels of the organisation could be proactive in a locally directed but centrally coordinated approach to ongoing trust-building initiatives. [Findings 2.2, 2.3, 2.5]

3.3 Leadership, Support and Training

3.3.1 Victoria Police should take a lead role in articulating and promoting the importance of enhancing social cohesion and rights as core elements of an effective counter-terrorism policy. This role should be targeted at the general community police forces/services in other jurisdictions, particularly at the federal level, and at policy makers. [Findings 2.1]

3.3.2 The role of MLOs should be expanded in both a geographic sense (with more MLOs in high-need areas) and also in a practical sense so that they are better able to provide more regular briefings on counter-terrorism related matters to concerned community groups, including schools. [Findings 2.3, 2.5]

3.3.3 MLOs need appropriate resourcing and support in order to build capacity within and across stations. They should be consulted about the design and level of such support. [Findings 2.3, 2.5]

3.3.4 Special consideration should be given to the deployment of more female MLOs. Establishing a rapport with female family and community members provides increased understanding of and indirect access to youth—especially potentially alienated young men. [Findings 2.5]

3.3.5 MLOs should have a particular focus on young people in their mid- to late-teens, as this is often the point at which negative social experiences (such as direct exposure to hate crimes and/or systemic racial taunts) can alienate a person and set them upon
a trajectory towards radicalisation. [Findings 2.5]

3.3.6 Specialist Units with counter-terrorism remits could benefit from developing both formal and informal communication channels with MLOs. [Findings 2.2, 2.5]

3.3.7 Victoria Police should review its pedagogical approach to counter-terrorism training to ensure a best practice approach at all levels of the organisation. [Findings 2.4]

3.3.8 There is a need for greater counter-terrorism training for police members that gives greater intellectual and practical understanding of terrorist threats, as well as the roles and capacity of police to prevent and respond to potential terrorist incidents. [Findings 2.4]

3.3.9 Future counter-terrorism training needs to engage directly with the role of community policing in relation to counter-terrorism policing. This training should be directly linked to everyday tasks including clear indications of productive and unproductive community policing for the prevention of terrorism, and would be most effective if undertaken at the work site. [Findings 2.2, 2.3, 2.4]

3.3.10 Counter-terrorism training needs to be given greater priority in recruit training programs and should be integrated across training in areas such as community policing and emergency management. Such training should draw on an interdisciplinary approach to understanding terrorist threats and specifically focus on the role of police-community trust and police legitimacy in preventing terrorism. [Findings 2.2, 2.3, 2.4, 2.5]

3.3.11 Victoria Police should develop carefully targeted training programs for Specialist Units that meet the specific needs of individuals and units in ways that draw on best practice from other jurisdictions. Members of Specialist Units need to be consulted about the design, nature and timing of such training. [Findings 2.3, 2.4]

3.3.12 Police training could effectively involve exposure to interdisciplinary approaches to understanding the sources of cultural and religious extremism and terrorism. [Findings 2.4, 2.5] The aim would be to foster a deeper understanding in police of how their public behaviour might enhance or detract from community cohesion and thereby how it might help or hinder the covert recruitment ambitions of extremists. For example, training could allow greater recognition of how even an inadvertent cultural sleight can be manipulated by extremists within the community and turned against the police and wider community.

3.3.13 Victoria Police members located in stations who are seeking training to improve their cultural diversity awareness should be supported by the organisation in direct and tangible ways. Basic language training in greetings and salutations may be a straightforward and effective tool in overcoming some of the issues identified in working with CALD communities. [Findings 2.2, 2.4]

3.3.14 Victoria Police could consider reviewing their counter-terrorism training and effectiveness to better ascertain force-wide capability levels, in turn to design strategies to demystify counter-terrorism policing. The research suggests that there are clear and recognised synergies between emergency management and terrorism response and recovery functions. The research also suggests that there is less recognition of the synergies between community policing on the one hand and preparation for and prevention of terrorist incidents on the other. [Findings 2.3, 2.4]

3.3.15 Victoria Police could consider the expansion of counter-terrorism exercises to include not only response and recovery simulations but also prevention and preparedness exercises. This may provide members with a better gauge of how capable they are in relation to these counter-terrorism functions and the effectiveness of their training. [Findings 2.3, 2.4]

3.3.16 Counter-terrorism training needs to build on broader policing training that is embedded in an interdisciplinary understanding of the role of the police, the relevance of human rights and the changing security environment in which police work. [Findings 2.1, 2.4, 2.5]
3.4 Enhance Communication and Integration of Community Policing and Counter-Terrorism Policing

3.4.1 Victoria Police is primarily presented with an opportunity to improve communication of its counter-terrorism approach to dispel the uncertainty felt by many police members as to their role and capabilities, by embedding this counter-terrorism approach within a community-policing framework. [Findings 2.3]

3.4.2 Police members located in stations need to gain a clearer understanding of the role of Specialist Units with counter-terrorism remits. This understanding should not be communicated simply through written material but should involve face-to-face interaction informed by the nature of the communities these stations serve. It is acknowledged that this work is currently being undertaken by the CTCU to enhance understanding and cooperation on counter-terrorism. [Findings 2.3]

3.4.3 Victoria Police would benefit from developing an integrated approach to counter-terrorism. This approach needs to foster understanding and integration among unit functions in relation to security and counter-terrorism. This should occur beyond the senior management level of those units. [Findings 2.3]

3.4.4 The establishment of the counter-terrorism framework has developed communication at management levels across counter-terrorism related units. Victoria Police now has the opportunity to further reduce the silo approach to counter-terrorism policing by greater integration and cooperation among Specialist Units with counter-terrorism remits. [Findings 2.3]

3.4.5 Victoria Police could better address the perceptions of internal organisational issues through clear communication concerning the integration and coordination of units with counter-terrorism remits. [Findings 2.3]

3.4.6 At the district level the delineation between and integration of Victoria Police and other law enforcement agencies requires greater clarity and communication. [Findings 2.1, 2.3]

3.4.7 There need to be continuing efforts at streamlining state-federal counter-terrorism cooperation. Where possible Victoria Police should be utilised in the planning of counter-terrorism operations so as to take advantage of its closer relationships with Victoria’s CALD communities, and to quarantine existing relations from potential disasters such as the Forest Gate raids in the UK. [Findings 2.1, 2.5]

3.4.8 Consideration should be given to establishing a working group involving police, community leaders and the media with a view to developing a voluntary code of practice for the reporting and coverage of terrorism-related events and investigations. [Findings 2.5]

3.4.9 In designing public awareness campaigns, Victoria Police should capitalise more fully on its reputation as a measure of Victoria’s status as one of the most successful multicultural societies in the world. [Findings 2.5]

3.4.10 The impact of actions by other law enforcement agencies such as the AFP and intelligence bodies such as ASIO generated mixed responses from interview respondents. Increasingly the actions of other law enforcement bodies operating in the counter-terrorism environment can impact both positively and negatively on community relations with Victoria Police. [Findings 2.1, 2.3]

3.4.11 The relationship Victoria Police has with other law enforcement agencies needs to be carefully examined to ensure that the actions of federal law enforcement do not compromise the preventative counter-terrorism work undertaken by Victoria Police in a community-policing context. [Findings 2.1, 2.3]

3.4.12 The inter-agency environment could be enhanced through the utilisation of VicPol training and courses on best practice community policing by organisations such as the AFP and ASIO. [Findings 2.1, 2.3]

3.4.13 The inter-agency environment could be enhanced through the briefing of other law enforcement agencies by key members of VicPol in relation to community policing, including MLOs and members of other specialist areas. [Findings 2.1, 2.3]

9 See Section 5.13 of this Report.
4.0 Review of Relevant Literature

4.1 ‘Old’ and ‘New’ Terrorism: A Historical Account of Counter-Terrorism Measures

Understanding the contours, dynamics and effectiveness of past counter-terrorism responses is an important and necessary prerequisite to developing and implementing effective counter-terrorism approaches and policies in the current period. In particular it is worth considering that the ‘traditional deterrents’ that are referred to as being inappropriate or inadequate in the current period may not have been effective counter measures in the past, and that in many instances acted in ways that exacerbated, escalated and prolonged conflict. Additionally, although it is argued that ‘new and innovative forms of response’ are required in the contemporary period, some of the counter-terrorism measures that are in fact being implemented share a great deal in common with the ‘traditional deterrents’ that achieved only limited success in the past.

Current Commonwealth Government counter-terrorism responses are to a large extent informed by counter-insurgency measures implemented in places such as Northern Ireland and Israel, and to a lesser extent South Africa and Algeria during the 1960s, 1970s and 1980s. The heavy emphasis upon paramilitary policing models in this tradition often generated countervailing effects including perceptions of the police as partisan and “a part of the problem”. A knock-on effect of this development was increased support for the terrorist and insurgency groups that the police were initially charged with combating. Hence, counter-terrorism policing based on counter-insurgency doctrines often had the unintended consequence of contributing to cycles of violence wherein the terrorists drew material and psychological support as a result of the heavy-handed measures of the police. Paramilitary policing is generally supported by administrative detention, along with emergency or exceptional legislation that over time becomes permanent, so that what was understood initially as exceptional becomes normal. This paradigm of counter-terrorism has been developed and applied in the absence of a clear understanding of the impact of these measures on law enforcement, citizens and the dynamics of conflict. This is not to argue that counter-terrorism policing may not at times require paramilitary-style capabilities, especially in the area of forced building entries. Modern police forces need to have a range of capabilities that includes ready access to high levels of force, rapid response and covert intelligence. It is, however, to acknowledge that such resources should be utilised only when strictly necessary and to recognise the part they potentially play in maintaining and even escalating conflict.

In the post–September 11 environment the Australian Government, along with governments all over the world, have intensified their focus on national security and particularly counter-terrorism. This increased concern is reflected in, amongst other things, the proliferation of policy statements and position and discussion papers on the topic.

A significant theme in the Australian Government’s policy response is the idea that Australia, and Western countries more generally, face a threat that is quantitatively different from the type of politically, religiously and ideologically motivated violence of earlier times, and that this novel threat requires a new type of response. Transnational terrorism is said to manifest in a “new kind of foe” that is not “responsive to conventional deterrents” and that “challenges us in ways which demand new and innovative forms of response.” The Prime Minister John Howard maintains that “[w]e are at a pivotal point in world affairs when to fall back on paradigms from the past underestimates the critical dangers

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12 See for example, P. Hillyard, *Suspect Community*.
we face”, and that the threats we are confronting are “new and terrible.” In keeping with this theme it is argued that “Australia can draw little from its historical experience with terror to understand and meet the current challenge” and that the “many other manifestations of terrorism and its extremist drivers—while often better known and more easily understood—are peripheral to our changed strategic environment.” Notwithstanding these observations, it is clear that the counter-insurgency models of the past do in fact have a profound influence within the current policy environment.

As is well documented, as a political tactic terrorism has an exceptionally long historical pedigree. However, one important difference between the ‘new’ and ‘old’ ‘terrorisms is that the latter was both more parochial (in that the terrorists’ grievances and goals were often highly localised) and more tangible (in that they focused on specific material demands, such as access to land or rights). In short, ‘old terrorism’ usually involved causes and effects that were amenable to negotiated settlement, even if this option was not often followed. By contrast, ‘new terrorism’ is seen as transnational in both its grievances and organisation and much less tangible in terms of its agenda. Unlike terrorism of earlier times, new terrorism is typically justified in religious or cultural terms, and as such is less reducible to mediation. However, the fact that new terrorists justify their violence in the language of religion should not blind us to the reality that often underpinning their actions are a set of more mundane political and social issues. If we peel away the religious rhetoric, at the core of most new terrorist movements lies a clear set of real or imagined grievances.

While the tendency to construe these grievances in an absolutist religious framework creates the illusion that the individual terrorist is not open to persuasion or negotiation, this is in fact rarely the case. Indeed, a key component to any counter-terrorism strategy must be initiatives that deny terrorist demagogues, such as Osama bin Laden, the capacity to recruit fresh members and adherents to their cause. To argue that all terrorists are beyond reason and negotiation is to concede that such an objective is futile. Historically speaking, terrorists can and do leave their organisations and turn on their former colleagues. Similarly, terrorist organisations can and do cease to exist because their community of support turns against them. The key to successful counter-terrorism policing programs is to secure public safety while simultaneously contributing to the wider social and attitudinal dynamics that are likely to cause terrorist organisations and ideologies to lose their appeal.

The violence perpetrated by the likes of Bin Laden and his followers is more global than previous manifestations of politically or religiously motivated violence; however, the difference between the ‘old’ and the ‘new’ is therefore exaggerated. ‘Old terrorists’ were globally connected in ways that are not adequately acknowledged by discourses around the ‘old’ and ‘new’ types of terrorism. The ‘old terrorists’ usually involved causes and effects that were materially supported by Moscow, usually via Cuba, and China had its own favoured groups. The Sri Lankan Tamil Tigers are likewise funded globally. The ‘old terrorists’ did not confine themselves to one particular geographical location. The IRA expanded their bombing campaign to the British mainland and other British colonies and the Palestinian groups carried out attacks all over the world.18 The violence perpetrated by the likes of Bin Laden and his followers is more global than previous manifestations of politically or religiously motivated violence; however, the difference between the ‘old’ and the ‘new’ is therefore exaggerated. ‘Old terrorists’ were globally connected in ways that are not adequately acknowledged by discourses around the ‘old’ and ‘new’ types of terrorism. The IRA expanded their bombing campaign to the British mainland and other British colonies and the Palestinian groups carried out attacks all over the world.18 The Sri Lankan Tamil Tigers are likewise funded globally. The ‘old terrorists’ did not confine themselves to one particular geographical location. The IRA expanded their bombing campaign to the British mainland and other British colonies and the Palestinian groups carried out attacks all over the world.18 The violence perpetrated by the likes of Bin Laden and his followers is more global than previous manifestations of politically or religiously motivated violence; however, the difference between the ‘old’ and the ‘new’ is therefore exaggerated. ‘Old terrorists’ were globally connected in ways that are not adequately acknowledged by discourses around the ‘old’ and ‘new’ types of terrorism. The IRA expanded their bombing campaign to the British mainland and other British colonies and the Palestinian groups carried out attacks all over the world.18 The Sri Lankan Tamil Tigers are likewise funded globally. The ‘old terrorists’ did not confine themselves to one particular geographical location. The IRA expanded their bombing campaign to the British mainland and other British colonies and the Palestinian groups carried out attacks all over the world.18 The assertion that the ‘new terrorism’ is unrelated to specific demands or territorial issues is likewise overstated. The United States policy towards the Israeli-Palestinian conflict is probably now, along with Iraq, the dominant foreign policy issue for Muslims globally. The sense of injustice around this issue fuels hatred and anger towards the United

15 J. Howard, Strategic Insights.
16 Australian Government, Department of Prime Minister and Cabinet, Protecting Australia Against Terrorism, p. vi.
States and its allies. Whether Osama bin Laden himself is genuinely interested in this cause or is simply exploiting it (an issue taken up below) is irrelevant; the point is that these issues which are primarily based around occupation and territory are closely linked to at least support for global terrorism if not global terrorism itself.

The similarity of the ‘new’ responses to terrorism with the ‘old’ responses to terrorism adds to the utility of studying previous experiences of counter-terrorism. Although the Australian Government argues that new responses are needed to deal with the new threat, in reality the old and new frameworks and approaches share a great deal in common. The contemporary strategies of responding to terrorism are based on old understandings of terrorism inherited from colonial counter-insurgency doctrine. It is not surprising then that contemporary response shares many of the features of past response. Counter-insurgency doctrine was originally developed by the French and British governments to deal with anti-colonial struggles. Despite the injustices of colonialism, nationalist struggles were thus constructed simply as manifestations of communist manipulation, action and ideology.

The tendency to see local struggles or conflicts as subsumed within the cause of global terrorism is highly reminiscent of the counter-insurgency thinking that has informed the development of counter-terrorist doctrine since the 1970s. Counter-insurgency doctrine seeks to mobilise the legal system as a weapon to be used against individuals and communities understood to be enemies. Kitson maintains that:

> Everything done by a government and its agents must be legitimate. But this does not mean that the government must work within exactly the same set of laws during an emergency as existed beforehand. The law should be used as just another weapon in the government’s arsenal, in which case it becomes little more than a propaganda cover for the disposal of unwanted members of the public.

The relevance of the historical framework for the current project is that despite the differences between global terrorism perpetrated by terrorists or others in the contemporary world and that of earlier epochs, the evidence suggests that the lessons from history remain highly relevant. The overwhelming weight of evidence and research from other jurisdictions supports the conclusion that:

> In the history of modern terrorism – from the Stern Gang in the 1930s and 1940s to the Islamist fanaticisms of today – there are very few examples of terrorist groups whose embrace of violence has been diluted successfully by enhanced state security powers . . . In cases where these strategies have been used in the past, the net result has usually been the further marginalisation of critical communities and the inadvertent fostering of more operationally friendly environments for terrorists.

This conclusion highlights the necessity and advantages for maintaining a community-policing strategy at the heart of counter-terrorism policing. This is particularly so as the preliminary research on the Commonwealth legislative initiatives indicates that special counter-terrorism legislation has impacted on the criminal justice system in ways that could undermine the legitimacy of law enforcement amongst those sections of the community who may have valuable information that will assist in managing the terrorism threat.

### 4.2 Counter-Terrorism Policing

There are a number of features that characterise the changed policing environment in Australia and other Western countries following September 11. These include changes in the legal environment, a greater blending of once distinct policing and military functions, the development of hybridised security/police agencies, increased federal involvement in law enforcement, and a move towards pre-emptive policing. While these changes signify an important shift in the policing paradigm, there are also important continuities with previous trends. Within the Australian context the expansion of federal power into law enforcement has been growing since the 1970s, with successive federal governments drawing on constitutionally mandated external affairs powers to assert their authority within a growing array of domestic jurisdictions.

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24 D. Wright-Neville, ‘Australia’s Counter-Terrorism Laws’.
25 Ibid.
Meanwhile, the blending of police and military roles into a quasi-paramilitary dimension of a nascent national counter-terrorism strategy has also been evident since the 1970s.27 An early fillip to this development was the ‘war on drugs’, which subsequently emerged as a ‘template’ for the pre-emptive policing strategies that have evolved more fully in the post–September 11 environment.28

The legislative changes that have underpinned these developments can be considered to have contributed to the incremental development of a new model of criminal law and law enforcement wherein surveillance and risk management have come to assume increasingly prominent roles.29 In sum, anti-terrorist laws passed in the post–September 11 environment are widely regarded as having reduced due process protections, increased police powers, boosted executive powers to unprecedented levels while simultaneously reducing judicial oversight, and eroded the once closely monitored demarcation between the intelligence and security agencies on the one hand and state and federal police services on the other.30

Counter-terrorism laws are ‘exceptional’ in the sense that they depart from traditional due process protections and are justified in terms of a virtual ‘state of emergency’.31 Defenders of this position argue that such a development is an inevitable consequence of the covert nature of terrorist activities and the unpredictability of their attacks. Cast in such a way, the existence of either actual terrorist networks or their supporters within Australia requires a state of perpetual readiness and vigilance. In Australia more than 35 pieces of anti-terrorist legislation have been passed at the federal level since September 11. Significant among these changes are the insertion for the first time of a definition of terrorism into the Commonwealth Criminal Code32, the granting of coercive powers to the Australian Security Intelligence Organisation that allow for the detention of non-suspects,33 legislation that creates new offences based on association and further legislation related to preventative detention and control orders along with new sedition laws.34

While most critical attention has focused on changes to federal laws there have also been significant changes at the state level. For example, the Terrorism (Community Protection) Act 2003 (Vic) created a new category of covert search warrants targeted at gathering intelligence related to terrorism, as an alternative to the restricted evidence gathering allowable with ordinary warrants.35

The convention within Australia has been that the states have primary responsibility for law enforcement while the Commonwealth is responsible for external defence and threats to national wellbeing from foreign sources. This demarcation began to break down in the 1970s as counter-terrorism emerged as an issue. Paramilitary police units were set up within state police forces.36 These units, which were connected to the military SAS through SAC-PAV, sometimes enjoyed a certain mystique within police forces for their assumed expertise, which tended to increase the intensity of their influence in state police forces.37 In addition to this the military were given an expanded role in internal security38 while police took up a greater role in international deployments to trouble spots in East Timor and the South Pacific.39 The tendency towards federal involvement in law enforcement consolidated and extended in the wake of September 11.

In addition, increased federal involvement in law enforcement in the area of counter-terrorism has been sustained by a sense of purpose and urgency that has also translated into greater impetus towards uniform criminal laws in Australia.40 The emergence and substantial expansion of federal involvement in law enforcement and the expanded powers of existing agencies with internal security roles and coercive powers presents a complex multi-jurisdictional environment, and a more interdependent policing environment that may provide challenges in terms of inter-agency communication and cooperation. The greatest challenge, however, that the police are likely to face in the changed counter-terrorism environment will

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27 J. McCulloch, Blue Army.
28 S. Bronitt, ‘Australia’s Legal Response’.
29 S. Bronitt, ‘Australia’s Legal Response’.
30 J. White, Defending the Homeland, Schultofer, 2002.
31 J. Hocking, Terror Laws.
32 Section 100.1 of the Criminal Code.
34 Division 104 of the Criminal Code (control orders) Division 105 of the Criminal Code (control orders) and Section of the Criminal Code 80.2 sedition offences, Division 102 Criminal Code (Association Offences).
36 J. McCulloch, Blue Army.
37 Ibid
40 S. Bronitt, ‘Australia’s Legal Response’, pp.43-44
be in maintaining a community-policing model that mitigates the risk of alienating and marginalising key sections of the population.

4.3 Community Policing

Community policing has remained at the forefront of contemporary policing efforts since it first gained prominence in the early 1980s in the UK and the US. In Australia, community policing emerged in the early 1990s and to more or less a degree it continues to inform policing practices in both federal and state jurisdictions.

The widespread embrace of the community-policing model was influenced by a number of factors, most of which remain pertinent in the current environment. These included:

- recognition that public support is critical to police effectiveness;
- increased criticism of policing practices;
- recognition that police can perform a wider range of community functions than those traditionally expected of them;
- the growth of community organisations and a corresponding devolution of administrative functions away from the state and towards grassroots organisations;
- recognition that the traditional notion of ‘community’ was changing in response to technological, geographical and social evolution;
- increases in public demand for police transparency and accountability.

In response to these concerns community policing evolved as a broad and highly flexible concept with particular relevance for culturally and religiously diverse societies. It has proved to be a highly practical approach to policing, although its utility has been better realised in those jurisdictions where it has been matched by soft-power initiatives – many of which need to be implemented by agencies other than the police – designed to build confidence and a spirit of cooperation between various community groups and the state. Victoria has been especially successful in this regard. Rather than losing momentum, community-policing principles continue to be applied to an ever-increasing range of policing practices.

4.3.1 What is Community Policing?

Community policing can be defined as a philosophy which, when applied to policing practices, places emphasis on the development of effective working partnerships with the community. Community policing is not defined by a single program nor is there an internationally agreed or accepted definition of its underlying philosophy.

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While there is much debate over what constitutes community policing, the definition offered by Trojanowicz & Bucqueroux offers a clear indication of the fundamentals of community policing:

[community policing is] a new philosophy of policing, based on the concept that police officers and private citizens working together... [in partnership] can help solve contemporary community problems related to crime, fear of crime, social and physical disorder, and neighbourhood decay.

Community policing is generally understood as resting upon the practice of police engaging with the community in a broad sense; that is, with all groups in society regardless of age, gender, race or religion. The concept of ‘community policing’ therefore emphasises effective working partnerships through a restructuring of police organisations and operational policing roles in accordance with the realities of community structures. Philosophically this has meant prioritising the community in police work and broadening the police role; strategically it has involved expanding the role and duties of police officers. Community policing has not traditionally included an explicit focus on counter-terrorism.

While theoretically and conceptually community policing is both an organisational philosophy and strategy to be implemented at every level of the policing organisation, in practice it tends to be implemented as specific, short-term intervention initiatives. Thus, community policing often manifests itself in such operational strategies as beat policing, police shopfronts, Neighbourhood Watch, local community meetings and order maintenance policing.

### 4.3.2 Key Issues in Community Policing

Community policing shifts the focus of policing organisations to a broad range of local crime and safety issues such as fear of crime, victimisation, the incidence of crime, satisfaction with one’s neighbourhood, and satisfaction with the police as a body fundamental to personal wellbeing and the integrity of one’s community.

While community policing ideally involves change at the philosophical, strategic, tactical and organisational level, in practice it rarely addresses all four. Community policing is an approach to policing that includes the reordering of police priorities: the development of a broader definition of ‘police work’; increased emphasis on community cooperation as integral to effective policing operations; and a reconfiguration of police work to include social objectives that transcend the traditional focus on law and order.

The advantages of community policing are multifaceted. At the community level benefits include the empowerment of communities to respond to local concerns, a reduction in community-identified problems and an improved social environment. For policing organisations a key benefit of successful community policing is an improvement in community contributions to policing investigations and increased member satisfaction.

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54 R. Trojanowicz & B. Bucqueroux, Community Policing: A Contemporary Perspective, p.5

55 Ibid.

56 M. Segrave & J. Ratcliffe ‘Community Policing: a Descriptive Overview’.


Importantly, community policing is seen to generate positive benefits for society as a whole by improving police-community cooperation and communication.61

4.4 Counter-Terrorism and Community Policing: Challenges and Innovations

Counter-terrorism policing that is based on a paramilitary model – i.e. one that relies on ‘exceptional powers’ of the type that are now becoming commonplace in the ‘war against terror’ – has been widely criticised as representing the antithesis of community.62 As mentioned above, community-based policing takes a number of forms but is generally said to emphasise a conciliatory, rather than coercive, approach in police work. The community-policing model concerns itself with including “ordinary citizens in decision-making structures, so that operational strategies and techniques are conscious of ‘community’ as well as ‘police’ interests”.63

This new and emerging security environment provides significant and novel challenges for police and their ability to respond appropriately is critical to protecting the wellbeing of individuals, communities and infrastructure. There is ample evidence that paramilitary counter-terrorism policing models have served to politicise and stigmatise communities, alienating them from the state and law enforcement apparatus.64

There is also ample evidence that laws granting police and security agencies broad powers to investigate and prevent terrorism are unlikely to be effective in minimising terrorist threats.65 If such powers are used in ways that are repressive or discriminatory, or in ways that are perceived to be repressive or discriminatory, they risk creating an environment conducive to the spread of terrorist sympathies and in some instances terrorist networks. Internment without trial introduced in Northern Ireland in 1971 and broadly targeted at Catholics was instrumental in increasing support for the Irish Republican Army and a move away from political protest toward politically motivated violence. Paramilitary counter-terrorism tactics directed at the Irish Catholic minority inflamed conflict and hardened opposition to British rule.66 Similar lessons can be taken from, among others, the experiences in Spain throughout the 1980s and early 1990s, the French in Algeria in the late 1950s and early 1960s, and actions taken by the Sri Lankan Government against Tamil groups in the 1970s and 1980s.67

More ominously, there is also evidence that similar tactics have been an important factor in spreading support for the ideologies of Islamist terrorist groups in both Western and non-Western countries since 2001. This risk is especially acute when the paramilitary model is applied in a social and cultural context defined by crude stereotypes and racial profiling. In these situations paramilitary powers are vulnerable to being applied more indiscriminately against persons or groups who fit the stereotype. The net effect is the spread of feelings of alienation from mainstream society and the development of defensive community cultures whereby those who feel under assault retreat into isolated enclaves as a form of self-defence. The ability of terrorists to penetrate such enclaves and prey upon the fears of their members is well-established. Moreover, in an atmosphere marked by heightened fear of the repressive potential of the state, community members are loathe to pass on information regarding suspicious behaviour within their community out of a fear that by so doing they might suffer guilt by association.

There are worrying signs that this pattern of self-defensive isolation might be taking root in Australia. Such a development is a matter for significant concern, not just because of the clear assault upon the human dignity of individuals that it symbolises, but also because it threatens to erode what in Victoria has been a long and successful tradition of community-policing cooperation based on a community-policing model. The erosion of this


63 R. White and S. Perrone, Crime and Social Control and Introduction, Melbourne, 1997, p.27.

64 S. Pickering, Women, Policing and Resistance.

65 D. Wright-Neville, ‘Australia’s Counter-Terrorism Laws’.


4.5 Human Rights

In the post–September 11 climate the Australian Federal Government, along with state and territory counterparts, has passed legislation aimed at countering terrorism in the new security environment. This legislation has, amongst other things, set out for the first time a separate offence of terrorism and provided significantly expanded powers to intelligence agencies, and state and federal police forces.68 Internationally, and in Australia, critics argue that such counter-terrorism measures represent a significant and dangerous extension of the state’s coercive capacities which may impact particularly on human rights within some marginal or vulnerable communities.69

Following the events of September 11, there has been widespread concern that counter-terrorism laws and measures may undermine fundamental human rights.70 Taking this experience and evidence into account it is clear that the idea that increasing or maximising security requires the sacrifice of human rights is exposed as a false dichotomy. Sacrificing human rights, and in particular sacrificing the human rights of segments of the population which are stereotyped as terrorist, undermines efforts to counter or minimise terrorism. This occurs because repressive or discriminatory tactics may increase sympathy for terrorists, and encourage hostile beliefs that may incline some people towards violence as a political tactic. In addition, repressive or discriminatory tactics tend to undermine the legitimacy of law enforcement in communities that bear the brunt of such tactics. Lack of legitimacy is likely to minimise the flow of information from communities that might otherwise be willing to cooperate with law enforcement. Furthermore, if increased discretionary powers available to police under anti-terrorism laws are broadly targeted at religious or ethnic minorities this is likely to lead to misallocation of resources as police and security agencies deal with the many false positives (people suspected of crimes but who are in fact innocent) that will inevitably result. Such targeting is also likely to result in poor policing as people that do not fit the profile are overlooked.71

Counter-terrorism measures that are perceived or experienced as repressive by communities may be ineffective or even counterproductive in minimising or countering terrorism if they lead to alienation, increased solidarity, and resistance in vulnerable communities, creating or contributing to environments conducive to politically motivated violence.72 Alienated communities are also less likely to be forthcoming with information that might alert authorities to terrorist threats. The British military’s experience in Northern Ireland is particularly illustrative of the repression/resistance dynamic, and the part this may play in escalating political violence.73 According to Schlesinger, “A theory of ‘terrorism’ in liberal democracies may, at the same time, in certain circumstances, need also to be a theory of sectoral repression.”74 The notion that human rights can or should be traded in favour of increased security may, as some argue, amount to a “flawed calculus.”75 Therefore, poorly calibrated changes to policing practices initiated in the name of counter-terrorism may critically impact on the experience or perception of repression and level of alienation in communities, thereby generating unintended consequences in the form of a higher

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68 See for example, Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2003 (Comm); Terrorism (Community Protection) Act 2003 (Vic).
propensity to political violence among some sections of society.

4.6 The Media

Islamophobia and attacks against Muslim communities, especially women, have increased dramatically in Australia since September 11. Incidents of misplaced Islamophobia, where people of Middle Eastern heritage (including non-Muslims) and even those mistaken to be of this heritage (such as Indians, Sikhs, Pacific Islanders and Africans) have been subjected to harassment and intimidation, are increasingly prevalent.

A contributing factor behind the growing incidence of racial and religious harassment is the development of a public discourse on terrorism coloured by sensationalist and often inaccurate media reporting. In part this reflects the unfortunate reality that terrorists are, by definition, an unknown threat. Their activities and whereabouts are difficult to monitor and, as a result, speculation and rumour play an important role in any society’s discussion of the threat.

It is also true that there exists a symbiotic relationship between terrorism and the media. Terrorists crave media attention in order to publicise their goals and they calibrate their violence so that it maximises media attention. On the other hand, media organisations often use the existence of terrorists and terrorist incidents to increase circulation or ratings.

In addition to conveying images of terrorism, the mass media—particularly television, newspapers, radio and, increasingly, the internet—are also the primary means through which citizens in democratic states receive their information. Moreover, recent research indicates that citizens are increasingly forming their opinions of themselves, people like them and others who differ radically from them on sex, class, national and religious grounds based on the information they receive, and the images they consume, through global media culture. How people perceive groups framed by the media has political repercussions. Positive or negative coverage can generate social stigma, fuel antagonisms, create an atmosphere, or even contribute towards incidences of violence. For governmental agencies the nature of media coverage can impact upon increased or decreased budgets or further complicate or improve their relationships with the constituencies they serve.

The media plays a central role in shaping public discourses on terrorism and counter-terrorism. However, to date no study has sought to critically document media representations of counter-terrorism policing or the methods through which journalists produce those accounts. Importantly, few studies generally have sought to investigate both the mainstream (tabloid and broadsheet) and community presses. The media section of this Report will be published as a separate volume.

4.7 Counter-Terrorism Networks

Recent studies have identified, alongside the negative impacts of global crisis events on culturally and linguistically diverse (CALD) communities in Australia, the positive efforts of Victorian and Queensland governments, including police, responding to global crisis events as opportunities to promote social cohesion in multicultural and multifaith societies. In particular, state government initiatives promoting “network building, inter-group understanding and reflecting a commitment to multiculturalism” have been praised by CALD communities. CALD communities have also been documented as demonstrating resilience in the face of global crisis events by establishing networks among governments, police, emergency services, faith communities, educators and media, thereby advancing shared security.

Writing about the necessity of partnership policing in the post–September 11 environment in the United States, Lyons argues that:

Until one learns to police in ways that build trust within those communities least likely to willingly assist the police, no amount of additional funding or legal authority will

increase the capacity of the police forces to gather the information needed. For neighbourhood policing this means partnering with those most victimized by crime. For the war on terror, this means partnering with Arab-American communities.86

Writing about the targeting and internment of Muslims in the United States since September 11, Professor David Cole of the Law Faculty at Georgetown University in Washington has argued that:

A better way to identify terrorists would be to elicit the relevant communities’ affirmative assistance. In criminal law enforcement, police have long recognized the importance of maintaining the public’s trust, and have accordingly prioritised ‘community policing’, which seeks to develop positive relationships between the public and the police. In particular, community policing is based on a recognition that those who live within a community are likely to have a better sense of where the problems lie than police officers who are often not themselves part of the community they patrol. Building positive ties promotes trust, which in turn facilitates information sharing between members of the public and the police.86

The role of communities in combating terrorism is seldom explored in counter-terrorism literature. Notable exceptions include: Terrorism in Algeria: the role of the community in combating terrorism,87 Terror, Counter-terror: Women Speak Out;88 and Religion, Cultural Diversity and Safeguarding Australia.89 While counter-terrorism literature is increasingly stressing the need for inter-agency cooperation and for a network approach in order to effectively counter terrorist networks, the role of communities in these networks has been virtually ignored. Recent Monash University studies90 have all stressed the importance of the role of culturally and religiously diverse communities in counter-terrorism networks.

4.8 Conclusions

Many of the measures that featured as central planks in counter-terrorism strategies in the past were ineffective and often counterproductive. In particular the paramilitary model of counter-terrorism policing, relying on coercive capacity and special or exceptional legislation, sometimes resulted in a spiral of violence. A genuinely alternative approach to counter-terrorism policing in Australia is necessary. The possibility of such an alternative approach is contained within Victoria Police’s demonstrated commitment to developing a model of counter-terrorism policing that maintains and consolidates a community-policing focus and enhances social cohesion.

This review of relevant literature stresses the importance of maintaining a community-policing model in the context of the challenges of the post-September 11 environment. This research indicates that maintaining a community-policing focus is vital not only in preserving and strengthening the harmonious and peaceful relations among Victoria’s CALD communities, but also in ensuring the most effective law enforcement environment in which to minimise and manage the terrorism threat. The literature reviewed demonstrates that legislation alone, no matter how permissive in terms of police powers or how broad in terms of the remit of security agencies, will not provide an effective counter to the terrorism threat. Additionally, research demonstrates that such powers may be counterproductive in some situations. Humiliation and a sense of injustice inform the rationale of individuals drawn to extreme acts of politically motivated violence. The potential for discriminatory application of permissive police and security agency powers, if realised, may undermine counter-terrorism efforts by adding to a sense of humiliation and injustice, potentially building support and a base for recruitment amongst groups prepared to use extreme acts of politically motivated violence.91

86 D. Cole, Enemy Aliens.
Community policing, in contrast, provides many advantages in countering terrorism. One of the major benefits of the community-policing model is that it assists in maintaining and enhancing understanding between the police and the public. Community-policing strategies that are inclusive of culturally, religiously and linguistically diverse communities are the strategies most likely to foster the types of relationships that will facilitate enhanced community-police dialogue and cooperation.
5.0 Counter-Terrorism Legislation and Policy

5.1 Overview

Counter-terrorism legislation introduced in the years since 2001 represents an unprecedented shift in Australia's legal landscape. In 2001, at the time of the September 11 attacks in the United States, Australia, unlike a number of comparable countries, had no terrorism-specific legislation. At that time mass casualty attacks, such as the suicide hijackings that took place in the United States, would have been dealt with under existing legislation, including laws relating to crimes against the person, hostage taking, hijacking, damage to property, conspiracy, and treason. Since 2001 new counter-terrorism legislation has been passed and many amendments and changes made to acts at the federal level. While the majority of the counter-terrorism legislation has been enacted at the Commonwealth level, there has also been significant legislation passed in each of the states and territories. While there has been a large amount of legislative change, the content of the legislation has also been significant in a number of respects. In six years Australia has moved from having no counter-terrorism legislation to having a mass of complex legislation, some of which goes beyond that of other relevant comparison countries.

The counter-terrorism legislation is designed to provide police and security agencies with the tools to prevent terrorism. Because terrorism is understood to present a unique threat in terms of mass casualties, the legislative response involves a significant shift in terms of the extent to which the criminal law attempts to anticipate risks through criminalising conduct that might be linked to the preparation of terrorist acts, and thereby disrupting terrorist networks. The attempts to prevent terrorism through legislative measures may represent challenges to community cohesion that in the longer term could increase the risk of spreading support for terrorism. The section of the report sets out the current state and federal approaches to preventing terrorism and the impacts these may have on Victoria Police and community policing. It also sets out the ways that community-policing principles can be integrated into national security to enhance counter-terrorism efforts by minimising and reducing negative impacts on community cohesion. It argues that Victoria Police is in a good position to integrate community policing into counter-terrorism policing, and to articulate and promote this approach nationally. It sets out the case for the integration of community policing into national security and some basic principles that should guide community engagement in the context of counter-terrorism policing, and makes recommendations in relation to these. None of the discussion, findings or recommendations should be taken to suggest that other forms of policing capability related to rapid response, traditional forms of intelligence gathering and high levels of force are irrelevant or unnecessary in the context of counter-terrorism policing.

The relationship between community policing and these other aspects of policing is understood to be complementary rather than dichotomous. The aim here is simply to point out the importance of maintaining, consolidating and enhancing community policing as a key aspect of a counter-terrorism policing strategy.

There are many aspects of the counter-terrorism policing policy environment over which police and policing can have little control. Conflict in the Middle East and grievances related to Palestine, or those arising out of United States’ foreign policy, or the forging policy of the Australian Government are not matters that are open to influence or intervention by police. There are, however, aspects of the local and national environment on which police can have a positive impact: social cohesion, human rights and social exclusion are amongst these.

5.2 An Optimal Counter-Terrorism Policy Framework

The project overall, and the legislative and policy stream of the project in particular, takes the view that terrorism is a process as well as an event, and that both these aspects need to be kept in balance in order to minimise the risk of terrorism. Some of the evidence and logic related to this position is set out in the project’s ‘Review of Relevant Literature’. In considering the policy and legislative framework and its impact or potential impact on Victoria Police, terrorism both as a process and as an event are considered. Counter-terrorism policing implies a
focus on perpetrators whereas the term counter-terrorism “encompasses managing a range of potential harms”.94 Countering terrorism is most effectively achieved where policing succeeds at preventing terrorist incidents and identifying perpetrators without increasing the number of people who support such actions or are willing to carry them out. Preventing planned terrorist acts or terrorist offences that are “preparatory” but not planned or specific, while minimising the danger of fuelling the processes that may lead people to become future terrorists, requires a complex balancing of a number of competing risks. The imperative to prevent attacks is of a more immediate and perhaps more tangible nature. Failing to prevent an attack may lead to the loss of many lives. Any such attack will also inevitably lead to intense scrutiny of the policy framework and law enforcement, and possibly a retrospective assessment that a different or more proactive police approach may have prevented the attack. The political imperative to be seen to have done all that is necessary to prevent attacks was set out succinctly by the British Prime Minister Tony Blair, who maintained that “What we are desperate to avoid is the situation where at a later point, people turn around and say: ‘If you’d only been vigilant as you should have been, we could have averted a terrorist attack’”.95

In the longer term, however, ensuring that law enforcement does not fuel a dynamic that leads to a greater willingness amongst some to participate in or support terrorist activity may be more significant in minimising future risk and casualties than an exclusive or primary focus on more immediate risks. The imperative to decrease future terrorists attacks by reducing the risk of increased support for and/or participation in terrorism is likely however to be less apparent and less broadly understood as an important police strategy towards countering terrorism. Nevertheless, understanding that preventing terrorism involves both an immediate focus on events and perpetrators as well as a long-term focus on the environment and processes that might support and fuel future attacks provides the optimum policy and operational environment. Victoria Police are well placed to play a leadership role in promoting a more nuanced understanding of the types of policies and approaches that are most effective in countering terrorism.

Police need tools to prevent terrorist events and to identify and apprehend perpetrators. But these tools need to be targeted and implemented in ways that work to maintain legitimacy, reduce social exclusion, and enhance social cohesion. Establishing and maintaining a policing environment that achieves prevention on both levels (preventing attacks and preventing the growth of support for resort to violence in pursuit of political, ideological and/or religious causes) requires a carefully calibrated response, subject to continual reflection and refinement. Such a response is particularly challenging in the contemporary moment when law enforcement and security agencies are unable to map the contours of the threat with any certainty.96

The balance that needs to be struck cannot be reduced to a simple equation or one-off set of policies or guidelines because it will inevitably involve ongoing monitoring and reflection. This monitoring should take into account: the strategic and operational environment; lessons and developments in other jurisdictions; and research on all aspects of terrorism, counter-terrorism and law enforcement, and especially the dynamic between these three elements. It should also include feedback from diverse communities, especially communities that may experience discrimination or alienation based on popular stereotypes about the kinds of people responsible for terrorism, or communities that may perceive themselves as being unfairly targeted by law enforcement.

Establishing and maintaining a policing environment that successfully achieves this two-fold prevention requires a carefully balanced response that is the subject of continual reflection and refinement. The balance cannot be reduced to a simple equation or one-off set of policies or guidelines because it will inevitably involve ongoing monitoring and reflection.

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5.3 Policy Framework

5.3.1 Federal Government Policy

Federally the Australian Liberal Coalition Government has broadly adopted the rhetoric and understanding of terrorism articulated by the United States Government in the aftermath of the September 11 attacks. This understanding of terrorism, particularly in relation to mass casualty attacks such as September 11 and other suicide bombings undertaken by al Qaeda, is that it is the product of “people who hate freedom” and who have an irrational hatred of the West. Australia is one of the only countries in the world, along with the United Kingdom, to adopt this type of rhetoric.97 The policy position that underlies this rhetoric tends to reject the notion of terrorism as a process related to a range of social, economic and psychological factors. The federal government’s 2004 major policy statement, Transnational Terrorism: The Threat To Australia, argues that terrorism is a response to “our example as a people and as a society, and the values we stand for”.98 “Root causes” are specifically rejected as contributing to the threat of terrorism. The statement maintains that “[t]he notion of ‘root causes’ is misleading. It implies there is something we can offer to correct or mitigate the threat”.99

The federal government, consistent with the United States and the United Kingdom, has aimed much of its legislative framework at preventing terrorism. Former United States Attorney-General John Ashcroft labels the United States’ approach to counter-terrorism as relying on a “new paradigm in prevention”.100 Following the September 11 attacks, Ashcroft described “prevention” as the “number one priority” of the Justice Department.101 The key concept under this paradigm is pre-emption. In his landmark 2002 West Point address, President George W. Bush advocated pre-emption as the primary defence strategy against terrorism, stating that the doctrines of containment and deterrence employed during the Cold War could not effectively be applied to “shadowy terrorist networks”. In what was to become the justification for dramatic changes in the approach to law domestically as well as internationally, he argued that: “If we wait for threats to fully materialize, we will have waited too long … we must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge”.102 US Secretary of State, Condoleezza Rice, defending the United States policy of indefinite detention without trial or even charge, argued in a similar vein, “[w]e have never fought a war like this before where . . . you can’t allow somebody to commit the crime before you detain them. Because if they commit the crime, thousands of innocent people die”.103

The United Kingdom anti-terrorist branch (SO13), in a document written after the July 2005 bombings, sets out the rationale for an altered legislative framework and policing environment focused on preventing attacks before they occur. It maintains that:

The threat from international terrorism is so completely different that it has been necessary to adopt new ways of working . . . The advent of terrorist attacks designed to cause mass casualties, with no warning, sometimes involving the use of suicide, and with the threat of chemical, biological, radiological or nuclear weapons means that we can no longer wait until the point of attack before intervening. The threat to the public is simply too great to run that risk . . . the result of this is that there are occasions when suspected terrorists are arrested at an earlier stage in their planning and preparation than would have been the case in the past.104

Australian Federal Attorney-General, Philip Ruddock, similarly justified new anti-terrorism legislation passed in 2005 on the basis that it “ensures we are in the strongest position possible to prevent new and emerging threats” (our emphasis).105 In relation to sedition provisions passed in 2005 by the Attorney-General’s Department he argued that the new offence “drives at the root cause of the problem of terrorism by focusing on the violence that is behind it”.106


99 Ibid. p.105.


104 London Anti-terrorist Branch (SO13), Submission in Support of Three Month Pre-charge Detention, 5 October 2005.


The federal government’s current version of Protecting Australia Against Terrorism (2006) sets out its strategic response to terrorism. The policy recognises the need to prevent and prepare for and, if necessary, respond to and recover from terrorist attacks and their consequences. Prevention is defined as: “to hinder, deter, mitigate and disrupt terrorist activity, while maintaining readiness to deal with a terrorist incident.”

Elsewhere the document states that:

The government recognises that measures to build social cohesion and community harmony, and to empower those who may feel disaffected or marginalised, are an important part of the broader strategy to combat terrorism in Australia.

This section of the document sets out a number of measures and support programs aimed at Muslim communities that are designed to implement this recognition. The Commonwealth’s recognition of the importance of social cohesion and community harmony in the context of countering terrorism is significant. The 2004 version of the same policy document gives no space to these aspects, instead focusing on policing, intelligence, the military, legislation, regional arrangements and international cooperation. Summarising the Commonwealth’s approach to national security in 2004 Prime Minister Howard stressed that it “combines strengthening defence and counter-terrorism capabilities, upgraded infrastructure and transport security, tightened border protection and enhanced international cooperation”. The 2006 policy suggests that the Commonwealth has modified its approach in the intervening two years. The current approach includes a broader understanding of the scope of counter-terrorism measures, including longer-term and more subtle measures aimed at fostering the type of community resilience that militates against the recruitment of people to terrorist causes. The recognition of these aspects of a broader strategy is significant and important. The policy, however, does not include these as core elements in preventing terrorism. Overall the Commonwealth’s policy emphasises prevention of terrorist events rather than prevention that aims to undermine the growth of support for terrorism.

Consistent with the federal government’s policy framework and its understanding of terrorism as the product of ideological values radically incompatible with those of liberal democratic states such as Australia, and its rejection of “root causes” relating to social, economic and political factors, prevention from the Commonwealth Government’s policy point of view is aimed primarily at preventing terrorism events. In this regard the government’s focus is on targeting people thought to pose a risk of committing such acts, rather than on facilitating an environment that militates against people becoming the type of people who present such a threat. The federal government’s policies can be broadly characterised as aimed at rooting out terrorists rather than addressing underlying root causes. In short, the federal counter-terrorism policy framework is primarily (though not exclusively) focused on terrorism as an event rather than terrorism as a process. It is accented more towards a counter terrorist policy rather than a counter-terrorism policy. The way this framework is reflected in legislation and its implications—specifically for Victoria Police—are discussed in the section under legislation below.

The Commonwealth Government’s approach to human rights is also an important part of the federal policy environment relevant to counter-terrorism and ultimately to policing. Australia is one of the only democratic countries without a national law that protects human rights. Canada, New Zealand and the United Kingdom each have domestic charters that protect fundamental rights such as freedom of speech, freedom of association and the right to a fair trial. Australia’s national anti-terror laws are unique amongst democratic countries in being ungoverned by a charter that protects fundamental rights. The federal government’s legislative program is constrained only by the Constitution which gives very limited protection in terms of human rights.

The lack of a human rights instrument appears to be matched by relative disregard for human rights principals in the development of counter-terrorism laws. According to a recent speech given by the President of the Human Rights and Equal Opportunity Commission (HREOC), John von Doussa QC, “there is concerning evidence—found not only in the text of the laws but also in the practices of our parliament—that the question of the human rights compatibility of counter-terrorism laws receives inadequate attention”.

The recent Security Legislation Review Committee Report (the Sheller Report) observed that submissions made by government agencies “at
times pass over the invasive effect of particular legislation on human rights, and said little about particular steps that might have been taken by their agencies to alleviate such effects.111

The current Commonwealth Government policy approach to countering terrorism includes long-term measures aimed at preventing terrorism through measures aimed at building social cohesion. The policy, however, does not include these as core elements in preventing terrorism. Overall the Commonwealth’s policy emphasises prevention that aims to prevent terrorist events rather than prevention that aims to undermine the growth of support for terrorism.

The Commonwealth’s counter-terrorism policy approach does not pay specific attention to human rights.

5.4 Victorian State Government Policy Approach to Countering Terrorism

Victoria has a significantly different political culture than the one operating nationally. The different nature of these cultures manifests in distinctive approaches to counter-terrorism. And these different approaches will impact significantly on the counter-terrorism policing environment.

In Protecting Our Community: Attacking the Causes of Terrorism, 2005, the Victorian State Government makes it clear that its understanding of terrorism includes a commitment to understanding and addressing the causes of terrorism. The policy articulates a two-pronged approach calling on the Commonwealth and other state and territory governments to “Support a comprehensive approach to counter-terrorism, focusing on both effective counter-terrorism measures and arrangements, and attacking the causes of terrorism in the community”.112

The policy maintains that: “It is no longer sufficient to consider counter-terrorism solely in terms of law enforcement measures and capabilities” and that “[a]ny strategy to combat the rise of radical ideologies that perpetrate terrorist activity must . . . include measures aimed at preventing the rise of terrorist radicalism at its roots”.113

In the section devoted to developing “a long-term view and strategy to attack the causes of terrorism” under “re-affirming Australia’s commitment to multiculturalism”, the following points are listed:

- effective engagement and partnership with faith leaders, including supporting their capacity to manage radical elements in their own communities; promoting democratic principles, including in schools and other education and training providers; and using the principles underpinning the Racial and Religious Tolerance Act 2001 as a model to promote harmony and maintain the freedom of expression and debate, and freedom against racial or religious vilification.114

Significantly the policy seeks to “build effective relations between police and multifaith and multicultural communities”.115 All these strategies are likely to impact positively on the broader social environment in which terrorism is nurtured or minimised.

While the federal policy does include similar programs these are not given the space and emphasis in the overall policy that they are given in the Victorian state policy, where the approach is described from the outset as two-pronged. The title of the state policy document, which includes “Attacking the causes of terrorism”, underlines the approach that sets it apart from the one animating the federal response. The policy environment at the state level is thus quite distinct from that at the federal level. Specifically, the policy approach at the state level emphasises that a range of counter measures will be directed at both short-term prevention of terrorist acts and longer-term strategies aimed at reducing the support for terrorism, thus minimising the growth of the threat of terrorism, and that each of these is considered to be core to the task of preventing terrorism.

Another distinctive aspect of the legislative and policy environment in Victoria is the recognition of the importance of human rights. In July 2006 the Charter of Human Rights and Responsibilities Act 2006 (Vic) saw Victoria join with the Australian Capital Territory to become the only jurisdictions in Australia with a bill or charter designed to protect civil and political rights. As of 2007 the Victorian Charter requires the Victorian Government to take into account the human rights impact of new laws and policies.116

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112 Protecting Our Community: Attacking the Causes of Terrorism, State Government Victoria, 2005, p.3.
113 Ibid p.12.
114 Ibid p.3.
115 Ibid p.3.
From 1st January 2008 Victoria Police and other state bodies and authorities are required to comply with the Charter and conform with human rights.\textsuperscript{117} There is no similar formal protection of human rights at the national level.\textsuperscript{118} The Victorian Charter is based on the United Kingdom’s Human Rights Act, which has been in operation for six years. An evaluation of the United Kingdom Act by the Lord Chancellor found that legal recognition of human rights had exerted a “powerful, positive and beneficial” impact on the development and delivery of public policy and services.\textsuperscript{119}

The Victoria Police policy approach is consistent with the state’s approach to countering terrorism and its focus on human rights. Victoria Police recognises the public value of building social cohesion and creating a fairer Victoria, and seeks to translate this into action through the Victoria Police Business Plan which commits law enforcement in Victoria to “Creating a more just society by enhancing social cohesion, safety and the right of citizens in our community” and “Improving citizens’ satisfaction with police services”.\textsuperscript{120} This formulation makes it clear that police have a key part to play in ensuring that laws are applied in ways that enhance social cohesion, safety and the rights of citizens in our community.

A concern with social cohesion involves a focus on the connections and relationships among individuals and groups within society. Social cohesion “can be defined as the interdependence between the members of society, shared loyalties and solidarity”. Issues pertinent to social cohesion include “ties that bind; differences and divisions; and social glue”. Five “core dimensions” have been articulated as relating to these issues: belonging, inclusion, participation, recognition and legitimacy. A lack of social cohesion is characterised by divisions amongst social groups and social exclusion, which implies a pattern of exclusion of particular groups or individuals.\textsuperscript{121}

In keeping with the theme of enhancing social cohesion Victoria Police strongly support social engagement and has developed opportunities to do this. Relevant initiatives include the establishment of a Multi-Faith Council, active local engagement with newly arrived communities, and ongoing relationships with peak ethnic and cultural representative associations.\textsuperscript{122} Consistent with a focus on rights as set out in its Business Plan and the Victorian Charter of Rights and Responsibilities 2006, Victoria Police has recently established a Human Rights Unit. A focus on human rights at the state government and Victoria Police levels, apart from being significant in the counter-terrorism effort, is in line with community concerns. A 2006 survey by Amnesty International found that human rights are considered important by the overwhelming majority of respondents, with many concerned about their rights under counter-terrorism laws.\textsuperscript{123}

The counter-terrorism policy environment at the state level differs in emphasis from the federal level. In the Victorian Government policy it is clearly stated that a range of counter measures will be directed at both short-term prevention of terrorist acts and longer-term strategies aimed at reducing the support for terrorism. Both of these aspects are considered to be core to the task of preventing terrorism.

The Victoria Police policy approach to countering terrorism is consistent with the Victorian Government approach. It pays particular attention to human rights and includes enhancing social cohesion as a core element of its approach to policing.

The Victorian Government pays particular attention to human rights in the development of counter-terrorism policy and legislation.

118 A. Lynch & G. Williams, What Price Security? p.91
121 W. Stone & J. Hughes ‘Understanding community strengths’, Family Matters, 2002 no. 61 p.65
5.5 Evaluating the Likely Impact of Victorian and Commonwealth Policy Frameworks

The Australian Government’s approach to the prevention of terrorism fits with the major policy approach being applied in the United States and is at odds with the best available knowledge on the threat of terrorism and the way that threat is best countered. Describing the psychological path to terrorism as a process akin to climbing a staircase, Fathali Moghaddam considers United States policy, and argues that:

The focus of policies for the most part has been on people who have climbed all the way up the stairway and are already committed to carrying out terrorist acts. Policies aimed at these individuals do not address the foundational problem at the bottom of the stairway, involving the vast majority of people. Basic issues at the foundational level need to be addressed by guiding principles, including how the majority perceive fairness, openness, and voice opportunities in their societies and how they are influenced by leaders to see the source of their problems as external and to displace aggression onto out-group targets. As part of a policy shift, a categorization of the world into ‘us versus them’ needs to be avoided.124

This critique of United States policy is pertinent to the Australian Commonwealth Government approach.

The lessons from history, some of which are referred to in the ‘Review of Relevant Literature’, confirm the danger of ‘preventative’ counter-terrorism measures that fail to adequately account for the risks associated with the processes that lead people to support terrorism. Summing up the lessons of late-twentieth-century conflict in Northern Ireland, particularly the use of special measures and special legislation targeted at the Catholic minority, Paddy Hillyard observes: "[W]e must avoid at all costs inflaming the passions that lead people to become involved in political violence".125 Another researcher of the dynamics of that particular conflict argues succinctly that the military’s tactics, directed at “getting the hard men”, created “more hard men to get”.126

It is important that counter-terrorism measures are not responsible for broadening terrorist appeal or encouraging further terrorism.127 A successful policy is “one that also thinks and plans ahead with a view towards addressing the threats likely to be posed by the terrorists and insurgent generation beyond the current one”.128 A policy framework that is aimed primarily at dealing with those who are already committed to utilising extreme violence for political or ideological ends is likely to lead to counter measures that fail this test.

Maintaining and enhancing human rights while countering terrorism is also likely to be critically important in undermining the processes that lead people to support or engage in terrorist actions.

As the United Nations Secretary-General Kofi Annan has observed:

…compromising human rights … facilitates achievement of the terrorist’s objective—by ceding to [them] the moral high ground, and provoking tension, hatred and mistrust of government among precisely those parts of the population where he is most likely to find recruits. Upholding human rights is not merely compatible with successful counter-terrorism strategy. It is an essential element.129

This observation is backed by research. According to a study by Krueger and Malesckova:

the only variable that was consistently associated with the number of terrorists was the Freedom House index of political rights and civil liberties. Countries with more freedom were less likely to be the birthplace of international terrorists.130


127 See, L. Richardson, What Terrorists Want.


Maintaining and enhancing human rights while countering terrorism is important in minimising the processes that lead people to support or engage in terrorist actions. The Victorian Government and Victoria Police policy foci are well-framed to minimise the processes that lead people to support or engage in terrorist acts.

5.6 Legislative Regime

Criminal and national security laws have been reformed at a “furious pace” since September 11, 2001.131 Up until September 2006 approximately one new law was being passed every seven weeks.132 Additionally, Commonwealth counter-terrorism legislation did not undergo the consultative processes that usually accompany additions to the Commonwealth Criminal Code.133 The overwhelming majority of laws have been passed at the federal level. However, states and territories have also passed significant legislation and referred powers to the Commonwealth to facilitate counter-terrorism legislative effort at that level. Some federal legislation has been passed rapidly with little time for informed debate. Legislation has sometimes been a response to overseas events, such as the 2005 London bombings. Informed commentators have described the shift in laws in terms of powers granted to the government and the impact on civil liberties as “unprecedented in Australian history.”134 In one of the few prosecutions under the legislation Chief Justice Spigelman described the reforms to the law as resulting in a “special, and in many ways unique, legislative regime”.135 It is not the intention here to comment on the necessity of the legislation. Some commentators argue that it is unnecessary and others that more far-reaching legislation is needed. In 2006 the Security Legislation Review Committee conducted a wide-ranging review of the terrorism offences legislation and concluded that it was satisfied that the legislation was necessary. It did however recommend some changes and expressed caution about a number of aspects of the regime.136

The focus here is on the impact or potential impact of the legislation on Victoria Police and its effects on the community-policing focus of Victoria Police and its core values of social cohesion and enhancing rights. Linked to this is an examination of the ways that the legislation is likely to support or challenge efforts towards minimising the risks of terrorism.

The “first wave” of reforms introduced into federal parliament in 2002 focused on core offences, terrorist acts, proscribing terrorist organisations and increased powers to ASIO. For the first time a definition of terrorism was inserted into the law. Australia was thus in a different position than countries such as New Zealand and the United Kingdom which already had specific terrorism offences set out in legislation.137 The definition of a terrorist act contained in the Australian legislation is a result of substantial compromise and is less broad in scope than definitions found in United States and United Kingdom legislation.138 In the 2006 review of the legislation the Gilbert and Tobin Centre of Public Law submitted that “after comparing the definition . . . to other definitions in national legal systems such as the United States and Canada, it has been concluded that the Australian definition is one of the best in the common law world . . .”.139 Nevertheless, some see the definition as too broad, while the federal government has signalled a desire to broaden it further.140 The increased powers to ASIO vest it with arrest and detention powers that formerly had been held exclusively by law enforcement agencies.141 The powers under this legislation are broader than comparable legislation in the United Kingdom, United States and Canada in that there is no requirement that a person be suspected of any offence for a warrant for detention or questioning to be issued.142

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134 Ibid, p.86.
142 Ibid p.326.
More recent reforms in the wake of the 2005 London bombings have focused on pre-empting activities through Preventative Detention and Control Orders, association offences, a broader definition of proscribed terrorist organisations and reformed sedition offences.143 The 2005 legislative changes have been characterised by legal commentators as shifting the focus towards “monitoring and disrupting the activities of local ‘suspect communities’”144 In employing the law towards preventing offences in the very early stages of planning, counter-terrorism laws expand the remit of the criminal law. Previously the ordinary principles of criminal responsibility generally required that a specific criminal intent be formed.145

The prosecution and conviction of Faheem Lodhi (see below) is an example of the broadening of the scope of offences under counter-terrorism laws. The law previously criminalised attempts and conspiracy to commit crimes. The ancillary terrorism offences in Division 101 of the Commonwealth Crimes Act (CCA), however, establish crimes at an earlier point in time by criminalising “preparatory offences”, which do not require any specific, identified acts to be planned or attempted. Offences apply to “conduct where an offender has not decided which do not require any specific, identified acts to be planned or attempted. Offences apply to “conduct where an offender has not decided precisely what he or she intends to do”.146 Lodhi was found guilty of offences under Division 101 although the judge in sentencing maintained that he was “perfectly satisfied that the proposal had not reached the stage where the identity of a bomber, the precise area to be bombed or the manner in which the bombing would take place, had been worked out” and that “planning was at a very preliminary stage”.147

Preventative Detention Orders (PDOs) are particularly significant for Victoria Police and state police generally because they represent a combined effort between the states and the Commonwealth under a cooperative arrangement resulting from a Council of Australian Governments (COAG) agreement. Unlike Control Orders, which are the exclusive remit of the AFP, PDOs may be obtained by state police. The Commonwealth Constitution limits detention under Commonwealth PDOs to 48 hours. Provisions for PDOs in the CCA are augmented by corresponding state and territory legislation, such as Victoria’s Terrorism (Community Protection) Amendment Act, 2006. These state and territory laws extend the period of detention to a maximum of fourteen days. PDOs are in the first instance likely to be taken out by the AFP, then supported by states after 48 hours. Section 105.33 of the CCA and the corresponding section in the Victorian legislation (sec. 13ZB) states that a person who is in custody or detained under a PDO “must be treated humanely”.148 The Act maintains that “humanely” is to be understood as being treated with “humanity”, with “respect for human dignity” and not being subjected to “cruel, inhuman or degrading treatment” . . . “by anyone exercising authority under the order or implementing or enforcing the order”.

The operation of this section is particularly important because unlike many other aspects of the Commonwealth anti-terrorism legislation Victoria Police is likely to be directly involved in and responsible for implementation and enforcement. It has been suggested that conditions of detention which are accepted as humane should be set out in a protocol specifying standards of treatment.149 Clarity in relation to the standards of treatment is important not only with regard to the detainee but to police who may commit an offence subject to a penalty of up to two years imprisonment if they breach any of the safeguards included in the PDO legislation. The legislation makes it clear that treatment that is not humane is a breach of the safeguards.150

A protocol currently exists for procedures to be followed where ASIO exercises its authority in relation to questioning and detention.151 Detention under the PDO legislation is substantially different than detention under the ASIO legislation because under the former detainees are held rather than questioned. A protocol may nevertheless be useful in clarifying and articulating the conditions that can

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146 Lodhi v R [2006] NSWCCA121, para 77.
147 Lodhi v R [2006] NSWSC 691, para 26;31.
148 The Charter of Human Rights and Responsibilities Act 2006 (Vic) also contains sections that set out protection from torture, cruel, inhuman or degrading treatment (s. 10) and entitles people to humane treatment when detained (s. 22).
150 Terrorism (Community Protection) Amendment Act, 2006, section 132N.
be understood as consistent with the requirements in the legislation. Such a protocol could be useful in providing clear guidelines around acceptable conditions of detention. Consideration should also be given to providing training to relevant police in relation to human rights as they relate to the PDO legislation. Equivalent Australian Capital Territory legislation requires that police operating under that legislation be given adequate training about their human rights obligations under that jurisdiction’s legislation. The protocol and training would provide a public demonstration of Victoria Police’s commitment to human rights and is consistent with the provisions and spirit of the Charter of Human Rights and Responsibilities Act 2006 (Vic).

Consideration should be given to developing a protocol to ensure that the mandated minimum standards of treatment in detention are clearly set out, and followed in practice. Consideration should also be given to providing human rights training to relevant police in relation to the provisions of the Act. Any such protocol and training should be developed with the assistance of the newly established Victoria Police Human Rights Unit.

The Commonwealth counter-terrorism legislative framework is focused on preventing terrorist acts. Its aim of disrupting terrorist networks and of targeting the very early stages of planning expands the remit of the traditional criminal law.

Preventative Detention Orders (PDOs) are particularly significant for Victoria Police and state police generally because they represent a combined effort between the states and the Commonwealth.

5.7 Victorian Legislation

5.7.1 Terrorism (Community Protection) Act

The main provisions of this Act include “stop, search and seize” and covert search warrants. The stop, search and seizure powers can only apply in designated areas and for a limited time. Under the Act the Chief Commissioner, with the written approval of the Premier, can apply to the Supreme Court for an authorisation of special powers to enable the police to protect persons attending events from terrorist acts. Covert search warrants are also subject to controls, including a requirement that they be approved by the Chief Commissioner and a Judge or Magistrate.

The Act requires operators of essential services to work with police to ensure appropriate terrorism protection and response plans are in place. Under the Act, the operators of essential services are also required to prepare a training exercise to test the operation of their risk management plan at least once a year. The exercises are designed to assist emergency services test and improve their capacity to prevent and respond to an incident.

5.8 Terrorist-Related Charges

In 2004 British-born Jack Roche became the first person to be convicted post–September 11, after pleading guilty 10 days into his trial on charges of conspiring to damage the Israeli embassy in Canberra with explosives, and as a consequence harm diplomatic staff. He was sentenced to a minimum of nine years imprisonment. The charges he was convicted of were not offences under the Criminal Code offences.

5.9 Prosecutions Under the Terrorism Offences in the Commonwealth Criminal Code

There have been relatively few prosecutions under the new anti-terrorism offences in the Commonwealth Criminal Code. Since the counter-terrorism laws came into force in July 2002 only three such cases have gone to trial and reached an outcome or provisional outcome. All have been prosecuted by federal authorities under federal laws. In one of the cases, that of accused Zeky Mallah, a New South Wales jury found that none of the terrorism charges related to preparation for a terrorist act (sec. 101.6 of the CCA). The jury’s not guilty verdict may have been based on the conclusion that the defendant was motivated by personal animosity rather than a broader cause. He was, however, found guilty of making a threat to an officer of the Commonwealth (a non-terrorist charge), and sentenced to two-and-a-half years in prison. The perceived problems with the prosecution in this case led the Commonwealth to propose at the subsequent Security Committee Review that the requirement that conviction for a terrorist act must rely on the prosecution to establish a political, ideological or religious motive be removed.

153 Commonwealth of Australia Report of the Security Legislation Review Committee, June 2006 p.54-56; The Review Committee rejected the suggestion on the grounds that it is the motivation element that distinguishes “terrorist” activity from other criminal activity and that such an amendment would broaden the Australian definition beyond that of other comparable countries. A. Lynch & G. Williams, What Price Security, pp.72-3.
Jack Thomas was charged with offences related to intentionally providing support for a terrorist organisation (sec 102.7) and intentionally receiving funds from a terrorist organisation (sec 102.6) along with a non-terrorist offence. He was acquitted by a Victorian Supreme Court jury of the more serious charge of providing support but found guilty on the receiving funds charges and the non-terrorist offence, and sentenced to five years in prison.\(^{154}\) Subsequently the Court of Appeal quashed the convictions on the basis that the “confession” Thomas provided to the AFP in prison in Pakistan was not voluntary as defined under Australian law. During detention in Pakistan Thomas had been subjected to numerous interrogations designed to gather intelligence. The intelligence was not designed to be used in evidence in court and was conducted in circumstances where Thomas was not free to decline to answer questions. In conducting their interview with Thomas the AFP attempted to draw a distinction between the intelligence gathering exercise Thomas had previously been subjected to and the interview they were conducting which they informed him repeatedly was voluntary. The Court of Appeal ordered that Thomas be retried after the prosecution argued that new evidence had emerged as a result of an interview between Thomas and an Australian Broadcasting Commission journalist. After his conviction was quashed Thomas was made the subject of a Control Order. The matter of the Control Order is before the High Court, which is yet to deliver a judgment.\(^{155}\)

Another twenty-eight defendants are currently before Australian courts on terrorism-related charges.\(^{156}\) Included in this figure are thirteen Melbourne men charged with being members of an unnamed terrorist organisation and two Melbourne men accused of being members of a terrorist organisation (the Liberation Tigers of Tamil Eelam) and intentionally making funds available and providing resources and support for a terrorist organisation.

5.10 ASIO Detention and Questioning Warrants

ASIO’s questioning warrants have been used sparingly with a total of only fifteen being issued from 2003 until the last reporting period in 2006 (see Table 5.1). No ASIO detention warrants have been issued.\(^{157}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of questioning warrants</th>
<th>Number of persons subject to warrants</th>
<th>Total questioning time under warrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/2004</td>
<td>3</td>
<td>3</td>
<td>69 hours, 5 minutes</td>
</tr>
<tr>
<td>2004/2005</td>
<td>11</td>
<td>10</td>
<td>69 hours, 4 minutes</td>
</tr>
<tr>
<td>2005/2006</td>
<td>1</td>
<td>1</td>
<td>4 hours, 20 minutes</td>
</tr>
</tbody>
</table>


There have been no Preventative Detention Orders issued and only one Control Order.\(^{158}\) The Commonwealth counter-terrorism legislation has not been widely used, making it difficult to judge its effectiveness and other impacts.

5.11 Victorian Legislation

Victorian legislation has not been used extensively. A report on the operation of the state’s Terrorism (Community Protection) Act was tabled in the Victorian Parliament in May 2006. The report shows that since the Act was passed in 2003 Victoria Police had obtained six covert search warrants to support counter-terrorism investigations and used the “stop, search and seize” power only once.\(^{159}\) The power, authorised on advice from Chief Commissioner Christine Nixon and approved by the Supreme Court, was invoked as a security measure for an event in the lead-up to the Commonwealth Games in 2006.

In compliance with the Act, the Department of Infrastructure, police and emergency services work


\(^{157}\) Justice Whealy, however, in the Lodhi case maintained in his sentencing decision that the ‘offender was compulsorily detained and questioned in November 2003’. Regina v Lodhi [2006] NSWSC 691 para 48. This detention was no doubt ancillary to the warrant in relation to questioning and not the result of a separate detention warrant.

\(^{158}\) File no (P) CAG47/2006 In the Federal Magistrates Court of Australia at Canberra, 27 August, 2006; see also, J. McCulloch ‘Australia’s anti-terrorism laws’.

with operators to develop and undertake exercises to test their risk and emergency management plans.

A mock emergency drill in Melbourne’s underground train loop was carried out in December 2006 to test Victoria’s emergency management response capability. The exercise, named Dowling 06, was designed to replicate a real incident. As part of the exercise, Victoria’s emergency services organisations responded to a mock explosion on a six-carriage train notionally travelling on a weekday evening. Emergency services personnel, Connex and three hospitals worked together effectively in the rescue, recovery and treatment of more than 80 mock casualties.

The Victorian counter-terrorism legislation has not been widely used, making it difficult to judge its effectiveness and other impacts.

5.12 Concern and Levels of Knowledge of Counter-Terrorism Legislation Amongst Victorian Police

The combination of counter-terrorism laws being largely the responsibility of the Commonwealth and the relatively sparse use of the laws, particularly the state laws, assist to explain the levels of understanding of the counter-terrorism legislation amongst Victorian police. It is unlikely that general duties police would have experience operating under counter-terrorism legislation other than the very limited number of police who were involved when the Victorian powers in relation to “stop, search and seize” were used in 2006. Operational police on that occasion were briefed on how to use the powers, with members of the Counter-Terrorism Co-ordination Unit on-site to give advice. Feedback from the survey and interviews conducted by this research project reflects expected levels of knowledge amongst these uniform police groups.

5.13 Effectiveness of Legislative Frameworks

It is difficult to make definitive comments about the effectiveness of the counter-terrorism legislative framework and its success in preventing attacks. There is limited information upon which to base an assessment because the laws, particularly those passed in 2005, are still relatively new and have been used relatively infrequently. It is also difficult to assess the effectiveness of laws and measures that are designed to a substantial extent to prevent incidents. Information and events can be interpreted in a number of different ways. Given that one of the major stated aims of the laws is to prevent terrorism, the absence of terrorist attacks in Australia could be taken to indicate success. This same absence could be used to argue that the laws are unnecessary on the basis that there is little evidence of threat.

Critics of the United Kingdom’s counter-terrorism laws, which embody a similar preventative framework, point out that those laws failed to prevent the London suicide bombings in July 2005, which killed 52 people and injured many others.160 Supporters of the laws’ basic thrust and particularly preventative premise, on the other hand, read the attacks as a sign that even stronger laws that allow, for example, longer periods of preventative detention, are necessary.161

It is certain, however, that the claims for and against effectiveness have to be evaluated carefully. There is a great deal at stake. A failure to prevent attacks could cost many lives. The laws themselves, involving as they do broad coercive powers including detention, also have the potential to impact deeply and negatively on many people’s lives.

The move away from the presumption of innocence and a move towards pre-emptive measures based on suspicion will inevitably mean that some of those affected will be innocent of any wrongdoing. While the traditional criminal law framework has always impacted on some innocent people the numbers affected under the pre-emptive framework are likely to be greater. While these impacts are significant for directly affected individuals and families, they may also be significant in terms of fuelling a process of alienation, social exclusion and, ultimately, support for terrorism. These potential impacts pose challenges for community policing. Simultaneously they also make community policing more important in terms of preventing terrorism.

A detached evaluation of the laws’ effectiveness is difficult, not only because of the logistics of evaluation and competing interpretations of the same events and information but also because of the politically charged environment surrounding the laws. Perceptions about the laws’ effectiveness are likely to impact upon political fortunes, and the reputations of intelligence and law enforcement organisations and the careers of their employees.

161 See, for example, London Anti-terrorist Branch (SO13) Submission in support of three-month pre-charge detention 5th October 2005.
United States authorities and President George W. Bush have been accused of grossly exaggerating the effectiveness of the domestic campaign against terrorism in order to boost the president’s popularity and legitimacy of the campaign. Commentators in Australia have likewise noted the extent to which security has been politicised at the national level.

The laws in the United States, enacted shortly after September 11, have been used more widely and over a longer time period than the Australian provisions. Under the United States regime thousands of people, mainly of Arab or Muslim descent or religion have been detained or coercively dealt with on the basis that they could represent a terrorist threat. Research into the operation of the United States’ laws provides a basis for caution. One study found that the median sentence handed down in cases labelled “terrorist” by the United States Justice Department in the two years after September 11 was fourteen days, not a sentence that would incapacitate a terrorist. Another study of terrorism-related prosecutions concludes that “the legal war on terror has yielded few visible results. There have been . . . almost no convictions on charges reflecting dangerous crimes.”

A 2006 report based on United States Government data found that nearly three quarters of terrorist suspects held had not made it to trial because of lack of evidence. The authors of the report maintain that the data raised questions about:

- how effective . . . the government’s expanding surveillance and intelligence efforts are in identifying serious terrorists? [and] [o]nce the suspects have been identified, how good a job do the investigators do in obtaining evidence that will result in their conviction in court?

Similar claims have been made in the United Kingdom. A report by the Islamic Human Rights Commission maintains that:

>[f]ollowing a series of “terror” arrests, government ministers make statements demonising the suspects and exaggerating the threat posed to the United Kingdom. Even though no charges are even made in the majority of cases the media takes it upon itself to assume the role of judge, jury and executioner.

In the period between September 11, 2001 and February 2005, 701 people were arrested in Britain on suspicion of terrorism. Of these 119 were charged with terrorism offences and 17 convicted. None of the convictions parallel the type of bomb plots that are referred to as justifying the new security legislation. Subsequently in August 2006 more than a dozen people were charged in the United Kingdom over an alleged plot to blow up a number of airliners using liquid explosives.

While the above quoted statistics and studies raise some potential inadequacies in the legislation, there have been successful prosecutions. For instance, in April 2007 five people were found guilty of a plot to carry out bomb attacks targeted at nightclubs, trains and shopping centres across Britain.

There are a number of dangers in measuring the success of counter-terrorism efforts through prosecutions and convictions. The idea that convictions equal a successful counter-terrorism effort can result in a political climate conducive to unsafe convictions and miscarriages of justice. Such events ultimately undermine the legitimacy and effectiveness of counter-terrorism legislation and measures. In addition, a focus on convictions as a measure of success could fuel a process that sees counter-terrorism legislation incrementally broadened to assist in securing convictions in ways that diminish the checks and balances typical of common law systems of justice.

166 ‘Criminal Terrorism Enforcement in the United States During the Five Years Since the 9/11/01 Attacks’, TRAC/REPORTS, 2006 http://trac.syr.edu/tracreports/terrorism/169/
171 The miscarriages of justice associated with the Birmingham 6 and the Guildford 4, Irish people wrongly convicted of IRA bombings in the United Kingdom in the 1970s, provide high-profile examples of such cases. See, P. Hillyard, Suspect Community: pp. 5-7; B. Woffinden, Miscarriages of Justice, London 1987.
The primary aim of Justice Officials in the US post–September 11 has been disruption rather than prosecution. An FBI spokeswoman, responding to one critical report focusing on prosecutions, argued that it ignored the reality that a growing number of referrals to prosecutors related to intelligence gathered about terrorist threats, which are not necessarily likely to result in prosecution. Justice officials said the authors failed to appreciate “the value of early disruption of potential terrorist acts by proactive prosecution of terrorism-related targets on less serious charges”.173

In a similar vein ASIO points out in a recent report, At times, intervention by intelligence and law enforcement agencies may have to occur on the basis of partial or incomplete knowledge or information, particularly when lives are at stake. While this may be necessary to protect Australians and Australian interests it may have implications for subsequent legal processes.174 Criticisms of the relatively low levels of prosecution and the relatively minor offences prosecuted, and the response to these criticisms, capture the way the boundaries between evidence and intelligence and between national security and law enforcement have become less clear-cut in the context of counter-terrorism legislation and counter-terrorism policing.175

If counter-terrorism legislation and law enforcement practices have benefits that need to be measured beyond prosecutions and convictions they may also have costs that are difficult to calculate. It is difficult to judge the extent to which legislation and law enforcement have operated to prevent immediate plans for attack, and it is even more difficult to judge how these frameworks have worked to fuel or retard support for terrorism and recruitment to terrorist organisations.

The 2006 Sheller Report expressed serious concerns about the way counter-terrorism laws were perceived by some members of Australia’s Muslim and Arab communities.

It found that misunderstandings and fearfulness tend to undermine the aims of security legislation, adding:

> The negative effects upon minority communities, and in particular the escalating radicalisation of young members of such communities, have the potential to cause long-term damage to the Australian community. It is vital to remember that lessening the prospects of ‘home-grown’ terrorism is an essential part of an anti-terrorism strategy.176

United States national security specialists Daniel Benjamin and Steven Simon, commenting on some of these potential costs, argue that:

> How religious identity and Muslim Americans’ sense of their place in the society evolves will directly affect America’s domestic security. The more disaffected individuals, the greater the danger that jihadists will gain a foothold in the United States. While the danger of radical outsiders coming into the country will always exist, the chance of a successful attack will be magnified if American citizens link up with them or if groups of American self-starters emerge.177

They point to the danger of igniting a dynamic of alienation and hostility of the kind they believe can be found in Europe. Reviewing Justice Department operations, including “botched investigations” and the relatively widespread arrest and detention of Arabs and Muslims, they conclude that “it is questionable whether the . . . efforts have made us safer, given how much antigovernment sentiment they have spurred and how few actual terrorists have been apprehended”.178

Studies in the United Kingdom indicate some worrying trends in relation to levels of distrust amongst Muslims towards law enforcement. A majority (54%) of Muslims surveyed in 2006 believed that Sir Ian Blair, the Metropolitan Police Commissioner, should resign over a raid in Forest Gate, East London in June 2006. The high-profile raid, purportedly linked to chemical or biological weapons, resulted in the arrest of two men, one of whom was shot. Ultimately both men were released

177 D. Benjamin & S. Simon, The Next Attack: The Failure of the War on Terror and a Strategy for It Getting it Right, New York: Times Book p.120.
178 Ibid, p.121.
The preventative counter-terrorism legislative framework will inevitably mean that the number of those who feel the effects of the laws who are innocent will be greater than under the traditional criminal law framework. Evidence from the United Kingdom and the United States suggests that the impact of this may be significant in terms of fuelling a process of alienation, social exclusion and, ultimately, support for terrorism. The preventative counter-terrorism legislative framework simultaneously creates challenges for community policing and makes community policing more important in preventing terrorism.

5.14 Racial Profiling and Countering Terrorism

The integration of national security into law enforcement and the imperative to prevent attacks open up the possibility that racial/ethnic and/or religious profiling will be used in an attempt to predict risk and identify potential perpetrators. Profiling involves using racial/ethnic and/or religious stereotypes in the “making of law enforcement decisions to arrest, stop and search, check identification documents, mine data bases, gather intelligence and other techniques.” Profiling has been defined as “the practice of a law enforcement agent relying, to any degree, on race, ethnicity, or national origin in selecting which individuals to subject to routine investigatory activities.”

Profiling linked to identifiable characteristics is consistent with human rights and professional law enforcement when it correlates accurately to particular risks and focuses finite law enforcement resources by substantially narrowing a pool of potential suspects. Statistically based profiles are successful in saving law enforcement resources as well as reducing false positives and thus inconvenience to innocent people. Racial profiling in the United States grew out of the legitimate policing tactic of criminal profiling which involves efforts to solve particular crimes and also to predict who might be involved in undetected crimes, particularly drug offences. Profiling becomes problematic in terms of its effectiveness, and also morally and ethically, when it is not statistically correlated to risk and is ineffective in substantially narrowing a pool of potential suspects. In these cases profiles cross the boundary between professional law enforcement, consistent with human rights, and the territory of prejudice and discrimination. Profiles based on race, ethnicity or religion cross this boundary.

There has been little headway made in efforts to develop predicative profiles for counter-terrorist purposes. Effective profiling has been deemed difficult if not impossible. No statistical link has been demonstrated between ‘psycho-sociological features, nationality or birthplace’ and the risk of

179 W. Woodward, “Police have no right to rush into action on dubious intelligence, say most Muslims in poll,” Guardian 27 June 2006 http://guardian.co.uk/United Kingdom/print/0, 329514686-117079,00.html
180 Ibid.

183 Prior to 9/11 there were legislative moves to ban racial profiling. The proposed legislation, The End of Racial Profiling Act, employed this definition. See F. Desroches ‘Policing in the post 9/11 era’, p.9
terrorist acts and then you can say, Ah-ha . . . we would have gotten 19 of these hijackers of [sic] the US, or X number in the United Kingdom. But that’s only because you’ve taken their behaviours and put them in and looked at it backwards. If you look at it forwards, there’s no reason to think they’ll necessarily operate the same way again, and there’s no reason to think that even people meeting certain of those characteristics are likely to be terrorists.\textsuperscript{189}

In the absence of meaningful behavioural indicators or characteristics that correlate statistically with terrorist conduct there is a possibility that race/ethnicity and/or religion will be used as proxies for risk, and some authoritative commentators have argued that in the current circumstances such profiling is reasonable.\textsuperscript{187} Lord Stevens, former Commissioner of London’s Metropolitan Police, defended racial profiling at airports and other hot spots, saying resources were being wasted on searching everybody out of a sense of fairness.

I’m a white, 62-year-old, suit wearing ex-cop—I fly often, but do I really fit the profile of a suicide bomber? . . . Of course there’ll be instant squealings that this is racism. It’s exactly the same as recognising that, during the Northern Ireland troubles that left thousands dead, the IRA were totally based in the Catholic community and the UVF in the Protestant.\textsuperscript{189}

In Australia Peter Faris, former National Crime Authority chairman, has likewise argued that racial profiling is reasonable in efforts to prevent terrorism.\textsuperscript{191}

There is little hard data in Australia that could form the basis for suggesting racial/ethnic and/or religious profiling is operating against certain groups. However, Australia Muslims have voiced fears that the counter-terrorism legislative framework will give rise to racial profiling.\textsuperscript{192} In addition, 30-year ASIO veteran Michael Roach argued in 2005 that security services could start concentrating on people of Middle Eastern appearance in trying to head off possible terrorist attacks.\textsuperscript{193} High-profile Liberal backbencher Petro Georgiou expressed concern that counter-terrorism laws could be applied in a discriminatory fashion, arguing that: “The security and police agencies will use their powers against people who are suspect because of their actual or presumed religion or ethnic background, not on the basis of information about behaviour of particular individuals”.\textsuperscript{194} In 2005 the Police Federation of Australia requested the introduction of legislation to indemnify police against civil lawsuits for using racial profiling under new counter-terrorism laws.\textsuperscript{195}

The United Nations Committee on the Elimination of Racial Discrimination raised concerns that the enforcement of counter-terrorism legislation may be having an indirect discriminatory effect on Arabs and Muslims in Australia.\textsuperscript{196} The federal government argues that racial profiling will not be used, and in 2006 AFP Commissioner Mick Keelty rejected the use of racial profiling as a counter-terrorism tool.\textsuperscript{197}

A convincing case against the effectiveness of racial profiling in targeting volume crime has been set out by scholars in the United States, where the practice has been used against a range of minority groups, particularly African Americans. Writing in 2002, Harris concludes that:

\begin{quote}
Data emerging from studies done over the last few years demonstrate conclusively that hit rates—the rates at which police actually find contraband on people they stop—run contrary to long-held “commonsense” beliefs about the effectiveness of racial profiling.\textsuperscript{198}
\end{quote}

\begin{footnotes}
\item 188 D. Steinbock, What’s the Data? Background Briefing 28th August 2005 http://www.abc.net.au/rn/talks/bbing/stories/s1445120.htm
\item 190 14 August 2006, The Age, p. 1.
\item 191 http://www.abc.net.au/7.30/content/2006/s1716765.htm
\item 193 I. Munro & J. Topsfield, ‘Canberra rejects racial profiling’, The Age 8 April, 2005.
\item 196 Committee on the Elimination of all forms of Racial Discrimination Concluding Observations of the Committee on the Elimination of all forms of Racial Discrimination: Australia CERD/C/AUS/CO/14 2005 para 13.
\end{footnotes}
The main problem with racial profiling in terms of its effectiveness as a law enforcement tool is that it is both over and under inclusive as a category. It rules in too many people, creating high levels of false positives, and rules out too many people creating too many false negatives. Beyond its ineffectiveness in terms of apprehending potential offenders it also has significant negative impacts on social cohesion, undermining police legitimacy and stigmatising targeted communities.  

Similar criticisms hold with regard to using racial/ethnic and religious profiling in counter-terrorism law enforcement. The high number of false positives that such profiling engenders will divert scarce law enforcement resources away from more productive law enforcement activities. False negatives are also problematic in drawing attention away from real threats. Reviews of the effectiveness of police and security counter-terrorism tactics based on profiling since September 11 indicate no positive results in identifying potential terrorists. On the downside negative impacts on social cohesion may fuel support for terrorism. Arguing against profiling, Commissioner Mick Keelty said racial profiling was self-defeating because it risked alienating mainstream Muslims while ignoring the real danger of homegrown non-Muslim terror.

Recent moves in the United Kingdom also suggest a rejection of racial profiling (or activities that might be perceived to be racial profiling) as a law enforcement tool to prevent terrorism. Police there are reviewing ‘stop and search’ policies. Under section 44 of the Terrorism Act 2000, officers have the power to stop and search people in an area seen as being at risk from terrorism even if they are not suspected of any breach of the law. The disproportionate use of these powers against minority youth has been a cause of antagonism between police and young men from these communities.

Commander Richard Gargini, in a speech in London to the Muslim Safety Forum, said that reviewing the use of ‘stop and search’ was a major priority of his work as the first full-time national coordinator for police-community relations. He said:

“There is a new thinking within the police service that the use of stop and search has to be very, very carefully applied … led by intelligence and not by appearance—not led by the way people are, or by the communities they come from.”

He also said police forces around the country were now asking, “Are we having an adverse impact on police and community relationships?”

Profiling involving the use of race, religion, ethnicity or national origin (or perceived race, religion, ethnicity or national origin) as a basis for law enforcement decisions in efforts to counter terrorism is ineffective in identifying potential terrorists. In addition, profiling can prove counterproductive because it stigmatises and alienates communities, thus undermining social cohesion. These negative outcomes can fuel support for terrorism and distrust towards police. While there is no evidence that police or security agencies in Australia are engaging in racial profiling in their efforts to prevent terrorism, concern has been raised that counter-terrorism laws could be used in a discriminatory way. Fear that the laws will be used in such a way may impact negatively on trust between police and communities. In light of this, and in line with the Victoria Police commitment to social cohesion and enhancing rights, a policy statement needs to be developed that rejects the use of racial profiling at the discretion of police. Such a statement would also be relevant to and consistent with the current Victoria Police Australian Research Council Linkage Grant Project, ‘The Ethical Regulation of Policing’, with the Centre for Applied Philosophy and Public Ethics, which is addressing an ethical framework for the use of police discretion. This policy statement on racial profiling should be developed in consultation with the Victoria Police Human Rights Unit and the Victorian Equal Opportunity Commission. In addition to this, consideration should be given to monitoring the use of police discretion in relation to counter-terrorism policing to ensure that racial or religious profiling is not occurring, and to address it if it is.

Profiling involving the use of race, ethnicity or national origin (or perceived race, ethnicity or

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199 Ibid.


201 J. Goldston, ‘Ethnic Profiling and Counter-Terrorism: Trends, Dangers and Alternatives’; A. Kundnani, ‘Racial profiling and anti-terror stop and search.’


203 A. Kundnani, ‘Racial profiling and anti-terror stop and search’; Statistics indicate that Blacks and Asians were both four times more likely than Whites to be stopped under these powers in 2002/3.

204 January 26 2007 ‘Police Rethink on Stop and Search’ www.therevival.co.uk/?p=775
national origin) as a basis for law enforcement decisions in efforts to counter terrorism is ineffective in identifying potential terrorists. In addition, profiling can prove counter-productive because it stigmatises and alienates communities, thus undermining social cohesion. These negative outcomes can fuel support for terrorism and distrust towards police. There is no evidence to suggest that profiling is being used by police in Australia. There is evidence, however, of concern that counter-terrorism laws will lead to the use of profiling.

5.15 Community Policing, Counter-Terrorism Policing and National Security

The counter-terrorism legislative framework and policy environment poses challenges for the community-policing model and community cohesion more broadly. Terrorism occupies an ambiguous space between war and crime. The response to terrorism fundamentally challenges the traditional boundary between national security and law enforcement. In the past this boundary was considered significant in liberal democracies such as Australia. While a significant counter-terrorism framework involving state police has existed in Australia since the mid-1970s the increased emphasis on countering terrorism in the post-September 11 context has seen an accelerated merging of law enforcement and national security. This development has a number of significant implications for policing and the community-policing model in particular.

Traditionally law enforcement in Australia was the domain of police, and national security that of the military. While policing was concerned largely with apprehending offenders and preventing crime the military were primarily concerned with identifying and/or engaging enemies of the state. The security/military paradigm was thus understood to be a different philosophical framework than that of law enforcement and policing. Those sections of the police, such as tactical forces, who do have responsibility for counter-terrorism have generally been understood to be acting outside the tenets of community policing. Paramilitary counter-terrorism policing, traditionally associated with coercive or “hard” policing styles, has been described as antithetical to community policing. Writing about the challenges counter-terrorism poses to community policing John Murray maintains that:

The threat of terrorism that exists today will test the resolve of police commissioners who choose to retain community policing as a dominant policing philosophy. In this new environment, there is no doubt the effectiveness of community policing will be challenged and some will rationalize it away as being too soft to match the so-called “war against terror”. While some police forces/services will be tempted to return to a traditional model and varying degrees of paramilitarism,

There is, however, an emerging approach, currently gaining significant traction in policing in the United Kingdom, which seeks to import the principles of community policing into national security.

The intermeshing of national security with law enforcement in response to terrorism has seen substantial and unprecedented growth in the size, role, responsibilities, powers and resources of the AFP and ASIO. Both are recognised as leaders in the domestic counter-terrorism arena.

ASIO is a covert intelligence agency and not a policing organisation. Its operations are largely hidden from public scrutiny and it has only limited engagement with the public and diverse communities.

206 J. McCulloch, Blue Army.
209 M. Innes, ‘Policing Uncertainty: Countering Terror’, p 233; The United States, however, appears to be moving away from attempts to incorporate community policing. See, E. Williams, ‘Structuring in community policing: Institutionalising innovative change’, Police Practice and Research, 2003 4 (2), pp.119-129.
210 ASIO’s budget has increased almost five-fold and personnel almost doubled since 2001. See A. Lynch & G. Williams “What Price Security?”, p. 30. In the AFP’s 2001-2 Annual Report Commissioner Keelty’s opening statement acknowledged that “[t]he dominant issue by far for the AFP will be making the transition to an organisation redefined by its increased role in all aspects of counterterrorism”. He wrote that it will transform the AFP “into a substantially different organisation to what it has been” p.4. The AFP has had record budgets since 2001. See, for example, “Record Budget for Australian Federal Police”, Australian Government, The Attorney-General’s Department, News Release, 2002
communities. Although ASIO now has detention and questioning powers that merge with its intelligence role—powers which previously resided with the police—it essentially remains an intelligence agency.

The AFP, since its establishment, has had a community-policing mandate in relation to the Australian Capital Territory. However, the majority of its remit has been tied to the Commonwealth Government’s external affairs power. As a result its major activities have been in the areas of organised crime, such as people smuggling, drug trafficking, sex and people trafficking and money laundering. These types of transnational crimes demand no substantial community-policing element, particularly as many of the perpetrators are non-citizens and much of the infrastructure and support for such crimes resides outside Australia. Additionally the AFP puts no specific emphasis on human rights in its policing philosophy. In the AFP’s 2002/3 Annual Report Commissioner Keelty acknowledged that “[i]ntelligence, to be effective, requires a relationship with the community”. In light of this he maintained that the AFP “have ensured that we engage local communities in the law enforcement process so that they know our role, understand and support our goals”. While the recognition of the utility of community engagement for effective intelligence is significant, for historical reasons related to its primary functions community cohesion, enhancing rights and community engagement are not part of the AFP’s core business in the same way that they are for Victoria Police.

The lack of a specific community-policing focus, emphasis on social cohesion and rights may impact on the nature of counter-terrorism policing undertaken by the AFP, and also on the nature of the joint operations and counter-terrorism teams that the AFP engages in with Victoria Police. It is possible that AFP counter-terrorism activities within Victoria will impact on community cohesion and thus the broader policing environment encountered by Victoria Police. This observation fits with the concerns expressed by Victoria Police members interviewed as part of this project, who commented that working with the AFP in joint counter-terrorism work presented particular challenges for conserving positive community relations. It is important that the key strengths of the AFP and Victoria Police are utilised to enhance the counter-terrorism effort.

Victoria Police should take the lead in ensuring that counter-terrorism policing strategies and tactics pay adequate attention to the importance of community-policing approaches in the prevention of terrorism. A leadership role by Victoria Police in articulating and implementing the integration of community policing into counter-terrorism policing will assist in ensuring that the emerging knowledge in this area is incorporated into best practice counter-terrorism policing nationally.

Intelligence on threats and risks is particularly significant in the context of a preventative policy and legislative framework. The central significance of information and intelligence to contemporary counter-terrorism efforts is underlined by the substantially increased powers of intelligence agencies and the increased police powers to engage in intelligence gathering. A range of scholars, commentators and police have remarked on the utility of community policing—particularly as applied to marginalised or vulnerable communities—in creating, maintaining or enhancing the flow of information in order to effectively counter terrorism (see Chapter 1). Although there are significant problems with approaching community policing as an intelligence gathering exercise and police should avoid doing so (for the reasons detailed below), it is nevertheless worth setting out the case for the relative effectiveness of intelligence volunteered by community members over that from other sources. This is not to suggest that intelligence from community members is the only effective form of intelligence or that it cannot coexist with other

211 See J.Tham, ‘ASIO and the rule of law’, Alternative Law Journal, 27, 216-219; ASIO’s latest report to Parliament does mention building links with community groups and implementing a program of engagement with leading members of the Islamic and Jewish Communities.
212 The integration of what have traditionally been law enforcement powers with a security intelligence agency led to opposition to the ASIO powers on the basis that they effectively created a secret police force of the style associated with repressive regimes and inconsistent with the tenets of liberal democracy.
215 All AFP Annual Reports after 2001 (2001/2; 2002/3; 2003/4; 2004/5; 2005/6) were reviewed with a view of determining the focus of the AFP. Particular attention was paid to references to community policing and community engagement or liaison. There was little or no detail about these activities in relation to counter-terrorism or to federal policing generally outside of references to the community-policing function in the ACT.

216 Joint Counter-Terrorism Teams were initiated by the AFP with state police forces in 2002/3. see AFP annual report 2002-3 p.15.
forms of intelligence. Clearly different sources and mixes of intelligence will be appropriate in different contexts.

There are a number of ways in which information about terrorist threats can be gathered. Not all of these involve actively engaging with the community. Covert and overt surveillance, undercover operations, the use of informants, overt and covert searches, monitoring of communications, compulsory questioning, and interviews (formal and informal) are all techniques available to various degrees to police and/or intelligence agencies. Post–September 11 there has been a substantial increase in the powers available to police and intelligence agencies that expand the opportunities for these types of intelligence gathering exercises.217

The utility of intelligence from communities in relation to the contemporary terrorist threat is, however, arguably greater than that from other more covert or coerced sources. Operation Pendennis provides an example of covert intelligence gathering in a counter-terrorism context. The discussion is designed to underline some relative advantages to community intelligence in the contemporary counter-terrorism context that may not have existed to the same extent previously, or that may not exist to the same extent in relation to other crimes.

The contemporary terrorism threat appears to be more opaque and uncertain than in previous times. Martin Innes writes that in the wake of the 2005 London bombings there is “a real concern across the police and security sector about their capacity to calibrate the contours of the threat al-Qaeda poses”.

In the United States, Bruce Hoffman from the RAND corporation observed that despite Britain’s formidable counterterrorist capabilities and unrivalled expertise, only a month before the 7 July 2005 London bombings, the Joint Terrorism Assessment Centre (JTAC) . . . concluded that “at present there is not a group with both the current intent and the capability to attack in the United Kingdom” and consequently downgraded the overall threat level for the United Kingdom.218

In an important article titled Policing Uncertainty: Countering Terror through Community Intelligence and Democratic Policing Innes argues that the shift in the mode of operation of terrorist groups (no warnings given) and changes in their organisational structure (largely autonomous, disparate cells as opposed to hierarchical and centrally controlled) suggests that reconfiguring the intelligence architecture would increase the likelihood of reducing the uncertainty of the threat. His analysis leads him to suggest a reconfiguration based on increased reliance on community intelligence. He characterizes this shift in tactics as one that emphasizes a greater ‘strategic engagement of soft power’.

The best information available about the nature of the contemporary terrorist threat suggests that community intelligence is likely to be more effective and reliable in assisting to map the contours of the threat than intelligence gained from other sources.

Apart from the relative utility of community intelligence over other sources of intelligence this source of information may have a number of other distinct advantages. Intelligence gathered through more covert or coercive methods such as the use of police special powers and monitoring and surveillance of all kinds is likely to impact negatively on community cohesion, alienating communities and impacting on the legitimacy of the counter-terrorism effort amongst groups or communities that are disproportionately affected. Previous mention has been made of the negative impacts on police-community relations in the United Kingdom of the extensive use of ‘stop and search’ powers against young people from minority ethnic communities. Likewise high-profile raids on Muslims based on inaccurate intelligence have also had an adverse effect on police-community relations. In the United States the use of coercive powers, particularly detention of Muslims and Arabs, has also impacted negatively on community cohesion. Furthermore, there are reports from the United States that police use of undercover informants in Muslim immigrant communities has impacted negatively on police-community relations.219 Efforts to prevent terrorism through intelligence gathered via covert or coercive methods may become part of a dynamic that fuels future terrorism threats. Community intelligence gathering methods that are built on trust and community engagement do not present the same type of risk to future security.


The use of coercive or covert forms of intelligence gathering that have the effect of undermining police-community relations are likely to create a momentum that leads to a downward spiral in trust and the need for progressively more coercive and covert methods. Once a community feels alienated the likelihood of obtaining intelligence through non-coercive or non-covert methods is diminished so that the imperative to use coercive or covert methods is increased. Community policing recognises that the need to use force diminishes with the degree of cooperation that can be secured from the public. Creating a positive spiral of police-community relations around intelligence based on trust and cooperation will diminish the imperative to use ‘harder’ methods of intelligence gathering. The use of open forms of community intelligence also has the advantage of being more consistent with liberal democracy than other forms of intelligence gathering. There has been a degree of anxiety surrounding new counter-terrorism powers and the extent to which they are compatible with human rights and democracy. These fears have been contained if not allayed because to date the powers have not been used extensively. A positive spiral around intelligence will continue to mitigate against the widespread use of counter-terrorism powers.

The philosophical framework upon which police-community engagement is based is critical to the successful integration of community policing into national security and counter-terrorism policing. Community engagement should not be aimed at gathering intelligence from communities. Communities, particularly those stereotyped as perpetrators of terrorism in the current climate, will be sensitive to the ‘targeting’ of particular communities in efforts to ‘penetrate’ them in order to gather intelligence. Community engagement must be aimed at building trust, not based on the utility of gathering intelligence. In the absence of this commitment community engagement is likely to be viewed with suspicion and even hostility. In this context it is important that community policing and community engagement be an across-the-board policy and not one ‘targeted’ at specific communities. Victoria Police is in a good position to integrate community policing into counter-terrorism policing partly because it has a commitment to community policing and engagement in every aspect of its work.

It is also important that there is a philosophy of sharing information so that the flow of terrorism-related information travels from communities to police and from police to communities. Communities also need to be given an opportunity to engage in dialogue about the nature of the tactics used by police to respond to potential terrorism threats.

Finally, it is important that the information considered significant to police in the context of community intelligence includes information on threats to communities that arise from popular perceptions that connect certain communities to the threat of terrorism. An understanding that police priorities include protecting minority communities from threats that arise from popular stereotypes will assist in building and maintaining trust, and militate against any cynical or hostile beliefs about the aims of community engagement.

Sharing intelligence on police counter-terrorism activities is an important component in building trust with communities. When relationships with Muslim communities were damaged after a high-profile raid at Forest Gate in the United Kingdom (see above), police decided to establish a framework to share intelligence with selected British Muslims before any such raids in future. Victoria Police has already taken on the spirit of this development through its engagement with the Multi-Faith Council. In 2006 the Council was given a full briefing by Victoria Police on the morning of the arrests in Melbourne undertaken as part of Operation Pendennis.

The Council were advised of the reasons for the arrests and given the facts that were available at the time. Victoria Police should formalise such arrangements for sharing information with the Council or other appropriate bodies by developing a protocol that sets out the circumstances in which and the terms by which this information is shared.

Community engagement and community policing in the context of counter-terrorism policing (and more broadly) should incorporate a degree of democratic control over policing. Beyond the two-way flow of information referred to above there also needs to be a commitment to ensuring that communities have input into the use that is made of information or

222 See, S. Poynting, G. Noble, P. Tabar & J. Collins, Bin Laden in the Suburbs: Criminalising the Arab Other, Sydney, 2004, pp.158-165 which details the incidents of racist attacks on Muslim/Arab people (or those perceived to be Muslim/Arab) during the Gulf War and after September 11, 2001.


intelligence passed on to police. The trust established between police and vulnerable communities of the type likely to be stereotyped as the source of terrorist threats in the current climate is likely to be relatively fragile. If information is given to police and there is a perception that it is used in ways that are disproportionate, discriminatory, punitive or unreasonable, police-community relationships will be damaged with the result that the positive spiral around intelligence flow is interrupted. This is not to suggest that discerning an opinion about the optimum tactics will be straightforward. There is a range of communities of opinion inside what are problematically referred to or understood as ‘unified’ communities. While police maintain the ultimate discretion in relation to tactics adopted in response to information, decisions that are made in line with the expectations of the communities most likely to be affected are the decisions that are most likely to maintain and build trust. There are likely to be occasions when police counter-terrorist activities cause alarm. In these cases, as part of the process of building trust and sharing information, there should be a process of information exchange and dialogue aimed at reducing fear and anxiety, addressing rumours or misconceptions, and considering what, if any, lessons there are to learn for the future.

Counter-terrorism merges national security and law enforcement to an unprecedented extent. While community policing and counter-terrorism policing have traditionally been seen at opposite ends of the policing spectrum there is an emerging approach—particularly in the United Kingdom—that seeks to import the principles of community policing into national security.

Victoria Police is well positioned to integrate community policing into counter-terrorism policing and to promote the expanded integration of community policing into national security.

The intermeshing of national security with law enforcement has seen substantial and unprecedented growth in the size, role, responsibilities, powers and resources of the AFP and ASIO. Both are recognised as leaders in the domestic counter-terrorism arena. As a result of different mandates, roles and histories these organisations approach their functions differently from Victoria Police. Victoria Police is distinct in articulating community policing, social cohesion and rights as part of its core business. Victoria Police’s commitment to community policing as a core value will enhance its counter-terrorism capability.

Intelligence on potential threats and risks is particularly significant to the task of preventing terrorism.

The best information available about the nature of the contemporary terrorist threat suggests that, while traditional intelligence remains vital, community intelligence may in some instances be more effective and reliable in assisting to map the contours of the threat than intelligence gained from other sources.

Efforts to prevent terrorism through intelligence gathered via covert or coercive methods may become part of a dynamic that fuels future threats. Community intelligence gathering methods built on trust and community engagement do not present the same type of risk to future security.

The philosophical framework upon which police-community engagement is based is critical to the successful integration of community policing into national security and counter-terrorism policing. Community engagement must be aimed at building trust, rather than based solely on the utility of gathering intelligence.

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225 M. Innes, ‘Policing Uncertainty: Countering Terror’, p.239.
6.0 Community Policing and Counter-Terrorism

6.1 Overview
The Policing research stream is primarily concerned with how counter-terrorism policing has been experienced by police at a number of levels—from busy metropolitan stations to Specialist Units. It is concerned with the experiences and perceptions of Victoria Police members operating in the current security environment specifically in relation to their core community-policing functions and servicing a multicultural Victoria. In terms of outcomes it is concerned with how community policing and counter-terrorism policing can be better integrated for achieving social cohesion and community safety. To this end it first considers the research findings in relation to community policing and then in relation to counter-terrorism policing and the security environment. Secondly, it offers conclusions for an integrated community-policing and counter-terrorism model that includes: philosophy; partnership and dialogue; communication and integration; training; and leadership and support.

6.2 Community Policing
6.2.1 Approach and Understanding
Community policing was defined and perceived in a range of ways by Victoria Police members. Mostly it was considered a positive and rewarding aspect of their work although there remain some negative perceptions of community policing for a minority of members.

Survey respondents were asked what they primarily understood community policing to be (see Figure 6.1). The responses in order of popularity were:

- “An exchange between police and the community” (35.57%)
- “An inclusive approach to policing” (26.36%)
- “Important but not central to core policing business” (14.02%)
- “Soft policing” (11.59%)
- “Having a positive attitude towards the community” (6.54%)
- “Optional” (0.56%)

Those who had a largely positive attitude towards community policing were more likely to be relatively new to the force (under three years of service) and the longest serving members (over 36 years experience) (see Table 6.1). Male respondents were more likely to consider community policing to be ‘soft policing’ than female respondents (7.7% females to 13.3% males) (see Table 6.2). Notably members located in metropolitan areas expressed a more negative view towards community policing than their regional or inner-city counterparts (see Table 6.3).
Table 6.1: Length of service * 8 Cross-tabulation

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>soft policing</th>
<th>an exchange between police and community</th>
<th>an inclusive approach to policing</th>
<th>important but not central to core policing business</th>
<th>optional</th>
<th>having a positive attitude towards the community</th>
<th>other</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 1-2 years</td>
<td>8.6%</td>
<td>34.3%</td>
<td>37.1%</td>
<td>2.9%</td>
<td>14.3%</td>
<td>2.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>3-5 years</td>
<td>16.9%</td>
<td>49.1%</td>
<td>11.3%</td>
<td>11.3%</td>
<td>7.5%</td>
<td>1.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>6-10 years</td>
<td>16.1%</td>
<td>41.1%</td>
<td>14.3%</td>
<td>16.1%</td>
<td>8.9%</td>
<td>3.6%</td>
<td>100.0%</td>
</tr>
<tr>
<td>11-15 years</td>
<td>8.8%</td>
<td>47.4%</td>
<td>22.8%</td>
<td>15.8%</td>
<td>1.8%</td>
<td>3.5%</td>
<td>100.0%</td>
</tr>
<tr>
<td>16-20 years</td>
<td>9.4%</td>
<td>39.3%</td>
<td>23.9%</td>
<td>17.9%</td>
<td>1.7%</td>
<td>4.3%</td>
<td>3.4%</td>
</tr>
<tr>
<td>21-25 years</td>
<td>13.1%</td>
<td>29.5%</td>
<td>32.8%</td>
<td>18.0%</td>
<td>3.3%</td>
<td>3.3%</td>
<td>100.0%</td>
</tr>
<tr>
<td>26-30 years</td>
<td>16.0%</td>
<td>30.7%</td>
<td>28.0%</td>
<td>17.3%</td>
<td>4.0%</td>
<td>4.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>31-35 years</td>
<td>5.7%</td>
<td>30.2%</td>
<td>45.3%</td>
<td>5.7%</td>
<td>11.3%</td>
<td>1.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>36-40 years</td>
<td>4.2%</td>
<td>33.3%</td>
<td>25.0%</td>
<td>8.3%</td>
<td>4.2%</td>
<td>16.7%</td>
<td>8.3%</td>
</tr>
<tr>
<td>Total</td>
<td>11.7%</td>
<td>37.5%</td>
<td>26.2%</td>
<td>14.1%</td>
<td>.6%</td>
<td>6.6%</td>
<td>3.4%</td>
</tr>
</tbody>
</table>

Table 6.2: Gender * 8 Cross-tabulation

<table>
<thead>
<tr>
<th>Gender</th>
<th>soft policing</th>
<th>an exchange between police and community</th>
<th>an inclusive approach to policing</th>
<th>important but not central to core policing business</th>
<th>optional</th>
<th>having a positive attitude towards the community</th>
<th>other</th>
</tr>
</thead>
<tbody>
<tr>
<td>female</td>
<td>7.7%</td>
<td>47.0%</td>
<td>23.1%</td>
<td>15.4%</td>
<td>6.8%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>male</td>
<td>13.3%</td>
<td>35.6%</td>
<td>26.1%</td>
<td>13.8%</td>
<td>.5%</td>
<td>6.5%</td>
<td>4.3%</td>
</tr>
<tr>
<td>Total</td>
<td>12.0%</td>
<td>38.2%</td>
<td>25.4%</td>
<td>14.1%</td>
<td>.4%</td>
<td>6.6%</td>
<td>3.3%</td>
</tr>
</tbody>
</table>

Table 6.3: Location * 8 Cross-tabulation

<table>
<thead>
<tr>
<th>Location</th>
<th>soft policing</th>
<th>an exchange between police and community</th>
<th>an inclusive approach to policing</th>
<th>important but not central to core policing business</th>
<th>optional</th>
<th>having a positive attitude towards the community</th>
<th>other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional</td>
<td>9.5%</td>
<td>32.1%</td>
<td>31.4%</td>
<td>13.9%</td>
<td>1.5%</td>
<td>10.2%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Metropolitan</td>
<td>13.6%</td>
<td>38.4%</td>
<td>20.5%</td>
<td>15.5%</td>
<td>.4%</td>
<td>6.2%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Inner city</td>
<td>9.8%</td>
<td>42.3%</td>
<td>32.5%</td>
<td>10.6%</td>
<td></td>
<td>3.3%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Total</td>
<td>11.6%</td>
<td>37.6%</td>
<td>28.3%</td>
<td>13.9%</td>
<td>.6%</td>
<td>6.6%</td>
<td>3.5%</td>
</tr>
</tbody>
</table>

Community policing was routinely recognised by members located in stations as a key plank in current approaches of Victoria Police in terms of defining itself in relation to the community.

“I see it all as part of what we do when you're in uniform and then you go off and visit areas and get more specific. I just see it as a part of the job really, when you go to jobs you come into contact with these people and you can see all the problems they are having.”

“Community policing I think is putting a positive spin on our work...is really trying to instil that knowledge and belief in people who think, I can ring the police and they will come. Not just come and drag my husband away and lock him up but to give us a hand and an

226 Interviewee A1
idea about how we can sort our lives out… Community policing is trying to break down barriers between different cultures here in the community as well. It’s getting different cultural groups involved with each other or at the very least encourage them to develop that acceptance. …You’ve just gotta build a rapport, you’ve gotta talk to people. Not be scared to just sit and talk to people. I’ve got a bit of a reputation here already apparently with a couple of people because of my sharing and caring attitude I am told because I’ll talk to people whether they are criminals, [or] victims but I think that you can learn so much from the people that you are talking to. Even if they have an absolutely disgraceful attitude and they despise your existence, you can still learn from them, just to know what buttons to press.”227

“I think if you walked out and said to all the coppers ‘community policing!’ everybody kinda goes ‘what, what is it? what are they talking about?’ Because in essence we do it every day, we interact with the community and we ask for their assistance, we target specific areas in our local community. I think we do it every day without so much having a label on it. I think policing in general has just turned and community policing more specifically. We are trying to be more proactive than reactive.”228

This Victoria Police member continued:

“It’s more about being a service. You know being a resource to the community, being involved with businesses. Not so much being a force, like pushing people into this is the way you do it! It’s more about working with the community, I think for the force in general I think it makes our job a lot easier if we’ve got the community working with us to help us police because we can’t do this job by ourselves. I drive around for eight hours in the van and I can, well, not guarantee. I can detect some offences, I can arrest some people. But most of the arrests we make come from the public. Like they’ve seen something and they’ve called us—I don’t think we’d be able to be that efficient. So community policing is the way the force has to go, it’s the change that needs to be made otherwise we are kinda working against the community. It’s much easier to have them on side to make our job a lot easier I think.”229

Indeed the responses to community policing from new recruits tended to characterise it as an exchange between the police and the community. For example, when asked what community and community policing meant for everyday policing work, one officer responded:

“Being a part of it, being recognised, being valued, being included. Working in the community and understanding what they want from us. But then I think it is also a two-way street for us to understand what they can do for us as well.”229

The framework of community policing was largely seen by members located in stations as important, yet was often regarded as ‘soft’ policing that at best was different from core policing functions and at worst a distraction from the ‘core business’ of policing.

“It’s useful but it’s not the be all and end all though. It’s not everything. It’s important, it’s good for our image.”230

“[Community policing is] ad hoc probably. I think they mean well, but I don’t think that [the organisation] quite get it…I think it depends on the Senior Sergeant in the station. They may get different directives coming down from above, [but if] they don’t have the enthusiasm or support from perhaps your local Inspector and Senior Sergeant you won’t get any from the main. But we’ve got very supportive Inspectors and Senior Sergeants….I think because we’ve got their support we’ve come up with these practical good ideas and put them into motion. Other stations, they need to police their police more often. I’ve heard at their meetings that the Chief Commissioner specifically asks each area what they are doing with their communities.”231

When interviewed, community policing was largely seen by Victoria Police members located in stations as ‘optional’ depending upon individual attitudes towards the community and/or dependent on leadership within the station. The success and entrenchment of community policing can be considered dependent upon the commitment and wherewithal of individual members rather than on organisational design and direction. When asked the extent to which they agreed with

227 Interviewee A2
228 Interviewee A4
229 Interviewee A6
230 Interviewee A2
231 Interviewee A1
a range of statements relating to community policing the majority of survey respondents considered community policing to be very important for effective policing (35.86% strongly agreed and 52.13% agreed). Respondents also identified that community policing was important for their everyday work (22.74% strongly agreed and 46.03% agreed). In addition respondents indicated that community policing had been useful for Victoria Police (25.32% strongly agreed and 50.09% agreed). These responses, while in the majority positive, still indicate sizeable minorities who do not positively value the importance of community policing.

“I am not a big believer in the community policing theory that we follow. I think that we tend to pander to certain groups and ignore everybody else. The people that are the most vocal are usually the minorities and people who represent the majority of the community generally just go about their business and don’t generally have too much to say... Obviously we are there to serve the community. And I think on the whole we do but I tend to think that we get sidetracked and railroaded a bit by certain groups and spend more time doing some things that are perhaps not our role, or we could be doing more for everybody as opposed to particular individuals or people.”

During interviews no Victoria Police members based in stations identified a link or any correlation between community policing and counter-terrorism policing. In contrast, Victoria Police members located in Specialist Units prioritised community policing as critical in the prevention and response to terrorist incidents. However, not all were comfortable in describing their work in terms of community policing, and a minority regarded community policing as a marketing exercise and a ‘carrot of promotions’.

Community policing was regarded by members located in Specialist Units with counter-terrorism remits as critical to counter-terrorism policing. This may be viewed as a positive development and a resource to be tapped by Victoria Police in communicating the importance of community policing for counter-terrorism policing with stations. Far from being considered ‘soft’ or a distraction to core policing business, Specialist Units largely considered its benefits to be multifaceted. Community policing was not considered primarily a community relations exercise of low priority, but of the highest value to counter-terrorism:

“It’s your obligation, it’s what you’ve signed up to do. But there’s a way of doing it where you don’t leave a negative impact on the people you are dealing with.”

However, Specialist Units have developed differing levels of community interaction: some are entirely based within the community, others seek greater time to work with their community contacts, while some are seeking greater community interaction.

Regardless of the level of community interaction the majority of members interviewed from Specialist Units demonstrated a complex understanding of the notions of community and community policing for their work.

There is a need for more in-depth understanding of community policing as core policing business, with critical links to developing stronger community cohesion and thereby the potential prevention of terrorism. This understanding needs to include the clear benefits for the policing organisation as well as the community and the critical role played by individual officers in their daily community interactions.

6.2.2 Challenges to Community Policing

**Resources**

Victoria Police members located in stations identified a number of challenges in carrying out community policing. On one level these were largely resource-related, both in terms of the organisation and individual officers. Such interaction was overwhelmingly occurring at attendance at routine jobs, with only station management or MLOs indicating that they participated in community forums of one kind or another. For example:

“Not enough resources if there’s a problem. Say if you come across somebody who’s a drug addict and there’s no services for them. Or if you’ve got somebody with a psyche issue every member will tell you that there is just not enough assistance for them. They are just wandering the streets and it’s just a freak of nature we don’t have more incidents. It’s good luck rather than good planning.”

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232 Interviewee A3

233 Interviewee E1

234 Interviewee A1
“I think the space of getting from one job to another you don’t have time to sit and chat and have a cup of tea with someone, to talk to people.”

“The most significant thing is attitude. With a good attitude you can learn skills.”

There was little cross-fertilisation between Specialist Units in terms of their approach to the communities they work with generally, or community and security issues specifically. Indeed many officers noted there is “…no issue with the community. The biggest challenge we have is getting resourced.”

Some Specialist Units have invested significant resources and personnel into developing community-policing approaches as their frontline in preventing terrorism. However, other units, while valuing a community-policing approach, had little if any community interface.

6.2.3 Community Policing and Cultural Diversity

Cultural Diversity

In identifying key challenges for community policing, members located in stations often focused on their interaction with diverse community groups, including new and settled migrant communities.

Members located in stations gave a range of accounts as to what cultural diversity means for their work, predominantly relating to cultural and socioeconomic diversity. All were linked to an understanding of the communities they serve as multicultural. All but a few officers spoke of the importance of multiculturalism for society. It was clear that their understandings of cultural diversity were limited but in some cases they were developing.

A limited number of individual station officers are demonstrating considerable initiative to self-educate in relation to diversity and cultural differences, which can be seen as directly increasing levels of understanding by the police of the communities they serve. Victoria Police could work to explore and formalise these activities.

Limited Contact and Experience with CALD Communities

While it was indicated that community policing is considered important for the everyday work of police, respondents indicated that they have limited contact with CALD communities as part of their community-policing functions. Indeed over 65% of respondents indicated that they came into contact with members of CALD communities less than once a month with 43.1% of respondents indicating that they rarely come into contact with CALD communities (see Figure 6.2). There is a range of possible explanations for this lack of contact, which this research cannot confirm, including whether these responses indicate CALD communities are accessing police services at a much lower rate than the Victorian community as a whole.

Figure 6.2: Question 5. How often do you work with members of non-English-speaking background communities?

<table>
<thead>
<tr>
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<td>Yearly</td>
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</table>

n = 536

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235  Interviewee A1
236  Interviewee A2
237  Interviewee F1
The primary contact of Victoria Police members with members of CALD communities was as victims (24.9% of interactions) and offenders (26.07% of interactions) (see Figure 6.3). However, there was also significant contact through community forums (19.46% interactions) and other interactions often outside of work duties (such as through clubs and social events).

Respondents were asked to indicate the time spent developing relations with CALD communities, with the overwhelming majority indicating that they rarely (less than yearly) did so (62.4%) (see Figure 6.4). 10.53% indicated that they developed relations on a weekly basis and 11.28% on a monthly basis.

Despite respondents indicating they had limited contact with CALD communities and limited time, and that this was compounded by language and cultural barriers, they indicated feelings lesser of inexperience in dealing with CALD communities (see Figure 6.5). Younger officers reported higher levels of inexperience (see Table 6.4) and females indicated slightly higher levels of perceived inexperience.

Figure 6.6: Question 6. What is your primary means of contact with members of non-English-speaking background communities?

The primary contact of Victoria Police members with members of CALD communities was as victims (24.9% of interactions) and offenders (26.07% of interactions) (see Figure 6.3). However, there was also significant contact through community forums (19.46% interactions) and other interactions often outside of work duties (such as through clubs and social events).

Figure 6.7a: Question 7. What have been the most significant challenges of working with non-English-speaking background communities?

Respondents were asked to indicate the time spent developing relations with CALD communities, with the overwhelming majority indicating that they rarely (less than yearly) did so (62.4%) (see Figure 6.4). 10.53% indicated that they developed relations on a weekly basis and 11.28% on a monthly basis.

Despite respondents indicating they had limited contact with CALD communities and limited time, and that this was compounded by language and cultural barriers, they indicated feelings lesser of inexperience in dealing with CALD communities (see Figure 6.5). Younger officers reported higher levels of inexperience (see Table 6.4) and females indicated slightly higher levels of perceived inexperience.
Table 6.4: Age group * 7e Cross-tabulation

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</tr>
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</table>

Language

Most members located in stations identified language as the key barrier in dealing with diverse community groups.

Members were consistently and repeatedly concerned with issues of language, communication, understanding and the time needed to overcome barriers to working effectively with CALD communities. One member described the issue of language as like ‘working through a blanket’.

Interview respondents self-identified a need to improve their own language skill base for interacting in a culturally diverse environment, on top of other organisational constraints that need to be overcome:

“The biggest challenge is language. We don’t have any idea about their culture or anything like that.” 238

“I think because there are so many different ethnic groups here that’s quite a challenge because you really do, depending on who you are speaking to, have to adapt yourself to what they are going to understand…I think it’s all up to the individual, how open you are to accepting someone for themselves, I guess I’d have to use an example. If you pull someone over and they claim not to speak English very well, I guess it’s how you interact with that person to how successful the outcome is going to be in any situation…When you are new you want to get everything done and you don’t want to let anything slip away or let anyone else do your job so you rush through everything.

Now I just think if I’m at a job and someone is saying we’ve gotta go and do this, I’m prepared to stand up to a Sergeant and say ‘no listen this needs more, this particular person or this particular group needs more attention’.” 239

According to the survey language barriers were considered to be the most significant challenge (33.33% strongly agreed and 48.0% agreed) in working with CALD communities (see Figure 6.6), with younger officers and female officers considering language barriers to be more difficult (see Tables 6.5 and 6.6).

Figure 6.6: Question 7. What have been the most significant challenges of working with non-English-speaking background communities? b. Language barriers

238 Interviewee A1
239 Interviewee A4
Table 6.5: Age group * 7b Cross-tabulation

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Table 6.6: Gender * 7b Cross-tabulation

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<tr>
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<tr>
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<td>14.8%</td>
<td>3.4%</td>
<td>.2%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Basic language training may be a straightforward and effective tool in overcoming some of the issues that even the most cynical officers identified in working with CALD communities.

**Cultural and Religious Understanding**

According to the survey respondents the second most significant challenge of working with CALD communities was considered to be cultural and religious understanding (15.38% strongly agreed and 40.58% agreed) (see Figure 6.7).
From the interviews, there is limited evidence of stereotyping of some cultural, religious, and ethnic groups by Victoria Police members. Implicit and explicit cultural, racial, gendered, and religious stereotyping was evident from the interviews. Members interviewed in stations without MLOs were more likely to express stereotyped views, particularly relating to Muslim and Arab communities.

The issue of gender was raised in two main ways in the interviews. First, some female members noted the challenges of developing the confidence of males in some Muslim households who often initially refused to speak to or deal with a female member. Female members, while concerned about such situations, noted a number of successful strategies they used to overcome this opposition. For example:

“Two female officers turning up to a job with a traditional Turkish family. The male might not want to speak to the females. We explain that we are police officers, not females first, we’re here to do a job and whatever your problem we just push through until they deal with you because it’s not really a choice for them. You have to be firm and deal with the problem as a cop. So they just need to be educated... As soon as you get here you catch on really quickly. We don’t have the resources to say ‘oh hang on a minute we’ll go get a male officer for you’.”

However, there were some more worrying, albeit more limited, examples of gender being raised by members located in stations in the sample. For example, some male station officers noted that cross-cultural situations, such as the one above, were just another example of the force going ‘too far’ in their aim to have 50% female members.

Survey respondents also indicated a perceived lack of respect for female members was a significant challenge of working with CALD communities (12.88% strongly agreed and 30.59% agreed) (see Figure 6.8), with younger members finding this less of a challenge (see Table 6.7) and more female members considering it significant than male members (see Table 6.8).

Figure 6.8: Question 7. What have been the most significant challenges of working with non-English-speaking background communities? g. Lack of respect for female officers

Survey respondents also indicated a perceived lack of respect for female members was a significant challenge of working with CALD communities (12.88% strongly agreed and 30.59% agreed) (see Figure 6.8), with younger members finding this less of a challenge (see Table 6.7) and more female members considering it significant than male members (see Table 6.8).
Table 6.7: Age group * 7g Cross-tabulation

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Table 6.8: Gender * 7g Cross-tabulation

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According to the survey results a significant challenge of working with CALD communities included limited time (see Figure 6.9), with male officers considering they had more limited time than female officers (see Table 6.9).

Figure 6.9: Question 7. What have been the most significant challenges of working with non-English-speaking background communities? a. Limited time
Table 6.9: Gender * 7a Cross-tabulation

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<td>Total</td>
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<td>39.4%</td>
<td>37.1%</td>
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</tr>
</tbody>
</table>

Victoria Police members located in stations who are seeking greater cultural diversity awareness and training should be supported by the organisation in direct and tangible ways.

**Trust**

Members located in stations reported varying levels of trust and confidence between the community and the police. Members overall perceived the community as trusting them and having confidence in their work. They noted two exceptions to this: first, a clear lack of trust between what they considered to be criminal families or criminal gangs and the police; And second, the difficulty of building trust with communities who have settled in Australia after leaving autocratic regimes or ‘police states’:

“Some people, and particularly European cultures, are very welcoming of police. Police tend to be very highly respected in Europe, that’s my experience of the people...Whereas other people there’s just no trust at all. For instance a situation that I was involved with recently involved a fairly big group of Indigenous Australians and they have no respect or trust of police at all and that is very, very difficult and that’s where conflict does arise particularly with members that don’t have communication skills to deal with those sorts of situations. It’s also about different cultural backgrounds, say a police force in England is different to a police force in Greece, to a police force in Saudi Arabia, Somalia or New Zealand. That impacts on how officers build up trust with these communities. It comes from the officers’ backgrounds as well and how open minded the officers are. If the police aren’t open minded how are they going to build trust? Conflict is always going to arise if the police can’t deal with it.”

However, there was little evidence that members located in stations were proactive in building trust and confidence with communities who may be least likely to willingly assist the police. And there was also little evidence from the research of any developing partnerships with those communities most likely to be alienated in the current counter-terrorism environment. However, the research team is aware of some examples where members in stations have become highly practised in relation to building trust with new communities, particularly in Flemington with the Somali communities. What the research therefore indicates is that efforts at building trust with CALD communities are uneven and inconsistent across locations.

Members in Specialist Units with a well-developed community interface identified developing trust with the community as the greatest challenge, particularly with individuals and groups from countries with different policing cultures:

“The biggest challenge is trust because a lot of these communities come from an environment which is a totalitarian state, where the Secret Police knock on your door and you’re never seen again. And sometimes newer migrants thinking we’re similar to that here, so they’re very wary, they question the bona fides of why you’re coming to see them and what you want...You just have to reinforce that its totally different regimes here, that we’re a pretty democratic state here and that we’ve got rights, where police just can’t abduct you and take you away and shoot you in the head. And the agenda, the one you’re putting forward is one that is going to help your community. If they’re going to help prevent something that is going to make their community look bad. Sometimes it’s quite difficult and others you’ll have success right away. The big satisfaction I get is that there are a lot of people out there who are interested in keeping their community

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241 Interviewee A2
safe. It’s very satisfying when people will ring you up and tell you things that are going on in their community.²⁴²

Critical to building trust was that Victoria Police members operated an exchange relationship with the communities they work with—on the one hand they depended upon an open information flow but on the other hand were able to help the community with problems they face that require police assistance.

Specialist unit members repeatedly reinforced the importance of strong multiculturalism as a crucial aspect in preventing terrorism in Victoria. This needs to be better communicated to Stations. Many noted that Victoria was well placed to prevent terrorism through a productive approach to multiculturalism.

Survey respondents were asked a series of questions regarding levels of trust between police and the community. According to the survey results a significant challenge of working with CALD communities included lack of community trust (16.93% strongly agreed and 44.55% agreed) (see Figure 6.10), where respondents aged 18-25 perceived less community trust than other members (see Table 6.10).

Table 6.10: Age group * 7d Cross-tabulation

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Table 6.11: Gender * 7d Cross-tabulation

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²⁴² Interviewee F1
Respondents indicated that there is a moderate (53.73%) to high (35.42%) level of trust between the police and the community, with 9.61% reporting low levels of trust (see Figure 6.11).

Respondents were then asked to rate the level of trust operating between the police and ethnic communities (see Figure 6.12). 1.15% of respondents indicated they trusted ethnic communities more than the broader community, 67.75% indicated they trusted ethnic communities about the same as the broader community and 31.09% indicated that they trusted ethnic communities less than the broader community. Respondents aged 26-35 years reported the highest level of distrust towards ethnic communities (see Table 6.13), and males were more likely than females to distrust ethnic communities (see Table 6.14).

Table 6.12: Length of service * 10 Cross-tabulation

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Table 6.13: Age group * 10 Cross-tabulation

% within 41

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<tr>
<td>50 plus</td>
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Table 6.14: Gender * 10 Cross-tabulation

% within 42

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The survey results indicate a significant minority of members trust CALD communities less than the broader community. This presents Victoria Police with an opportunity to work proactively with its membership to further understand and address these perceptions and their impact on the development of productive relationships with CALD communities.

Victoria Police has an opportunity to proactively build trust between CALD communities in diverse ways across Victoria. Members at all levels of the organisation could be proactive in a locally directed, centrally coordinated and integrated approach to ongoing trust-building initiatives.

Community and Police Support

Respondents identified trying to gain support from the community as a challenge of working with the community. However, respondents also identified seeking support from other police to be an important challenge (7.39% strongly agreed and 38.26% agreed). A much smaller proportion of respondents indicated that working with the community was not relevant to police work (5.18% strongly agreed and 14.6% agreed).
Survey respondents indicated that the attitudes of other police also represented a significant challenge in working with CALD communities (6.8% strongly agreed and 26.2% agreed) (see Figure 6.13), with older officers (36 years and over) reporting this at higher levels (see Table 6.13).

Community policing is significantly limited by resource constraints but also there appears to be a need to explore language training and strategies for improving communication with CALD communities. Such training would be most effective if carried out within the everyday work environment of members.

### 6.2.4 Community Policing and Multicultural Liaison Officers

MLOs have a wide remit and range of functions within Victoria Police. MLOs actively promote awareness within culturally diverse communities of the role of Victoria Police and encourage police-community interaction, as well as providing advice and assistance to a range of levels of the policing organisation on policing and multicultural communities. They are specifically expected to monitor delivery of police services to culturally diverse communities and effectively liaise with police leadership on multicultural issues, to develop knowledge on multicultural issues, act as a resource to the Regions’ operational police, and train and provide education to both police and ethnic community members. There are currently thirteen MLOs located across the state, predominantly based in Melbourne.

Of the three stations interviews were conducted in, only one had access to an MLO. Members located in stations who did not have access to an MLO also stated that they had no idea about the MLO system or what they may do.

"An MLO? Do we have to have one? If we have one I don’t know about them—is it on our notice board?" 243

Members located in stations with access to an MLO routinely recorded the importance of, and their admiration for, the MLOs they worked with. Being able to call on MLOs was seen as critical in overcoming some of the challenges noted above, particularly in educating officers in terms of cultures, customs and basic language skills. For example:

“...because we have Turkish police officers at the police station who do a great job. They know all the families and the whole thing. At our station we are very, very lucky." 244

However, it could also be suggested that station officers faced with limited time and resource constraints tended to ‘leave’ such issues for MLOs. MLOs are critical to increasing awareness and understanding of diversity issues within the station. However, they should not be the only source of knowledge within stations. Their work should be supported through organisation-wide awareness and skills development that does not locate issues of diversity solely or even primarily with MLOs, but raises the expectation that all members at all stations need to be proactively engaged with diversity-related issues and with increasing awareness and understanding at individual and collective levels.

Members in Specialist Units had high praise for MLOs and saw them as critical to community partnerships generally, and the counter-terrorism effort specifically. Importantly, they recognised the burden MLOs carry in relation to a lack of cultural understanding within stations more generally:

243 Interviewee C3
244 Interviewee A1
“The MLOs are fantastic because they are across all the ethnic issues. But they’re not dealing with one particular, they’ve got a bit of a broad brush...so they get a little bit stretched I think, you know to get across everything. But I know most of the MLOs, and I think that they do a great job, but I think if you take that then aside the culture of the police stations a little bit more, they don’t see the bigger picture. They just look at them, that black guy, that Eritrean committing rapes, then that community they’ve come over here, they’re all crooks. There’s a lot of that myth stuff that comes out of the station because they’re not interacting, not all of them, but there’s a lot of people who just see it as black and white.”

However, the interviews yielded little evidence of either formal or informal exchange between Specialist Units and MLOs.

Survey respondents identified the role of MLOs as positive. Responses in order of popularity were:

- Promote greater understanding and cooperation between police and culturally diverse groups (74.65%)
- Liaise with non-English-speaking background communities on behalf of the Victoria Police (11.52%)
- Good public relations outside normal policing (6.91%)
- Save ordinary members from dealing with issues concerning non-English-speaking background communities (2.76%)

Survey respondents were then asked to consider the importance of the MLO in the conduct of work within police stations (see Figure 6.14). A large proportion of respondents (58.96%) skipped this question as their station did not have an MLO. Of those that did have an MLO (N=213), 27.23% considered them to be very important and 32.39% considered them to be somewhat important (see Figure 6.15). 17.37% considered them to be neither important nor unimportant, with 10.33% considering them to be unimportant and 12.68% very unimportant.

245 Interviewee F2
Further analysis of the data indicated that according to the survey those in senior ranks (72.7%) considered the role of MLOs to be very important at much higher rates than all other members (20.5%) (see Table 6.16), and female members considered their role to be more important than their male counterparts (see Table 6.18).

Table 6.16: Rank (rc) * 31 Cross-tabulation

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Table 6.17: Age group * 31 Cross-tabulation

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Table 6.18: Gender * 31 Cross-tabulation

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<td>17.6%</td>
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</table>

Over-reliance on MLOs limits the capacity of all officers to learn from diverse community interactions, and may be indicative of inadequate and diverging police responses to community issues.

MLOs need appropriate resourcing and support in order to build capacity within stations.

Units with counter-terrorism remits could benefit from developing both formal and informal communication channels with MLOs.
6.3 Counter-Terrorism Policing

Members overwhelmingly agreed that counter-terrorism was an important issue for Victoria Police (55.51% strongly agreed and 36.07% agreed) (see Figure 6.16).

Figure 6.16: Question 1: Counter-terrorism is an important issue for Victoria Police

Members located in stations reported little or no operational counter-terrorism experience. However, they did express concerns in relation to the preparedness of the force to respond to terrorism and their role in that response. This indicated an overwhelming concern with responding to rather than preventing terrorism.

Victoria Police members participating in the survey indicated varying frequencies of having a counter-terrorism purpose included in their work (see Figure 6.17). 37.06% of respondents indicated their duties rarely (less than yearly) included a counter-terrorism related purpose, with highest responses from those located in the Regions. More than 33% indicated that their duties had a counter-terrorism purpose on between a daily and a monthly basis. Indeed 14.71% of respondents indicated their duties had a daily counter-terrorism purpose, with most of those selecting this response being from Specialist Units. Almost 40% of all respondents had been involved in counter-terrorism exercises.

Figure 6.17: Question 11. In your current role, how often do your duties have a counter-terrorism related purpose?

While some members located in stations expressed a limited understanding of their role in the prevention of terrorism through their daily interactions with the community, many showed little understanding of basic counter-terrorism issues or their relationship to their work. The culture of the individual police station had an impact on such understandings with some stations overwhelmingly considering counter-terrorism to be apart from their core business.

Some members located in stations identified potential positive spin-offs from an improved understanding and focus on counter-terrorism for police and their communities. Two such examples:

“From a lower local-level point of view there's probably not any positives to be had. There are probably significant positives a little bit higher up the tree, there's probably relationships and partnerships that have developed between the police and community leaders, places that have been beneficial to the community as a whole. But at a local station level, I don’t think it’s had an impact either positive or negative.”246

“I think it’s just getting in and getting people’s trust to approach them, not even approach us…Probably at the moment there is not a whole lot of communication between the police and the community.”247

246 Interviewee A3
247 Interviewee A6
With few exceptions, members located in stations did not demonstrate an understanding of how adverse police interactions may compound feelings of community alienation and targeting.

**Members located in stations had limited contact with and understanding of the role of Specialist Units within Victoria Police, particularly those with a counter-terrorism remit.**

This was most clearly demonstrated in the widely differing accounts of how members would internally report suspicions of a terrorism-related matter. Indeed most members had an inaccurate or incomplete understanding of who to contact and how to do so. Some members reported that they would phone SIG, others would send an information report, others would use the LEAP database, others said they would contact the CTCU, others said they would contact their sergeant, and others responded that they were unsure of the reporting process but would report it to someone. The following example indicates the problems caused by this lack of awareness of the appropriate reporting procedure coupled with organisational culture issues:

> "When I first started I remember going to a house for an intervention order and an arrest warrant for the son. It was all fairly new three years ago and I remember seeing pictures on the wall of Osama bin Laden that I recognised as I walked in. Dad was sitting at the kitchen table and even though his son was being dragged out of there, literally, arrested, I observed that Dad did not look at us, would not acknowledge us and did not want us to speak to him. So I had a bit of a scoot around the house and thought 'who is this bloke?' Mentioned it to the senior members that I was with and they just blew it off. Because to me he was definitely somebody of interest. You don't sit and keep reading the paper while your son is being dragged out of bed and down the hallway, it was bizarre....there was no doubt in my mind just from the paraphernalia in the house and the shrines they had going, it was definitely a place of interest.”

248 Interviewee A6

Interviews also revealed the complex issues members consider when dealing with terrorism suspicions during the ordinary course of their work, which in turn raises the need for greater cultural awareness and preparation in the execution of counter-terrorism and community-policing functions.

For example:

> "I think it was just after the Spanish train bombings and we were in a house and walked into this fourteen-year-old and her two older brothers were there, they didn't really want us to be there in the first place. And the only reasons we knew about her was because the school was concerned about what had happened to her. While we were sitting there they were watching it on TV and one of them turns around and says 'oh I've imagined taking out as many pigs as this'. We sort of, we obviously reacted and looked them in the eye, just looking at them. They said it in front of two police officers talking to their sister. I just wonder if they were trying to goad us or whether they were really thinking that this is really an easy way of doing it. I was really fixated with it, I sort of thought no turn it off, I'm just talking to your sister, I'm not going to sit here and watch this. I sort of thought that comment whether it was politically motivated or whether it was for our benefit...We kinda went is there substance to it? Or is it not different to when you walk through a pub on a Saturday night and you get oinked? Or is it because it is a Middle Eastern family are we thinking or reading something into it. We didn't report it.”

249 Interviewee A6

Victoria Police members need specific direction in relation to the reporting of potential terrorism-related matters.

Victoria Police needs to identify and respond to weaknesses in the identification and reporting of field intelligence, and to be proactive in ensuring the ongoing cultural awareness of members and an appreciation of the deleterious impact cultural stereotypes have on intelligence functions specifically and policing generally.

Victoria Police members could improve their awareness of issues such as community alienation and stigmatisation and their role in countering such matters.

### 6.3.1 The Changing Police Culture

Most members discussed community policing and counter-terrorism policing in terms of a changing culture within Victoria Police. There were clear generational differences within stations concerning how community policing was viewed and undertaken, particularly in relation to counter-terrorism. It was clear that members were aware...
of this generational difference in the occupational culture of policing, particularly in relation to increased accountability to the public. For example, members with less than 10 years experience tended to be taking more initiative in relation to a proactive approach to the community, whereas older members and those with greater experience tended to see community policing, and indeed counter-terrorism, as a distraction.

The majority of members located in stations recorded no changes in the relationship between police and the community in the aftermath of September 11, the Bali bombing, the Spanish train bombings or even the recent London bombings. The only item they noted of difference was that they are now more likely to be called by the public to an unattended bag or other suspicious item.

Members in Specialist Units gave mixed accounts of the changing culture of policing, most notably a shift towards greater accountability:

“There used to be the ‘brotherhood syndrome’, which was an ‘us versus them’ mentality, which was deemed not to be good. I’d dispute that... What we’ve got now is political correctness syndrome wild, accountability gone wild, it’s too ridiculous for words.”

Importantly members in Specialist Units considered greater understanding of international relations and global crisis events as critical to policing in ways that have not been historically the case:

“I see the recruits coming through now as much more, it’s a different type. They have to be more aware of what’s happening around the world and how it impacts our own community here. Where before we didn’t have those issues to worry about. If it was a war, it was a war a million miles away, where now that war does directly impact our safety.”

“The biggest change is the attitude, because we’re getting police officers over the last 10 years who are more mature, older, they’re less likely to fall into bad habits, Younger people when they come into the job, they’re assigned to an older sergeant who a bit ‘oh we don’t worry about that shit, mate, we do it this way and we do it that way’. They’re more challenging of that.”

Survey respondents identified that one of the most significant changes they had experienced since joining Victoria Police was the increased focus on the community (36.38% strongly agreed and 43.83% agreed) (see Figure 6.18).

Figure 6.18: Question 2. What has changed most significantly since joining Victoria Police? c. Increased focus on the community

Survey respondents were asked to rate their agreement with a series of statements in relation to the changed security environment. The majority of respondents agreed that the changed security environment had impacted on policing generally (23.66% strongly agreed and 53.42% agreed). A smaller majority of respondents agreed that the changed environment had impacted on their everyday work (16.04% strongly agreed and 32.46% agreed) with 23.51% disagreeing and 3.92% strongly disagreeing with this statement (see Figure 6.19). The impact of the changed security environment on the individualised experiences of police work was more acutely felt by members of more senior ranks (Table 6.22), located in the city (Table 6.23), by those who had been in the service for longer periods (Table 6.19), and by men more than women (Table 6.21).

250 Interviewee F2
251 Interviewee F1
252 Interviewee F2
Figure 6.19: Question 13. Please rate the extent to which you agree with the following statements: b. The changed security environment has impacted on my everyday work

Table 6.19: Length of service * 13b Cross-tabulation

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### Table 6.20: Age group * 13b Cross-tabulation

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<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>15.8%</td>
<td>32.7%</td>
<td>24.2%</td>
<td>23.5%</td>
<td>3.8%</td>
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</tr>
</tbody>
</table>

### Table 6.21: Gender * 13b Cross-tabulation

<table>
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<th>strongly disagree</th>
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</tr>
</thead>
<tbody>
<tr>
<td>female</td>
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<td>26.5%</td>
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</tr>
<tr>
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</tr>
<tr>
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<td>3.7%</td>
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### Table 6.22: Rank (rc) * 13b Cross-tabulation

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<th>strongly disagree</th>
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<tr>
<td>Senior ranks</td>
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<td>2.9%</td>
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</tr>
<tr>
<td>All other officers</td>
<td>14.4%</td>
<td>32.5%</td>
<td>25.3%</td>
<td>23.7%</td>
<td>4.1%</td>
<td>100.0%</td>
</tr>
<tr>
<td>VPS/Unsworn</td>
<td>18.5%</td>
<td>27.8%</td>
<td>27.8%</td>
<td>24.1%</td>
<td>1.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>16.0%</td>
<td>32.7%</td>
<td>24.2%</td>
<td>23.3%</td>
<td>3.8%</td>
<td>100.0%</td>
</tr>
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</table>

### Table 6.23: Location * 13b Cross-tabulation

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<th>disagree</th>
<th>strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional</td>
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<td>29.9%</td>
<td>4.4%</td>
<td>100.0%</td>
</tr>
<tr>
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<td>35.5%</td>
<td>22.4%</td>
<td>21.2%</td>
<td>3.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Inner city</td>
<td>22.8%</td>
<td>34.1%</td>
<td>22.0%</td>
<td>18.7%</td>
<td>2.4%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>16.2%</td>
<td>32.6%</td>
<td>24.7%</td>
<td>22.9%</td>
<td>3.7%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
6.3.2 The Counter-Terrorism Roles of Victoria Police

Victoria Police members were asked in the force-wide survey to identify the key role of Victoria Police in relation to counter-terrorism. The responses in order of popularity were:

- **Response**
- **Prevention/preparedness**
- **Cordon and containment**

Overall responses indicated relatively high levels of confidence in the force to respond and recover from a terrorist incident. This is not surprising as it reflects the historical training and accepted role of the police in emergency-response management. Survey responses indicated lower levels of certainty regarding the ability of the force to prevent and prepare for a terrorist incident. This mostly reflects the reality that Victoria Police members, force-wide, have had limited exposure to training and understanding their evolving role in relation to terrorist incidents. This represents an opportunity to consider how the force communicates about its role in preventing a terrorist incident, particularly when that approach is primarily built upon well-accepted and sound policing practices such as community policing.

### Prevention

Survey respondents were largely unsure about whether Victoria Police has good prevention strategies for a terrorist incident (1.85% strongly agreed and 24.03% agreed that Victoria Police was well prepared with 46.4% neither agreeing nor disagreeing with this statement).

### Preparedness

Survey respondents were also unsure as to whether Victoria Police is well prepared for a terrorist incident (38.08% neither agreed nor disagreed, with an increased number, 25.88%, disagreeing, and 9.43% strongly disagreeing).

### Response

Survey respondents indicated relatively higher levels of confidence that Victoria Police has good capabilities to respond to a terrorist incident (33.09% neither agreed nor disagreed, with 32.53% agreeing and 2.03% strongly agreeing with this statement).

### Recovery

Survey respondents indicated their highest level of confidence in the capability of Victoria Police to recover from a terrorist incident (with 38.26% agreeing and 3.33% strongly agreeing with this statement, and 32.53% neither agreeing nor disagreeing).

Victoria Police has an opportunity to enhance communication about and integration of its approach to prevention and preparedness for a terrorist incident through a community policing model.

There are significant levels of uncertainty as to the role of Victoria Police in relation to a terrorist incident. Members were most confident that the force could respond and recover from a terrorist incident, and were more uncertain about prevention and preparedness.

6.3.3 Counter-Terrorism Training

Counter-terrorism training centrally contributes to members’ understanding and contribution to the diverse roles Victoria Police members can play in relation to terrorism.

8224 Victoria Police members completed a counter-terrorism awareness course as part of OSTT during 2005.253 This package aimed to raise the awareness and understanding of operational police of their role in the prevention and response to terrorism. This package, observed by members of the research team, included a focus on avoiding stereotypes of ‘suspect’ terrorists and responding to a chemical, biological or radiological attack, and was conducted over approximately 3 hours.

The training package received good reviews from officers and trainers alike through the training evaluation survey. Victoria Police members, however, failed to identify this as a form of counter-terrorism training, possibly because it was labelled an ‘awareness’ rather than a ‘training’ package. This result presents an opportunity to improve communication regarding what constitutes counter-terrorism training in a more expansive and inclusive way.

Most members located in stations expressed a need for greater counter-terrorism training but noted that such training needed to become more tailored to their specific needs and conducted within the station (possibly using a range of formats including the online environment).

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253 Figure supplied by Quality Assurance and Statistics, Continuous Improvement Unit, Operational Safety Division, Education Department, Victoria Police, May 2007.
"I think the sergeants and above need the most training. If there was a major event here all I’ve got to do is get on the air and say we’ve got this and there are people above me that will take over the whole event."254

The Interim Report indicated that training needs to be based on a clear understanding of the work of police within their communities; otherwise it is likely that their limited community interactions may provide an inadequate foundation for any introduction and development of counter-terrorism policing issues in their work environment. Since the tabling of the Interim Report Victoria Police has been proactively pursuing a more targeted approach by conducting a series of Regional information forums across the state. These sessions have been designed to further inform operational police (of all ranks) of what their role is in the prevention of terrorism at the local level, in particular including an:

- Appreciation of the current terrorism threat in the context of the Victorian environment
- Understanding of current terrorism trends including terrorist modus operandi
- Ability to recognise and process information in support of the intelligence process
- Understanding of the relevance and importance of community interaction

The discussion based around these topics has been informative and will be foundational for a range of further initiatives.

During interviews some members located in stations recalled the OSTT awareness package (Terrorism—Prevention and Response: An Operational Policing Perspective). A few made observations regarding the kind of training they had received and its usefulness.

"They told us what SIG were and what they did I think. I can’t remember anything else out of it to be quite honest. I don’t remember it being terribly informative."255

"We’re trained to death basically because there are so many changes in legislation and procedures and all that sort of thing. We’re constantly being sent to different training days. They tend to blend into one and while we’re all off training there’s nobody doing what is supposed to be done. So when you come back it is still there waiting to be done. In an ideal world we could use a lot more training, we just don’t have the time or the resources."256

The above statement reflects the majority of interviews with members located in stations who considered counter-terrorism training to be about responding to terrorist incidents. There is clearly a need to address and foster a more proactive approach in counter-terrorism training. Moreover, there needs to be an approach that is calibrated to all ranks and locations, and acknowledges that counter-terrorism prevention and response is not relegated to specialist areas.

Additional training would prove most effective if directly connected to a clear understanding of the everyday work of members within their communities.

41.76% of survey respondents confirmed they had completed counter-terrorism training (see Figure 6.20).

Cross-tabulation revealed that the work areas with the highest rates of those who believed they had completed no counter-terrorism training included frontline officers in Region 2 (69.2%), Region 3 (64.3%), Region 4 (68.7%) and Region 5 (60%). Region 1 also included 50% who said they had not completed any counter-terrorism training.

Considering that most officers undertook counter-terrorism OSTT these findings for the regions may indicate a lack of recall on the part of survey participants.

254 Interviewee A1
255 Interviewee A1
256 Interviewee A3
Members in Specialist Units reported that they had taken part in varying kinds and levels of training (see Figure 6.21). However, nearly half had undertaken no training in counter-terrorism. It is also notable that units with specific counter-terrorism remits reported that they had not undertaken any counter-terrorism training, including 39.1% of the CTCU & EMD, 31.3% of Intelligence and Covert Support and 37.5% of Specialist Support.

**Figure 6.21: Question 20. What kind of counter-terrorism training have you completed? (Choose all that apply)**

Of the members who have undertaken training most reported this had been in the form of OSTT with others reporting specialist courses, station-specific training and training as part of the ADF.

There is a need for greater counter-terrorism training for police members which will offer greater intellectual and practical understanding of terrorist threats, and of the roles and capacity of police to prevent and respond to potential terrorist incidents.

Further counter-terrorism training needs to become more tailored to the specific needs of police members and conducted within the station.

Future counter-terrorism training needs to engage directly with the role of community policing in relation to counter-terrorism policing. This training should be directly linked to everyday tasks including clear indications of productive and unproductive community policing for the prevention of terrorism.

Counter-terrorism training needs to be given greater priority in recruit training programs and should be integrated across training on areas such as community policing and emergency management. Such training should draw on an interdisciplinary approach to understanding terrorist threats and specifically focus on the role of police-community trust and police legitimacy in preventing terrorism.

From the interviews with Specialist Units it is clear that training undertaken was done so upon the initiative of individuals and not organised in a uniform or targeted way across units. Some units had undertaken Risk Management training as part of a Diploma program through a University. This training was considered valuable as it was very job specific. Some members had undertaken cultural awareness courses that were also considered valuable.

Members in Specialist Units also actively encouraged greater counter-terrorism training at the Academy, rather than tagging this training onto the already large training schedule of members in stations.

Members in Specialist Units also responded positively to limited opportunities to travel and train with overseas agencies.

Victoria Police needs to consider developing a carefully targeted training program for Specialist Units that meet the specific needs of individuals and units in ways that draw on best practice from other jurisdictions. Members of Specialist Units need to be consulted on the design, nature and timing of such training.

Survey respondents were then asked to rate the usefulness of any counter-terrorism training they had undertaken. OSTT training was considered the most useful form of counter-terrorism training reported. 85.95% of respondents indicated that further counter-terrorism training would be useful.

**Impact of Counter-Terrorism Training**

Survey respondents were asked to consider the extent to which their training (not only counter-terrorism training) prepared them to contribute to Victoria Police’s handling of a terrorist incident. The findings indicate that members in Specialist Units reported that they were sufficiently trained to contribute to Victoria Police’s counter-terrorism efforts at higher levels than members in the Regions.

Overall the findings indicate that counter-terrorism training continues to be an area considered apart from normal training and policing functions, particularly in relation to prevention and
Preparedness. The interviews and survey data collectively provide evidence that counter-terrorism is an area that is still often shrouded in mystique for many police members, who have not necessarily found effective ways to connect their ordinary training and function with a counter-terrorism purpose. If Victoria Police is to further entrench community policing as the foundation for effective counter-terrorism there are opportunities to increase communication with police members about how their current training and approach to community policing well prepares them to be proactive in preventing terrorist incidents, as well as in responding to and recovering from them. The following survey findings reflect levels of perception regarding levels of counter-terrorism training, and should not be read as objective indicators as to how well-trained members are in relation to counter-terrorism.

Preparedness

Over 25% of survey respondents reported perceiving themselves as being sufficiently trained to contribute to Victoria Police’s preparedness for a terrorist incident (see Figure 6.22). However, in excess of 72% reported that they considered that they were not sufficiently trained, or neither agreed nor disagreed that they were sufficiently trained. This included over 17% of respondents who indicated that they strongly disagreed that they were sufficiently trained to contribute to preparedness for a terrorist incident.

Figure 6.22: Question 22. Please rate the extent to which you agree with the following statements: a. I am sufficiently trained to contribute to Victoria Police’s preparedness for a terrorist incident

Cross-tabulation revealed that those areas that indicated the highest levels of disagreement that they were sufficiently trained to contribute to Victoria Police’s preparedness for a terrorist incident included Region 2 (38.5% disagree and 14.4% strongly disagree), Region 3 (44% disagree and 20.2% strongly disagree) and Region 4 (49.4% disagree and 12% strongly disagree) (see Table 6.24). Region 1 reported that 28.8% disagreed and 23.1% strongly disagreed, and in Region 5 21.8% disagreed and 23.6% strongly disagreed.

Notably 13% of the CTCU&EMD disagreed that they were sufficiently trained, and 37.5% disagreed and 12.5% strongly disagreed from Intelligence and Covert Support. Specialist Support reported that 35% disagreed and 15% strongly disagreed.

Those who reported the highest levels of agreement that they were sufficiently trained to contribute to Victoria Police’s preparedness were Forensic Services (45.5% strongly agreed and 36.4% agreed).
Table 6.24: Area * 22a Cross-tabulation

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<th>disagree</th>
<th>strongly disagree</th>
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<th>N =</th>
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<tbody>
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<tr>
<td>Intelligence &amp; Covert Support</td>
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<td></td>
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<tr>
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<td>100.0%</td>
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</tr>
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<td></td>
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<td>39.2%</td>
<td>15.7%</td>
<td>100.0%</td>
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</tr>
<tr>
<td>Region 3 (North West)</td>
<td>1.2%</td>
<td>15.7%</td>
<td>18.1%</td>
<td>44.6%</td>
<td>20.5%</td>
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<td>84</td>
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<tr>
<td>Region 4 (North East)</td>
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<td></td>
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<tr>
<td>Region 5 (South East)</td>
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<td>25.9%</td>
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<td>22.2%</td>
<td>24.1%</td>
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<td>20.8%</td>
<td>19.4%</td>
<td>36.9%</td>
<td>17.5%</td>
<td>100.0%</td>
<td>526</td>
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</tbody>
</table>

Gender cross-tabulation revealed that male respondents were more likely to strongly agree that they were sufficiently trained to contribute to preparedness (6.7% of males strongly agreed, compared to the 1.7% of females who strongly agreed) (see Table 6.25).

Table 6.25: Gender * 22a Cross-tabulation

<table>
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<tr>
<th>Gender</th>
<th>22a</th>
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<td>Total</td>
<td>N = 100.0%</td>
</tr>
<tr>
<td>female</td>
<td>1.7%</td>
<td>19.8%</td>
<td>19.8%</td>
<td>41.4%</td>
<td>17.2%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>male</td>
<td>6.8%</td>
<td>21.2%</td>
<td>19.9%</td>
<td>34.6%</td>
<td>17.4%</td>
<td>100.0%</td>
<td></td>
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<tr>
<td>Total</td>
<td>5.7%</td>
<td>20.9%</td>
<td>19.9%</td>
<td>36.1%</td>
<td>17.4%</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>
Rank cross-tabulation found that senior ranks (above the rank of senior sergeant) had higher levels of agreement (14.3% strongly agree and 37.1% agree) to those of all other ranks (5.4% strongly agree and 19.8% agree) (see Table 6.26), which most likely reflects the increased role more senior ranks would take in relation to the awareness, development and implementation of strategic initiatives when compared to the Regions.

Table 6.26: Rank (rc) * 22a Cross-tabulation

<table>
<thead>
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<th>Rank Recoded</th>
<th>22a</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>strongly agree</td>
<td>agree</td>
</tr>
<tr>
<td>Senior ranks</td>
<td>14.3%</td>
<td>37.1%</td>
</tr>
<tr>
<td>All other officers</td>
<td>5.5%</td>
<td>20.0%</td>
</tr>
<tr>
<td>VPS/Unsworn</td>
<td>1.9%</td>
<td>15.1%</td>
</tr>
<tr>
<td>Total</td>
<td>5.7%</td>
<td>20.7%</td>
</tr>
</tbody>
</table>

Prevention

Over 25% of survey respondents reported being sufficiently trained to contribute to Victoria Police’s prevention of a terrorist incident (see Figure 6.23). However, in excess of 72% reported that they were not sufficiently trained, or neither agreed nor disagreed that they were sufficiently trained. This included over 16% of respondents indicating that they strongly disagreed that they were sufficiently trained.

Cross-tabulation revealed that those areas that indicated the highest levels of disagreement that they were sufficiently trained to contribute to Victoria Police’s prevention for a terrorist incident were the four frontline regions (see Table 6.27). In Region 1, 38.5% disagreed and 23.1% strongly disagreed; in Region 2, 34.6% disagreed and 19.2% strongly disagreed; in Region 3, 47.1% disagreed and 19% strongly disagreed; and in Region 4, 45.8% disagreed and 9.6% strongly disagreed.

Those who reported the highest levels of agreement that they were sufficiently trained to contribute to Victoria Police’s prevention included Forensic Services (27.3% strongly agreed and 18.2% agreed) and the CTCU&EMD (21.7% strongly agreed and 47.8% agreed) (see Table 6.27). Notably 21.7% of the CTCU&EMD disagreed that they were sufficiently trained to contribute to Victoria Police’s prevention of a terrorist incident and 37.5% strongly disagreed. Specialist Support reported that 32.5% disagreed and 12.5% strongly disagreed.
Table 6.27: Area * 22b Cross-tabulation

% within 43

<table>
<thead>
<tr>
<th>Area</th>
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<th>agree</th>
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<tr>
<td>Counter-Terrorism Coordination &amp; Emergency Management Department</td>
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<td>33.3%</td>
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<td>12.8%</td>
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<tr>
<td>Traffic and Transport Services</td>
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<td>23.1%</td>
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<td>30.8%</td>
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<td>23.5%</td>
<td>52</td>
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<tr>
<td>Region 2 (West)</td>
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<td>19.6%</td>
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<tr>
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<tr>
<td>Region 4 (North East)</td>
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<td>83</td>
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<tr>
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<td>27.3%</td>
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<td>20.0%</td>
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<tr>
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<td></td>
<td></td>
<td>100.0%</td>
<td>526</td>
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</tbody>
</table>

Gender cross-tabulation revealed that male respondents were more likely to strongly agree that they were sufficiently trained to contribute to prevention (6% of males strongly agreed compared to the 2.6% of females who strongly agreed) (see Table 6.28).
Table 6.28: Gender * 22b Cross-tabulation

% within 42

<table>
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<th>disagree</th>
<th>strongly disagree</th>
<th>Total</th>
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<td>19.8%</td>
<td>22.4%</td>
<td>39.7%</td>
<td>15.5%</td>
<td>100.0%</td>
</tr>
<tr>
<td>male</td>
<td>6.1%</td>
<td>19.8%</td>
<td>22.6%</td>
<td>34.8%</td>
<td>16.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>5.3%</td>
<td>19.8%</td>
<td>22.5%</td>
<td>35.9%</td>
<td>16.5%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Rank cross-tabulation found that senior ranks (above the rank of senior sergeant) had higher levels of agreement (11.4% strongly agree and 28.6% agree) to those of all other ranks (5% strongly agree and 20% agree) (see Table 6.29).

Table 6.29: Rank (rc) * 22b Cross-tabulation

% within rank recoded

<table>
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<tr>
<th></th>
<th>strongly agree</th>
<th>agree</th>
<th>neither agree nor disagree</th>
<th>disagree</th>
<th>strongly disagree</th>
<th>Total</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior ranks</td>
<td>11.4%</td>
<td>26.6%</td>
<td>14.3%</td>
<td>40.0%</td>
<td>5.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>All other officers</td>
<td>5.0%</td>
<td>20.4%</td>
<td>22.2%</td>
<td>36.6%</td>
<td>15.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>VPS/Unsworn</td>
<td>3.8%</td>
<td>11.3%</td>
<td>28.3%</td>
<td>26.4%</td>
<td>30.2%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>5.3%</td>
<td>20.0%</td>
<td>22.3%</td>
<td>35.8%</td>
<td>16.6%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Response

Over 33% of survey respondents reported being sufficiently trained to contribute to Victoria Police’s response to a terrorist incident (see Figure 6.24). However, in excess of 64% reported that they were not sufficiently trained, or neither agreed nor disagreed that they were sufficiently trained. This included over 15% of respondents indicating that they strongly disagreed that they were sufficiently trained.

This included over 15% of respondents indicating that they strongly disagreed that they were sufficiently trained.

Figure 6.24: Question 22. Please rate the extent to which you agree with the following statements: c. I am sufficiently trained to contribute to Victoria Police’s response to a terrorist incident

![Figure 6.24: Question 22](image)

Those who reported the highest levels of agreement that they were sufficiently trained to contribute to Victoria Police’s response included Forensic Services (45.5% strongly agreed and 36.4% agreed) and the CTCU&EMD (17.4% strongly agreed and 52.2% agreed) (see Table 6.30).

Cross-tabulation revealed that those areas that indicated the highest levels of disagreement that they were sufficiently trained to contribute to Victoria Police’s response to a terrorist incident included Region 1 (42.3% disagree and 23.1% strongly disagree), Region 2 (34.6% disagree and 11.5% strongly disagree), Region 3 (36.9% disagree and 17.9% strongly disagree) and Region 4 (34.9% disagree and 10.8% strongly disagree) (see Table 6.30).

Notably 21.7% of the CTCU&EMD disagreed that they were sufficiently trained to contribute to Victoria Police’s response to a terrorist incident. Specialist Support reported that 30% disagreed and 12.5% strongly disagreed. Traffic and Transport Services reported that 38.5% disagreed and 15.4% strongly disagreed, and Ethical Standards reported that 57.1% disagreed and 28.6% strongly disagreed.
Table 6.30: Area * 22c Cross-tabulation

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<th>neither agree nor disagree</th>
<th>disagree</th>
<th>strongly disagree</th>
<th>Total N=</th>
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<td></td>
</tr>
<tr>
<td>Business &amp; Information Technology Services</td>
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<td>50.0%</td>
<td>25.0%</td>
<td></td>
<td></td>
<td>100.0% 4</td>
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<td>Business Management</td>
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<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Crime</td>
<td>5.3%</td>
<td>15.8%</td>
<td>21.1%</td>
<td>47.4%</td>
<td>10.5%</td>
<td>100.0% 19</td>
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<td></td>
</tr>
<tr>
<td>Counter-Terrorism Coordination &amp; Emergency Management Department</td>
<td>17.4%</td>
<td>52.2%</td>
<td>8.7%</td>
<td>21.7%</td>
<td></td>
<td>100.0% 23</td>
</tr>
<tr>
<td>Education</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethical Standards</td>
<td>14.3%</td>
<td>57.1%</td>
<td>28.6%</td>
<td></td>
<td></td>
<td>100.0% 7</td>
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<tr>
<td>Forensic Services</td>
<td>50.0%</td>
<td>40.0%</td>
<td></td>
<td></td>
<td></td>
<td>100.0% 11</td>
</tr>
<tr>
<td>Human Resources</td>
<td>10.0%</td>
<td>20.0%</td>
<td>30.0%</td>
<td>40.0%</td>
<td></td>
<td>100.0% 11</td>
</tr>
<tr>
<td>Intelligence &amp; Covert Support</td>
<td>12.5%</td>
<td>53.1%</td>
<td>6.3%</td>
<td>15.6%</td>
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<td>12.5% 32</td>
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<tr>
<td>Legal Services</td>
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<td></td>
</tr>
<tr>
<td>Media &amp; Corporate Communications</td>
<td>33.3%</td>
<td>33.3%</td>
<td>33.3%</td>
<td></td>
<td></td>
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<tr>
<td>Operations Coordination</td>
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<td>20.0%</td>
<td>40.0%</td>
<td></td>
<td>13.3% 16</td>
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<tr>
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<td>7.7%</td>
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<td>17.9%</td>
<td>30.8%</td>
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<td>23.1%</td>
<td>15.4%</td>
<td>38.5%</td>
<td></td>
<td>15.4% 13</td>
</tr>
<tr>
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<td>3.9%</td>
<td>13.7%</td>
<td>15.7%</td>
<td>43.1%</td>
<td>23.5%</td>
<td>100.0% 52</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Region 3 (North West)</td>
<td>1.2%</td>
<td>30.1%</td>
<td>13.3%</td>
<td>37.3%</td>
<td>18.1%</td>
<td>100.0% 84</td>
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<tr>
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<td>35.4%</td>
<td>11.0%</td>
<td>100.0% 83</td>
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<tr>
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<td>23.6%</td>
<td>18.2%</td>
<td>100.0% 55</td>
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<tr>
<td>Total</td>
<td>6.0%</td>
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<td>17.8%</td>
<td>32.8%</td>
<td>15.4%</td>
<td>100.0% 526</td>
</tr>
</tbody>
</table>

Gender cross-tabulation revealed that male respondents were more likely to strongly agree that they were sufficiently trained to contribute to response (7.2% of males strongly agreed in contrast to the 0.9% of females who strongly agreed; and 28.4% males agreed and 22.2% of females agreed) (see Table 6.31).

Table 6.31: Gender * 22c Cross-tabulation

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<th>disagree</th>
<th>strongly disagree</th>
<th>Total</th>
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<td>.9%</td>
<td>22.6%</td>
<td>20.9%</td>
<td>43.5%</td>
<td>12.2%</td>
<td>100.0%</td>
</tr>
<tr>
<td>male</td>
<td>7.3%</td>
<td>28.9%</td>
<td>18.0%</td>
<td>30.1%</td>
<td>15.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>5.9%</td>
<td>27.5%</td>
<td>18.6%</td>
<td>33.1%</td>
<td>14.9%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Rank cross-tabulation found that senior ranks (above the rank of senior sergeant) had higher levels of agreement (14.3% strongly agree and 45.7% agree) to those of all other ranks (5.6% strongly agree and 27.5% agree) (see Table 6.32).
Table 6.32: Rank (rc) * 22c Cross-tabulation

% within rank recoded

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<th>agree</th>
<th>neither agree nor disagree</th>
<th>disagree</th>
<th>strongly disagree</th>
<th>Total</th>
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</thead>
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<tr>
<td>Senior ranks</td>
<td>14.3%</td>
<td>45.7%</td>
<td>5.7%</td>
<td>28.6%</td>
<td>5.7%</td>
<td>100.0%</td>
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<tr>
<td>All other officers</td>
<td>5.7%</td>
<td>27.8%</td>
<td>18.7%</td>
<td>33.0%</td>
<td>14.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>VPS/Unsworn</td>
<td>2.0%</td>
<td>19.6%</td>
<td>21.6%</td>
<td>31.4%</td>
<td>25.5%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>5.9%</td>
<td>28.2%</td>
<td>18.1%</td>
<td>32.6%</td>
<td>15.2%</td>
<td>100.0%</td>
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</table>

Recovery

Over 33% of survey respondents reported being sufficiently trained to contribute to Victoria Police’s recovery from a terrorist incident (see Figure 6.25). However, in excess of 64% reported that they were not sufficiently trained, or neither agreed nor disagreed that they were sufficiently trained. This included over 15% of respondents indicating that they strongly disagreed that they were sufficiently trained to contribute to recovery from a terrorist incident.

Figure 6.25: Question 22. Please rate the extent to which you agree with the following statements: d. I am sufficiently trained to contribute to Victoria Police’s recovery from a terrorist incident

Those who reported the highest levels of agreement that they were sufficiently trained to contribute to Victoria Police’s recovery included Forensic Services (45.5% strongly agreed and 36.4% agreed) and the CTCU&EMD (17.4% strongly agreed and 52.2% agreed) (see Table 6.33).

Cross-tabulation revealed that those areas that indicated the highest levels of disagreement that they were sufficiently trained to contribute to Victoria Police’s recovery from a terrorist incident included Region 1 (36.5% disagree and 25% strongly disagree), Region 2 (25% disagree and 15.4% strongly disagree), Region 3 (35.7% disagree and 17.9% strongly disagree) and Region 4 (34.9% disagree and 8.4% strongly disagree) (see Table 6.33).

Notably 26.1% of the CTCU&EMD disagreed that they were sufficiently trained to contribute to Victoria Police’s recovery from a terrorist incident. Specialist Support reported that 30% disagreed and 12.5% strongly disagreed. Ethical Standards reported that 28.6% disagreed and 42.9% strongly disagreed. Media and Corporate Communications reported that 33.3% disagreed and 33.3% strongly disagreed. Crime reported that 42.1% disagreed and 10.5% strongly disagreed.
Table 6.33: Area * 22d Cross-tabulation

<table>
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<th>agree</th>
<th>neither agree nor disagree</th>
<th>disagree</th>
<th>strongly disagree</th>
<th>Total N=</th>
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<td>100.0%</td>
<td>100.0%</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crime</td>
<td>21.1%</td>
<td>26.3%</td>
<td>42.1%</td>
<td>10.5%</td>
<td>100.0%</td>
<td>19</td>
</tr>
<tr>
<td>Corporate Strategy &amp; Performance</td>
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<td>50.0%</td>
<td>100.0%</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counter-Terrorism Coordination &amp; Emergency Management Department</td>
<td>21.7%</td>
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<td>13.0%</td>
<td>26.1%</td>
<td>100.0%</td>
<td>23</td>
</tr>
<tr>
<td>Education</td>
<td>25.0%</td>
<td>25.0%</td>
<td>50.0%</td>
<td>100.0%</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Ethical Standards</td>
<td>14.3%</td>
<td>14.3%</td>
<td>28.6%</td>
<td>42.9%</td>
<td>100.0%</td>
<td>7</td>
</tr>
<tr>
<td>Forensic Services</td>
<td>27.3%</td>
<td>36.4%</td>
<td>27.3%</td>
<td>9.1%</td>
<td>100.0%</td>
<td>11</td>
</tr>
<tr>
<td>Human Resources</td>
<td>9.1%</td>
<td>18.2%</td>
<td>36.4%</td>
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<td>100.0%</td>
<td>11</td>
</tr>
<tr>
<td>Intelligence &amp; Covert Support</td>
<td>3.1%</td>
<td>37.5%</td>
<td>18.8%</td>
<td>31.3%</td>
<td>9.4%</td>
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<td>29.3%</td>
<td>19.9%</td>
<td>30.9%</td>
<td>15.3%</td>
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</tbody>
</table>

Gender cross-tabulation revealed that male respondents were more likely to strongly agree that they were sufficiently trained to contribute to recovery (5% of males strongly agreed compared to 2.6% of females who strongly agreed) (see Table 6.34).

Table 6.34: Gender * 22d Cross-tabulation

<table>
<thead>
<tr>
<th>Gender</th>
<th>strongly agree</th>
<th>agree</th>
<th>neither agree nor disagree</th>
<th>disagree</th>
<th>strongly disagree</th>
<th>Total N=</th>
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<tbody>
<tr>
<td>female</td>
<td>2.6%</td>
<td>23.3%</td>
<td>22.4%</td>
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<td>12.9%</td>
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</tr>
<tr>
<td>male</td>
<td>5.1%</td>
<td>30.5%</td>
<td>20.1%</td>
<td>28.4%</td>
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<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>4.5%</td>
<td>28.8%</td>
<td>20.6%</td>
<td>30.8%</td>
<td>15.3%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Rank cross-tabulation found that senior ranks (above the rank of senior sergeant) had higher levels of agreement (17.1% strongly agree and 48.6% agree) to those of all other ranks (3.8% strongly agree and 29.5% agree) (see Table 6.35).
Table 6.35: Rank (rc) * 22d Cross-tabulation

% within rank recoded

<table>
<thead>
<tr>
<th>rank recoded</th>
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<th>agree</th>
<th>neither agree nor disagree</th>
<th>disagree</th>
<th>strongly disagree</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Senior ranks</td>
<td>17.1%</td>
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<tr>
<td>All other officers</td>
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<tr>
<td>VPS/Unsworn</td>
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<td>13.2%</td>
<td>32.1%</td>
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<td>26.4%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>4.8%</td>
<td>29.5%</td>
<td>20.0%</td>
<td>30.7%</td>
<td>15.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

The results in this section indicate problematic levels of confidence in the capacity of the force, and of individual members, to contribute to the prevention of potential terrorist incidents. It must be stressed that these levels of uncertainty are measures taken from the perceptions of police members and are not the results of capacity testing. Therefore, the most important course of action is to ensure that levels of uncertainty are not primarily being caused by a failure of communication as to the roles and responsibilities of the force, and individuals, in preventing terrorism. Second, Victoria Police needs to consider how it can develop measures to ascertain the capacity of the force and individual members in relation to the prevention of terrorism.

Victoria Police is primarily presented with an opportunity to improve communication of its counter-terrorism approach to dispel the uncertainty of its members as to their role and capabilities by embedding the counter-terrorism approach within a community-policing framework.

Members based in stations need to be assisted in developing a clearer understanding of their role in relation to counter-terrorism, particularly the prevention of terrorism.

Victoria Police could consider reviewing their counter-terrorism training and effectiveness to better ascertain force-wide capability levels, in turn to design strategies to demystify counter-terrorism policing. The research suggests that there are clear and recognised synergies between emergency management and terrorism-response and recovery functions.

The research also suggests that there is less recognition of the synergies between community policing on the one hand and preparation for and prevention of terrorist incidents on the other.

Victoria Police could consider the expansion of counter-terrorism exercises to include not only response and recovery simulations but also prevention and preparedness exercises. This may provide members with a better gauge of how capable they are in relation to these counter-terrorism functions and the effectiveness of their training.

Counter-terrorism training needs to build on broader policing training that is embedded in an interdisciplinary understanding of the role of the police, the relevance of human rights and the changing security environment in which police work.

Victoria Police should review its pedagogical approach to counter-terrorism training to ensure a best practice approach at all levels of the organisation.

6.3.4 Counter-Terrorism Challenges

Overwhelmingly members interviewed in stations identified few counter-terrorism challenges and rather suggested that counter-terrorism was simply not part of their daily policing landscape, and that this would remain the case until an incident occurred in Melbourne. Many also suggested that counter-terrorism is a challenge only for Specialist Units. Members who did identify any counter-terrorism challenges in relation to the community mentioned becoming more observant, concerns over community trust and information sharing with the community.
Survey respondents were asked if there are any counter-terrorism challenges for Victoria Police. 90.39% responded “Yes” to this question. Survey respondents were then asked to identify the key counter-terrorism challenges for Victoria Police. In order of popularity these were:

- Time and resources (38.08% strongly agree and 46.58% agree)
- Internal organisation (35.67% strongly agree and 43.62% agree)
- Promoting understanding with the community (22.18% strongly agree and 50.65% agree)

Survey respondents were asked to comment on the biggest challenges within Victoria Police in the current security environment. Responses, in order of popularity, were:

- Limited resources
- Understanding the nature of the terrorist threat
- Internal organisational issues
- Limited time
- Community trust

**Internal Organisational Issues**

The current internal organisation of counter-terrorism issues within Victoria Police is relatively young, including the establishment of some areas with specific counter-terrorism functions, such as the CTCU. Within the lifetime of this research (2004-2007) many changes have taken place regarding the internal organisation of counter-terrorism issues: for example, the development and consolidation of relationships among various Specialist Units with counter-terrorism remits, and the development of initiatives to enhance communication between operational members and Specialist Units. Counter-terrorism is a highly dynamic area embedded in a policing context that is rapidly changing, particularly in terms of how different work areas relate to one another in the counter-terrorism context. Therefore it is not surprising that the research indicated areas where the integration of counter-terrorism approaches across the force could be better implemented. Importantly, some of the integrative work has already begun.

Members interviewed in stations expressed relatively few concerns regarding the approach and organisation of Victoria Police in relation to counter-terrorism, other than those highlighted in relation to counter-terrorism training.

Some members interviewed in stations observed that the growth of the counter-terrorism area was not commensurate with the level of terrorist threat or the daily reality of their work. Members located in stations considered counter-terrorism primarily the remit of Specialist Units. Victoria Police may want to consider whether this perception is productive considering the increasing focus on communities in preventing terrorism. Members interviewed in stations expressed a desire for greater understanding and integration between stations and Specialist Units in relation to counter-terrorism.

Victoria Police has a number of Specialist Units concerned with counter-terrorism issues. The interviews indicated a lack, or at the very least a perceived lack, of integration between units. The issue of integration was manifest in concerns regarding resources, community contacts and relations, and organisational structures. Primarily the key organisational issue referred to in interviews with Specialist Units related to the impact of resource allocation for counter-terrorism related tasks. From the interviews it is apparent that a level of cynicism has developed around how Victoria Police allocates counter-terrorism resources. It can be reasonably expected that any such cynicism will impact on morale and the effective integration of diverse areas in the counter-terrorism effort.

Members in Specialist Units also discussed the allocation of counter-terrorism resources within Victoria Police in relation to what was perceived by some members as a lack of understanding between sections about what they do in relation to counter-terrorism, and how they do it. There were perceived fears that units could be hampering one another in their attempts to work with communities to prevent terrorism.

“I’d like to see a more effective system established. We’ve got an opportunity now to become more professional in this field. We need to find the best model we can, and ensure that it works. Our intelligence model here is a good model, but there are lines that are crossed all the time. Rather than reinventing the wheel let’s make the wheel better….I’d just like to emphasise that the empire building and the backbiting and trying to take over other people’s roles is counterproductive. If there’s one thing I’d like you to leave this room with is knowing that issue….I think we’re wanting for all a better leadership.”\(^{257}\)

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\(^{257}\) Interviewee F1
Victoria Police now has the opportunity to further enhance an integrated approach to counter-terrorism policing by greater understanding and cooperation between Specialist Units with counter-terrorism remits.

Survey responses confirmed the interim findings in regard to concerns over organisational issues and counter-terrorism, with a high number of respondents from Specialist Units with counter-terrorism remit being most concerned. Survey respondents were asked to further identify what these internal challenges were. Responses in order of popularity were:

- Limited time and resources (41.59% strongly agree and 39.93% agree)
- Coordination and interface between units (30.31% strongly agree and 47.69% agree)
- Politicisation of the counter-terrorism issue (26.06% strongly agree and 38.45% agree)
- Prioritisation of community (18.48% strongly agree and 42.33% agree)

The least popular response (with 53.42% agreeing or strongly agreeing) that the biggest challenge was community trust, was more of a concern for those who had been in the force 1-2 years and for female members.

Victoria Police could better address the perceptions of internal organisational issues through clear communication of the integration and coordination of units with counter-terrorism remits.

Members located in stations need a clearer understanding of the role of Specialist Units with counter-terrorism remits. This understanding should not be communicated simply through written material but should involve face-to-face interaction informed by the nature of the communities these stations serve.

Table 6.36: Area * 14d Cross-tabulation

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<td>Region 2 (West)</td>
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Counter-terrorism and the Inter-Agency Environment

The interview and survey data demonstrated that Victoria Police members recognised their organisation’s strengths in the community-policing environment. This expertise and specialisation were considered to be historically grounded and related to the organisation’s operational requirements. Similarly, the data suggested that Victorian police recognised the strengths of organisations such as ASIO and the AFP in reaching into the global environment. Specifically this meant that members considered federal agencies to be excellent conduits for connecting their work with the international community, while at the same time they considered themselves important in assisting organisations such as ASIO and the AFP in better understanding the community-policing environment. As these inter-agency relationships become increasingly sophisticated, there are some weaknesses that could be directly redressed to more quickly enhance this exchange in relation to counter-terrorism.

The complex inter-agency approach to counter-terrorism has had mixed but limited impact on members located in stations. Most members interviewed had no interaction with other law enforcement agencies in relation to counter-terrorism. However, for some members located in stations situated in areas with critical infrastructure some noted inter-agency issues of potential counter-terrorism significance. Concerns were primarily about unclear delineation of responsibility between Victoria Police and the AFP.

The impact of actions by other law enforcement agencies such as the AFP and intelligence bodies such as ASIO generated mixed responses from interview respondents. Increasingly the actions of other law enforcement bodies operating in the counter-terrorism environment can impact both positively and negatively on community relations with Victoria Police.

Members of Specialist Units interviewed expressed little concern with their interactions with ASIO, noting an overall productive working relationship. The key to this success seemed to be rooted in the clear delineation of roles (particularly in relation to how they work with community groups, leaders and others), timely sharing of information and the level of experience and expertise brought to bear on the counter-terrorism environment.

However, clear differences were noted in terms of the remit and approach between ASIO and Victoria Police, and the consequences of this difference, including recent improvements in this relationship:

“ASIO’s job is much easier, because ASIO don’t actually arrest anybody as such, they don’t hand out jail sentences like coppers do. And some jobs, people might be a way of telling you things, thinking this person’s going to be sent to jail, they’ll tell ASIO that because ASIO don’t send people to jail.”

Nonetheless, there remain clear and important differences between agencies in how they worked with the community:

“We’re more from a community angle, we’re trying to work out, they might be from an intelligence angle, doing other things, like running them as informants kind of thing, you know what I mean to get information. Whereas we’re going in a little bit more community, a little bit more friendly than them, and I know that there’s been comments saying ‘will they know that we’re from the Police?’ Because they’ll talk to us but often they won’t talk to ASIO, they know that ASIO is looking at it from a different angle, and we’re quite happy with that relationship and so is ASIO, because at the end of the day, we all can’t go a bit hard line. It’s almost like the tough cop and the easy cop, let them go a bit hard line and then we can come in and say ‘is everything ok?’”

258 Interviewee F1

259 Interviewee F2
Recognising the importance of federal law enforcement to the counter-terrorism environment, members expressed their strong desire to have a productive working relationship with the AFP.

“We’ve seen now that if you’re going to work in isolation…you’re going to make errors. You’re going to make mistakes, and you’re not going to get the whole picture.”

However, the interviews indicate a number of challenges in achieving a productive inter-agency work environment. As the AFP has a more limited community context in Victoria some respondents noted that any interactions that the AFP had with the community, particularly those of an adverse nature, do not reverberate in the same way as would be the case with state-based law enforcement agencies. All members who discussed the challenges of working in the inter-agency counter-terrorism environment commented that working with the AFP presented particular challenges for conserving positive community relations.

On the one hand, some members were concerned that the community did not differentiate between Victoria Police members and AFP members:

“I think they pretty much presume we’re the same. Once we explain what we’re there for, they just see us as pretty much the same.”

On the other hand, many members believed the community was able to clearly distinguish between the two agencies:

“We don’t have a lot of angst from the community towards us, in my view, because we’re not actively involved in those raids, as in searches, they know that it’s their warrant, they know that we’ve got a role to play in just preserving the house and making sure that there is no violence and the entry’s affected and the security, and we might only have a couple of people there, as we did recently.”

Whether communities identify a difference between the two may become increasingly important in terms of continuing levels of trust, particularly between CALD communities and Victoria Police.

At the station level the delineation between and integration of Victoria Police and other agencies requires greater clarity and communication.

Relationships with other law enforcement agencies need to be carefully examined to ensure that the actions of federal law enforcement do not compromise the preventative counter-terrorism work undertaken by Victoria Police in a community-policing context.

The inter-agency environment could be enhanced through the utilisation of VicPol training and courses on best practice community policing by organisations such as the AFP and ASIO.

The inter-agency environment could be enhanced through the briefing of other law enforcement agencies by key members of VicPol in relation to community policing, including MLOs and members of other specialist areas.

Operating Under Counter-Terrorism Legislation

Unsurprisingly, members located in stations demonstrated limited knowledge of the counter-terrorism legislative environment. Very few were aware of specialist Commonwealth and Victorian legislation. Those few who did indicate such an awareness noted the political nature of the legislation and its limited value for their work.

“We look for our offences under the Victorian Crimes Act. I am aware that we have a lot of powers under the anti-terrorism legislation or something. So we’ve got lots of powers there but I haven’t had to use them because I don’t think anyone’s aware. I think we’ve got a pretty powerful Act, I’ve been told. But I’m not sure. We haven’t been trained in what that Act says we can do. I think it’s all a little bit over our heads deciding whether something is domestic related or related to terrorism. We just haven’t been trained...We work with what we know, you can fit most offences in under the State Act. So we probably don’t need to use it...We’ve always got a way of getting into a house, there’s always something, at the very least we can get a warrant.”

260 Interviewee F2
261 Interviewee F1
262 Interviewee F2
263 Interviewee A1
According to the survey, 10.63% of respondents reported having operated under specialist terrorist-related legislation (see Figure 6.26).

**Figure 6.26: Question 24. Have you operated under specialist terrorist-related legislation?**

Cross-tabulation revealed that those who had operated under the legislation were mostly located in Specialist Units with counter-terrorism remits (see Table 6.37). 47.8% of respondents from CTCU&EMD, 45.5% of respondents from Forensic Services, 37.5% of Intelligence and Covert Support and 22.5% of Specialist Support had operated under specialist terrorist-related legislation. Very low numbers of respondents from the Regions reported having operated under such legislation, although 5.8% of respondents from Region 1 reported having operated under specialist terrorist-related legislation—most likely special legislation implemented during the Melbourne Commonwealth Games in 2005.
Table 6.37: Area * 24 Cross-tabulation

% within 43

<table>
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<tr>
<th></th>
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<th>Total</th>
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<td>89.5%</td>
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Adequacy of Counter-Terrorism Legislation

From their limited counter-terrorism experience and legislative understanding station officers routinely reaffirmed that the powers contained in the Crimes Act were appropriate and adequate for their work and potential engagement with terrorist incidents. This may primarily reflect greater familiarity and understanding of the Crimes Act.

The adequacy and workability of counter-terrorism legislation was a key concern of police members working in Specialist Units. Primarily they discussed the operation of the Terrorism (Community Protection) Act 2003 and the numerous pieces of Commonwealth legislation developed post–September 11.

Members located in Specialist Units reviewed favourably the provisions of the Terrorism (Community Protection) Act 2003; however, they noted that its use was relatively rare. Only a few officers had actually been involved in operations that utilised this legislation.

“The only thing that was introduced for us was the Terrorism (Community Protection) Act 2003, I think it was, and that basically gave us the ability to quarantine people, if there was some sort of release of chemicals or biological stuff. And the other one was the ability to do covert entries. Now the covert entry legislation has been, we’ve used that a bit, and that’s been very successful, because it gives you the ability to go and look at something. Cause you’ve still got to convince a Judge via affidavit that you’ve got the grounds, but it gives you a chance to look at something without alerting them to it, without overtly raiding the property, so that’s been an effective tool...It achieved its purpose, it’s not, it’s got two purposes, you’re looking at it to see whether something is bad, and then at
the end of day, you need to look at whether I need to look at it and yeah that’s ok. There’s nothing in that whatever it might have been, that we were going in to look at. In terms of that legislation the community wouldn’t know about it, cause it’s all secretive of course.”

Members in Specialist Units expressed a range of concerns with the operation of Commonwealth legislation. Indeed most of their concerns regarding counter-terrorism legislation rested with this body of legislation.

All members in Specialist Units noted the complexity of Commonwealth counter-terrorism legislation and its rapid development. Many officers noted that the legislation seemed to be developed in a way that did not directly engage with the needs of officers working on counter-terrorism in a state-policing context.

Concerns with the evidence gathering processes linked to Commonwealth legislation, and interaction with federal agencies, meant that members preferred to use the Victorian Crimes Act over the Commonwealth legislation:

“With the Federal Law you’re restricted to four hours of questioning and then you’ve got to go and get another Magistrate to authorise an extension. Whereas in the Victoria Police we just act on reasonable time and if that’s three days well so be it. As long as you can justify why the person’s in custody for three days our legislation makes a lot more sense.”

“The exercises that we’ve done have shown a distinct lack of cooperation from the like. We did an exercise a year or 18 months ago, it was Mercury 04. Because the Federal legislation talks about, like when you’re seizing stuff, swabs and evidence and it’s got to be collected as per the Federal Act. And then if you [put] someone in custody it’s only for 4 hours, and you’ve got to go for extensions, and you’ve got to use different forms when you want to do this and different procedures when you want to do that. And Victoria Police don’t know those procedures very well, even though you can say all the training, you’re only comfortable with what you use and I’m pretty sure that we would go with, if there was a bombing at the American consulate, and two people were killed in the street and we had some offenders, we’d be charging them with murder. Cause we know that we are comfortable with the processes, technically, technically the correct offence is, assuming that we’re able to establish that it’s politically motivated, would be terrorism under 101 which would mean, it’s not that we can’t lay the charges, because we are Commonwealth police officers, for the purposes of the act. We could do it, but we wouldn’t be comfortable with the time limits, with the different things you’ve got to do, you collect evidence under a different set of rules. Which would mean if we didn’t obey those rules, which would mean that the evidence that we collected could be excluded at the trial. And that’s a major issue for us, so if we collected evidence under what we’re comfortable with, and charged and did it all per our rules, we’d be confident that they’d be charged with murder. Murder has life, the same as terrorism has life, there’s a lot of argument about the need to use that legislation, and they’ve got to do something to make that a bit more friendly, I suppose, cause then you can still be prosecuted by the Commonwealth DPP, there’s a whole range of issues and we wouldn’t feel confident with AFP doing that investigation.”

Interviewer: Why not?

“Because we don’t think they have the experience, the people who work on the joint teams, like we’ve got about seven investigators over there with a minimum of fourteen years experience. They’ve got some people there who were out of Barton College two months ago, now, whilst they’re good people, we have no problem with the people, they all try hard, but none of them have investigated a murder. It’s like throwing them into the deep end, you couldn’t do it to them, and there’s a whole range of issues about whether we would just hand over that investigation to AFP.”
Interviewer: How do you see this being solved?

“Well there’s a lot of, if there was an incident here where there was loss of life, bomb in a subway, that type of thing, that’s just recently occurred in the UK, Victorian Police would take charge of it, not the Federal Police, they don’t have any people here who could come down, at this stage, they don’t have the people here and they would admit that themselves.”

Many members interviewed used the example of the Commonwealth legislation to suggest that should an incident take place in Melbourne there is the potential for some confusion. Many commented that they had adequate provisions within existing legislation, including the provision to hold suspects for adequate lengths of time.

Commonwealth counter-terrorism legislation was considered by some members as too political in nature and intent with little benefit for state policing. It was seen as facilitating an often poorly experienced AFP at the expense of the time and support of Victoria Police members.

Members working in Specialist Units repeatedly called for the Commonwealth legislation to be simplified and/or codified and better directed at their needs. They particularly noted that such legislation had not been developed in consultation with units working at the coalface of counter-terrorism at the state level.

Survey respondents who had operated under specialist terrorist-related legislation were asked to rate the legislation on a scale from highly workable to workable (see Figure 6.27). 63.75% of those respondents rated it workable and 2.5% highly workable. 28.8% rated it barely workable and 5% unworkable.

Cross-tabulation for area indicated that areas with specific counter-terrorism remits expressed significant levels of dissatisfaction with the legislation (Table 6.38). 50% of respondents from the CTCU&EMD considered the legislation barely workable, 33.3% of respondents from Intelligence and Covert Support considered the legislation barely workable, and 27.3% of respondents from Specialist Support considered it barely workable. All respondents from Forensic Services (100%) considered it barely workable and all respondents from Prosecutions (100%) considered it unworkable.

The limited number of survey responses from the Regions also indicated some level of concern over its workability, with reports of between 25 and 60% of those from Regions 1-4 considering it barely workable or unworkable.

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265 Interviewee F2
Table 6.38: Area * 25 Cross-tabulation (NA/NR NOT included)

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Survey respondents who had operated under the legislation were asked whether it could be improved for counter-terrorism policing (see Figure 6.28). 87.21% said yes and 12.79% said no. When this data was cross-tabulated for area the vast majority of respondents indicated that it could be improved.
Respondents were asked how the legislation could be improved (see Table 6.39). Around half indicated it could be simplified, more than half indicated there needed to be a clearer distinction between state and federal legislation, more than half indicated there needed to be a clearer distinction between the use of law enforcement and intelligence agencies, and over three-quarters indicated there needed to be better training about the legislation.

Table 6.39: Question 27. How could the legislation be improved? (choose all that apply)

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<td>clearer distinction between state and federal legislation</td>
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<td>24.8%</td>
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<td>clearer distinction between the use of law enforcement and intelligence agencies</td>
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<tr>
<td>better training about legislation</td>
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</tr>
<tr>
<td>Total</td>
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</table>

a Group
b Percentage of cases total does not add up to 100% because participants could choose more than one answer.

Feedback from the survey conducted by the research project indicating concern about the Commonwealth legislation is consistent with the rapid and continuous enactment of counter-terrorism legislation and the lack of adequate consultation involved in the enactment of such legislation. These concerns may be exacerbated or allayed in the event of more widespread experience with the use of such legislation.

Victoria Police would benefit from developing an integrated approach to counter-terrorism. This approach needs to foster understanding and integration between Specialist Units. This should occur beyond the senior management of those units.

Victoria Police may benefit from mapping the counter-terrorism roles to maximise the exchange of expertise and experience.

Victoria Police needs to consider the processes and profiles of all Specialist Units underlying the building of community relationships.

Gaining the trust and confidence of new and emerging communities is critical for successful community policing and counter-terrorism policing. Adequate time, training and understanding needs to be directed at these issues in terms of everyday police work.
7.0 Culturally Diverse Communities: Policing and Terrorism

“Any operational benefit to the [UK] police [from new paramilitary-style laws] is bound to be more than offset by the further alienation of exactly those sections of the Muslim community whose cooperation is needed to prevent more atrocities. If peaceful organisations are banned, Muslims are routinely locked up without charge and support for mainstream Muslim causes is criminalised, some will certainly be intimidated and keep their heads down. But others will conclude that participation in politics is pointless, that the tolerance and liberal democracy proclaimed by the political establishment is a fraud—and go underground.”

7.1 Overview

Through this research, Victorian police have identified the actual and/or potential negative impact of counter-terrorism policing on their relationships with the entire Victorian community generally, and with groups who have been targeted or perceive they have been targeted by counter-terrorism specifically. To this end the project reflects a proactive commitment by the Victorian police to ensure that in an atmosphere of heightened social anxiety caused by recent acts of international terrorism that its officers remain well-equipped to protect the rights and security of all Victorians, regardless of their myriad cultural and religious differences.

It is hoped that a community-informed model of counter-terrorism policing can be developed that will contribute to alternative forms and representations of policing and thereby contribute to the strengths of multicultural democracy to stymie the spread of terrorist networks and protect human rights. It is the ambition of Victoria Police and its research partners at Monash University to use counter-terrorism policing as a way of strengthening the multicultural character of the Victorian community.

Perceptions of the police as actors whose principal role is to protect the interest of one segment of society against those of another is a feature of many Western European societies with similar levels of cultural and religious diversity as Victoria. In situations marked by such tensions, the types of errors that are inevitably made in the course of counter-terrorism policing (by either the police or community leaders) can quickly spiral out of control and undermine the fulcrum of community trust upon which effective counter-terrorism management strategies must rest. A recent example of this occurring was a June 2006 raid on a house in the north London suburb of Forest Gate by counter-terrorism officers of the Metropolitan Police. In this incident, Metropolitan Police counter-terrorism officers enacted a forced building entry against the home of two brothers—Mohammed Abdulkahar and Abul Koyair—on the basis of a tip-off from allegedly reliable sources within the community. During this raid one of the men was accidentally shot and wounded by a police officer who was forced to handle a loaded weapon while wearing cumbersome protective clothing, designed to protect officers from the possibility that the house contained chemical weapons. The tip-off proved incorrect and following extensive investigations the two brothers were cleared of all allegations and no charges were laid. However, the high-profile nature of the raid, the accidental shooting of one of the young men, the failure to produce any evidence to support the serious allegations initially made to justify the raid, as well as the subsequent failure to lay any charges, contributed to a serious deterioration in police-community relations. In particular, many members of the community felt that the seriousness of the allegations—the production of high-impact terrorist weapons—effectively tarnished the reputations of all Muslims. Moreover, the failure to produce any evidence to support the allegations reinforced perceptions of victimisation. In summary, the Forest Gate episode provided a publicity coup for extremist groups in Britain, who continue to use the incident as a key part in their efforts to recruit from within disaffected pockets of British society, despite a substantial effort by the Metropolitan Police to repair relations with the local community. This incident also reinforces Stohl’s observation that displays of overt force by the police rarely daunt terrorists or their supporters. Rather, when used in situations that go awry, such

exercises have a dangerous capacity to increase terrorist support that they are designed to reduce.  

Magnus Ranstorp, Director of the Centre for the Study of Terrorism and Political Violence at St Andrew’s University in Scotland, echoes the dangers inherent in this side of human destructiveness when he warns of the need to avoid responding to the cultural belligerence of a minority by demonising and punishing the majority. If we ignore this danger, Ranstorp argues, we raise the prospect of a snowballing xenophobia that increases the chances of social polarisation. In particular, Ranstorp urges authorities, including the police, to avoid policies that—while providing a superficial level of comfort to the bulk of the population through highly public displays of ‘hard’ police power—simultaneously antagonise, marginalise and thereby lead to further polarisation of religious and cultural minorities. In such an environment, the exhortations of extremists calling from the margins of society become more attractive to those who might have once felt comfortable residing amidst the mainstream. 

And herein lays the crux of the problem: in an atmosphere of fear and uncertainty there exists an instinctive drive to resort to force to address the uncertainty and eliminate the source of the anxiety. Yet in the modern world such tactics are rarely successful. Indeed, the most likely outcome of such an approach is that it increases the uncertainty and anxiety of target groups, thereby generating a cycle of violence.

7.2 Processes of Radicalisation

The development of an effective counter-terrorism policing model requires at its core an understanding of the complex nature of the threat that it seeks to address. Despite popular misconceptions to the contrary, terrorists are neither ‘mad’ nor ‘insane’. They often exhibit a high capacity for rational judgment and action that is unencumbered by any clear psychopathological impairment. Similarly, no person is born a terrorist; rather, terrorism is a form of learned behaviour and as a result the terrorist mindset develops over time. Nor is there a single path to terrorism. Rather, there are multiple paths and different individuals will travel these different paths even though they might conclude their journey at the same point as a member of a violent group.

Despite the different journeys that individuals make on their way to terrorism, there are some common landmarks that allow us to speak in general terms about the trajectory of radicalisation. In particular, research shows that a critical ingredient in the process of becoming a terrorist is a steady intensification of feelings of powerlessness in the face of absolute authority. Moreover, the urge to violence accelerates if the alienated individual finds a spiritual home in the company of small collectives of similarly angry individuals.

With this in mind, the Community Liaison Stream sought to assess the extent to which different communities felt included, valued and consulted in the counter-terrorism process. Drawing on the work of Horgan and others, we know that those whose experiences with the police are negative will tend to project their hostility onto society as a whole, and in so doing are at risk of disengaging from mainstream activities and retreating into small pockets of the isolated and the angry. As mentioned above, research by the Community Liaison Stream detected concerns in some quarters that there already existed in Victoria individuals who had progressed to the extremist end of the radicalisation continuum and who were actively probing society for alienated individuals.

269 Ibid.
who might become recruits to their cause.\textsuperscript{272} The research did not reveal any practical insights into the size, location or success of these activities, and the comments that underpinned them were often anecdotal. However, the concerns were repeated often enough for us to invest the claims with a degree of credibility. This is an issue that might be considered for follow-up research.

At another level we should not be surprised that such activities by radicalised individuals and groups are occurring. Similar activities are occurring in many parts of the world where they are driven by a complex mix of local, national and international political and social dynamics. It would be naïve to assume that Victoria is immune from these dynamics, although, as stated above, it is also true that a long history of successful multiculturalism has invested the state with a higher degree of social resilience than is the case in many other parts of the developed world. However, this will not stop radicalised groups from trying to market themselves and their causes within Victoria.

Combining the Victorian research with findings from overseas, there is a need to acknowledge the danger that the legacy of multicultural acceptance is fragile, and that in the current environment radical groups and individuals are more likely to rally to extremist stand wherein they will contemplate violence as a legitimate form of defensive and offensive political behaviour. See E. Sprinzak ‘The Process of Delegitimization: Towards a Linkage Theory of Political Terrorism’ Terrorism and Political Violence 3(1) (1991).

\textsuperscript{272} Used in this context extremism refers only to those individuals and groups that reject the legitimacy of Australian political and legal institutions. It is possible to hold radical beliefs and still be loyal to core Australian political and social institutions. In other words, the existence of radical views—those that depart from the mainstream—does not in itself constitute a threat to society and is in fact a measure of a healthy democracy. It also needs to be remembered that views that were once radical, such as women’s suffrage, can become mainstream. However, the perception that one is a victim of persecution because one adheres to radical but otherwise peaceful views can lead some individuals towards a more extremist stand wherein they will contemplate violence as a legitimate form of defensive and offensive political behaviour. See E. Sprinzak ‘The Process of Delegitimization: Towards a Linkage Theory of Political Terrorism’ Terrorism and Political Violence 3(1) (1991).


\textsuperscript{274} It is this process that some researchers see at work in the spread of extremist religious identities in France. See M. Wieviorka, ‘The Making of Differences’, International Sociology Vol. 19 No. 3 2004, pp.281-297.
“…things are too good here for the terrorists to have any success … there are some former druggies who talk religious shit, but nobody really listens to them. Life’s too good and it’s kind of just fun razzing [jousting] with the cops.”

Even so, the reports that there are disaffected individuals committed to extremist causes who are trying to recruit from among disaffected youth is a development that needs to be watched closely. Moreover, even though the history of goodwill within Victorian society as a whole provides a buffer against the capacity of extremists to spread their networks, as discussed below this pool of positive identification can be drained quickly and attitudes are subject to rapid change. The general lesson that we can take from this, however, is that to avoid repeating the mistakes of Western Europe—where an over-reliance on paramilitary-style counter-terrorism policing has played into the hands of extremists—there is a need for Victoria to better utilise its unique brand of harmonious multiculturalism by turning it into a counter-terrorism asset.

It is naïve to assume that social resilience built up over the previous generation will sustain Victoria through the current wave of global extremist violence. Steps need to be taken to continually replenish the goodwill. In other words, what is needed is a more nuanced blend of hard and soft policing powers than has been attempted in many other jurisdictions.

Although research undertaken by the Community Liaison Stream demonstrated a high level of social trust in Victoria police, as stated there are some warning signs that will need to be monitored closely. Before moving on to a discussion of how the development of a community-policing strategy is best placed to anticipate and keep in check these tensions, it is worth contextualising the findings of the Community Stream within a wider framework shaped by our knowledge of the emergence of terrorist networks in comparable societies.

Based mainly on research in Western Europe and the Middle East, there is a growing scholarly consensus over the need to view terrorism as only the end point in a longer process of radicalisation. Rather than seeing terrorist violence as the outcome of religious extremisms or imagined clashes of cultures and civilisation, this research posits that terrorism is a form of learned behaviour that individuals embrace gradually and in response to a range of different personal and social stimuli. Yet even though there is no single path to becoming a terrorist—each terrorist tends to have travelled along his/her own unique trajectory—there are common events, experiences and feelings that tend to reappear along these different trajectories. In summary, these are perceptions that the individual has been wronged by structurally embedded inequities of opportunity, intense feelings of political impotence and associated levels of social and cultural alienation.

Importantly, recent research calls into question the argument that religion and/or culture are causal factors in the commission of acts of terrorism. To the extent that religious extremisms play a role in contemporary terrorist activity, they usually serve mainly a catalysing role. That is, the significance of the extremist interpretation of religion is that it provides the already alienated individuals with a common identity (thus cohering them as a group), and with a pseudo-ethical justification for them to vent pre-existing anger and hostility towards the society/government that they feel has wronged them and others like them. Interestingly, this echoes a concern voiced by many Muslim respondents that the tendency by politicians and journalists to equate Islam with terrorism was deeply hurtful, and had dented Muslim confidence that they were regarded as Victorians/Australians of equal value to those of different belief systems. In some cases this had eroded their confidence in dealing with the police on terrorism matters. This is discussed more fully later in this Report.

This psychosocial process of becoming a terrorist is represented in the diagram below.

How does this relate to the research conducted by the Community Liaison Stream? As mentioned above, research interviews within the community team were guided by the general principles of assessing the level of goodwill towards the police and the resilience of this reservoir to ‘shocks’ to the system caused by acts of terrorism or counter-terrorism activities by the police. The second goal was to test the extent to which those who had been emotionally or materially hurt by counter-terrorism activities might be kept within the system and stopped from gravitating towards extremism. A third objective was to test the extent to which the community felt capable and willing to cooperate with the police in ensuring these objectives.

Based on the interviews with community leaders as well as with focus groups comprised of a cross-section of different community members, widespread feelings of acceptance as members of a broad multicultural Victorian community means that most groups exist comfortably at or around the position marked by Category A (‘highly engaged with mainstream Victorian society’). All ethnic and religious groups interviewed evinced little sign that their race, religion or culture impeded their ability to ‘get what they want from life’. Even among those who expressed frustration with their lot in life, and who attributed this to either overt or covert forms of racial or religious prejudice, demonstrated only minor levels of alienation and frustration, and can be considered as existing at or around the point on the radicalisation chart marked by Category B (‘experience moderate levels of alienation’ respectively). In other words, the research pointed to a significant attitudinal gulf between most members of Victoria’s ethnically and religiously diverse communities and the few radicalised individuals who might exist within...
our community and who might be engaged in efforts to recruit additional followers to their cause. This does not, of course, mean that there will not be cases whereby alienated individuals will fall into the orbit of radicalised and extremist networks. But it does suggest that compared to European societies overseas, Victoria presents as a difficult recruiting ground for extremists.

Put slightly differently, there was little evidence to support the claim that multiculturalism has ghettoised communities and rendered them vulnerable to penetration by violent ideologies from outside. On the contrary, the research demonstrated that even among those communities that evince higher levels of relative social and/or material deprivation, and in which there exist occasionally overt displays of cultural and religious difference, individual community members remain anchored to mainstream Victorian society through a number of shared values, not the least of which was a high regard for the integrity of Victoria Police. It is therefore likely that to the extent that such ideologies already exist in Victorian society, their ability to strike deeper roots is limited by the sense of community that underpins the surface level differences of Victorian multiculturalism.

7.2.1 Case Study: Lebanese Youth

This was highlighted most poignantly by comments made by several focus groups involving Lebanese youth from Melbourne’s outer-Northern and inner-Western suburbs who—despite occasionally belligerent iterations of their religious and cultural authenticity—were unanimous in condemning the Cronulla Beach riots in Sydney. They were also highly critical of the few individuals (some identified by name) who attempted unsuccessfully to cobble together a group from Melbourne to travel to Sydney to engage in the violence.

The consensus among these youths was that Melbourne/Victoria was different: that it had avoided the racial and religious tribalism of Sydney and that this was a good thing that needed to be protected. This view was encapsulated by one young male from the inner-Western suburbs:

....when [name provided] came around looking for some of us to go up there and fight the Skips, we told him to just fuck off .... it’s different up there. I have relatives living there and it’s just really fucked up. I hate going there. Most of them—the Lebbos and the cops—are mad and we don’t want to get involved in their shit or for them to bring their shit down here ....

Pushed on this point a large number of young participants from Arab backgrounds stated that in their opinion their relationships with Victoria Police are much better than those of their counterparts in other states, especially New South Wales. Metropolitan-based respondents were quick to highlight a list of grievances they had with the police, but also conceded that their own behaviour was sometimes a contributing factor.

Young respondents from across the ethnic and cultural spectrum were more confident in criticising Victoria Police for displaying racist attitudes. Young Muslim respondents were clearly offended by experiences they related wherein Victoria Police officers referred to them as ‘towel heads’, ‘camel jockeys’ or ‘terrorists’, even when undertaking routine chats in public places. Juxtaposed against these actions, which were mostly attributed to young and predominantly male officers, was the clear sense of goodwill towards and trust of the police built up by the local Multicultural Liaison Officers. The ambivalent attitudes generated by the racist taunts of some officers on the one hand and the efforts to reach out and understand their predicaments by MLOs on the other are encapsulated in the following comment by a young respondent from Melbourne’s outer-Western suburbs:

.... I tell some people that I hate the cops because they keep fining me for not wearing a helmet when I ride my trail bike. But I guess they are OK ... we give them shit, they give us shit ... but if I see them at the shops and I know them I’ll wave and they wave back.

As mentioned above, to the extent that these groups felt that racism by Victoria Police was an issue – a problem reported mainly by young Arab Victorians in the inner-Western and Northern suburbs – there was a parallel view that the problem was confined mainly to a small number of young, inexperienced and predominantly male Victoria Police officers. The research did not detect any concrete evidence that such attitudes were structurally embedded within Victorian society, which in light of the preceding discussion is a perception that could be exploited easily by extremist elements within these communities.
7.3 Racism as a Latent Problem

Regarding perceptions of racism among some police members, there was clearly a sense that such behaviour was partly a reflection of junior members trying to assert their authority over other young males. This certainly impacted on how other young males seemed to read this situation, and the research suggested that it formed part of a kind of social ritual. However, this should not be grounds for complacency.

Drawing on their own experiences, some older respondents (especially Muslim women’s groups from the Western, inner- and outer-Northern, and outer-Eastern suburbs), argued that in the current environment isolated racist incidents involving police tended to generate much more heat among young men at home and within the community more generally than was the case several years ago. This is one issue that will need monitoring over time. Research shows that systemic personal insults and sleights by strangers do have an impact on a person’s sense of self-worth and willingness to participate and contribute to society.

However, it also shows that if the insults are from persons in positions of authority—clear representatives of the state—then the victim of such abuse will move to the next stages in the radicalisation process (C – rejection of society’s foundational values, and D – blaming others for the failure to achieve one’s life ambitions) much more quickly than if suffered at the hand of an ordinary citizen. This is especially the case if that authority figure is seen to represent a larger political apparatus that is hostile to the wellbeing of a person’s own kin or cultural group.276

7.4 Perceptions of Unequal Treatment: Muslim Communities

In a similar vein, respondents from across Victoria’s cultural and religious communities were unanimous in the view that they looked to Victoria Police to afford them the same protections and assistance provided to majority groups. Indeed, community leaders observed that evidence of Victoria Police acting impartially and displaying high levels of cultural literacy and respect provided them with a highly useful tool with which to nullify radical voices within their ranks. This was especially so in the case of counter-terrorism, where the innate sensitivity of the issue provides dissident voices with a potentially useful weapon with which to push a wide range of social agendas, not all of which relate directly to politics or indeed to Australia. For instance, rallying support for parochial issues in countries of origin can be boosted by negative experiences in Australia, and in this sense perceptions of Victoria Police as embodying the innate fairness of Victorian society can help dissuade people from investing emotionally in external issues and encourage them to direct their energies instead into local community-building initiatives. However, the opposite can be the case if there is a perception that the police are not even-handed in their willingness to support some groups, or if there is a perception that the police do not care about the plight of a particular community. These latter two issues did emerge as potentially problematic in discussions with some members of the Muslim community.

Interviews in Melbourne’s outer-Western suburbs unearthed evidence that some community members believed that in the post-9/11 environment they were being subjected to ‘special treatment’ in terms of ‘stop and search’ procedures, visits from plain clothes investigators, and other intrusions. In some instances these fears were clearly based on anecdotes rather than first-hand experience while in other cases some respondents cited first-hand experience of being singled out in the street or visited at home by police officers and asked questions, without any explanation of the circumstances that had aroused police interest. Others reported receiving strange phone calls in the middle of the night or having cars parked outside their homes at odd hours with two or more European men sitting in them. It is difficult to assess whether or not these instances relate to genuine counter-terrorism operations, whether they are part of unrelated criminal investigations, or whether—as indeed might be the case—they having nothing at all to do with police activity of any nature. However, the regularity with which these issues were raised across the Muslim community suggested a heightened sense of vulnerability to police surveillance. Many members of the Muslim community feel frightened and concerned and cannot understand why they are being targeted (if

indeed they are). Many speculated that the increased attention was simply a result of their status as Muslims, a possibility that rankled many young people in particular.

Importantly, anger at this state of affairs was rarely directed at Victoria Police. In fact, research indicated that most saw the reason for this (real or imagined) surveillance as lying at the feet of the federal government. The views of a youth leader from Melbourne’s inner-Western suburbs summarised a popular view heard elsewhere when he stated that:

“…from where we stand the federal government looks like the enemy, they act like they hate us and we don’t know why … the state government looks more like a friend, but one that is pretty weak compared to the bully.”

Underpinning this view was that suspicion of Muslim Australians had been deliberately manipulated by politicians and the media as part of Canberra’s wider foreign policy agenda, especially its support for Washington in Iraq. However, this issue lay outside the research parameters of this project and it was therefore not pursued in any detail by the Community Liaison Stream. Suffice it to say, the experience of the Madrid and London bombings shows that in societies where there already exists a considerable level of alienation among ethnic and religious minorities, the foreign policy of the host nation can under certain circumstances assist in the radicalisation process. To date, however, anger at Canberra’s foreign policy orientation within Victoria’s Muslim community appears to have been well-contained within a multicultural framework that allows different views to be expressed peacefully and without fear of retaliation.

Also on the issue of unequal treatment, many groups (not only members of the Muslim community) expressed a view that in the wake of September 11 there had been a diminution in the value attached to multiculturalism and its core principles of acceptance and cultural understanding. Many groups cited anecdotal evidence of a rise in hate crimes, especially so in the case of Muslim and Jewish communities. Similarly, there was an emerging consensus that this reflected rising existential fear generated by terrorism and a corresponding effort by some groups to exorcise their apprehension by venting their frustration against a group considered to be outsiders. However, while members of the Jewish community expressed satisfaction at the community protection practices they had put in place in cooperation with Victoria Police, members of the Muslim community were less confident. Among many different Muslim community groups there was a concern that police were not taking seriously incidences of hate crime (such as Muslim women having their headscarves torn off or being verbally or physically abused).

Concern about the interest and ability of the police to investigate incidences of hate crime was underscored by a deeper unease about the procedures that police have in place to protect Muslim communities from vigilante violence in the event of a terrorist attack overseas in which many Australians are killed, or even within Australia itself. Indeed, this loomed as a major issue for many respondents from across the cultural spectrum, with many non-Muslim groups expressing fears that they might be mistaken for Muslims and targeted by vigilante violence.

7.5 Additional Challenges

Although they rest beyond the immediate purview of Victoria Police, research by the Community Liaison Stream also identified a number of other issues that might nevertheless be taken into account in the crafting of a new counter-terrorism policing model.

7.5.1 Jurisdictional Problems: The Need for Increased Federal-State Cooperation

A view identified during the early stages of the research—that federal bodies seemed to have crowded out Victoria Police on counter-terrorism—continued to be reflected in community responses right up to the final interview stage.

In short, community leaders in particular expressed concern at being forced to deal with unfamiliar faces from agencies other than Victoria Police: people who they perceived to have little knowledge (and in some cases regard) for them, their community or the pre-existing bonds of trust established with Victoria Police. The following quote, secured during the very early stage of the interview process, remains perhaps the most instructive summary of concerns that were put regularly, and on occasion forcefully, by many respondents.

277 For a detailed discussion of how this occurred in the case of the 7/7 bombings in London see, M. Rai, 7/7, the London Bombings, Islam, and the War in Iraq, London, 2006.
We applaud the Victorian Government and Victoria Police. I saw on the Insight TV show on SBS a Victorian policeman who spoke about the need to speak often to different ethnic groups—to understand them. And Victorian police have visited and spoken to my community. They were very nice. But when we see on TV the raids of Muslim houses by Federal Police or ASIO we feel frightened. Laws only create fear and terrorism. The understanding like that of the Victorian policeman was much better. … However, many new [names ethnic group] to Australia, and many who do not have much education, don’t really understand the differences between federal and state police policies. And these people are scared.

7.5.2 Public Discourse of ‘Islamic’ Terrorism

Interviews with mainly Islamic community leaders unearthed widespread unease with the popular view that terrorism is a religiously motivated phenomenon. Respondents underscored the discomfort felt by members of different Muslim communities at the phrase ‘Islamic terrorism’, with most people within these communities failing to see any connection between their religion and the actions of a handful of terrorists.

Community leaders from the Muslim, Somali and Arab communities in particular felt that their community thought that the appellation ‘Islamic terrorism’ unfairly typecast their religion, and by implication themselves, as harbouring violent tendencies and hostility towards the West in general, but Australian society in particular. A recurring theme was that when used by government, especially politicians, but also by police in situations involving young people, the term ‘Islamic terrorism’ smacked of hypocrisy. Several respondents queried why terrorist acts by the IRA or ETA are never referred to as ‘Catholic terrorism’, or why the 2003 murder of a security guard inside a women’s health clinic in Richmond, by an anti-abortion activist, was not referred to as ‘Christian terrorism’. As one community leader responded:

When I see on the TV the police raiding the homes of Muslims, but not arresting or charging the people. When I read in the papers that these people are supporters of Muslim terrorism, I feel like I also might be considered a supporter of people like Osama bin Laden. Why don’t they understand that Muslim people are also victims of terrorism? We are members of a community. We catch trains. Our children go to universities. We shop in the markets. So when I pray to God, I ask Him, ‘Please don’t let there be terrorism in Australia, because we will be victims twice’. Our friends and families can be killed, and then we will also be blamed by other Australians.

In summary there is clearly a fear that the use of the term ‘Islamic terrorism’ risks inflaming anti-Muslim sentiment within Victorian society more widely, and in so doing forcing Muslims to seek protection by retreating from wider community involvement.

... vicious mass murderers whose claim to acting in the name of Islam is no more valid than Timothy McVeigh’s [who was responsible for the 1995 attack on the Oklahoma City Building in the US] claim to be acting in the name of Christianity.

Meanwhile, for another community leader:

When I see on the TV the police raiding the homes of Muslims, but not arresting or charging the people. When I read in the papers that these people are supporters of Muslim terrorism, I feel like I also might be considered a supporter of people like Osama bin Laden. Why don’t they understand that Muslim people are also victims of terrorism? We are members of a community. We catch trains. Our children go to universities. We shop in the markets. So when I pray to God, I ask Him, ‘Please don’t let there be terrorism in Australia, because we will be victims twice’. Our friends and families can be killed, and then we will also be blamed by other Australians.

In summary there is clearly a fear that the use of the term ‘Islamic terrorism’ risks inflaming anti-Muslim sentiment within Victorian society more widely, and in so doing forcing Muslims to seek protection by retreating from wider community involvement.
7.5.3 The ‘Dangerous Power of Mass Media’

Whether or not fears of terrorism have been unrealistically exaggerated and pinned on the Muslim community by the mass media is an issue that fell mostly within the ambit of the Media stream. However, public concern about the quality and integrity of media coverage of terrorism issues, and particularly perceptions that Muslims in particular and non-European migrants in general were being demonised, was raised regularly and forcefully throughout the community consultation process.

Indeed, to the extent that the research did show up nascent signs of disillusionment and alienation among some communities, those involved reserved most of their venom for the media. Among Muslim respondents there was near-universal condemnation of the media, with young people in particular blaming their own negative experiences with racial taunts and hate crimes on the manner in which their culture and religion were being portrayed by mainstream newspaper and television services. Comments by one young woman from Melbourne’s inner-Northern suburbs captured the mood of many of her co-respondents:

Some days the name-calling is worse than others. Other kids, and sometimes even the teachers, call us ‘nappy heads’, ‘rag heads’, ‘terrorists’, ‘Osama lovers’, and so on. Me and my friends find this really upsetting. But we were wondering why it is worse on some days and not others until [name of another participant in discussion] pointed out its always worse after the TV or newspapers have big stories about Muslims wanting to kill Westerners. It’s crazy! I’m a Muslim and I’m Western! Why would I want to kill myself or even my neighbours who are Christians and who we give Christmas presents to? When the old lady was sick my mum cooked all her meals and even put her in the shower every day. Why do the papers say that bad stuff about all Muslims? It makes our lives really hard.

The role of the media in feeding alienation among young people and in eroding their sense of investment in the wider Victorian community is a major problem, although it is one that also does not present any obvious solutions beyond the ambiguous notion of journalistic responsibility. More particularly, there is little obvious that Victoria Police can do about this problem in the media, even though it is the police who suffer along with the communities themselves.

Essential to any successful community-oriented counter-terrorism policing strategy is the ability of the police to forge and maintain good relations with a variety of community-focused groups. However, the levels of alienation and isolation being driven by media-linked hostility towards different groups are diluting the willingness of some individuals to cooperate with the police on counter-terrorism matters. This is discussed in more detail below.

7.5.4 A Reticence to Voluntarily Share Information with Victoria Police

While most respondents emphasised the good standing of Victorian police within their communities, all expressed doubts about the extent to which individuals would voluntarily offer important information on suspected terrorist activities to the police. There appear to be two general reasons for this reluctance. Firstly, many members of the Muslim community have come to Australia from societies where the police are associated with repressive and often brutal regimes. Hence, there is an inherent reluctance and fear about dealing with the police. In the words of one respondent,

…. Where we come from if you went to the police to complain even about a small thing that your neighbour was doing it was often the case that the neighbour disappeared and you got a visit from the police asking for a $200 fee for helping eliminate your problem. So we learned to solve our problems without going to the police. That way it was safer for everybody....
Although most members of such communities do not see Victoria Police in this light, personal experience has nevertheless taught such people to be cautious, with many still labouring under a deep fear over the possibility of ‘guilt by association’. In the words of another respondent:

I don’t think any one in my community would go to the police with information about a terrorist. They would be too worried. These people are criminals and people are scared of them and I don’t think many people in my community feel confident that the police can protect them from these types of people. There are stories going around, I don’t know if they are true, that people have telephoned the ASIO Hotline but have then been bashed by the people they called up about. It’s better not to get involved or to tell the priest about your information. (sic)

Secondly, in some communities there are cultural and religious sensitivities that militate against voluntary cooperation with the police. This is especially so if there is a concern on the part of an individual that the information to which they are privy might embarrass them, their family, or their community. The feeling of community leaders is that in such circumstances the individual is likely to confide in their community leaders, local religious authority, or close family members rather than the police. While this does not present as a problem if there are pre-existing avenues of communication between community/religious leaders and Victoria Police, it does loom as a problem if the community/religious leader concerned is unfamiliar with the potential importance of such information, or if such avenues of communication with the police are non-existent or have been allowed to atrophy, or if communication channels slow the process through which the information is passed to the police.
8.0 Conclusion

Victoria Police, along with other state and territory police, and the Australian Federal Police, has a key role in countering terrorism. The key aim in countering terrorism is to prevent attacks and minimise threat. In Protecting Our Community: Attacking the Causes of Terrorism, 2005, the Victoria State Government makes it clear that its conceptualisation of terrorism includes a commitment to understanding and addressing the causes of terrorism. The policy articulates a two-pronged approach, calling on the Commonwealth and other state and territory governments to “Support a comprehensive approach to counter-terrorism, focusing on both effective counter-terrorism measures and arrangements, and attacking the causes of terrorism in the community.”

Community policing is a key element in effective counter-terrorism policing and also contributes to attacking the causes of terrorism in the community. It does this by building trust and legitimacy and enhancing and maintaining communication between police and diverse communities, thereby maintaining social cohesion in ways that reduce the risk of terrorist threats linked to processes of radicalisation.

This research project considered effective community policing to include, as much as is practical, the active engagement of all levels and sections of Victoria Police with different levels of Victoria’s diverse array of community groups. Built upon increased democratic control of policing, it includes cultivating and maintaining links with community leaders as well as those ordinary citizens who might not be active in formal organisational settings. Configured in this way, Community Policing needs to be seen as an important ingredient in a vibrant Victorian democracy wherein all communities perceive themselves to have a say in the manner in which their communities are policed. This is crucially important at a time when many Victorian communities feel vulnerable in a changing security environment.

The findings and recommendations of this Report have been identified through a genuinely collaborative research project between Monash University, Victoria Police, and an extensive sample of Victoria’s culturally and ethnically diverse communities. Taken collectively the findings and recommendations support an approach to counter-terrorism policing that recognises the core value of community policing in an effective counter-terrorism policing model.

Especially important are the opportunities available to Victoria Police to build upon existing practices and community networks to develop a more robust, effective and inclusive approach to counter-terrorism policing. This approach minimises the potential for counter-terrorism policing to undermine social cohesion and fuel a dynamic of conflict that may heighten future threats.

If successful, the implementation of the Report’s recommendations will enhance the legitimacy that Victorians invest in the state and its legal and policing bodies. By so doing community policing will build trust between police and communities, and augment the ability of the police to detect and interrupt criminal activity including that related to terrorism.

Effective community policing requires police-community contact that is proactive, inclusive and formed in partnership and dialogue with communities. Effective community policing rests upon multiple channels of communication among communities and different levels of Victoria Police which, if marshalled effectively, can facilitate a flexible and proactive mode of policing. More particularly, it allows Victoria Police to anticipate and respond quickly to the diverse and shifting needs of the community. In the modern context this level of adaptability is essential for dealing effectively with the changing nature of terrorist threats. The key outcomes of effective community policing are enhanced social cohesion and productive police-community relationships across Victoria. These outcomes directly contribute to overall counter-terrorism policing efforts.

The findings indicate that community policing must be clearly discernible at all levels and across all functions of Victoria Police via the:

- Development of a consistent understanding of the concept of community policing which is reinforced across the organisation.
- Establishment of a public awareness
campaign designed to inculcate community policing as a key theme in how diverse community groups think about policing.

- Empowering of individual Victoria Police members to be more proactive and to take greater initiatives in their day-to-day engagement with the community.

The recommendations underpin the need for greater coordination at the senior leadership level of different Specialist Units in Victoria Police in terms of communicating with all operational members regarding the importance of community relationships for effective counter-terrorism policing. In particular, there is a need to continually reinforce the costs to the counter-terrorism effort that can accrue through behaviour that is perceived to be culturally or religiously insensitive. There is a need for open communication from leadership as to the approach and capabilities of Victoria Police in relation to counter-terrorism policing including prevention, response and recovery capabilities.

A corollary of the above is the need for new education programs designed to quarantine Victoria Police from the deleterious effects on counter-terrorism policing flowing from the unchecked spread of crude stereotypes. Such programs need to be available to all levels of the organisation and across work units, as well as being available to members of other law enforcement agencies.

Victoria Police is already a national leader in integrating community-policing principles into policing generally, and counter-terrorism policing in particular. This can be further developed by fostering a more integrated approach to community policing and counter-terrorism at the station level. In particular, the leadership teams at Victorian police stations need to ensure effective coordination and communication between Specialist Units with counter-terrorism remits and those who are often the face of Victoria Police, the Multicultural Liaison Officers.

This Report presents Victoria Police with the opportunities to enhance community partnerships and dialogue by including a greater number and diversity of its members in such activities on a regular basis. It offers recommendations to further develop mechanisms to respond to the challenges identified by operational members and members of the community in better achieving community policing in CALD communities.

The effectiveness of community policing as an exercise in counter-terrorism can be enhanced through a more vigorous use of the media to promote positive initiatives between the police and Victorian communities. Terrorism events and overt acts of counter-terrorism policing such as raids or arrests attract intense media attention. More subtle acts of counter-terrorism policing involving the police and different communities are unlikely to attract the same level of media attention. The media's focus on acts of terrorism and the more spectacular and overt aspects of counter-terrorism policing, and the suspicion this sometimes casts over the Muslim community at large, are having an alienating effect. Encouraging the media to highlight positive community-policing initiatives will not only help dilute the feelings of victimisation experienced by Muslim Victorians, it will also dispel some of the negative stereotypes of Muslims held by the wider community. On both fronts Victoria Police's ability to use community policing as counter-terrorism will be enhanced.

The principles that underpin community policing—especially building social cohesion and the enhancement of human rights—have assumed a new significance for Victoria Police in an era marked by an elevated threat of terrorist violence. Victoria Police is well-positioned to build on its reputation in this area and implement the recommendations of this Report.
3.0 Recommendations

3.1 Improve the Understanding and Approach to Community Policing and Counter-Terrorism Policing

3.1.1 The depth of operational understanding of community policing as core policing business should be increased, with critical links to developing stronger community cohesion, thereby aiding the prevention of terrorism. [Findings 2.2]

3.1.2 Victoria Police should take the lead in ensuring that counter-terrorism policing strategies and tactics pay adequate attention to the importance of community-policing approaches in the prevention of terrorism. A leadership role by Victoria Police in articulating and implementing the integration of community policing into counter-terrorism policing will assist in ensuring that the emerging knowledge in this area is incorporated into best practice counter-terrorism policing nationally. [Findings 2.2]

3.1.3 Community engagement and community policing in the context of counter-terrorism policing (and more broadly) should incorporate a degree of democratic control over policing. Specifically there needs to be a commitment to ensuring that communities have information about and input into how information or intelligence passed on to police is used. [Findings 2.1, 2.2]

3.1.4 The Victoria Police approach to counter-terrorism should be continuously monitored and refined. This monitoring should take into account the following: the strategic and operational environment; lessons and developments in other jurisdictions; and research on all aspects of terrorism, counter-terrorism and law enforcement (especially the dynamic between these three elements). It should also include feedback from diverse communities, particularly communities who may experience discrimination or alienation or perceive themselves as being unfairly targeted by law enforcement. [Findings 2.1]

3.1.5 There needs to be an increase in efforts to gain the trust and confidence of new and emerging communities, as a critical element of successful community policing and counter-terrorism policing. Adequate time, training and understanding needs to be directed at these issues in terms of everyday police work. [Findings 2.2, 2.3, 2.5]

3.1.6 Police members based in stations need to develop a clearer understanding of their role in relation to counter-terrorism, particularly the prevention of terrorism. [Findings 2.3]

3.1.7 Victoria Police members need to improve their awareness of issues such as community alienation and stigmatisation and the role they can play in countering such matters, particularly in relation to terrorism. [Findings 2.3]

3.1.8 Victoria Police members need specific direction in relation to the reporting and recording of intelligence. [Findings 2.1, 2.3]

3.1.9 Consideration should be given to developing a protocol to ensure that the mandated minimum standards of treatment under Preventive Detention Orders are clearly set out, and followed in practice. Consideration should also be given to providing human rights training to relevant police in relation to the provisions of the Terrorism (Community Protection) Amendment Act, 2006. Any such protocol and training should be developed with the assistance of the newly established Victoria Police Human Rights Unit. [Findings 2.1]

3.1.10 A policy statement rejecting the use of racial/ethnic and/or religious profiling by Victoria Police should be developed. The policy statement on racial profiling should be developed in consultation with the Victoria Police Human Rights Unit and the Victorian Equal Opportunity Commission. In addition, consideration should be given to monitoring the use of police discretion in relation to counter-terrorism policing to ensure that racial or religious profiling is not occurring, and to address it if it is. [Findings 2.1, 2.5]
3.2 Further Prioritise the Building of Resilient Policing Partnerships and Dialogues

3.2.1 In order to ensure that the value and maintenance of community-policing relationships is not isolated to Specialist Units or individual police members there is a need to develop strategies that involve police across all levels in the building and consolidation of community-policing partnerships. [Findings 2.2, 2.5]

3.2.2 Community policing is significantly limited by resource constraints, but also there appears to be a need to explore a range of strategies for improving communication with CALD communities. [Findings 2.2, 2.5]

3.2.3 Specialist police repeatedly reinforced the importance of robust multiculturalism as a crucial aspect in preventing terrorism in Victoria. This needs to be better communicated to the stations. Many noted that Victoria was well-placed to prevent terrorism through a productive approach to multiculturalism and social inclusion as a foundation for social cohesion. [Findings 2.2, 2.3]

3.2.4 Community engagement in the context of counter-terrorism must be aimed at building trust, rather than based solely on the utility of gathering intelligence. The philosophical basis of community engagement in the context of counter-terrorism policing should be formally documented. [Findings 2.2, 2.3, 2.5]

3.2.5 Community engagement around counter-terrorism should be based on a philosophy of sharing information so that the flow of terrorism-related information travels from communities to police and from police to communities. Protocols regarding the sharing of information should be developed with the Multi-Faith Council or other appropriate bodies. [Findings 2.1, 2.2, 2.3, 2.5]

3.2.6 Wherever practical, Victoria Police should consider establishing and regularising district-level Public Safety Partnership Meetings, wherein issues ranging from hate crimes to systemic racial and religious harassment can be raised with the police who can respond by outlining possible courses of remedial action, including (where possible) police investigation and prosecution. An initiative such as this is of critical importance for fostering a sense of community involvement in the counter-terrorism process and addressing nascent feelings of powerlessness within some communities. [Findings 2.1, 2.5]

3.2.7 Victoria Police has an opportunity to proactively build trust between CALD communities in diverse ways across Victoria. Members at all levels of the organisation could be proactive in a locally directed but centrally coordinated approach to ongoing trust-building initiatives. [Findings 2.2, 2.3, 2.5]

3.3 Leadership, Support and Training

3.3.1 Victoria Police should take a lead role in articulating and promoting the importance of enhancing social cohesion and rights as core elements of an effective counter-terrorism policy. This role should be targeted at the general community police forces/services in other jurisdictions, particularly at the federal level, and at policy makers. [Findings 2.1]

3.3.2 The role of MLOs should be expanded in both a geographic sense (with more MLOs in high-need areas) and also in a practical sense so that they are better able to provide more regular briefings on counter-terrorism related matters to concerned community groups, including schools. [Findings 2.3, 2.5]

3.3.3 MLOs need appropriate resourcing and support in order to build capacity within and across stations. They should be consulted about the design and level of such support. [Findings 2.3, 2.5]

3.3.4 Special consideration should be given to the deployment of more female MLOs. Establishing a rapport with female family and community members provides increased understanding of and indirect access to youth—especially potentially alienated young men. [Findings 2.5]
3.3.5 MLOs should have a particular focus on young people in their mid- to late-teens, as this is often the point at which negative social experiences (such as direct exposure to hate crimes and/or systemic racial taunts) can alienate a person and set them upon a trajectory towards radicalisation. [Findings 2.5]

3.3.6 Specialist Units with counter-terrorism remits could benefit from developing both formal and informal communication channels with MLOs. [Findings 2.2, 2.5]

3.3.7 Victoria Police should review its pedagogical approach to counter-terrorism training to ensure a best practice approach at all levels of the organisation. [Findings 2.4]

3.3.8 There is a need for greater counter-terrorism training for police members that gives greater intellectual and practical understanding of terrorist threats, as well as the roles and capacity of police to prevent and respond to potential terrorist incidents. [Findings 2.4]

3.3.9 Future counter-terrorism training needs to engage directly with the role of community policing in relation to counter-terrorism policing. This training should be directly linked to everyday tasks including clear indications of productive and unproductive community policing for the prevention of terrorism, and would be most effective if undertaken at the work site. [Findings 2.2, 2.3, 2.4]

3.3.10 Counter-terrorism training needs to be given greater priority in recruit training programs and should be integrated across training in areas such as community policing and emergency management. Such training should draw on an interdisciplinary approach to understanding terrorist threats and specifically focus on the role of police-community trust and police legitimacy in preventing terrorism. [Findings 2.2, 2.3, 2.4, 2.5]

3.3.11 Victoria Police should develop carefully targeted training programs for Specialist Units that meet the specific needs of individuals and units in ways that draw on best practice from other jurisdictions. Members of Specialist Units need to be consulted about the design, nature and timing of such training. [Findings 2.3, 2.4]

3.3.12 Police training could effectively involve exposure to interdisciplinary approaches to understanding the sources of cultural and religious extremism and terrorism. [Findings 2.4, 2.5] The aim would be to foster a deeper understanding in police of how their public behaviour might enhance or detract from community cohesion and thereby how it might help or hinder the covert recruitment ambitions of extremists. For example, training could allow greater recognition of how even an inadvertent cultural slight can be manipulated by extremists within the community and turned against the police and wider community.

3.3.13 Victoria Police members located in stations who are seeking training to improve their cultural diversity awareness should be supported by the organisation in direct and tangible ways. Basic language training in greetings and salutations may be a straightforward and effective tool in overcoming some of the issues identified in working with CALD communities. [Findings 2.2, 2.4]

3.3.14 Victoria Police could consider reviewing their counter-terrorism training and effectiveness to better ascertain force-wide capability levels, in turn to design strategies to demystify counter-terrorism policing. The research suggests that there are clear and recognised synergies between emergency management and terrorism response and recovery functions. The research also suggests that there is less recognition of the synergies between community policing on the one hand and preparation for and prevention of terrorist incidents on the other. [Findings 2.3, 2.4]

3.3.15 Victoria Police could consider the expansion of counter-terrorism exercises to include not only response and recovery simulations but also prevention and preparedness exercises. This may provide members with a better gauge of how capable they are in relation to these counter-terrorism functions and the effectiveness of their training. [Findings 2.3, 2.4]
3.3.16 Counter-terrorism training needs to build on broader policing training that is embedded in an interdisciplinary understanding of the role of the police, the relevance of human rights and the changing security environment in which police work. [Findings 2.1, 2.4, 2.5]

3.4 Enhance Communication and Integration of Community Policing and Counter-Terrorism Policing

3.4.1 Victoria Police is primarily presented with an opportunity to improve communication of its counter-terrorism approach to dispel the uncertainty felt by many police members as to their role and capabilities, by embedding this counter-terrorism approach within a community-policing framework. [Findings 2.3]

3.4.2 Police members located in stations need to gain a clearer understanding of the role of Specialist Units with counter-terrorism remits. This understanding should not be communicated simply through written material but should involve face-to-face interaction informed by the nature of the communities these stations serve. It is acknowledged that this work is currently being undertaken by the CTCU to enhance understanding and cooperation on counter-terrorism. [Findings 2.3]

3.4.3 Victoria Police would benefit from developing an integrated approach to counter-terrorism. This approach needs to foster understanding and integration among unit functions in relation to security and counter-terrorism. This should occur beyond the senior management level of those units. [Findings 2.3]

3.4.4 The establishment of the counter-terrorism framework has developed communication at management levels across counter-terrorism related units. Victoria Police now has the opportunity to further reduce the silo approach to counter-terrorism policing by greater integration and cooperation among Specialist Units with counter-terrorism remits. [Findings 2.3]

3.4.5 Victoria Police could better address the perceptions of internal organisational issues through clear communication concerning the integration and coordination of units with counter-terrorism remits. [Findings 2.3]

3.4.6 At the district level the delineation between and integration of Victoria Police and other law enforcement agencies requires greater clarity and communication. [Findings 2.1, 2.3]

3.4.7 There need to be continuing efforts at streamlining state-federal counter-terrorism cooperation. Where possible Victoria Police should be utilised in the planning of counter-terrorism operations so as to take advantage of its closer relationships with Victoria’s CALD communities, and to quarantine existing relations from potential disasters such as the Forest Gate raids in the UK. [Findings 2.1, 2.5]

3.4.8 Consideration should be given to establishing a working group involving police, community leaders and the media with a view to developing a voluntary code of practice for the reporting and coverage of terrorism-related events and investigations.

3.4.9 In designing public awareness campaigns, Victoria Police should capitalise more fully on its reputation as a measure of Victoria’s status as one of the most successful multicultural societies in the world. [Findings 2.5]

3.4.10 The impact of actions by other law enforcement agencies such as the AFP and intelligence bodies such as ASIO generated mixed responses from interview respondents. Increasingly the actions of other law enforcement bodies operating in the counter-terrorism environment can impact both positively and negatively on community relations with Victoria Police. [Findings 2.1, 2.3]

3.4.11 The relationship Victoria Police has with other law enforcement agencies needs to be carefully examined to ensure that the actions of federal law enforcement do not compromise the preventative counter-terrorism work undertaken by Victoria Police in a community-policing context. [Findings 2.1, 2.3]

279 See Section 5.13 of this Report.
3.4.12 The inter-agency environment could be enhanced through the utilisation of VicPol training and courses on best practice community policing by organisations such as the AFP and ASIO. [Findings 2.1, 2.3]

3.4.13 The inter-agency environment could be enhanced through the briefing of other law enforcement agencies by key members of VicPol in relation to community policing, including MLOs and members of other specialist areas. [Findings 2.1, 2.3]
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