

Report on training in forest law enforcement for forestry officers in Fiji

Lautoka and Nausori, Fiji, 5-13 April 2018

Report F6

SPC/APFNet Project - Capacity Building Towards Effective Implementation of Sustainable Forest Management Practices in Fiji, Tonga and Niue

Project ID: 2015P3-SPC

Funding bodies: Asia-Pacific Network for Sustainable Forest Management and Rehabilitation (APFNet) and Pacific Community (SPC)

Executing agency: Pacific Community (SPC)

Implementing Agencies: Forestry Department of Fiji,
Forestry Division of the Ministry of Agriculture, Food, Forests and Fisheries of the Kingdom of Tonga, and
Forestry Division of the Department of Agriculture, Forests and Fisheries of Niue



This report was prepared by Graham Wilkinson, Project Chief Technical Adviser (14 April 2018) in collaboration with Mike Dyson, Project Consultant.

Abbreviations and acronyms

APFNet	Asia-Pacific Network for Sustainable Forest Management and Rehabilitation
CEO	Chief Executive Officer
CF	Conservator of Forests
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CTA	Chief Technical Adviser
DFO	Divisional Forestry Office
DLT	Diameter Limit Table
FLEG	Forest law enforcement and governance
PTO	Project Technical Officer
SFM	Sustainable forest management
SPC	Pacific Community



Photograph 1. Participants during a group exercise at the training course in Lautoka

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Photograph 2. Participants discuss a practical exercise during the training course in Nausori

1. Summary

Two 2-day training courses¹ on forest law enforcement were successfully conducted in Lautoka and Nausori from 5 to 13 April 2018. The courses were attended by a total of 56 participants, comprising forestry officers and forest wardens from the Forestry Department, forestry staff from the private sector and from forestry projects. The participants were given an understanding of the key elements of forest law enforcement and the role of officers in enforcing forest law. The training included 'hands-on' exercises in the identification of offences, the collection of evidence, the burden of proof, and the recognition and avoidance of conflict of interest. Participants reported that the training course was very useful and highly relevant and they provided very positive feedback. The support of APFNet and SPC in providing the training was gratefully acknowledged.

A training manual on forest law enforcement was developed in preparation for the training courses and this was provided to participants. The project team also produced and submitted to the Conservator of Forests for her consideration a concept note to support the development of a strategic plan for forest law enforcement and governance (FLEG) in Fiji.

2. Background to the project

The aim of this project is to enhance the capacity of forest owners, forest users and governments to manage the forests of Fiji in a sustainable manner through improved strategies and mechanisms for the effective implementation, enforcement, monitoring and reporting of outcomes under the code and related legislation and policies.

The project commenced in Fiji in September 2015. Progress is detailed in the project reports -

1. Report F1. Report on the Inception Workshop for Fiji, Tanoa Skylodge Hotel, Nadi, Fiji, 25 September 2015, 28 pp.
2. Report F2. Report on consultations for the review of the regulatory framework for the implementation of the Fiji Forest Harvesting Code of Practice and the regulation of sandalwood in Fiji, March 2017, 56 pp.
3. Report F3. Report on consultations to discuss potential actions to strengthen the regulatory framework for the implementation of the Fiji Forest Harvesting Code of Practice and the harvesting and trade of sandalwood in Fiji, July 2017, 33 pp.
4. Report F4. Options for strengthening the regulatory framework for the implementation of the Fiji Forest Harvesting Code of Practice and the harvesting and trade of sandalwood, July 2017, 62 pp.
5. Report F5. Brief report on mission to Fiji to discuss the implementation of actions identified in Project Report F4, Fiji, 29 Jan – 2 Feb 2018, 13 pp.

These reports are available at <https://sites.google.com/view/apfnetreports/home>.

¹ Three training courses on forest law enforcement were planned for Fiji from 5 to 13 April 2018. However, severe weather and travel restrictions were experienced from 9 April due to Tropical Cyclone Keni. These restrictions resulted in the postponement of one course (in Labasa). The Divisional Forest Officer (Northern Division) attended the workshop in Nausori and he has strongly requested as a high priority that the course be conducted in Labasa as soon as practicable.

3. Program for the mission

The purpose of this mission was to conduct introductory training for forestry officers on forest law enforcement. The program for the mission is provided in Table 1. Changes were made to the program during the week commencing 9 April because of travel restrictions and flood warnings associated with Tropical Cyclone Keni. The training course for Labasa (Northern Division) was postponed until a future date; however, three participants from the Northern Division were able to attend the workshop held in Nausori on 12-13 April. The Divisional Forest Officer (Northern Division), Mr Tevita Bulai, attended the workshop in Nausori and he reported that it was extremely useful and relevant for his staff. He strongly requested as a high priority that the course be conducted in Labasa as soon as practicable.

Table 1 – Program for the mission

Activity	Original dates	Actual dates	Venue
Training course for forestry officers	5-6 April 2018	5-6 April 2018	Lautoka
	9-10 April	Postponed due to the cyclone	Labasa
	11-12 April	12-13 April	Nausori
Meeting of project team to prepare documents and plan future activities.	13 April	9 and 11 April	Narere
Meeting with Conservator of Forests	13 April	11 April	Suva
Meeting with Police Academy to discuss ongoing training	13 April	Postponed due to the cyclone	

4. Training for forestry officers

The training courses were conducted in the conference rooms of the Forestry Department in Lautoka and Nausori for a total of 56 participants, comprising forestry officers and forest wardens from the Forestry Department, forestry staff from the private sector and from forestry projects. The list of attendees is provided in Appendix 1.

4.1. Purpose and content of the training program

Objective of the Course

To provide forestry officers in Fiji with an understanding of the key elements of forest law enforcement and the role of officers in enforcing forest law.

Content of the Course

1. Introduction – why do we need enforcement of forest laws in Fiji?
2. Types of forest law enforcement
3. Forest law enforcement strategies
4. How to recognise breaches of forest laws
5. Role, responsibility and powers of forestry officers
6. Enforcement provisions of the legislation
7. Investigations and evidence
8. Principles of natural justice and procedural fairness
9. Regulatory capture and conflict of interest
10. Dealing with difficult situations
11. Practical examples of investigations and the collection of evidence.

Course presenters

The course presenters were- Graham Wilkinson, Project Chief Technical Adviser, expert in forest management, policy and regulation; and Mike Dyson, Project Consultant, expert in forest law enforcement, recently specializing in criminal exploitation of natural resources.

The presentations are attached to this report (Appendix 2).



Photograph 3. Participants at the training course on forest law enforcement in Lautoka



Photograph 4. Participants at the training course in Nausori

4.2. Outputs of the training program

The key outputs from the training program were as follows-

- 56 officers were given an understanding of the key elements of forest law enforcement and the role of officers in enforcing forest law. The training included 'hands-on' exercises in the identification of offences, the collection of evidence, the burden of proof, and the recognition and avoidance of conflict of interest.
- Participants were given a training manual (Appendix 4) to use as a resource for future investigations and enforcement actions.

4.3. Summary of proceedings of the training program

The training course was opened with a prayer and a welcome to participants and presenters by Mr Manasa Luvunakoro, Principal Forestry Officer, Utilization Division.

The Project Technical Officer (PTO), Mr Jalesi Mateboto, provided an overview of the project, acknowledging the support of APFNet. He summarised the key findings from the consultations that had been held with stakeholders and the key outputs and reports to date (see section 2 above). A copy of Mr Mateboto's presentation is provided in Appendix 2.

The training course presenters (Project CTA Graham Wilkinson and Project Consultant Mike Dyson) conducted the training, using a combination of presentations (Appendix 2) and practical exercises (Appendix 3).

Mr Wilkinson's opening messages were-

- This is an introductory course for forestry officers on the elements of forest law enforcement.
- The course is not intended to turn forest officers into police, but to recognize that they have a fundamental role to play in achieving compliance with forest laws and regulations. They must enforce the law or seek to change it if required, but should never ignore the law.

- Experience from the enforcement of forest laws in Tasmania shows that 85% of non-compliances can be attributed to deficiencies in knowledge or process. This means that the maximum gain in the enforcement of forest laws will be achieved through improvements to education, training and management systems. “Regulatory” teeth (i.e. penalties) are required as a “last resort” for the small percentage of offenders who do not respond to other measures to improve their level of compliance.

Law enforcement consultant, Michael Dyson, covered the following topics-

- Types of forest law enforcement
- Law enforcement strategies
- Investigation and evidence
- Dealing with difficult situations
- Natural justice

Mr Dyson’s key points were-

1. Forest officers are not police, but the principles of policing apply to forest law enforcers
2. The four main law enforcement strategies are prevention, detection, disruption and prosecution.
3. Collaboration, cooperation and compliance are the primary objectives of law enforcement officers. Prosecution is a last resort.
4. Forest officers must carry out their duties fairly, impartially and respect the principles of natural justice
5. Enforcement of regulation includes a risk of dealing with difficult situations involving anger and aggression. Those situations are manageable, and the risk of confrontation or injury can be reduced significantly when circumstances are properly assessed and appropriate action is taken. Training in the required knowledge will improve an individual officer’s skills to reduce conflict situations.

Mr Wilkinson outlined how breaches could be detected and addressed, through-

- Recognizing ‘red flags’, which indicate a potential breach
- Collecting and analyzing the evidence
- Checking the regulations to determine if the evidence is sufficient to prove that an offence has occurred.

Mr Wilkinson covered the topics of the role and powers of forestry officers and the enforcement provisions of the (current) Forest Decree and the (draft) Forest Bill. He then discussed the concepts of Regulatory Capture and Conflict of Interest, using relevant scenarios to allow the participants to identify actual, perceived and potential conflicts and actions that should be taken to manage or avoid conflicts of interest. It was identified during discussions that close family and community ties present challenges for managing conflicts of interest in Fiji and in the Pacific generally.

The participants were provided with examples of potential breaches and they were asked to review the evidence and determine whether the examples constituted a breach of law. The groups were divided up into ‘prosecution’, ‘defence’ and ‘magistrate’ teams to test the strength of the evidence in a simulated court room scenario.

The training courses were closed with comments from Mr Mateboto and Mr Manasa, who thanked APFNet, SPC, the participants and the presenters for the very useful training and exchange of knowledge.



Photograph 5. Participants discuss a practical exercise at the training session in Nausori

5. Other activities and consultations

In addition to the training course, the project team completed the following-

1. A draft concept note was prepared by the law enforcement consultant with input from the project team. The concept note which was submitted to the Conservator of Forests for her consideration prepares the case for the future development of a draft Fiji Strategic Plan for Forest Law Enforcement and Governance (FLEG). A copy of the draft concept note is attached as Appendix 5.
2. The project team met to discuss progress with the project activities and the following was noted-
 - a. *Training in forest law enforcement in Fiji* - A follow-up mission to Fiji by the CTA and law enforcement consultant will be planned for later in the year to conduct the training session in Labasa that were postponed due to the cyclone. The next visit will also include information gathering, consultations and preliminary drafting of a FLEG strategy for Fiji.
 - b. *Fiji – progress with actions from previous mission* - No responses have yet been received from the Conservator of Forests in relation to the actions detailed in project report F4. The project team will continue to seek to follow up these matters with the Conservator.
 - c. *Tonga – planned work to initiate the registration of ownership under the sandalwood regulations* will be deferred until later in the year because Tonga is still in recovery mode from the severe cyclone (Gita) in February this year.

- d. *Niue* – no activities are immediately planned but Jalesi will continue to follow up progress with the propagation of sandalwood and the potential engagement of a former Niuean forestry officer to conduct training in sandalwood propagation to departmental staff and landholders.
 - e. *Study tour to Tasmania* – the dates for the study tour will be set back by two weeks to allow more time for formalities (official invitations, visas etc) to be completed. The new dates for the tour are 14 – 18 May 2018. Jalesi confirmed that APFNet has given approval for participants to attend from Vanuatu and the Solomon Islands in addition to the three project countries, up to a total of 15 participants. The CF Fiji has requested that the Fiji contingent should include participants from the private sector. The CTA will now make arrangements in Tasmania for the new travel dates.
 - f. *Mission to China* – Jalesi advised that he had held favourable discussions with APFNet for the project to undertake a mission to China to review the procedures for the importation of sandalwood. This information is directly relevant to the work already done under the project relating to the strengthening of regulatory frameworks for the sustainable management and legal trade of sandalwood in Tonga and Fiji. This matter will be further considered once the budget for the study tour to Tasmania is finalised, with savings from the cancellation of the Queensland component of the program to be potentially diverted towards the China mission.
 - g. *New project application to APFNet on regional framework for sandalwood*– The project team prepared an application for funding and submission to APFNet before the end of April.
3. The project team (CTA, PTO, Mr Dyson and Mr Mr Luvunakoro) met with the Conservator of Forests (CF) and discussed the following-
- a. *Forest Law Enforcement Training* - The CTA provided a briefing on the training conducted in Lautoka and he highlighted the need for the training to be supported within the FD management hierarchy.
 - b. *FLEG Strategy* - Mr Dyson presented the draft concept note for the development of a draft Forest Law and Enforcement and Governance (FLEG) Strategic Plan for Fiji. The CF expressed her support for a draft strategy to be prepared, noting that this would be done with the technical support and expertise of SPC and the consultants under the APFNet project. The CF highlighted the need to address changes that would be required to the management structure within the FD in order to implement the strategy. She also referred to work being done on the diameter limit table (DLT) and the desirability of producing a consolidated set of reference documents and procedures for forest officers.
 - c. *Forest Bill* – The CF advised that the Bill was still with parliament and that it needed further amendment to address CITES issues.
 - d. *Sandalwood strategy* – The CF advised that the strategy (prepared by the project team in February 2018 – see project report F5) would be discussed with FD staff ahead of further consultations. The CTA discussed the consultations that had fed into the development of the strategy (see project reports F3 and F5). The team discussed the approach for the regulation of sandalwood in Fiji, as part of a wider Pacific framework.

Appendix 1 List of participants at the training course

Forest Law Enforcement Training – DFO W Conference room, 5 – 6th April 2018

#	Name	Organisation	5 th April	6 th April
1.	Emosi Cagi	Pacific Islands Rainforest Foundation	√	√
2.	Fereti Dumaru	Fiji Pine Trust	√	√
3.	Mereseini Waqatairewa	Fiji Pine Trust	√	√
4.	Semisi Tukake	Fiji Pine Ltd	√	√
5.	Isikeli Masimeki	Fiji Pine Ltd	√	√
6.	Pranesh Sagar	Pacific Islands Rainforest Foundation	√	√
7.	Josateki Ratalagi	Pacific Islands Rainforest Foundation	√	√
8.	Veniana Tiko	Pacific Islands Rainforest Foundation	√	√
9.	Uraia Racule	FD - Lautoka	√	√
10.	Amelia Waqanibeqa	FD - Lautoka	√	√
11.	Akesa Bavia	FD - Lautoka	√	√
12.	Lekima Bose	FD - Lautoka	√	√
13.	Laisiasa Kurutani	FD - Lautoka	√	√
14.	Meli Tamani	FD - Sigatoka	√	√
15.	Lepani Tabua	FD - Rakiraki	√	√
16.	Sakiuasa Bulivorovoro	FD - Rakiraki	√	√
17.	Etonia Kelei	Forest Warden - Rakiraki	√	√
18.	Jona Vakatawa	Forest Warden - Rakiraki	√	√
19.	Maika Nabale	Forest Warden - Rakiraki	√	√
20.	Josateki Tuilawaki	Forest Warden - Rakiraki	√	√
21.	Seveci Taka	Forest Warden - Sigatoka	√	√
22.	Laisenia Lobau	Forest Warden - Ba	√	√
23.	Sakenasa Hara	Forest Warden - Sigatoka	√	√
24.	Meli Naiqama	Forest Warden - Nadarivatu	√	√
25.	Semisi Ketewai	Forest Warden - Nadarivatu	√	√
26.	Manasa Luvunakoro	FD – Suva, APFNet focal point	√	√
27.	Mike Dyson	APFNet Consultant	√	√
28.	Graham Wilkinson	Project Chief Technical Advisor	√	√
29.	Jalesi Mateboto	Project Technical Officer	√	√

Forest Law Enforcement Training – DFO Central Eastern Conference room, 12-13th April 2018

Name	Station	12th April	13th April
1. Elimi Kurusiga	Nausori	✓	✓
2. Arieta Tupou	Nausori	✓	✓
3. Ulita Nailumu	Nausori	✓	✓
4. Panapasa Tubuitamana	Nausori	✓	✓
5. Emori Nabure	Nausori	✓	✓
6. Mikaele Tuitoga	Lakeba	✓	✓
7. Temo Kotoilabeka	Nausori	✓	✓
8. Michael Harness	Korovou	✓	✓
9. Etuate Kotoiwasawasa	Korovou	✓	✓
10. Tuiviti Nakalavo	Navua	✓	✓
11. Eroni Kuruvawalu	Vunimaqo	✓	✓
12. Aboroso	Vunimaqo	✓	✓
13. Sireli Kawa	Navua	✓	✓
14. Saula Bai	Ext – Nausori	✓	✓
15. Vetaia Tuisasake	Ext - Nausori	✓	✓
16. Joseva Naivalurua	Ext – Nausori	✓	✓
17. Vaciseva Lesubula	Ext – Nausori	✓	✓
18. Saula Maca	Nausori	✓	✓
19. Lemeki	Nausori	✓	✓
20. Tevita Bulai	DFO N - Labasa	✓	✓
21. Moape Lotawa	FD - Labasa	✓	✓
22. Waisake Vunisa	FD - Labasa	✓	✓
23. Rafaele Raboiliku	FTC	✓	✓
24. Meli Vauvau	FTC	✓	✓
25. Manasa Luvunakoro	APFNet focal point FD – Suva,	✓	✓
26. Mosimani	WUD - Nasinu	✓	✓
27. Graham Wilkinson	SPC Consultant	✓	✓
28. Mike Dyson	SPC Consultant	✓	✓
29. Jalesi Mateboto	SPC	✓	✓
30. Sairusi Bulai	SPC		✓
31. Bale Wilikibau	SPC	✓	✓
32. Arieta W	FD Nausori	✓	✓
33. Halofaki	FD Nausori	✓	✓

APPENDIX 2 - Workshop presentations



Asia-Pacific Network for Sustainable Forest Management and Rehabilitation

Project ID:2015P3-SPC

*Capacity Building Towards Effective Implementation of Sustainable Forest Management Practices in
Fiji, Tonga and Niue*

INTRODUCTION TO FOREST LAW ENFORCEMENT A SHORT TRAINING COURSE FOR FORESTRY OFFICERS IN FIJI

Dates: April 2018 (5-6th Lautoka; 9-10th Labasa; 11-12th Nausori)

Objective of the Course

To provide forestry officers in Fiji with an understanding of the key elements of forest law enforcement and the role of officers in enforcing forest law.

Content of the Course

1. Introduction – why do we need enforcement of forest laws in Fiji?
2. Types of forest law enforcement
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4. How to recognise breaches of forest laws
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6. Enforcement provisions of the legislation
7. Investigations and evidence
8. Principles of natural justice and procedural fairness
9. Regulatory capture and conflict of interest
10. Dealing with difficult situations
11. Practical examples of investigations and the collection of evidence.

Course presenters

Graham Wilkinson, Project Chief Technical Adviser, expert in forest regulation

Mike Dyson, Project Consultant, expert in forest law enforcement

APFNet

Pacific Community
Communauté du Pacifique

"Capacity Building Towards Effective Implementation of Sustainable Forest Management Practices in Fiji, Tonga and Niue"


Jalesi Mateboto
Sustainable Forest and Landscape Management
Programme
Land Resources Division
Pacific Community (SPC)



APFNet

Pacific Community
Communauté du Pacifique

The Pacific



SPC/APFNet Project on "Capacity Building Towards Effective Implementation of Sustainable Forest Management Practices in Fiji, Tonga and Niue"

APFNet

Pacific Community
Communauté du Pacifique

Project Background

- Forests and trees play important roles in the well-being of Pacific island communities
- Sustainable management of the resource is an issue, especially in the face of climate change
- Pacific island countries with the help of SPC and other partners are implementing measures towards improved capacities for the better management of their forest and tree resources
- Project economies of Fiji, Niue and Tonga have formulated forest policies, codes of forestry and forest harvesting and forest management plan – many of the important components of SFM are in place
- Effective implementation, enforcement and monitoring is a major challenge

APFNet

Pacific Community
Communauté du Pacifique

Project Goal and Objectives

Goal is for Fiji, Tonga and Niue to have enhanced capacity for sustainable forest management.

Objectives are to develop -

- a national forest management plan (FMP) for Tonga and to complete the national FMP for Niue
- strategies and mechanisms for effective implementation of the FMPs and codes of forest practices in Tonga, Fiji and Niue
- mechanisms for monitoring and reporting on the implementation of the FMPs and codes of forest practices in Tonga, Fiji and Niue.

APFNet

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Project Activities

- Key activities are to develop regulatory frameworks for each economy that are effective, practical and transparent.
- Emphasis on capacity building to sustain the outcomes into the future through the production of systematic, documented procedures and training packages, including a focus on establishing an ongoing capacity for on-the-job training through train-the-trainer programs.


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Progress to Date

Consultations for the Regulatory frameworks for Fiji

- 6 – 17 March 2017 held in Lautoka (Western Division), Labasa (Northern Division), Nausori (Central/Eastern Division) with 73 participants attending
- consultations to discuss potential actions to strengthen the regulatory framework for the implementation of the Fiji Forest Harvesting Code of Practice and the harvesting and trade of sandalwood in Fiji (July 2017)



Key findings for Fiji

- The regulatory framework needs to cover a diversity of forests, including pine, mahogany and biomass plantations, native forests, and woodlots/agroforestry plantings of species such as sandalwood.
- priorities for improvement of the regulatory framework identified were-
 - Training and accreditation of operators and monitoring officers
 - Implement the Diameter Limit Table (DLT)
 - Develop separate codes of practice for plantations, woodlots and sandalwood
 - devolve regulatory responsibilities to the industry
 - Ensure that the legislation provides a range of enforcement options
 - Introduce regulations for sandalwood.
 - Planning and management provisions for the conservation of biodiversity
- Low impact logging has been done successfully in Fiji (Drawa & Nakavu projects)
- Level of compliance still needs improvement

Notable Achievements

- FMP for Tonga developed and endorsed
- Sandalwood Regulation for Tonga enacted
- FMP for Niue under going government endorsement process
- Implementation of DLT in Fiji
- Consideration by Fiji to develop Sandalwood policy and/or regulation

Impacts

- The passing of the Sandalwood Regulations has already led to increased planting of sandalwood in Tonga
- Fiji has commenced implementation of DLT
- The Niue Forest Management Plan has provided the safety net of the Niue forest resources and safeguards the interest of the people and government of Niue



Outlook for 2018

- Forest Law enforcement training in Fiji
- Study tour to Tasmania, Australia
- Field days in Tonga (Farmer Field Schools)
- Sandalwood Propagation and Management Training in Niue
- Drafting of Sandalwood policy/regulation for Fiji

Acknowledge with thanks the support of APFNet and the governments of China, Fiji, Niue and Tonga

**VINAKA
THANK YOU**



Asia-Pacific Network for Sustainable Forest Management and Rehabilitation

Project
Capacity Building Towards Effective Implementation of Sustainable Forest Management Practices in Fiji, Tonga and Niue

INTRODUCTION TO FOREST LAW ENFORCEMENT A SHORT TRAINING COURSE FOR FORESTRY OFFICERS IN FIJI

5-6 April 2018 Lautoka, 9-10 April 2018 Labasa, 11-12 April 2018 Nausori

Objective of the Course

To provide forestry officers in Fiji with an understanding of the key elements of forest law enforcement and the role of officers in enforcing forest law.

Content of the Course

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11. Practical examples of enforcement and the collection of evidence.

Course presenters

Graham Wilkinson, Project Chief Technical Adviser
(international expertise in forest regulation)

Mike Dyson, Project Consultant
(international expertise in forest law enforcement)

Part 1. Why do we need enforcement of forest laws in Fiji?

(Graham Wilkinson)



THE AUSTRALIAN
FOR THE INFORMED AUSTRALIAN

NEWS OPINION BUSINESS REVIEW NATIONAL AFFAIRS SPORT LIFE TECH ARTS TRAVEL HIGHER ED MI

BREAKING NEWS


Companies, environmental groups campaign against illegal logging

AAP 4:31PM April 21, 2015

BIG corporations and environment groups have formed an unlikely alliance in an attempt to make Australia crack down on illegally logged timber.

Companies like Ikea, Bunnings and Fantastic Furniture, along with Greenpeace, WWF and others, released a common platform today, setting out the plan.

The Guardian
Logging of Victorian old-growth forest 'cannot proceed', lawyers say
 Environmental Justice Australia says it will seek injunction to prevent logging of area containing centuries-old trees



Failure to comply with forest laws, including codes of practice

↓

Forestry is discredited

↓

- Laws and penalties are toughened
- Market access is constrained
- Timber harvesting is banned

A Victorian government-owned business is poised to clear half a century of the state's most ancient forests, but a senior lawyer has said it is "unlikely" that they will be allowed to fall through the supreme court if necessary.


The area about to be logged by VicForests contains countless trees that are centuries old. It is made up of two forest types that are regarded by law to have been marked by the government as "special protection areas" that can't be logged - a step that has not been taken.

The New York Times
Indian Police Shoot and Kill 20 Said to Be Illegally Cutting Down Trees
 APRIL 7, 2019

NEW DELHI — The Indian police and forestry officials on Tuesday fatally shot 20 loggers whom they suspected of illegally cutting down endangered red sandalwood trees, whose wood can be sold in China and Japan for hundreds of thousands of dollars a ton.



Tropical Forestry Services prepares for first Indian sandalwood shipment to China
 ABC RURAL — MATT BRAHN
 UPDATED FRI AUG 26 17:46:37 EST 2016



Demand for 'legal and authentic' sandalwood drives the company's expansion




PHOTO Indian sandalwood will be exported to China for \$US150,000 a tonne.

Rationale for forest law enforcement

1. Protect the environment
2. Protect people's rights and property
3. Discourage criminals
4. Provide access to markets and premium prices

→ Foster the expansion and sustainable management of forest resources for the benefit current and future generations.

Part 2. Types of forest law enforcement

Policing, law enforcement and crime fighting

(Mike Dyson)

Core Functions in context

• **Police:** the duty of maintaining law and order in or at (an area or event).

• **Law Enforcement:** the action or activity of compelling observance of or compliance with the law.

• **Crime Management:** the series of measures and actions taken by the forces of the law to combat crime.

Law Enforcement



In its purest form:

Requires an unwavering adherence to rules and procedures. It is a focus on the letter of the law rather than the spirit of the law.

Fines are issued, arrests are made and force can be used with little regard for the reason or meaning behind a particular law or why it is being broken.

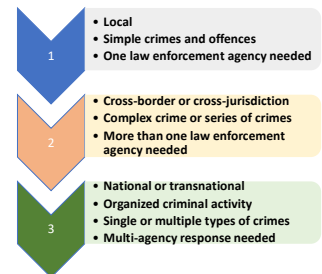
9 Principles of policing

1. The purpose of the police force is to prevent crime and maintain order.
2. Police depend on the approval and trust of the public in order to effectively do their jobs.
3. The ultimate goal of policing is to achieve voluntary compliance with the law in the community.
4. Police must be unwavering in their duties and adherence to the law, maintaining impartiality and avoiding the temptation to be swayed by public opinion.
5. Police must recognize that the more cooperation they can achieve within the community, the less often they will need to use force to achieve compliance with the law.

9 Principles of policing

6. Police must maintain the public favour and cooperation by providing impartial and independent law enforcement services, as opposed to succumbing and pandering to the whims of the public. They must extend the same courtesy and respect to everyone, regardless of economic or social standing.
7. The use of force and physical control is to be used as a last resort, only when other forms of persuasion have failed.
8. Police officers must remember that they, too, are members of the public and that their purpose is to serve and protect the public.
9. The true measure of the effectiveness of any police force is not the number of arrests or police actions taken, but the absence of criminal conduct and violations of the law.

3 Levels of criminal investigation

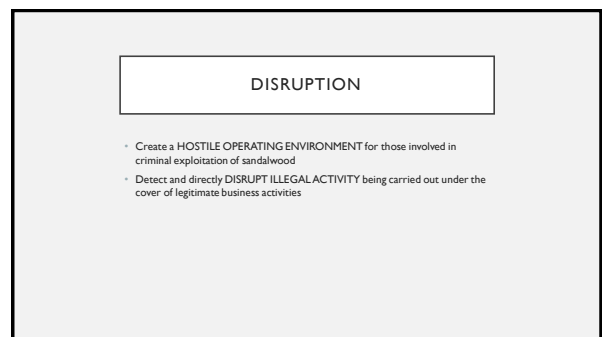
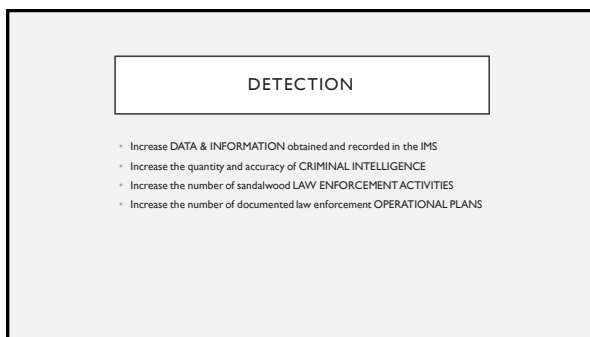
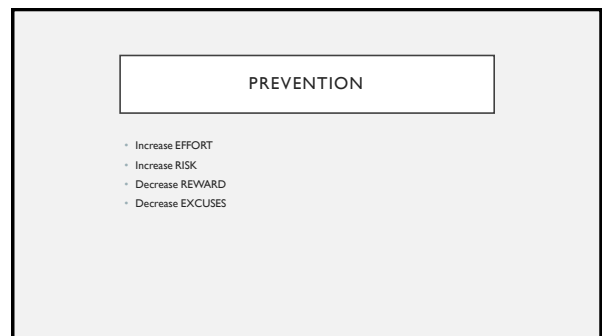
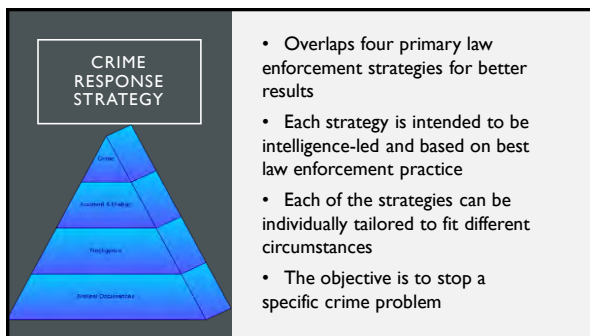
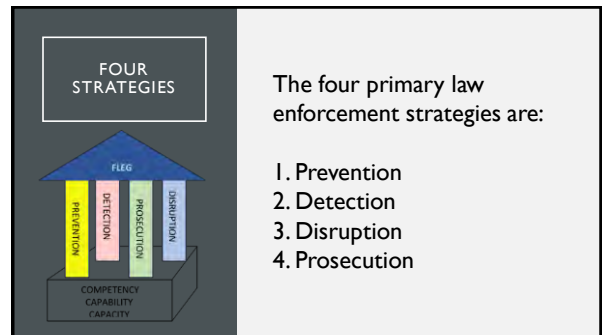
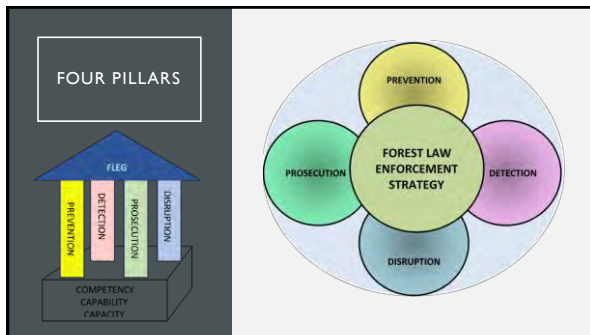


Conclusion

- Forest law enforcement agencies engage in 3 types of law enforcement:
 - Policing
 - Law enforcement
 - Criminal investigation
- Forest officers are not expected to be police
- Non-forest officer in the audience have a role to play to
- Consider it as community policing, but with authority to enforce
- Your duty is to protect the NATURAL RESOURCES under your control from criminal exploitation

Part 3. Forest law enforcement strategies

(Mike Dyson)



PROSECUTION

- Develop criminal investigation PLANNING AND MANAGEMENT SKILLS in law enforcement agencies
- Each law enforcement agency follows a STANDARDIZED SYSTEM to conduct investigations into sandalwood crime
- Make use of JOINT AGENCY INVESTIGATIONS TASK FORCES for investigations of serious crimes and prolonged investigations
- Improving the KNOWLEDGE AND TRAINING of PROSECUTORS to assist and assess investigations.

5 MAIN CAPABILITIES TO SUPPORT THE STRATEGY

- Capability 1: Intelligence, Information Sharing and Interoperability
- Capability 2: Targeting the Criminal Economy
- Capability 3: Investigation, Prosecution and Offender Case Management
- Capability 4: Preventative Partnerships with Industry and the Community, and
- Capability 5: International and National Partnerships.

INTELLIGENCE, INFORMATION SHARING AND INTEROPERABILITY

This capability is intended to increase the understanding of the crime problem by responding to the challenge of [organized] criminal networks being undercover in nature and operating in the black market economy.

TARGETING THE CRIMINAL ECONOMY

This capability outlines a strong approach to targeting the criminal economy to respond to the challenge posed by the profit motive of [organized] criminals/offenders .

INVESTIGATION, PROSECUTION AND OFFENDER CASE MANAGEMENT

This capability outlines an approach based on investigation, prosecution and offender case management designed to meet the challenges posed by flexible, ever-changing, innovative and resistant criminal networks.

PREVENTATIVE PARTNERSHIPS WITH INDUSTRY AND THE COMMUNITY

This capability outlines an approach based on prevention partnerships with industry and the community to meet the challenges posed by [forest] crime groups engaging in criminal infiltration, corruption and the use of facilitators.

INTERNATIONAL AND NATIONAL PARTNERSHIPS

This capability outlines an approach for international and national partnerships to meet the challenges posed by organized/transnational crime maintaining a multi-jurisdictional and transnational presence

IMPLEMENTATION

- Use high level law enforcement strategy and tactics
- Target offender groups and individuals
- Consistent messages that [type of] crime will not be tolerated
- Driven by the need to protect and conserve natural resources
- Include all types of offenders – poachers, transporters, sellers, buyers and traffickers

OVERLAPPING STRATEGY



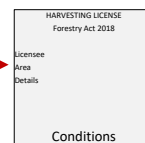
Part 4. How to recognise breaches of forest laws

(Graham Wilkinson)

How to recognise breaches of forest laws

1. Know the laws
2. Know what is an offence
3. Know how to detect a potential offence

1. Know the laws



iTaukei Lands Act [Cap 133]
iTaukei Lands Trust Act [Cap 134]
iTaukei Land (Forest) Regulations
★ Forest Decree 1992
Fiji Pine Decree 1990 (Decree No. 29)
Mahogany Industry Development Decree 2010 (No. 16 of 2010)
Mahogany Industry Development (Amendment) Decree 2014 (No. 3 of 2014)
Environment Management Act 2005
Environment Management (EIA Process) Regulations 2007
Endangered and Protected Species Act 2002 (No. 29 Of 2002)
Birds and Game Protection Act (Cap 170 Rev 1985)
Coconut Industry Development Authority Act 1998
★ Coconut Industry Development Decree 2010
Land Conservation and Improvement Act [Cap 141 Rev 1985]
Land and Water Resources Management Bill 2016
Regulations Under s 35 of the Forest Act [Cap 150]

2. Know what is an offence

Offences

1. Forest Decree 1992

Offences and penalties (Part VIII)

- Offences include causing damage, fraud/misrepresentation, unauthorised felling, violation of licence conditions (s 28).

2. Forests Bill 2016

Offences

- **Forest classification** - Clause 13 (2) provides that any person, who damages, alters, shifts, removes or interferes in any way with any beacon, boundary mark or fence, notice or notice erected by the Departmentcommits an offence.
- **Prohibited activities** - Clause 17(1) prohibits a range of activities, mostly dealing with extraction of wood and non-wood forest products, hunt wildlife, construct roads/paths/buildings, extract minerals etc unless authorised by a license.

- **Special Harvesting Licence** - Clause 18(4) provides that no one is allowed to conduct timber felling and extractingexcept with a Special Harvesting Licence (and associated conditions, including FFHCP).
- **Forest Management Licence** - Clause 21(5) prohibits anyone from maintaining a forest plantation without a Forest Management Licence. Clause 21(6) provides for penalties for non-compliance with licence conditions (including FFHCP).
- **Import and Export Licence** - Clause 22(5) provides for penalties for contravention of conditions of licenses.
- **Wood Processing Mills Licence** - Clause 23(4) states that the Conservator may, revoke a licence if the holder of the licence has failed to meet the terms and conditions of the licence particularly the FFHCP.

- **Log scaling** - Clause 24(1) provides that logs extracted from iTaukei and planted forests includingpine chips, sandalwood, firewood and any logs intended for a commercial purpose, must be measured and weighed according to regulations on log scaling. Clause 24(3) stipulates that it is an offence to (a) fraudulently reports on log measurements during scaling; or (b) tamper with treated or specially engineered logs or timber where the intended standard is compromised and quality misrepresented.
- **Transfer of licences or rights conveyed by licences** - Clause 25(4) provides that no one may transfer the rights without approval of (a) landowner; (b) iTaukei Land Trust Board; or (c) Land Use Unit; and (d) Conservator.

- **Forest fires** - Clause 36(1) prohibits lighting of fires in forest plantations including areas prepared for forest plantations unless authorised a licence. Clause 38(2) makes a person from whose area a fire escapes from to be liable for any damage caused by that fire unless they prove that neither they nor anyone under their employment lit the fire and that they took all possible measures to prevent such damage
- **Powers of inspection** - Clause 40 (4) makes it an offence for anyone who: refuses to produce for inspection by any forest officer a licence or other document required under this law; obstructs a forest officer from carrying out their inspection duties; forges or fraudulently uses on any forest product, any registered hammer mark or any mark used by any forest officer to indicate that such forest product may be removed or is the property of the State or of some other person; or without proper authorisation wears any identification, uniform or part of a uniform or any badge or other mark issued by the Department of Forests.

- **Enforcement of a licence** - Clause 27(1) provides that a licensee is liable for any damage caused by lack of compliance with any terms or conditions of a licence issued under this Act. Clause 27(3) makes it an offence: if any person makes misrepresentation or provides non-factual information when applying for a licence; unlawfully tampers with any stamp, mark, sign, licence or other documents issued under this Act; counterfeits or issues any licence or document purporting to be a licence or document issued under the provisions of this Act. Clause 27 (4) stipulates that a license holder who fells or extracts any trees beyond a licensed area commits an offence may be charged with theft under S294 of the *Crimes Decree 2009*.

3. Ways to detect an offence

1. Routine inspections
2. Systematic monitoring
3. Investigation of reported breaches
4. Suspicious behaviour
5. Experience and alertness.



↓
More
training
and
supervision



Recognising a breach



- Collect and analyse the evidence
- Check the regulations to determine if a breach has occurred

The presumption of innocence

A person accused of a crime does not have to prove that they are innocent.
The burden of proof is on the prosecutor to prove that the person is guilty.

Who is responsible for detecting breaches?

1. Forestry monitoring officers?
2. Forestry enforcement officers?
3. The Police?
4. Forestry officers?
5. Environmental Non-government Organisations (ENGOS)?

Part 5. Roles, responsibility and powers of forestry officers

(Graham Wilkinson)

1. Forest Decree 1992

Powers of officers (Part IX)

- Any officer or police officer may enter land (s 34), arrest any person suspected of an offence if the person refuses to give a true name and address (s 35) and seize and detain forest produce and livestock (s 36).

2. Forests Bill 2016

- **Powers to inspect** - Persons appointed by the Conservator and police officers have powers for activities covered by this Act to inspect land and processing sites, to ask for a person's license or other authorisation, and to stop and inspect vehicles
- **Power of arrest** - Clause 41(1) provides powers of arrest to any police officer who is notified by a forest officer and without warrant of anyone who is reasonably suspect to have committed an offence under this law.

2. Forests Bill 2016

- **Power of seizure** - Clause 42(1) provides that a forest officer or police officer with the Minister's approval and without a warrant seize and hand-over to the Conservator any: forest products, soil, minerals and other materials which may be the subject of an offence under this law, including objectives or livestock; forest products encountered on such inspections which do not comply in quality with prescribed standards; or livestock found trespassing or found without any person in charge of them in any forest reserve or nature reserve. Clause 42(2) provides that any biosecurity officer or forest officer may confiscate, in any site, plants and trees deemed harmful to forests.

- *Power of the Conservator to suspend or revoke licences* - Clause 26(1) allows the Conservator to suspend wholly or partly any work under a license where a breach of the conditions of the license has occurred or is likely to occur. Clause 26(3) allows the Conservator to *revoke or suspend the license* if requirements are not met by the licensee.

Part 6. Enforcement and penalties

(Graham Wilkinson)

1. Forest Decree 1992

- Penalties include fines up to \$10,000 and/or imprisonment up to 12 months (s 29)
- The Conservator (and any other forestry officer empowered by the Conservator) may compound an offence, where the person who has committed the offence consents and pays a determined amount, being not more than one half of the fine prescribed for the offence (s 33).

2. Forests Bill 2016

- Main difference between the Forests Bill and the Forest Decree is that the *Forests Bill only allows prosecution* (there are no provisions for compounding an offence)
- *Penalties* are a fine not less than \$10,000 or to a term of imprisonment not less than 2 years, or to both (Cl 45). Additional penalties may be imposed and compensation payable if any forest product, forest ecosystem, or watershed has been damaged or injured or taken (Cl 47).
- *Forfeiture of property used in commission of forest offence* - Clause 48 requires that for any person convicted of an offence under this law, the Court may order any properties including *forest products etc. in relation to that offence* be forfeited to the State.

Part 7. Investigations and evidence

(Mike Dyson)

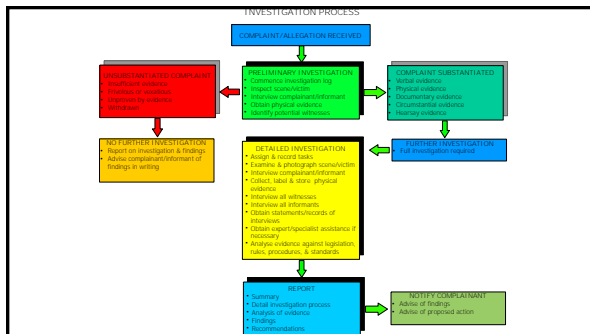
Points of Proof

Failing to comply with tagging requirements

Regulation 37 (1):

A person who acquires or removes a sandalwood tree from a property without tagging the sandalwood tree in accordance with regulation (10) or recording the details of the purchase in a Sandalwood Harvest Docket commits an offence and shall be liable -

1. A **person**
2. who **acquires OR removes**
3. a **sandalwood tree** (refer to definition)
 - I. **Genus Santalum tree including**
 - II. **Root, stump, stem, branch, other part**
4. from a **property** (what if it is in a truck)
5. **without tagging** the sandalwood tree
6. in accordance with **regulation (10)**
 - I. Tree tag (**definition**)
 - II. (what is a tree tag look like – definition doesn't inform you)
7. **OR** recording the details of the purchase in a Sandalwood Harvest Docket (definition & 10(3) informs you)
commits an offence and shall be liable -



1 INSPECT THE SCENE

- Attend the scene as soon as practicable after the event has occurred
- Survey the scene prior to entry
- Assume control of the scene
- Identify the extent of the scene. This involves defining the area immediately around the site of the incident that is likely to yield evidence, and which may require containment and exclusion of unauthorised persons.
- Render the scene safe; look for, and assess, hazards
- Preserve potential evidence; note who found what, where it was found, and the time it was found.
- Record witness details
- Obtain photographs before moving anything

2 INTERVIEW WITNESSES

- Interview the person responsible from making the original report.
 - Establish the facts the witness is personally certain of
 - Establish the nature of the crime/event that is being reported
 - Establish what is hearsay, and where, or from whom, the witness heard it
- Identify witnesses and potential witnesses
- Interview all witnesses
- Obtain statements
- Record all your observations made at the scene
- Request specialists or experts if required
- Arrange inquiries to be conducted by other officers where necessary
- Record all activities on a running sheet.

3 PHYSICAL EVIDENCE

- Collect, mark for identification, and record all handling of physical evidence
- Photograph evidence in position
- Record who found exhibits, the time and place it was found.
- Place individual exhibits in containers and label for identification
- Secure large exhibits, and where practicable move them to a secure area for safe-keeping.

4 RECORDS

- Start a 'running sheet' at the beginning of every investigation
- Record every activity undertaken, and who undertook it
- Record all conversations relevant to the investigation
- Photograph everything

Part 8. Principles of natural justice and procedural fairness

(Mike Dyson)

Natural Justice & Procedural Fairness

A rule against bias

The right to a fair hearing.

A duty to act fairly.

The need to maintain public confidence in the legal system.

MEEKNESS, NOT WEAKNESS

Meekness is power and authority under control

Lawful use of authority underpinned by

- Respect
- Fairness
- Honesty

Part 9. Regulatory capture and conflict of interest

(Graham Wilkinson)

THE PUBLIC SERVICE ACT 1999 (Section 6) PUBLIC SERVICE CODE OF CONDUCT

An employee must-

- behave honestly and with integrity, care and diligence
- treat everyone with respect and courtesy, and without coercion or harassment of any kind
- comply with all applicable Acts and lawful directions
- maintain appropriate confidentiality about dealings with any Minister or staff
- disclose, and take reasonable steps to avoid, any conflict of interest
- use Government resources and assets in a proper way
- not provide false or misleading information, make improper use of official information or status, power or authority in order to gain a benefit or disclose information about public business
- act in a way that upholds the integrity and good reputation of the public service.

Regulatory capture

- Regulatory capture occurs when officers or agencies begin to act in the interests of the persons or bodies that they are intended to regulate rather than in the broader public interest
- It commonly occurs where an officer is in a close living or working environment with his/her constituents and personal relationships make it difficult to impose sanctions.

Examples of regulatory capture















- Local Forestry Office carries out activities (e.g. road building) that should have been done by a licensee
- Local Forestry Office does not carry out monitoring inspections in its local area
- Local Forestry Office uses departmental machinery to do non-approved road works for a local village.

Conflict of interest

- A conflict of interest refers to a situation where a conflict arises for an individual between two competing interests.
- These are often, but not exclusively, interests of public duty versus private interests.
- Conflicts of interest can involve financial or non-financial interests of the person and the interests of a family member, friend or business associate.

Types of conflict of interest

- An **actual** conflict of interest arises when an officer's personal or private interests impact on their public duties
- A **perceived** conflict of interest arises where an officer's decision could be questioned based on their personal or private interests. This can lead to reputational damage, where the officer and the organisation is not trusted and is seen as corrupt
- A **potential** conflict of interest arises where an officer has private interests that could conflict with their official duties in the future, or where a public officer has competing interests because they hold more than one official role or public duty.

Issue	Conflict of interest			Action
	Actual	Perceived	Potential	
1. Forestry officer travels in a company vehicle to do an inspection of the company's operations				Assess and avoid if warranted
2. Forestry officer accepts hospitality (e.g. meals, kava) from a sawmiller				Avoid
3. Forestry officer in a personal capacity does 'out of hours' work related to forestry in Fiji for landowners, industry persons or other clients				Avoid or undertake the work in an official and transparent way through the Forestry Department
4. Forestry officer investigates a potential breach by a person who is a relative or friend				Avoid Use other staff to investigate
5. Forestry officer preferentially recruits a relative for paid employment with the Forestry Department				Avoid Use other staff for recruitment
6. The demand for sandalwood seedlings exceeds supply and the forestry officer preferentially provides all available seedlings to his local village				Avoid. Use a fair and transparent method for allocation of seedlings
7. Forestry Officer leases land to establish a sandalwood plantation				Assess and manage. Ensure that all actions are transparent and apply the 'reasonable test'.



Part 10. Dealing with difficult situations

(Mike Dyson)

What frightened me?

		Armed offenders	11
		Death threat	5
Sieges/SOG	8	Domestic dispute	27
Sudden death	21	Fatal accidents	6
Suicide	15		
Suicide negotiation	5	Firearms offences	7
		Fraud	57
		Hostage taken	2
Assault & wounding	66	Manslaughter	1
Armed robbers	19	Murder/attempted murder	13
Burglary, stealing	146	Psychiatric patients	9
Drug arrests	63	Rape & other sex crimes	36
Extraditions	8	Rape false/withdrawn reports	16

Why people become angry

Anger is initiated by one or more of the following feelings:

- Frustration
- Threat
- Insult
- Attack
- Reciprocation

These feelings will be triggered by a situation or event. The cause of the trigger will be either:

- A person or people
- Circumstances made of events, situations or objects

Negative aggression



Positive Aggression



Types of Aggression

	ACTIVE		PASSIVE	
	DIRECT	INDIRECT	DIRECT	INDIRECT
PHYSICAL	1 Assault	2 Damaging property	3 Obstructing or confronting behaviour	4 Refusing to perform a necessary task
	5 Insults, abuse, threats	6 Malicious gossip or rumour - verbal or written	7 Refusing to speak, sullenness, avoidance	8 Refusing consent - vocal or written

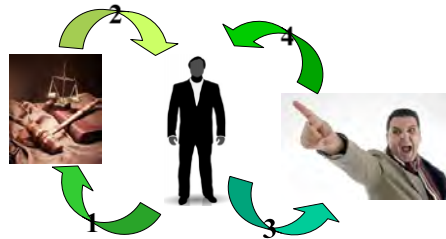
Types of violence

Level of violence	Type of force	Potential consequences
Minor assault	Pushing & jostling Punching	Minimal or no injury
Serious assault	Sustained attack Kicking Weapons assisted assault	Serious injury
Lethal assault	Any assault capable of causing death or serious physical injury	Serious bodily harm or death

Primal Aggression

Phase	Behaviour
CRISIS	<ul style="list-style-type: none"> Violence Loss of physical control Loss of judgement Verbal control is lost
ESCALATION	<ul style="list-style-type: none"> Intimidation and threats Verbal venting Refusal to comply Questioning and arguing Anxiety increases
TRIGGER	<ul style="list-style-type: none"> Stress and anxiety starts

The Art of Persuasion



Flight, Fight, Freeze responses

- RUN
- HIDE
- FIGHT



Part 11. Practical examples of investigations and the collection of evidence

Group exercises

Appendix 3 - Practical training exercises


INTRODUCTION TO FOREST LAW ENFORCEMENT A SHORT TRAINING COURSE FOR FORESTRY OFFICERS IN FIJI

Practical Exercises

Exercise 1 – alleged illegal logging

FOUR GROUPS

Investigating Foresters (Groups F1 and F2)
Divisional Forest Officer (Groups DFO1 and DFO2).



1. Information for investigating forester

On a routine inspection of a licensed forestry operation you have noted that roading and logging has occurred on land [Area 1] which is outside of the approved harvesting boundary.


The logging contractor has told you that he has a license to harvest Area 1 but he was not able to produce any documentation. During questioning he became argumentative and threatening.

Questions

1. What potential offences have occurred?
2. What evidence would you collect to prove the offences?

Your task

Prepare a brief for the Divisional Forest Officer that details the offences and the supporting evidence.



2. Information for Divisional Forest Officer

One of your foresters has reported that roading and logging has occurred on land [Area 1] which is outside of an approved harvesting boundary.

Question

What evidence would you expect to receive from the forester?

Your task

Review the brief from the forester and determine if there are sufficient grounds to recommend prosecution.

Evidence

- Establish the exact location and boundaries of Area 1
- Is there a license?
- Who are the landowners and how were they involved?
- Who did the roading and logging? How can this be shown (e.g. statements, photographs of logging vehicles operating in Area 1 etc)
- Survey the location of the road
- Assess the likely date when the road was built
- Check the road and stream crossing for compliance with FFHCP
- Survey the location, diameter, estimate log length, species of all felled trees
- Assess the likely dates of harvesting
- Check the harvesting (stumps etc) for compliance with FFHCP
- Statements from relevant parties.

Evidence matrix		
Offence	Evidence	Details
Forest Bill CI 17(1) – harvesting of timber prohibited unless authorised by a license Forest Bill CI 18(4) - timber harvesting and road construction not permitted except with a Special Harvesting Licence	<ol style="list-style-type: none"> 1. No licenses issued for Area 1 2. Evidence that roading and logging has occurred (within the statute of limitations) in Area 1 3. Evidence that shows that the roading and logging was conducted by Person FLC 	<ol style="list-style-type: none"> 1. FD License database checked. Person FLC unable to produce license or harvesting plan for Area 1 2. Map, survey, inventory of logged trees, expert assessment of dates of activities. 3. Statements, photographs of logging equipment, logs in sawmill yard matched to stumps in Area 1
Forest Bill CI 27(4) - a license holder who fells or extracts any trees beyond a licensed area commits an offence	<ol style="list-style-type: none"> 1. Evidence that shows that Person FLC held a license for the area marked in the Harvesting Plan 2. As for points 2 and 3 above. 	<ol style="list-style-type: none"> 1. Record of license in FD database. Person FLC able to produce copy of license for harvesting plan area 2. As for points 2 and 3 above.
Forest Bill CI 40(4) - offence for anyone who refuses to produce for inspection by any forest officer a licence or other document required under this law; obstructs a forest officer from carrying out their inspection duties	Person XYZ behaved in a threatening manner to Forest Officer JBW in order to obstruct the investigation.	<ol style="list-style-type: none"> 1. Statements from Forest Officers JBW and THG 2. Statement from Forest Worker RFD.

FOUR GROUPS

Prosecution (Group P1)
Defence (Group D1)
Magistrates (Group M1).

3. Information for the Prosecution



Task

1. Produce an evidence matrix
2. Present your case to the Magistrate.

4. Information for the Defence



Task

1. Consider the evidence matrix produced by the Prosecution
2. Consider the defences that could be offered to disprove the evidence or cast reasonable doubt.
3. Present your defence to the Magistrates.

5. Information for Magistrates



Task

1. Consider the evidence matrix produced by the Prosecution
2. Consider the defence offered by the defendant
3. Make a determination as to whether any offences have been proven.

Evidence matrix

Offence	Evidence	Details	Potential defences
Forest Bill CI 17(1) – harvesting of timber prohibited unless authorised by a license Forest Bill CI 18(4) - timber harvesting and road construction not permitted except with a Special Harvesting Licence	<ol style="list-style-type: none"> 1. No licenses issued for Area 1 2. Evidence that roading and logging has occurred (within the statute of limitations) in Area 1 3. Evidence that shows that the roading and logging was conducted by Person FLC 	<ol style="list-style-type: none"> 1. FD License database checked. Person FLC unable to produce license 2. Map, survey, inventory of logged trees, expert assessment of dates of activities. 3. Statements, photographs of logging equipment, logs in sawmill yard matched to stumps in Area 1 	<ol style="list-style-type: none"> 1. Person FLC denies doing the logging 2. Person FLC alleges that someone else used their equipment without their consent 3. The alleged road is not a "road" within the meaning of the Act and/or FFHCP. 4. The road and logging are outside of the statute of limitations. 5. The person who surveyed the boundary of Area 1 was not a qualified surveyor. 6. The person who assessed the stumps etc was not qualified.
Forest Bill CI 27(4) - a license holder who fells or extracts any trees beyond a licensed area commits an offence	<ol style="list-style-type: none"> 1. Evidence that shows that Person FLC held a license for the area marked in the Harvesting Plan 2. As for points 2 and 3 above. 	<ol style="list-style-type: none"> 1. Record of license in FD database. Person FLC able to produce his/her copy of license 2. As for points 2 and 3 above. 	As above

Evidence matrix			
Offence	Evidence	Details	Potential defences
Forest Bill Cl 40(4) - offence for anyone who refuses to produce for inspection by any forest officer a licence or other document required under this law; obstructs a forest officer from carrying out their inspection duties	Person XYZ behaved in a threatening manner to Forest Officer IBW in order to obstruct the investigation.	1. Statements from Forest Officers JBW and THG 2. Statement from Forest Worker RFD.	1. Person XYZ has language difficulties and did not understand the Forest Officer. 2. Person XYZ produces a witness to state that the statements of Forest Officers and Forest Worker RFD are false and that these people are all related and have a long standing personal dispute with Person XYZ.

Exercise 2 – alleged repeated breaches of FFHCP

FOUR GROUPS

Investigating Foresters (Groups F1 and F2)
Divisional Forest Officer (Groups DFO1 and DFO2).





1. Information for investigating forester

You have had a long history of warnings to Sawmiller EZY about breaches of the FFHCP. His performance has not improved and you have decided that it is time to impose a penalty.

You have found four breaches of the FFHCP, which you believe warrants the revocation of the sawmiller's license.

Questions

1. What potential breaches have occurred?
2. What evidence would you collect to prove the offences?

Your task

Prepare a brief for the Divisional Forest Officer that details the breaches and the supporting evidence.



2. Information for Divisional Forest Officer

One of your foresters has reported a long history of poor performance by Sawmiller EZY. He says that the sawmiller has not responded to repeated warnings. He has provided you with a brief that details the latest breaches and he recommends that the sawmiller's license be revoked.

Question

What evidence would you expect to receive from the forester?

Your task

Review the brief from the forester and determine if there are sufficient grounds to recommend revocation of the sawmiller's license.

Evidence

1. What are the breaches?
2. Who is responsible?
3. What evidence is needed?



What are the breaches?

FFHCP s 14.1

- Skid track not adequately drained
- No cross-drains

Questions

- Who is responsible?
- Is there a license in place and is the operation within the statute of limitations?
- Does this qualify as a skid track within the meaning of the FFHCP?



What are the breaches?

FFHCP s 14.1

- Skid track not adequately drained
- No turn-outs for surface water
- Cross-drains not at an angle of 50° – 70°

Questions

- Who is responsible? Has the cross-drain been altered by others after the logging operation ended?
- Is there a license in place and is the operation within the statute of limitations?
- Does this qualify as a skid track within the meaning of the FFHCP?



What are the breaches?

FFHCP s 10.7.1 (Permanent crossings)

- Bridge height does not allow 1 in 20 year flood
- Construction and maintenance does not minimise risk of sediment entering stream
- Fill not stabilised
- No kerbs to contain earth on bridge.

Questions

- Who is responsible?
- Is the bridge within the boundary of a harvesting plan, a license in place and within the statute of limitations?
- Is this a permanent bridge within the meaning of the FFHCP?



What are the breaches?

FFHCP s 11.1

- No evidence of directional felling.

Questions

- Who is responsible? Has the faller been trained?
- Is there a license in place and is the operation within the statute of limitations?
- Has there been any damage to the residual stand?
- Has there been any safety issues, including near misses?

Evidence matrix

Offence	Evidence	Details	Potential defences
Forest Bill Clause 23(4) - the Conservator may revoke a licence if the holder of the licence has failed to meet the terms and conditions of the licence particularly the FFHCP.	<ul style="list-style-type: none"> • License in place • Operations occurred within the licensed area and harvest plan • Operations within the statute of limitations • License requires compliance with harvesting plan and FFHCP <p>Case 1 - FFHCP s 14.1</p> <ol style="list-style-type: none"> 1. Skid track not adequately drained 2. No cross-drains <p>Case 2- FFHCP s 14.1</p> <ol style="list-style-type: none"> 1. Skid track not adequately drained 2. No turn-outs for surface water 3. Cross-drains not at an angle of 50° – 70° <p>Case 3 – FFHCP s 10.7.1</p> <ol style="list-style-type: none"> 1. Bridge height does not allow 1 in 20 year flood 2. Construction and maintenance does not minimise risk of sediment entering stream 3. Fill not stabilised 4. No kerbs to contain earth on bridge <p>Case 4 – FFHCP s 11.1</p> <ul style="list-style-type: none"> • No directional felling 	<ol style="list-style-type: none"> 1. FD License database checked. 2. Map, survey, inventory of skid track and stumps, expert assessment of dates of activities. 3. Statements, photographs of skid tracks and stumps 4. Expert witnesses to address track drainage and directional felling. 5. Statements from licensee and forest workers 6. Statement from Forest Officers. 	<ol style="list-style-type: none"> 1. Licensee claims he is not responsible and the breaches were done by others when his crew was not present. 2. The machinery tracks are not 'skid tracks' within the meaning of the FFHCP. 3. The bridge is a temporary bridge. 4. The trees did not require directional felling because they all had a natural lean and they were safe to fell without risk to the crew or the remaining forest.

INTRODUCTION TO FOREST LAW ENFORCEMENT

TRAINING HANDBOOK

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1 TYPES OF FOREST LAW ENFORCEMENT

1.1 INTRODUCTION

Forest illegality occurs when forest products are harvested, transported, processed, bought or sold, or when forests are cleared or otherwise degraded, in violation of sub-national, national or international laws. Corruption and poor governance provide an environment that enables illegal behavior to be carried out. Inconsistent forest policies, unrealistic laws, and insufficient institutional capacity to enforce laws contribute to illegal activities such as illegal logging. Other drivers of forest illegality include a lack of knowledge of forest laws, and high domestic or export market demand for timber.

In its strict sense, law enforcement is defined as the action or activity of compelling observance of or compliance with the law. It is the action taken by legally appointed authorities to determine non-compliance with rules and regulations and to prosecute violators of those rules and regulations. It will invariably involve patrols or surveillance detect criminal activity, identify suspects and offenders, the investigation of crimes and offences, and the apprehension and prosecution of offenders. Law enforcement, therefore, is one of the methods for reducing illegal practices in the forest sector.

Law enforcement is not the only strategy to prevent illegal exploitation of forest resources. In fact, it is the last in a chain of strategies that, when implemented, work together to reduce illegal exploitation.

To succeed, forest law enforcement – and forest governance more generally – requires strong political commitment at all levels to address corruption and increase transparency in the forest sector. Improving forest law enforcement and governance also requires collaboration across sectors, between agencies and the strong involvement of stakeholders.

At the highest level of government, strategies to address illegal forest activities should be tailored to suit the specific local and national conditions. Efforts in the following areas can produce positive results:

1. making forest laws and policies rational, equitable, transparent and streamlined;
2. improving forest monitoring and information gathering;
3. strengthening national institutional capacities to enforce laws; and
4. formulating policies in the forest and other sectors that take into account the economic and social dynamics that underlie illegal exploitation of forest resources.

However, as this precis is directed towards forest managers and forest law enforcement officers, it looks at the basic types of law enforcement and the strategies they can use to combat the illegal exploitation of forest resources.

1.2 CONTEXT

It is helpful to understand the relationship between the traditional role of police versus other law enforcement agencies. Even though every jurisdiction can give different mandates and areas of responsibility to its police and law enforcement agencies, the core function of police remains the same, and that is their duty of maintaining law and order and keeping the peace.

There are basically three types of law enforcement agencies, local, state, and national. Generally, the police have the highest authority to conduct investigations of serious crimes such as organized crime, trafficking, smuggling, money laundering, conspiracy etc., and there are separations of power and jurisdiction between them. For example; national police agencies may only deal with cross border crimes and crimes that breach national laws. Provincial or State police may only deal with crimes that breach Provincial or State laws. Local police may only deal with crimes or offences that breach local laws. When a crime or offence crosses one of those jurisdictions into the other, the agencies with jurisdiction over any part of the crime will work together so that the entirety of the criminal activity is fully investigated, and the offender is prosecuted to the full extent of the law.

A law enforcement agency (LEA) is any agency which enforces the law. Governments give authority of certain agencies to enforce the laws regulating specific sectors. Examples of specialized sectors include Customs and Excise, Forestry, Protected Areas, Local Government, Taxation, etc. When serious criminal activity occurs in their jurisdiction, they may have sole responsibility to deal with it. However, when the activity involves other jurisdictions responsibilities, those agencies can become part of a multi-agency investigation, adding their authority and expertise so that the entirety of the criminal activity is fully investigated, and the offender is prosecuted to the full extent of the law. An example is where timber is illegally harvested and trafficked into another country by an organized crime syndicate. A full investigation would require involvement of local, provincial, national and international law enforcement agencies.

For example, it is not effective crime management to prosecute a timber cutter alone when further investigation would reveal that he is simply one person and the bottom of a crime syndicate. Simple action like that does not address the bigger problem. It simply criminalizes the lowest level person and leaves the king-pins untouched to recruit another vulnerable citizen into the syndicate. The same can be said for the timber transporter.

It is therefore important that the full complexity of illegal forest activity is understood at every level of law enforcement and all need to play their part if the problem is to be prevented, detected, disrupted and prosecuted.

Crime management is necessary when a specific commodity is subjected to sustained or systematic criminal exploitation: and it will require a series of measures and actions taken by many law enforcement agencies to combat crime. Major examples that involve transnational organized crime include; illegal logging, human and drug trafficking, illegal timber trade, and firearms trade. Crime management involves more than law enforcement acting alone; therefore, it involves strategy, planning, command, control and coordination of multiple stakeholders to combat the crime problem.

1.3 NATURAL JUSTICE

In its purest form, law enforcement requires an unwavering adherence to rules and procedures. It is a focus on the letter of the law rather than the spirit of the law. Fines are issued, arrests are made, and force can be used with little regard for the reason or meaning behind a particular law or why it is being broken.

True to that concept, the sign above many court houses says, “Court of Law”, not “Court of Justice”. The implication is that the courts make their decisions based on the law alone, which is sometimes used colloquially to explain why criminals “get off on a technicality” in the law.

Natural Justice is a principle to ensure that the law is enforced fairly and to ensure justice is served. It is primarily a principle used in the judicial process to arrive at a decision about a case, but law enforcement officers are part of the judicial process, so they must act fairly and without bias, and properly investigate crimes and offences so that all avenues are examined. Law enforcement officers follow the principles of natural justice by gathering all relevant evidence and by not excluding or failing to investigate any evidence, allegation or aspect of a criminal activity that would inculpate or exculpate a suspect or offender.

The rule against bias requires the investigator to be impartial or neutral towards guilt or innocence of any person. The investigator’s sole responsibility is to gather all the available evidence and present the case to the prosecutor for a decision to prosecute or not. Thereafter it is up to the court to decide on guilt or innocence, and on the appropriate penalty if any.

To avoid being accused of bias, law enforcement officers should be guided by these two principles:

1. they have no apparent personal or proprietary interest in the outcome of the investigation; and,
2. no reasonable grounds to suspect that there is a likelihood of bias.

These are the different forms of bias that might impact on a law enforcement officers exercise of natural justice.

Personal bias: A personal or professional relationship of friendship or hostility with any of the parties involved.

Pecuniary bias: Any financial interest no matter how small in the matter under investigation.

Subject matter bias: Any direct or indirect involvement in any subject matter involved in the case.

Departmental bias: Abuse or neglect of an administrative process to favour or unfavourably influence a decision on the matter under investigation.

Pre-conceived notion bias: Any notion of pre-conceived bias can be a trap for investigators if they form an opinion of guilt or innocence that influences their investigation and or the evidence they produce to court.

Bias on account of obstinacy: Unreasonable and unwavering persistence in pursuing a suspect without due process and impartiality in the conduct of an investigation.

1.4 NINE PRINCIPLES OF POLICING

These 9 principles of policing should be followed by every law enforcement officer. By adhering to these principles, natural justice will be achieved,

1. The purpose of the police force is to prevent crime and maintain order.
2. Police depend on the approval and trust of the public in order to effectively do their jobs.
3. The ultimate goal of policing is to achieve voluntary compliance with the law in the community.
4. Police must be unwavering in their duties and adherence to the law, maintaining impartiality and avoiding the temptation to be swayed by public opinion.
5. Police must recognize that the more cooperation they can achieve within the community, the less often they will need to use force to achieve compliance with the law.
6. Police must maintain the public favour and cooperation by providing impartial and independent law enforcement services, as opposed to succumbing and pandering to the whims of the public. They must extend the same courtesy and respect to everyone, regardless of economic or social standing.
7. The use of force and physical control is to be used as a last resort, only when other forms of persuasion have failed.
8. Police officers must remember that they, too, are members of the public and that their purpose is to serve and protect the public.
9. The true measure of the effectiveness of any police force is not the number of arrests or police actions taken, but the absence of criminal conduct and violations of the law.

1.5 THREE TIERS OF CRIMINAL INVESTIGATION

Forest law enforcement officer will rarely have the knowledge, skill or legal authority to investigate all types of forest crimes without support from, and cooperation with, other law enforcement agencies. This is especially true of crimes that cross jurisdictional borders, that are very serious or complex, or involve other more serious crimes. Therefore, it is important for forest law enforcement officers to have standard operating procedures in place to ensure that the need for multi-agency investigations is recognised early in an investigation, roles and responsibilities of participating agencies are clearly defined and understood, information sharing takes place, and inter-agency cooperation remains effective and efficient.

The 3 tiers of investigation are:

Tier 1

- The illegal activity is confined to a local area under the jurisdiction of a single agency.
- Simple crimes and offences.
- One law enforcement agency needed to investigate all aspects of the illegal activity.

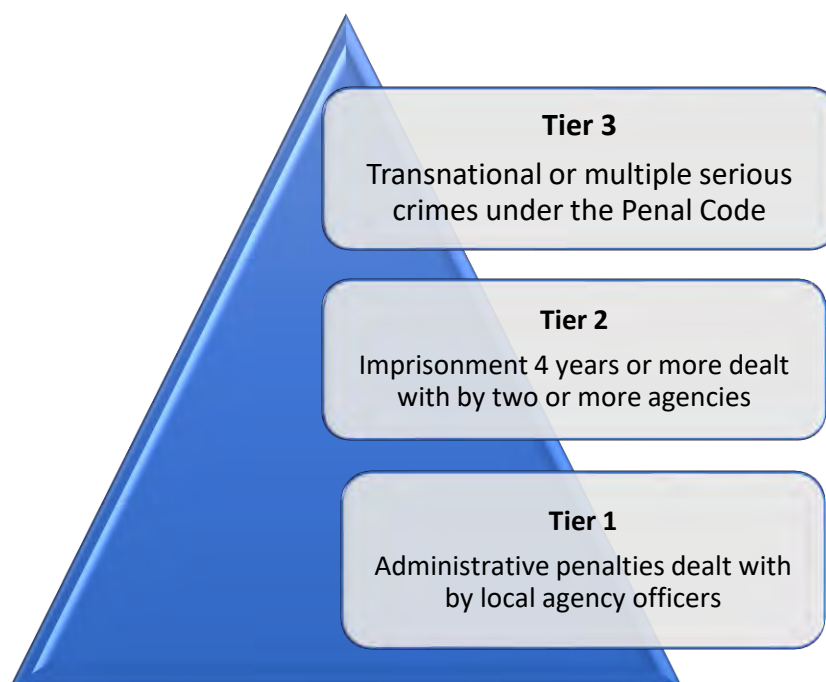
Tier 2

- Some or part of the illegal activity occurred cross-border or cross-jurisdiction.
- Complex crime or series of crimes.
- Some or part of the illegal activity falls under the jurisdiction of more than one law enforcement agency.

Tier 3

- National or transnational criminal activity or criminals are involved in any part.
- Organized criminal activity where two or more people are involved.
- Single or multiple types of crimes that fall under more than one jurisdiction
- Multi-agency response at national, provincial and district levels is needed to investigate the illegal activity.

This diagram indicates the levels of seriousness and complexity the criminal activity could involve.



This table indicates the level of law enforcement involvement at each level.

TYPE OF CRIMINAL ACTIVITY	AGENCY INVOLVEMENT
Timber trafficking, conspiracy, money laundering, murder, corruption, tax evasion	National and international police, criminal investigation police, anti-corruption commission, taxation officials, military, Customs Department, business affairs regulators, local government
Large scale illegal logging, serious harm to the environment, corruption	Provincial and district police, criminal investigation police, Customs Department, military, business affairs regulators, local government
Breach of FM plans, small scale illegal logging, minor breaches of regulations	Local law enforcement

In conclusion, forest law enforcement agencies engage in 3 types of law enforcement:

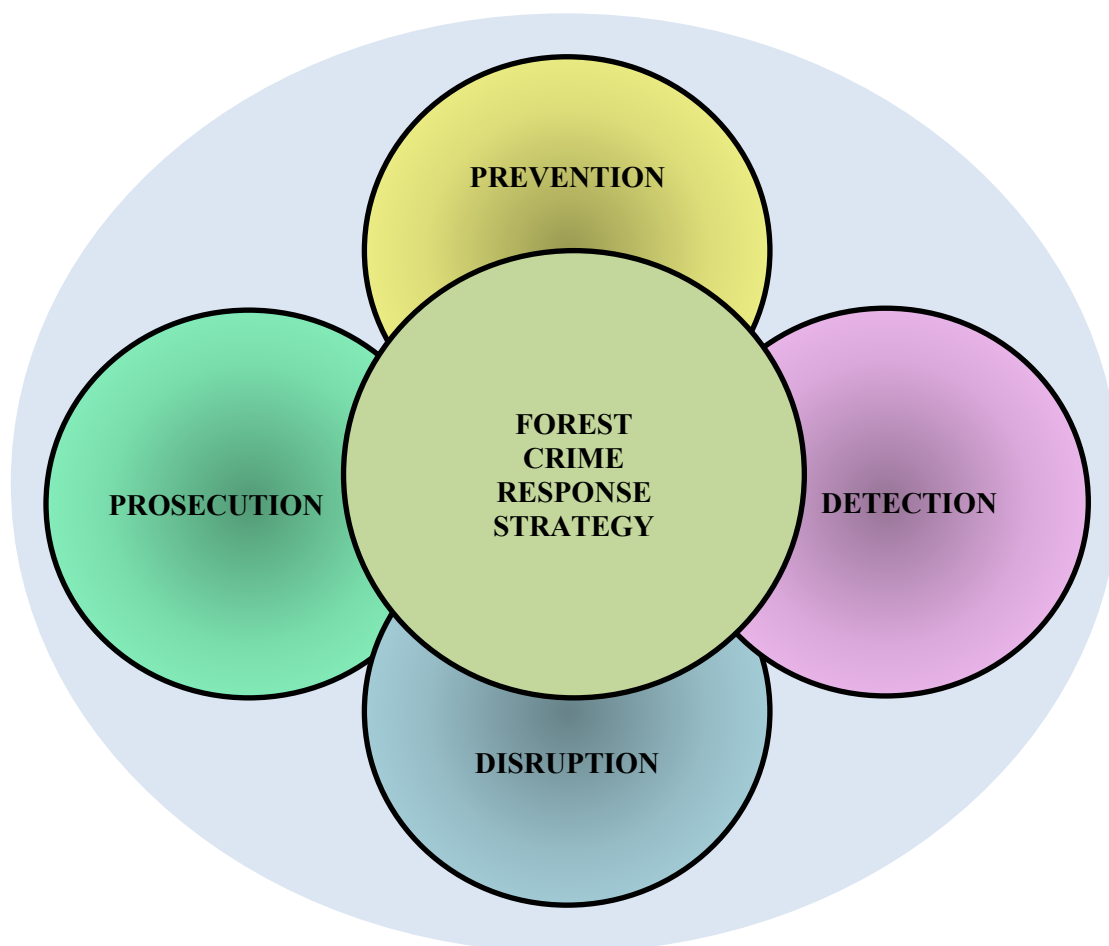
1. Policing – crime prevention and compliance with regulations
2. Law enforcement – detecting and prosecuting minor offences against regulations
3. Criminal investigation – detecting and investigating serious forest crimes and offences

However, when criminal activity involves offences across other law enforcement agency jurisdictions, several agencies will be required to cooperate and work with each other to achieve a thorough and fair outcome.

2 FOREST LAW ENFORCEMENT STRATEGIES

The four-primary overlapping and integrated law enforcement strategies are:

1. **Prevention**
2. **Detection**
3. **Disruption**
4. **Prosecution**



Forest crime prevention can be implemented by these measures:

1. Using high-level law enforcement strategy and tactics
2. Targeting offender groups and individuals
3. Consistent messages that forest crime will not be tolerated
4. Driven by the need to protect and conserve forest
5. Include all types of offenders – loggers, transporters, sellers, buyers and traffickers
6. Expand on current Forest Management Action Plans

The messages to be given to the broader community through awareness campaigns needs to be:

1. The government does not tolerate forest crime
2. Breaches of forest laws will not be tolerated and there will be consequences for any breach
3. The government cares about the country's forests and natural environment
4. The community should report any breaches or suspicious activities to law enforcement authorities
5. Forest crime has long term damaging consequences on the country's biodiversity and national security

Forest crime detection can be implemented by these measures:

- Patrolling, inspecting and monitoring hotspots for illegal activity in forested lands
- Developing informant networks and obtaining information from a wide range of other sources
- Increasing the quantity of information obtained and recorded in a central information management system
- Increasing the quantity and accuracy of criminal intelligence reports created and disseminated to forest law enforcement agencies.
- Increasing the number of forest law enforcement activities completed by each law enforcement agency annually
- Increasing the number of documented law enforcement operational plans completed and recorded in the central information management system each year

Forest crime disruption can be implemented by these measures:

- Law enforcement agencies make full use of their rights, responsibilities and powers to monitor and inspect people and places suspected of being involved in illegal forest activity and timber trade.
- Using legal powers to make people answer for their activity that involves protected forest resources
- Creating a hostile environment for forest-crime groups and individuals to operate in.
- Detecting and directly disrupting illegal activity being carried out under the cover of legitimate business activities

Prosecution of Forest crime can be implemented by these measures:

- Developing crime investigation planning and management skills in forest law enforcement agencies
- Developing a standardized system to conduct investigations into forest crimes
- Using multi-agency investigations task forces for investigations of serious crimes and for prolonged investigations
- Improving the knowledge and training of prosecutors to assist and assess investigations.

Forest crime investigation Task Forces can be multi-agency teams that:

- Investigate serious or multi-jurisdiction forest crime activities
- Share information, resources and experience about forest crime
- Gather and share important information about forest crime
- Create, implement and monitor forest crime investigations and law enforcement operations

The results expected from high-level focused forest law enforcement include:

- Increased forest rescues and seizure of illegally obtained forest products
- Increased prosecution of offenders in courts
- Increased information reports provided to international partners against forest crime
- Zero tolerance of forest crime by the community
- Decreased forest crime locally and nationally

3 BUILDING FOREST LAW ENFORCEMENT CAPACITY

To support the response to forest crime and implementation of the crime management strategy the following five capabilities are required:

Capability 1: Intelligence, Information Sharing and Interoperability

Capability 2: Targeting the Criminal Economy

Capability 3: Investigation, Prosecution and Offender Case Management

Capability 4: Preventative Partnerships with Industry and the Community, and

Capability 5: International and National Partnerships.

These capabilities need to be developed and implemented by law enforcement agencies over time.

3.1 CAPABILITY 1: INTELLIGENCE, INFORMATION SHARING AND INTEROPERABILITY

This capability is intended to increase the understanding of forest crime by responding to the challenge of organized criminal networks being undercover in nature and operating in the black-market economy.

An intelligence-led approach is a fundamental requirement to successfully respond to organized forest crime. It informs agencies for strategic and operational planning and operational deployment of resources. It also informs Government of new policy, regulatory and legislative recommendations.

To develop a complete intelligence picture, it is essential to have information analysts capable of providing the highest quality intelligence. Each agency (see below) has a different role to play and their intelligence requirements can differ in respect to their own jurisdictional needs. Therefore, there is a need for the development of a centralized forest crime intelligence capability and operation that collects information from across all agencies and other sources rather than relying on intelligence developed at an agency level. This enables more effective use of the data and intelligence holdings of each agency and their particular analytical skills and system capabilities to consolidate all information into a picture totally focused on forest crime across the country.

The development of a centralized Information Management System will improve the multiagency response to forest crime by:

- (a) providing a timely central point of contact for fast exchange of information between agencies
- (b) providing a central point for agencies to quickly obtain information to assist with ongoing intelligence operations
- (c) supporting the law enforcement agencies by referring key issues for intelligence assessment and further investigation as required, and
- (d) developing coordinated multi-agency intelligence focused on a number of key vulnerabilities or critical threats as outlined in a forest crime threat assessment.

Agencies responsible for responding to serious and organized crime are:

- (a) Forest law enforcement agencies
- (b) Police criminal investigation agencies
- (c) Customs Department
- (d) Army
- (e) Prosecutors

Capability 1: Intelligence, Information Sharing and Interoperability

The following will ensure that a Government is able to respond to the challenge of undercover criminal networks operating in the black-market economy:

- 1.1 The use of agreed quality standards of intelligence to drive operational resource allocation, tasking and whole-of-government decision making in a timely and appropriate manner.
- 1.2 The establishment of an Information Management System to maximize the efficiency of forest crime data and intelligence holdings and the use of analytical skills and systems of each agency.
- 1.3 The development of forest crime intelligence model to provide clarity and consistency of standards, processes and protocols for intelligence-led policing and law enforcement work to enhance the national picture of forest crime.
- 1.4 Strong forensic intelligence to support our understanding, investigation and responses to forest crime.
- 1.5 Strong research and development through identified strategic and operational priorities.
- 1.6 Legislative reforms to remove barriers to information and intelligence sharing.
- 1.7 Adequate information sharing guidelines or memorandums of understanding to clarify the legal ability and need to share intelligence and information where appropriate.

3.2 CAPABILITY 2: TARGETING THE CRIMINAL ECONOMY

This capability outlines a strong approach to targeting the criminal economy to respond to the challenge posed by the profit motive of organized crime.

A Government's forest crime management objective is to make the business of forest crime unprofitable and high risk to criminals - to create an environment that is so openly hostile to forest criminals that it deters and disables its activities. Tracking the movement of illegal funds obtained from timber and NTFP trade and seizing the proceeds of those crimes are important aspects of any response to serious and organized crime. This will require a proactive response across all government agencies.

A Government must ensure we have the balance right in terms of laws that deal effectively with facilitators, tracking the movement of illegally obtained funds, money laundering offences, identity crime, criminal asset confiscation approaches, effective use of taxation powers and measures that use the skills and capabilities of the regulatory authorities and prosecutors to most effect.

Capability 2: Targeting the Criminal Economy

The following will respond to the challenge posed by the profit motive of organized crime:

- 2.1 Use of financial analysts, market specialists, and forensic specialists (particularly computer forensics), to support intelligence, investigation and prosecution functions.
- 2.2 Strong criminal asset confiscation including effective investigation and use of conviction and non-conviction based confiscation under the Criminal and Criminal Procedure laws.
- 2.3 Strong use of taxation information and powers against those involved in criminal enterprises.
- 2.4 Using financial intelligence and data used in criminal assets confiscation.
- 2.5 Strong laws and administrative arrangements supporting criminal asset confiscation regimes.

3.3 CAPABILITY 3: INVESTIGATION, PROSECUTION AND OFFENDER MANAGEMENT

This capability outlines an approach based on investigation, prosecution and offender case management designed to meet the challenges posed by flexible, ever-changing, innovative and resistant criminal networks.

The investigation, prosecution and case management of offenders are key deterrents for organized criminal activity. The multi-national nature of organized forest crime requires an integrated, whole-of-government approach to intelligence and investigation operations. Additionally, the successful investigation and prosecution of persons involved in organized criminal activity also depends on responsive and effective mechanisms for international cooperation in criminal matters. Extradition and mutual assistance are key international crime cooperation tools.

Capability 3: Investigation, Prosecution and Offender Management

The following will respond to the challenges posed by flexible, ever-changing, innovative and resistant criminal networks:

- 3.1 Post-operation assessments to improve our understanding of how forest crime operates, including areas and means of exploitation, and an assessment of the lessons learned from various tactical approaches to intelligence and investigation operations.
- 3.2 Strong legislation to support the ability of law enforcement agencies to conduct effective operations targeting forest crime spanning multiple jurisdictions.
- 3.3 Effective mechanisms for prioritization of forest crime targets to ensure that finite resources are continually directed toward reducing the impact of forest crime.
- 3.4 Multi-agency management teams formed from Lao WEN to determine clear arrangements for investigations and broader strategies that may be required to achieve results.
- 3.5 A national case management capability.
- 3.6 A strong criminal sentencing and offender management regime including the use of special conditions in parole orders to restrict opportunities for future criminal activity.

3.4 CAPABILITY 4: PREVENTATIVE PARTNERSHIPS WITH INDUSTRY AND THE COMMUNITY

This capability outlines an approach based on prevention partnerships with industry and the community to meet the challenges posed by forest crime groups engaging in criminal infiltration, corruption and the use of facilitators.

Government has a role to play in alerting the community of the risks associated with organized criminal activity and promoting a stronger prevention or ‘target hardening’ approach. An understanding of the capacity for organized crime to infiltrate legitimate markets and exploit the community is essential to deny opportunities for criminals. Collaborative prevention partnerships between the public and private sector support the Strategy.

In addition, organized crime is known to have deliberately infiltrated critical infrastructure, such as ports, and airport and telecommunications facilities, to facilitate criminal activities. Intelligence is also used internationally to undermine organized crime attempts to infiltrate business or to establish business fronts.

Capability 4: Preventative Partnerships with Industry and the Community

The following will respond to the challenge posed by forest crime groups engaging in criminal infiltration, corruption and the use of facilitators:

- 4.1 An industry forum to consider forest crime prevention responses based on strategic criminal intelligence.
- 4.2 Engagement with the community on specific preventative forest crime issues, which would also be articulated through a forest crime response plan.
- 4.3 Exchange of criminal intelligence, where appropriate, to assist industry protect critical infrastructure.

3.5 CAPABILITY 5: INTERNATIONAL, NATIONAL AND PROVINCIAL PARTNERSHIPS

This capability outlines an approach for international and national partnerships to meet the challenges posed by organized crime maintaining a multi-jurisdictional and transnational presence.

Organized crime does not recognise borders. The community will increasingly expect an effective and coordinated approach to organized crime operating over its country’s borders. A strong partnership with national and provincial agencies will support a national response to combat illegal logging and other criminal exploitation of natural resources. At the international level there is a continuing need to engage with partners to disable organized crime activities and networks, to develop law enforcement capabilities (including technical, legislative, and operational) and to enhance our understanding of how organized forest crime operates.

The threat posed by transnational organized crime involved in the illegal timber trade in particular demands a concerted and coordinated international response. The globalisation of financial systems and advances in communication technology has made it easier for criminal networks to conduct their illegal enterprises across multiple jurisdictions, and to seek safe haven for themselves and the proceeds of their crimes. With organized criminal groups acting simultaneously at the local, national and international levels, investigations are increasingly likely to have an international aspect.

It is not possible for any one country to counter the threat of transnational organized crime by acting alone. International engagement is vital in disabling criminal activities and networks and promoting the security and stability of a region.

Capability 5: International, National and Provincial Partnerships

The following will respond to the challenge posed by forest criminal networks with the capacity to operate across multiple jurisdictions, both national and international:

At the National level:

- 5.1 Implementation of a functional forest law enforcement network
- 5.2 Implementation of the key elements of the Forest Crime Response Strategy (multiagency responses) and coordination with key existing or new strategies and plans that improve the broader national security environment.
- 5.3 A national approach to forest crime developed through an organized forest law enforcement network.

At the International level:

- 5.4 An assessment of the gaps in national laws against transnational organized crimes such as illegal logging, drug and people smuggling, to inform Government of priority areas of technical legal assistance.
- 5.5 Enhancing the exchange of criminal intelligence and information.
- 5.6 Closer international working relationships on the development of policy responses to organized crime and the sharing of best practice initiatives on prevention and disruption.
- 5.7 Bilateral and multilateral organized crime frameworks with international partners to strengthen information sharing and leading practice benchmarking.
- 5.8 A dedicated, coordinated network of National and Provincial law enforcement officers working directly with international partner agencies.
- 5.9 Obtain effective capability building and legislative assistance programs.
- 5.10 Effective and streamlined arrangements for international cooperation including through mutual assistance and extradition in the investigation and prosecution of criminals and in accessing individuals of interest.
- 5.11 Multi-lateral engagement on organized crime through existing international forums.
- 5.12 Build international links with other financial intelligence agencies to ensure adequate information exchange for national law enforcement and regulatory agencies.

4 INVESTIGATIONS AND EVIDENCE

4.1 INVESTIGATION PROCESS

The type of activity investigators carry out and the material gathered varies depending on whether investigations use the reactive or proactive method. However, they all go through similar stages, as shown in the process of investigation diagram.

Every investigation is different and may require a different route through the process, e.g., in some cases the identity of the offender is known from the outset and the investigation quickly enters the suspect management phase. In others, the identity of the offender may never be known or is discovered only after further investigation.

Adopting an investigative mindset, using investigative evaluation and developing and testing case theory helps the investigating officer to understand the material that has been gathered. It also defines the additional material needed to make progress in an investigation. An investigative strategy is needed to locate and gather this material effectively.

The purpose of an investigative strategy is to:

- (a) identify the most appropriate line(s) of enquiry to pursue
- (b) determine the objective of pursuing particular lines of enquiry
- (c) identify the investigative action(s) necessary to efficiently achieve the objectives, taking into account resources, priorities, necessity and proportionality
- (d) direct and conduct investigative actions to gather the maximum amount of material which may generate further lines of enquiry
- (e) understand and manage community impact.

An investigation conducted by forest law enforcement officers with a view to it being determined whether a person should be charged with a crime or offence, or whether a person charged with an crime or offence is guilty of it.

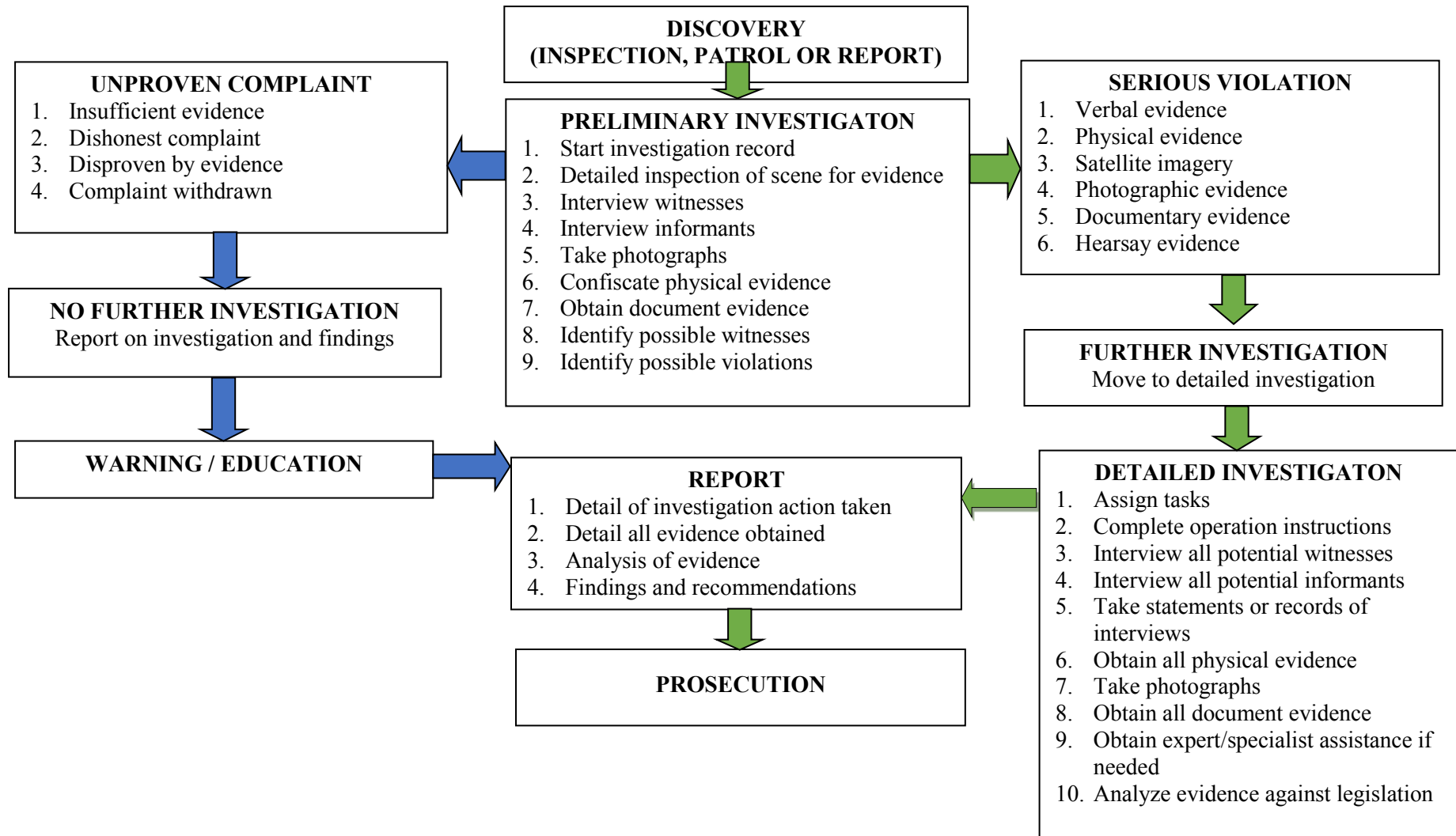
Investigations may be carried out in relation to:

- (a) crimes that have been committed
- (b) identifying whether a crime has actually been committed, with a view to commencing criminal proceedings
- (c) crimes that law enforcement officers believe may be committed, for example, when forest assets or individuals are kept under observation for a period of time, with a view to the possibility of catching an offender in the act of committing a crime or offence.

Investigations can be either reactive or proactive.

The guidelines provided here give law enforcement officers the basic information they need know to conduct an investigation into a crime or offence.

4.2 INVESTIGATION PROCESS OUTLINE



4.3 DISCOVERY

The need for a criminal investigation can be discovered or instigated using either a reactive or proactive approach.

Reactive investigations can start with:

- (a) reports from the general public
- (b) referral by other agencies
- (c) intelligence links to other crimes (linked series)
- (d) re-investigation as a result of new information
- (e) a consequence of other police actions.

Law enforcement agency policy can give guidelines for the first-call takers, public counter staff and patrol officers on the information that they need to gather and subsequent action to take. If agency guidelines are not provided, refer to the *Obtaining Witness Evidence Standard Operating Procedures*.

When receiving first reports of a crime, staff should ensure that they record, retain and reveal all material and pass it to the investigating officer. Investigators should be familiar with the investigative strategies relating to victims and witnesses, as this enables them to exploit early opportunities to gather material by questioning the person reporting the crime. Guidelines for these procedures are available in the *Obtaining Witness Evidence* and *Crime Scene Examination Standard Operating Procedures*

Proactive investigations can start from an intelligence report identifying groups or individuals who are assessed as being involved in ongoing criminal activity. They are often generated as a result of the tasking and coordination (T&C) process and allocated for further investigation. Intelligence packages may include:

- (a) crime pattern analysis
- (b) network analysis
- (c) operational intelligence assessment
- (d) problem profiles
- (e) market profiles
- (f) subject analysis
- (g) tactical assessment
- (h) criminal business analysis
- (i) tactical profiles

4.4 FIRST-CALL TAKERS

Initial telephone contact between victims and witnesses with the law enforcement agency should be regarded as the start of the investigative process. The call is an opportunity to obtain accurate and relevant information, collect evidence, ascertain if a crime has occurred and give reassurance and guidance to the caller, e.g., about the preservation of evidence. This process can be enhanced by the use of scripts, drop-down menus and other prompts which may assist first-call handlers to deal with initial reports of a specific type of crime.

4.5 CRIME SCREENING

The first-call handler, at the point of initial report, determines the response to a crime. They must decide whether it warrants the deployment of a response unit, referral to a crime recording bureau, or if it should be recorded as an incident requiring no further action (NFA).

4.6 INITIAL INVESTIGATION

Most crimes reported to the law enforcement agencies are not major incidents and usually the officer who first attends is the only resource that is required. This officer may be the investigator throughout the enquiry.

The quality of the investigation, whether carried out in person or over the telephone, is a significant factor in gathering material that leads to the detection of a crime. There may be limited opportunities to locate and gather material and it is vital that those who conduct the initial investigation ensure that material is not lost. Once a crime has been allocated to an investigator, it is important that they gather material from whoever took the initial report. Investigations should be conducted thoroughly, and investigators should not assume that a crime cannot be solved or that someone else will carry out an investigation at a later stage.

Officers initially deployed to an incident are likely to have a number of competing demands placed on them. These demands include:

- (a) dealing with a violent situation
- (b) preserving evidence
- (c) providing first aid and calling for medical assistance
- (d) reassuring victims and witnesses
- (e) preventing public disorder.

4.7 FAST-TRACK ACTIONS

These are defined as:

any investigative actions which, if pursued immediately, are likely to establish important facts, preserve evidence or lead to the early resolution of the investigation.

Fast-track actions can be applied to reactive or proactive investigations, irrespective of when the crime was committed.

The first chance to obtain material may be the last. Identifying these actions during the initial investigation stage produces the most effective outcome. A delay in protecting, preserving or gathering material may result in evidence being contaminated or lost.

In larger enquiries Senior Investigation Officers or Team Leaders should establish strategies to ensure that new information is brought to their attention quickly, so that fast-track actions can be taken when they are needed.

Once these immediate priorities are dealt with, officers should plan how best to conduct the investigation and should consider a number of key factors. Having done so, it is then appropriate to consider concluding the initial investigation.

4.8 INITIAL INVESTIGATION FACTORS

The following factors should be considered at the initial investigation:

- (a) scene management (identify and preserve)
- (b) material (identify other potential evidence sources)
- (c) who is the investigating officer?
- (d) risk management
- (e) what is the limit of the initial attending officer's role?
- (f) communication
- (g) record keeping
- (h) handover and briefing
- (i) land owner and community impact

- (j) initial fast track actions
- (k) investigative interviewing (witness, victim and offender)
- (l) initial search (access routes, exit routes, places where offenders are likely to have been).

Officers should call for assistance from supervisors where it appears that a major crime has been committed that is likely to be a prolonged investigation or need inter-agency support. While officers wait for assistance their priorities should be to:

- (a) preserve life
- (b) preserve scenes
- (c) secure evidence
- (d) identify victims
- (e) identify suspects.

4.9 INITIAL INVESTIGATION CONCLUSION

The initial investigation phase is concluded when a number of actions have been completed. These include:

- (a) the investigator obtaining an account from the victim and any witnesses who are immediately available (individual law enforcement agency policy will determine whether this a witness statement, notebook entry or verbal account)
- (b) the immediate needs of victims and witnesses have been met
- (c) the crime scene examination has been instigated
- (d) all fast-track actions indicated by the material to hand have been taken
- (e) all records required by the Criminal Procedure and Investigations Code¹ and individual force policy have been made
- (f) all intelligence gathered during the initial investigation has been submitted.

4.10 COMPREHENSIVE RECORDS

A comprehensive record of all enquiries completed during the initial investigation enhances the overall efficiency by:

- (a) assisting the investigator to carry out an investigative evaluation
- (b) contributing to the intelligence picture of crime in the area
- (c) enabling supervisors to assess the quality of the investigation
- (d) facilitating the handover of the investigation if it is allocated to another investigator.

4.11 FURTHER INVESTIGATION

Where a crime or intelligence package is allocated for further investigation, investigators should develop a clear plan for how they intend to bring the investigation to a successful conclusion.

The investigative plan should be based on a rigorous evaluation of the material that has been gathered to date and should include the following factors:

- (a) specific objectives of the investigation – these depend on the unique circumstances of the crime and the material that has been gathered
- (a) investigative strategies that are used to achieve those objectives
- (b) resource requirements of the investigation which in many cases is limited to the investigator, crime scene examination, and forensic analysis of the material recovered from the scene or suspect. It is part of an investigator's responsibility to articulate their resource requirement to managers.

In circumstances where the initial investigation and evaluation have led to the identification of a suspect, and there is sufficient material to justify interviewing the suspect under caution, the

¹ The title of this and similar procedures will vary from jurisdiction to jurisdiction

investigation is likely to move straight into the suspect management phase. However; it is best to gather all available physical and witness evidence before interviewing a suspect.

4.12 SUSPECT MANAGEMENT

Where a person is suspected of committing a crime or offence, most jurisdictions will have legislation or police that requires there to be some reasonable, objective grounds, based on known facts or information, which are relevant to the likelihood that the offence has been committed and the person to be questioned committed it.

The identification of a suspect provides an opportunity to use a range of investigative strategies that focus on that individual.

4.13 CASE MANAGEMENT

Once the suspect has been charged, there are a number of matters which investigators must manage before a case goes to court. The Prosecution Service (PS) and police are jointly responsible for the prosecution of the case after a suspect has been charged. In some jurisdictions a forest law enforcement agency has authority to submit cases to the Prosecution Service for prosecution in court.

If further investigative action is required, investigators will liaise closely with the PS

5 EVIDENTIARY MATERIAL

Refer to your jurisdiction's Criminal Procedure legislation. Material may be defined as:

Material of any kind, including information and objects, which is obtained in the course of a criminal investigation and which may be relevant to the investigation; Material may be relevant to an investigation if it appears to an investigator, or to the officer in charge of an investigation, or to the disclosure officer, that it has some bearing on any offence under investigation, or on the surrounding circumstances of the case, unless it is incapable of having any impact on the case.

5.1 SOURCES OF MATERIAL

Criminal investigations must comply with the jurisdictional Criminal Procedures legislation. Investigators should familiarize themselves with the provisions of the legislation and any relevant Codes of Practice issued under it when making enquiries and gathering material. Investigators must:

- (a) pursue all reasonable lines of enquiry
- (b) identify all relevant material (whether or not it is in the investigator's possession).

A consistent approach and an investigative mindset should be applied whether or not the material or enquiry points towards or away from the suspect.

5.2 POTENTIAL SOURCES

Material can be gathered from various different sources. These include:

- (a) victims
- (b) witnesses
- (c) suspects
- (d) scenes (which includes scenes of crime, the victim, suspects and their premises)
- (e) passive data generators, e.g., CCTV, telephone records, banking and credit card records
- (f) intelligence databases
- (g) communications between the police and experts.

5.3 FORMATS OF EVIDENTIARY MATERIAL

Material generated by the crime or offence may present itself in a number of different formats, and the investigator will aim to gather as much material as possible. However, as the investigation progresses, the amount of material that will be capable of being used as evidence in court will be less than that gathered by the police.

Any tangible object could be evidentiary material. Intangible objects such as sound or images can be converted and reproduced into a format (e.g., video or audio recordings) that can be used as evidence.

Common formats of material include:

- (a) statements
- (b) documents
- (c) reports
- (d) physical exhibits
- (e) fingerprints
- (f) images
- (g) audio or video recordings.

5.4 MATERIAL GENERATED

The amount of material that is generated by a criminal investigation depends on a number of factors such as:

- (a) whether a crime is spontaneous or planned
- (b) the offender's criminal experience
- (c) the number of people who know the offender and the victim.

Each crime has a unique mix of material. It is impossible to gather all the material generated by the offence, but the investigator must gather as much as possible.

5.5 REASONABLE AND RELEVANT ENQUIRIES

Reasonable and relevant enquiries depend upon the unique nature of the incident under investigation. If there is dispute over what is believed to have taken place, it may be a reasonable line of enquiry to locate further witnesses or to recover relevant material which may have been identified from a search or forensic examination. Material includes verbal information which is due to be recorded.

What an investigator considers reasonable or relevant may need to be justified later. It is, therefore, essential that they record their decisions and supporting rationale.

When investigators conduct reasonable enquiries and gather relevant material, it is important that they remember the following points:

- (a) Review – consider further relevant lines of enquiry or more relevant material
- (b) Record – keep a log of material and enquiries made
- (c) Retain – keep material in a durable format and/or copy
- (d) Reveal – if a prosecution takes place the relevant material will be scheduled for the prosecutor.

5.6 TOWARDS OR AWAY

In conducting an investigation, the investigator should pursue all reasonable lines of enquiry, whether these point towards or away from the suspect.

What is reasonable in each case depends on the particular circumstances. For example, where material is held on a computer, the investigator must decide which material it is reasonable to enquire into and in what manner.

Example

If four out of five witnesses report that the suspect was in a red car and the remaining witness's report contradicts this, the investigator should not assume that the majority are right and must investigate further to ascertain the exact color of the suspect's car.

Investigators should expect to be challenged by the defense in relation to the enquiries that were made to ascertain any discrepancies in statements.

5.7 RELEVANT MATERIAL

The golden hour principle will assist investigators to maximize the quantity of relevant material gathered. However, it is not always possible to collect all of the material generated by the offence as some:

- (a) physical evidence may be lost or destroyed
- (b) witnesses may not be traceable
- (c) material is known only to the offender, who does not reveal it to others.

5.8 DETERMINING RELEVANCE

To determine whether material or enquiries are relevant to the investigation, investigators need to ask 'does this have the capacity to impact on the case?'

In the early stages of an investigation, it may be difficult to determine what is or is not relevant, what happened in the case or what the issues are likely to be.

Officers should not confuse relevance with the test for disclosure.

Example of relevant material

The identity or identification of a suspect may no longer be an issue and so the material held regarding this line of enquiry may no longer be relevant. This could include CCTV footage which was held in the hope of identifying a suspect in the vicinity.

In some circumstances the CCTV footage might still be relevant for other reasons, therefore, investigators have to justify its retention to themselves and others.

If investigators are in any doubt about the relevance of material, they should seek advice from line managers or the PS.

5.9 GOLDEN HOUR

The golden hour is the term used for the period immediately after a crime or offence has been committed, when material is readily available in high volumes to law enforcement officers.

Positive action in the period immediately after the report of a crime minimizes the amount of material that could be lost to the investigation and maximizes the chance of securing the material that will be admissible in court.

Golden hour considerations

These considerations can also be applied to investigators when they make reasonable enquiries.

Victims	Identify, support and sensitively preserve evidence
Scenes	Identify, preserve, assess and commence log
Suspects	Identify, arrest and preserve
Witnesses	Identify, support and sensitively preserve evidence
Log	Decisions and rationale, circumstances, resources and conditions
Land owners/community	Identify, inform, primary support (needs, concerns, expectations, sensitivities)
Physical evidence	Photograph, collect, bag and tag, chain of custody, secure and preserve
Information/intelligence	Identify, prioritize, maximize, exploit, consider, community, open source, share as appropriate
Prevent contamination	Victims, scenes, witnesses, suspects, physical material
Lines of responsibility	Identify, inform, brief, coordinate and review

Diagram identifying considerations for investigators regarding the golden hour principle.

6 INVESTIGATION PROCESS AIDE MEMOIRE

1. INSPECT THE SCENE

- (a) Attend the scene as soon as practicable after the event has occurred
- (b) Survey the scene prior to entry
- (c) Assume control of the scene
- (d) Identify the extent of the scene. This involves defining the area immediately around the site of the incident that is likely to yield evidence, and which may require containment and exclusion of unauthorised persons.
- (e) Render the scene safe; look for, and assess, hazards
- (f) Preserve potential evidence; note who found what, where it was found, and the time it was found.
- (g) Record witness details
- (h) Obtain photographs before moving anything

2. INTERVIEW WITNESSES

- (a) Interview the person responsible from making the original report.
 - i. Establish the facts the witness is personally certain of
 - ii. Establish the nature of the crime/event that is being reported
 - iii. Establish what is hearsay, and where, or from whom, the witness heard it
- (b) Identify witnesses and potential witnesses
- (c) Interview all witnesses
- (d) Obtain statements
- (e) Record all your observations made at the scene
- (f) Request specialists or experts if required
- (g) Arrange inquiries to be conducted by other officers where necessary
- (h) Record all activities on a running sheet.

3. PHYSICAL EVIDENCE

- (a) Collect, mark for identification, and record all handling of physical evidence
- (b) Photograph evidence in position
- (c) Record who found exhibits, the time and place it was found.
- (d) Place individual exhibits in containers and label for identification
- (e) Secure large exhibits, and where practicable move them to a secure area for safe-keeping.

4. RECORDS

- (a) Start a 'running sheet' at the beginning of every investigation
- (b) Record every activity undertaken, and who undertook it
- (c) Record all conversations relevant to the investigation

7 OBTAINING EVIDENCE FROM A WITNESS

7.1 INTRODUCTION

This Guide promotes accuracy in eyewitness evidence. This Guide describes practices and procedures that, if consistently applied, will help increase the accuracy and reliability of eyewitness evidence.

Following and using these procedures can decrease the number of misleading or wrong facts and identifications of suspects by eye witnesses. It should help to ensure that reliable eyewitness evidence is given the weight it deserves in legal proceedings for prosecutions.

Additionally, these guidelines encompass the principles of natural justice whereby people have the right to be treated fairly and have a fair hearing. Care should be taken to avoid any conflict of interest between investigating officers, suspects, offenders and witnesses. The guidelines about conflict of interest in conducting investigations should also be followed, so that the public keep confidence in the legal system.

SECTION 1 - INITIAL REPORT OF A CRIME

7.2 RECEIVING A REPORT OF A CRIME

Principle: As the initial point of contact for the witness, the person taking the report of a crime must obtain and disseminate, in a nonsuggestive manner, complete and accurate information from the person who is reporting the crime. This information can include the description/identity of the perpetrator of a crime. The actions of the first person taking the report can affect the entire investigation.

Policy: The receiver of the report shall take the report from the informant in a manner to obtain and disseminate accurate information regarding the crime, the description/identity of the perpetrator, and the location/type of any evidence that is available.

Procedure: During the first report, after obtaining preliminary information the receiver of the report should:

1. Assure the informant their report is important, and action will be taken.
2. Ask open-ended questions (e.g., "What can you tell me about the car?"); support those questions with closed-ended questions (e.g., "What color was the car?").
3. Avoid asking suggestive or leading questions (e.g., "Was the car red?").
4. Ask if anything else should be known about the incident.
5. Transmit information to the appropriate response officials.
6. Update responding officials as more information comes in.

Summary: The information obtained from the informant or witness is critical to obtaining evidence of a crime and may be important to the investigation. The way in which facts are obtained from an informant or witness can influence the accuracy of the information obtained.

7.3 INVESTIGATING THE SCENE (FIRST INVESTIGATING OFFICER)

Principle: Preserving and documenting details of the scene, including information from witnesses and physical evidence, are necessary for a thorough first investigation. The methods used by the first investigating officer have a direct impact on the amount and accuracy of the information obtained throughout the investigation.

Policy: The first investigating officer shall obtain, preserve, and use the maximum amount of accurate information from the scene.

Procedure: After securing the scene and attending to any victims and injured persons, the first investigating officer should:

1. Identify the perpetrator(s).
 - a. Determine the location of the perpetrator(s).
 - b. Detain or arrest the perpetrator(s) if still present at the scene.
2. Determine/classify what crime or incident has occurred.
3. Broadcast an updated description of the incident, perpetrator(s), and/or vehicle(s).
4. Verify the identity of the witness(es).
5. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
6. Search the area for other witnesses.

Summary: The preliminary investigation at the scene forms a sound basis for the accurate collection of information and evidence during the follow-up investigation.

7.4 OBTAINING INFORMATION FROM THE WITNESS(ES)

Principle: The method the first investigating officer uses to obtain information from a witness has a direct impact on the amount and accuracy of that information.

Policy: The first investigating officer shall obtain and accurately document and preserve information from the witness(es).

Procedure: When interviewing a witness, the first investigating officer should:

1. Establish rapport with the witness.
2. Inquire about the witness' condition.
3. Use open-ended questions (e.g., "What can you tell me about the car?"); support those questions with closed-ended questions (e.g., "What color was the car?"). Avoid leading questions (e.g., "Was the car red?").
4. Clarify the information received with the witness.
5. Document information obtained from the witness, including the witness' identity, in a written report.
6. Encourage the witness to contact investigators with any further information.
7. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.
8. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

Summary: Information obtained from the witness can support other evidence (e.g., physical evidence, accounts provided by other witnesses) in the investigation. Therefore, it is important that this information be accurately documented in writing.

SECTION 2 - PROCEDURES FOR INTERVIEWING WITNESSES

7.5 PRE-INTERVIEW PREPARATIONS AND DECISIONS

Principle: Preparing for an interview maximizes the effectiveness of witness participation and the quality of information/evidence obtained from the interview.

Policy: The investigator shall review all available witness and case information and arrange an efficient and effective interview by planning lines of inquiry and types of questions to be asked.

Procedure: Prior to conducting the interview, the investigator should:

1. Review available information.
2. Plan to conduct the interview as soon as the witness is physically and emotionally capable.
3. Select an environment that minimizes distractions while maintaining the comfort level of the witness.
4. Ensure resources are available (e.g., notepad, tape recorder, camcorder, interview room).
5. Separate the witnesses from other witnesses.
6. Determine the nature of the witness' prior law enforcement contact. (e.g., honesty, trust, cooperation and reliability)

Summary: Performing these pre-interview preparations will enable the investigator to obtain a greater amount of accurate information during the interview, which may be critical to the investigation.

7.6 INITIAL (PRE-INTERVIEW) CONTACT WITH THE WITNESS

Principle: A comfortable witness provides more information.

Policy: Investigators shall conduct themselves in a manner that encourages or persuades the witness to give the most information.

Procedure: On meeting with the witness but before starting the interview, the investigator should:

1. Develop rapport with the witness.
2. Inquire about the nature of the witness' prior law enforcement contact related to the incident.
3. Volunteer no specific information about the suspect or case.

Summary: Establishing a cooperative relationship with the witness likely will result in an interview that yields a greater amount of accurate information.

7.7 CONDUCTING THE INTERVIEW

Principle: Interview techniques can help the witness' memory and encourage communication both during and after the interview.

Policy: The investigator shall conduct a complete, efficient, and effective interview of the witness and encourage post-interview communication.

Procedure: During the interview, the investigator should:

1. Encourage the witness to volunteer information without prompting.
2. Encourage the witness to report all details, even if they seem trivial.
3. Ask open-ended questions (e.g., “What can you tell me about the car?”); clarify answers with closed-ended, specific questions (e.g., “What color was the car?”).
4. Avoid leading questions (e.g., “Was the car red?”).
5. Caution the witness not to guess.
6. Ask the witness to mentally recreate the circumstances of the event (e.g., “Think about your feelings at the time”).
7. Encourage non-verbal communication (e.g., drawings, gestures, objects).
8. Avoid interrupting the witness.
9. Encourage the witness to contact investigators when additional information is recalled.
10. Instruct the witness to avoid discussing details of the incident with other potential witnesses.
11. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.
12. Thank the witness for his/her cooperation.

Summary: Information elicited from the witness during the interview may provide investigative leads and other essential facts. These interview procedures will enable the witness to provide the most accurate, complete description of the event and encourage the witness to report later recollections. Remember that it is common for witnesses to recall additional information after the interview that may be critical to the investigation.

7.8 RECORDING WITNESS RECOLLECTIONS

Principle: The record of the witness’ statements accurately and completely reflects all information obtained and preserves the integrity of this evidence.

Policy: The investigator shall provide complete and accurate documentation of all information obtained from the witness.

Procedure: During or as soon as reasonably possible after the interview, the investigator should:

1. Document the witness’ statements (e.g., audio or video recording, stenographer’s documentation, witness’ written statement, written summary using witness’ own words).
2. Review written documentation; ask the witness if there is anything he/she wishes to change, add, or emphasize.
3. Ask the witness to sign or initial the written record of their statement.

Summary: Complete and accurate documentation of the witness’ statement is essential to the integrity and success of the investigation and any subsequent court proceedings.

7.9 ASSESSING THE ACCURACY OF INDIVIDUAL ELEMENTS OF A WITNESS STATEMENT

Principle: Point-by-point consideration of a statement may enable judgment on which components of the statement are most accurate. This is necessary because each piece of information recalled by the witness may be remembered independently of other elements.

Policy: The investigator shall review the individual elements of the witness' statement to determine the accuracy of each point.

Procedure: After conducting the interview, the investigator should:

1. Consider each individual component (sentence or comment) of the witness' statement separately.
2. Review each element of the witness' statement in the context of the entire statement. Look for inconsistencies within the statement.
3. Review each element of the statement in the context of evidence known to the investigator from other sources (e.g., other witnesses' statements, physical evidence).

Summary: Point-by-point consideration of the accuracy of each element of a witness' statement can assist in focusing the investigation. This technique avoids the common misconception that the accuracy of an individual element of a witness' description predicts the accuracy of another element.

7.10 MAINTAINING CONTACT WITH THE WITNESS

Principle: The witness may remember and provide additional information after the interview has concluded.

Policy: The investigator shall maintain open communication with the witness to allow the witness to provide additional information.

Procedure: During post-interview, follow-up contact with the witness, the investigator should:

1. Re-establish rapport with the witness.
2. Ask the witness if he/she has recalled any additional information.
3. Follow interviewing and documentation procedures in subsection C, "Conducting the Interview," and
4. Do not provide information from other sources (to avoid influencing their evidence).

Summary: Re-establishing contact and rapport with the witness often leads to recovery of additional information. Maintaining open communication channels with the witness throughout the investigation is critical.

SECTION 3. IDENTIFICATION OF SUSPECTS IN THE FIELD

7.11 CONDUCTING EYE-TO-EYE IDENTIFICATIONS

Principle: When circumstances allow a single suspect to be pointed out to a witness, the risks of provoking an incorrect identification by the witness can be minimized through the use of procedural safeguards.

Policy: The investigator shall use procedures that avoid the witness from a prejudiced identification.

Procedure: When conducting an eye-to-eye identification, the investigator should:

1. Obtain and document a description of the suspect before pointing them out to the witness.
2. If the suspect is in custody, consider transporting the witness to the location of the suspect to limit the legal impact of the suspect's detention.
3. When multiple witnesses are involved:
 - a. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
 - b. If a positive identification is obtained from one witness, consider using other identification procedures (e.g., photographs) for remaining witnesses.
4. Caution the witness that the person he/she is looking at may or may not be the perpetrator.
5. Obtain and document a statement of certainty for both identifications and non-identifications.

Summary: The use of an eye-to-eye identification can provide investigative information at an early stage, but the inherent suggestiveness of an eye-to-eye identification requires careful use of procedural safeguards.

7.12 RECORDING EYE-TO-EYE IDENTIFICATION RESULTS

Principle: The record of the outcome of the field identification procedure accurately and completely reflects the identification results obtained from the witness.

Policy: When conducting an eye-to-eye identification, the investigator shall record the results of the procedure by documenting any identification or non-identification results obtained from the witness.

Procedure: When conducting an eye-to-eye identification, the investigator should:

1. Document the time and location of the procedure.
2. Record both identification and nonidentification results in writing, including the witness' own words regarding how certain he/she is.

Summary: Preparing a complete and accurate record of the outcome of the eye-to-eye identification improves the strength and credibility of the identification or nonidentification results obtained from the witness. It can be a critical document in the investigation and any subsequent court proceedings.

SECTION 4 - USING PHOTOGRAPHS TO IDENTIFY SUSPECTS

7.13 USING PHOTOGRAPHS TO IDENTIFY SUSPECTS

Note: Collections of photos of previously identified persons may be used in cases in which a suspect has not yet been determined and other reliable sources to identify them have been exhausted. This technique may provide investigative leads, but when an identification is made from a photograph, it should be treated with caution until it is supported by other evidence.

Principle: Collections of photographs may enable the witness to provide a lead in a case in which no suspect has been determined and other reliable sources have been exhausted.

Policy: The investigator/mug book preparer shall compose the mug book in such a manner that individual photos are not suggestive.

Procedure: In selecting photos to be used for future identification, the preparer should:

1. Group photos by their type (e.g., color or black and white; Polaroid, 35mm, or digital; video) to ensure that no photo unduly stands out.
2. Select photos of individuals that are uniform in respect of their general physical characteristics (e.g., race, age, sex).
3. Consider grouping photos by specific crime (e.g., operator, supervisor, transporter, trader).
4. Ensure that positive identifying information exists for all individuals portrayed.
5. Ensure that photos are reasonably up-to-date.
6. Ensure that only one photo of each person is in the collection.

Summary: Collections of photographs to be shown to a witness must be objectively compiled to yield investigative leads that will be admissible in court.

7.14 DOCUMENTING THE PROCEDURE USED TO IDENTIFY A PERSON FROM PHOTOGRAPHS

Principle: Documenting the procedure provides an accurate record of the results obtained from the witness.

Policy: The person conducting the identification procedure shall preserve the results of the procedure by accurately documenting the procedure(s) used and the results.

Procedure: The person conducting the procedure should:

1. Document the procedure used (e.g., photograph type, number of photographs shown, type of people in the photographs) in writing.
2. Document the results of the procedure in writing, including the witness' own words about how certain he/she is of any identification.
3. Document the items used and preserve them in a file.

Summary: Documentation of the procedure and its outcome improves the strength and credibility of the results obtained from the witness and can be an important factor in the investigation and any subsequent court proceedings.

8 CRIME SCENE EXAMINATION

8.1 INTRODUCTION

This guide is intended for use by law enforcement officials who have responsibility for investigating forest crimes. It provides guidelines and procedures for protecting crime scenes, preserving physical evidence, and collecting and submitting the evidence for scientific examination.

Physical evidence plays a critical role in the overall investigation and prosecution of a crime. Success depends on actions taken early in the criminal investigation at the crime scene. As law enforcement capacity grows, and technology becomes available for analysis and interpretation of physical evidence recovered from crime scenes places even greater importance on properly documented and preserved evidence.

An important factor influencing the final legal significance of any scientific evidence is that investigators follow an objective, thorough, and thoughtful approach to collect, record, store and keep chain of custody of evidence. The goal of this process is to recognize and preserve physical evidence that will result in reliable information to support the investigation and prosecution of forest crimes.

Investigators should approach the crime scene investigation as if it will be their only opportunity to preserve and recover any physical clues. They should consider other case information or statements from witnesses or suspects carefully in their objective assessment of the scene, because that type of information can help lead you to clues at the crime scene. Investigations may change course a number of times during an inquiry and physical clues, initially thought irrelevant, may later become crucial to a successful resolution of the case.

All crime scenes are unique. The judgment of the investigator on the scene, with the assistance of other responders, such as experts or the prosecutor, should be given respectful consideration in the implementation of this guide. It is impossible to propose a single, step-by-step procedure to approach every type of situation. There are, however, basic principles of investigating a crime scene and preserving evidence that should be practiced in every case.

Therefore, this document is not intended as a comprehensive or rigid plan of activities, but as a guide for law enforcement, while recognizing the authority of National laws, case law, and local policies and procedures. Although the development of a guide for crime scene investigation is instructive in managing crime scenes, the International Forest Law Enforcement Technical Advisor who has prepared this handbook recognizes that the availability of local resources and legal conditions may dictate the use of different procedures. Further, crime scene investigation procedures that differ from the practices in this guide may not necessarily invalidate or detract from the evidence in a particular case.

The author encourages law enforcement personnel to develop and continually update their knowledge, skills, and abilities with respect to the processing of a crime scene through training, self-learning and practical experience. In fact, successful implementation of this guide can be realized only if staff possess basic (and in some cases advanced) training in the basics of investigating a crime scene. However, this document does not address the mechanics of evidence collection or the training requirements of investigative personnel.

The application of this guide may differ from case to case. Most of the procedures described in this document are typically ones that would be followed in a major crime scene investigation. Some of the procedures listed may not necessarily be followed in some forest and Forest crimes and less serious or less complex investigations. In addition, the order in which actions may be performed will vary depending on the nature of the particular crime scene. In some investigations, the responsibilities described in each section may be performed by the same individual.

The author acknowledges that South Pacific law enforcement agencies may be faced with the problems of responding to reported crimes in areas where their resources are limited or non-existent. It is one of the primary responsibilities of the investigator to assess the case at hand and, after judging the seriousness of the case and the availability of resources, to decide the level of investigation that will take place.

For cases that potentially involve matters that are international, cross over jurisdictional borders, or involve matters that another agency has jurisdiction over, the appropriate agencies should be contacted.

The author recognizes that the size of the agency, availability of resources, and the level of expertise vary greatly from agency to agency and jurisdiction to jurisdiction. The expert who has proposed this guide strongly suggests that agencies unable to follow it to it seek assistance from other law enforcement agencies. Assistance may take the form of securing additional training, sharing resources, forming partnerships with neighboring jurisdictions, and/or seeking additional funding.

Based on this guide, forest law enforcement agencies may determine that improvements that are needed in their training and policies concerning the investigation of crime scenes. This guide may be a justification for strengthening an agency's resources.

SECTION 1 ARRIVING AT THE SCENE: INITIAL RESPONSE PRIORITIES

8.2 INITIAL RESPONSE TO RECEIPT OF INFORMATION

Principle: One of the most important aspects of securing the crime scene is to preserve the scene with minimal contamination and disturbance of physical evidence. The initial response to an incident shall be as fast as possible and methodical in approach. Upon arrival, the law enforcement officer(s) shall assess the scene and treat the incident as a crime scene until proven otherwise.

Policy: The initial responding officer(s) shall promptly, yet cautiously, approach and enter crime scenes, remaining observant of any persons, vehicles, events, potential evidence, and environmental conditions.

Procedure: The initial responding officer(s) should:

1. Note or log dispatch, discovery or informant information (e.g., address/location, time, date, type of information received, observations from patrol, people and things involved).
2. Be aware of any persons or vehicles leaving the crime scene.
3. Approach the scene cautiously, scout the entire area to thoroughly assess the size of the crime scene, and note any possible secondary crime scenes. Be aware of any persons and vehicles in the vicinity that may be related to the crime.
4. Make initial observations (look, listen, smell) to assess the scene and ensure officer safety before proceeding.
5. Remain alert and attentive. Assume the crime is ongoing until determined to be otherwise.
6. Treat the location as a crime scene until assessed and determined to be otherwise.

Summary: It is important for the initial responding officer(s) to be observant when approaching, entering, and exiting a forest crime scene. This is to avoid contaminating or not recognizing evidence and ensure officer safety.

8.3 SAFETY PROCEDURES

Principle: The safety and physical well-being of officers and other individuals, in and around the crime scene, are the initial responding officer(s') first priority.

Policy: The initial responding officer(s) arriving at the scene shall identify and control any dangerous situations or persons.

Procedure: The initial responding officer(s) should:

1. Ensure that there is no immediate threat to other responders — scan area for sights, sounds, and smells that may present danger to personnel (e.g., armed offenders or hazardous materials such as gasoline, natural gas).
2. Approach the scene in a manner designed to reduce risk of harm to officer(s) while maximizing the safety of victims, witnesses, and others in the area.
3. Survey the scene for dangerous persons and control the situation.
4. Notify supervisory personnel and call for assistance/backup.

Summary: The control of physical threats will ensure the safety of officers and others present.

8.4 EMERGENCY CARE OF PEOPLE AND FOREST

Principle: After controlling any dangerous situations or persons, the initial responding officer(s') next responsibility is to ensure that medical attention is provided to any injured persons while minimizing contamination of the scene.

Policy: The initial responding officer(s) shall ensure that medical attention is provided with minimal contamination of the scene.

Procedure: The initial responding officer(s) should:

1. Assess any human victim(s) for signs of life and medical needs and provide immediate medical attention.
2. Call for medical personnel.
3. Guide medical personnel to the victim to minimize contamination/alteration of the crime scene.
4. Point out potential physical evidence to medical or rescue personnel. Instruct them to minimize contact with such evidence.
5. Instruct medical and rescue personnel not to "clean up" the scene and to avoid removal or alteration of items originating from the scene.
6. If medical arrived first, obtain the name, address, and telephone number of attending personnel, and the name and location of the medical facility where the victim is to be taken.
7. If there is a chance the victim may die, attempt to obtain "dying declaration" (statement).
8. Document any statements/comments made by victims, suspects, or witnesses at the scene.
9. If the victim or suspect is transported to a medical facility, send a law enforcement official with the victim or suspect to document any comments made and preserve evidence. (If no officers are available to accompany the victim/suspect, stay at the scene and request medical personnel to preserve evidence and document any comments made by the victim or suspect.)

Summary: Assisting, guiding, and instructing medical and rescue personnel during the care and removal of injured persons will diminish the risk of contamination and loss of evidence.

8.5 SECURE AND CONTROL PERSONS AT THE SCENE

Principle: Controlling, identifying, and removing persons at the crime scene and limiting the number of persons who enter the crime scene and the movement of such persons is an important function of the initial responding officer(s) in protecting the crime scene.

Policy: The initial responding officer(s) shall identify persons at the crime scene and control their movement.

Procedure: The initial responding officer(s) should:

1. Control all individuals at the scene—prevent individuals from altering/destroying physical evidence by restricting movement, location, and activity while ensuring and maintaining safety at the scene.
2. Identify all individuals at the scene, such as:
 - a. Suspects: Secure and separate.
 - b. Witnesses: Secure and separate.
 - c. Bystanders: Determine whether witness, if so treat as above, if not, remove from the scene.
 - d. Victims/family/friends: Control while showing compassion.
 - e. Medical and other assisting personnel.
3. Exclude unauthorized and nonessential personnel from the scene (e.g., law enforcement officials not working the case, politicians, media).

Summary: Controlling the movement of persons at the crime scene and limiting the number of persons who enter the crime scene is essential to maintaining scene integrity, safeguarding evidence, and minimizing contamination.

8.6 BOUNDARIES: IDENTIFY, ESTABLISH, PROTECT, AND SECURE

Principle: Defining and controlling boundaries provide a means for protecting and securing the crime scene(s). The number of crime scenes and their boundaries are determined by their location(s) and the type of crime. Boundaries shall be established beyond the initial scope of the crime scene(s) with the understanding that the boundaries can be reduced in size if necessary but cannot be as easily expanded.

Policy: The initial responding officer(s) at the scene shall conduct an initial assessment to establish and control the crime scene(s) and its boundaries.

Procedure: The initial responding officer(s) should:

1. Establish boundaries of the scene(s), starting at the focal point and extending outward to include:
 - a. Where the crime occurred.
 - b. Potential points and paths of exit and entry of suspects and witnesses.
 - c. Places where the victims or evidence may have been moved (be aware of trace and impression evidence while assessing the scene).
2. Set up physical barriers (e.g., ropes, cones, crime scene barrier tape, available vehicles, personnel, other equipment) or use existing boundaries (e.g., doors, walls, fences, gates).
3. Document the entry/exit of all people entering and leaving the scene, once boundaries have been established.
4. Control the flow of personnel and animals entering and leaving the scene to maintain integrity of the scene.
5. Effect measures to preserve and protect evidence that may be lost or compromised (e.g., protect from the elements (rain, heat, flies, predators, wind) and from footsteps and tire tracks).
6. Document the original location of the machinery, equipment, victim, timber or objects that you observe being moved.
7. Consider search and seizure issues to determine the necessity of obtaining consent to search and/or obtaining a search warrant.

Note: Maintain the scene as found. Persons should not smoke, eat or drink, move any items including machinery, equipment or weapons (unless necessary for the safety and well-being of persons at the scene), touch anything unnecessarily (note and document any items moved), reposition moved items, or litter within the established boundaries of the scene.

Summary: Establishing boundaries is a critical aspect in controlling the integrity of physical evidence materials.

8.7 TURN OVER CONTROL OF THE SCENE AND BRIEF INVESTIGATOR(S) IN CHARGE

Principle: Briefing the investigator(s) taking charge of the investigation assists in controlling the crime scene and helps establish further investigative responsibilities.

Policy: The initial responding officer(s) at the scene shall provide a detailed crime scene briefing to the investigator(s) in charge of the scene.

Procedure: The initial responding officer(s) should:

1. Brief the investigator(s) taking charge of all the known circumstances and facts.
2. Assist in controlling the scene.
3. Turn over responsibility for the documentation of entry/exit of people and equipment.
4. Remain at the scene until relieved of duty.

Summary: The scene briefing is the only opportunity for the next in command to obtain initial aspects of the crime scene prior to subsequent investigation.

8.8 DOCUMENT ACTIONS AND OBSERVATIONS

Principle: All activities conducted, and observations made at the crime scene must be documented as soon as possible after the event to preserve information.

Policy: Documentation must be maintained as a permanent record.

Procedure: The initial responding officer(s) should document:

1. Observations of the crime scene, including the location of persons and items within the crime scene and the appearance and condition of the scene upon arrival.
2. Conditions upon arrival (e.g., weather; temperature; and personal items.)
3. Personal information from witnesses, victims, suspects, and any statements or comments made.
4. Own actions and actions of others.

Summary: The initial responding officer(s) at the crime scene must produce clear, concise, documented information encompassing his or her observations and actions. This documentation is vital in providing information to substantiate investigative considerations.

SECTION 2 - PRELIMINARY DOCUMENTATION AND EVALUATION OF THE SCENE

8.9 CONDUCT SCENE ASSESSMENT

Principle: Assessment of the scene by the investigator(s) in charge allows for the determination of the type of incident to be investigated and the level of investigation to be conducted.

Policy: The investigator(s) in charge shall identify specific responsibilities, share preliminary information, and develop investigative plans in accordance with departmental policy and National laws.

Procedure: The investigator(s) in charge should:

1. Converse with the first responder(s) regarding observations/ activities.
2. Evaluate safety issues that may affect all personnel entering the scene(s) (e.g., machinery or tree hazards).
3. Evaluate search and seizure issues to determine the necessity of obtaining consent to search and/or obtaining a search warrant.
4. Evaluate and establish a path of entry/exit to the scene to be utilized by authorized personnel.
5. Evaluate initial scene boundaries.
6. Determine the number/size of scene(s) and prioritize.
7. Establish a secure area within close proximity to the scene(s) for the purpose of consultation and equipment staging.
8. If multiple scenes exist, establish and maintain communication with personnel at those locations.
9. Establish a secure area for temporary evidence storage in accordance with rules of evidence/chain of custody.
10. Determine and request additional investigative resources as required (e.g., personnel, police).
11. Ensure continued scene integrity (e.g., document entry/exit of authorized personnel, prevent unauthorized access to the scene).
12. Ensure that witnesses to the incident are identified and separated.
13. Ensure the surrounding area is inspected and the results are documented.
14. Ensure preliminary documentation /photography of the scene, such as affected trees, roads, drains, timber and vehicles.

Summary: Scene assessment allows for the development of a plan for the coordinated identification, collection, and preservation of physical evidence and identification of witnesses. It also allows for the exchange of information among law enforcement personnel and the development of collaborative and interagency investigative strategies.

8.10 CONDUCT SCENE “WALK-THROUGH” AND INITIAL DOCUMENTATION

Principle: The scene “walk-through” provides an overview of the entire scene, identifies any threats to scene integrity, and ensures protection of physical evidence. Written and photographic documentation provides a permanent record.

Policy: The investigator(s) in charge shall conduct a walkthrough of the scene. The walk-through shall be conducted with individuals responsible for processing the scene.

Procedure: During the scene walk-through, the investigator(s) in charge should:

1. Avoid contaminating the scene by using the established path of entry.
2. Prepare preliminary documentation of the scene as observed.
3. Identify and protect fragile and/or perishable evidence (e.g., consider climatic conditions, crowds or hostile environment). Ensure that all evidence that may be compromised is immediately documented, photographed, and collected.

Summary: Conducting a scene walk-through provides the investigator(s) in charge with an overview of the entire scene. The walk-through provides the first opportunity to identify valuable and/or fragile evidence and determine initial investigative procedures, providing for a systematic examination and documentation of the scene. Written and photographic documentation records the condition of the scene as first observed, providing a permanent record.

SECTION 3 - PROCESSING THE SCENE

8.11 DETERMINE TEAM COMPOSITION

Principle: Based on the type of incident and complexity of the scene, the investigator(s) in charge shall determine team composition. Trained personnel shall perform scene processing.

Policy: The investigator(s) in charge shall assess the scene to determine specialized resources required.

Procedure: Following the walk-through, the investigator(s) in charge should:

1. Assess the need for additional personnel. Be aware of the need for additional personnel in cases of multiple scenes, multiple species of timber, numerous witnesses, or other circumstances.
2. Assess forensic needs and call forensic specialists to the scene for expertise and/or equipment.
3. Ensure that scene security and the entry/exit documentation are continued.
4. Select qualified person(s) to perform specialized tasks (e.g., photography, sketch, species identification, evidence collection).
5. Document team members and assignments.

Summary: The scene(s) assessment determines the number of personnel and how responsibilities will be assigned.

8.12 CONTAMINATION CONTROL

Principle: Contamination control and preventing cross-contamination at single or multiple scenes is essential to maintaining the safety of personnel and the integrity of evidence.

Policy: The investigator(s) in charge shall require all personnel to follow procedures to ensure scene safety and evidence integrity.

Procedure: Other responders and/or team members should:

1. Limit scene access to people directly involved in scene processing.
2. Follow established entry/exit routes at the scene.
3. Identify first responders and consider collection of elimination samples.
4. Designate secure area for rubbish and equipment deposits.
5. Use personal protective equipment (PPE) to prevent contamination of personnel and to minimize scene contamination.
6. Clean/sanitize or dispose of tools/equipment and personal protective equipment between evidence collections and/or scenes.
7. Utilize single-use equipment when performing direct collection of biological samples.

Summary: Minimize contamination by being safe, clean, and careful to ensure the welfare of personnel and the integrity of the evidence.

8.13 DOCUMENTATION

Principle: An assessment of the scene determines what kind of documentation is needed (e.g., photography, video, sketches, measurements, notes).

Policy: The investigator(s) in charge shall ensure documentation of the scene.

Procedure: The team member(s) should:

1. Review assessment of the scene to determine the type of documentation needed.
2. Coordinate photographs, video, sketches, measurements, and notes.
3. Photograph:
 - a. Scene utilizing overall, medium, and close-up coverage.
 - b. Evidence to be collected with and without measurement scale and/or evidence identifiers.
 - c. Physical evidence such as roads, trees, timber, machinery, victims, suspects, witnesses, crowd, and vehicles.
 - d. Additional perspectives (e.g., aerial photographs, witness' view, Google Earth).
4. Videotape as optional supplement to photos.
5. Prepare preliminary sketch(es) and measure:
 - a. Immediate area of the scene, noting identifying points and indicating north on the sketch.
 - b. Relative location of items of evidence and correlate evidence items with evidence records.
 - c. Evidence prior to movement.
 - d. Roads, landings, or other objects (if relevant).
 - e. Distance to adjacent buildings or other landmarks.
6. Generate notes at the scene:
 - a. Documenting location of the scene, time of arrival, and time of departure.
 - b. Describing the scene as it appears.
 - c. Recording transient evidence (e.g., smells, sounds, sights) and conditions (e.g., temperature, weather).
 - d. Documenting circumstances that require departures from usual procedures.

Summary: A well-documented scene ensures the integrity of the investigation and provides a permanent record for later evaluation.

8.14 PRIORITIZE COLLECTION OF EVIDENCE

Principle: Prioritize the collection of evidence to prevent loss, destruction, or contamination.

Policy: The investigator(s) in charge and team members shall determine the order in which evidence is collected.

Procedure: The team member(s) should:

- a. Conduct a careful and methodical evaluation considering all physical, and biological evidence possibilities (e.g., timber, stumps, distinguishing leaves, fruit, bark etc of trees, finger prints, trace evidence).
- b. Focus first on the easily accessible areas in open view and proceed to out-of-view locations.
- c. Select a systematic search pattern for evidence collection based on the size and location of the scene(s).
- d. Select a progression of processing/collection methods so that initial techniques do not compromise subsequent processing/ collections methods.
 - a. Concentrate on the most vulnerable evidence and work to the least vulnerable forms of physical evidence.
 - b. Move from least intrusive to most intrusive processing/ collection methods.
- e. Continually assess environmental and other factors that may affect the evidence.
- f. Be aware of multiple scenes (e.g., victims, suspects, vehicles, locations).

Summary: Prioritization provides for the timely and methodical preservation and collection of evidence.

8.15 COLLECT, PRESERVE, INVENTORY, PACKAGE, TRANSPORT, AND SUBMIT EVIDENCE

Principle: The handling of physical evidence is one of the most important factors of the investigation.

Policy: The team member(s) shall ensure the effective collection, preservation, packaging, and transport of evidence.

Procedure: The team member(s) should:

1. Maintain scene security throughout processing and until the scene is released.
2. Document the collection of evidence by recording its location at the scene, date of collection, and who collected it.
3. Collect each item identified as evidence.
4. Establish chain of custody.
5. Obtain standard/reference samples from the scene.
6. Obtain control samples.
7. Consider obtaining elimination samples.
8. Immediately secure electronically recorded evidence (e.g., answering machine tapes, surveillance camera videotapes, computers) from the vicinity.
9. Identify and secure evidence in containers (e.g., label, date, initial container) at the crime scene. Different types of evidence require different containers (e.g., porous, nonporous, crushproof).
10. Package items to avoid contamination and cross-contamination.
11. Document the condition of weapons prior to rendering them safe for transportation and submission.
12. Avoid excessive handling of evidence after it is collected.
13. Maintain evidence at the scene in a manner designed to diminish degradation or loss.
14. Transport and submit evidence items for secure storage.

Summary: Evidence at crime scenes that is in the process of documentation, collection, preservation, or packaging should be handled with attention to scene integrity and protection from contamination or deleterious change. During the processing of the scene, and following documentation, evidence should be appropriately packaged, labeled, and maintained in a secure, temporary manner until final packaging and submission to a secured evidence storage facility or the crime laboratory.

SECTION 3 - COMPLETING AND RECORDING THE CRIME SCENE INVESTIGATION

8.16 ESTABLISH CRIME SCENE DEBRIEFING TEAM

Principle: The crime scene debriefing enables law enforcement personnel and other responders to share information regarding particular scene findings prior to releasing the scene. It provides an opportunity for input regarding follow-up investigation, special requests for assistance, and the establishment of post-scene responsibilities. It provides an opportunity for further learning.

Policy: Law enforcement personnel and other responders shall participate in or initiate a crime scene debriefing to ensure the crime scene investigation is complete and to verify post-scene responsibilities.

Procedure: The investigator(s) in charge of the crime scene should establish a crime scene debriefing team. When participating in a scene debriefing, law enforcement personnel and other responders should:

1. Establish a crime scene debriefing team, which includes the investigator(s) in charge of the crime scene, other investigators, technical advisors, experts and evidence collection personnel (e.g., photographers, evidence technicians, specialized personnel, and initial responding officer(s) if still present).
2. Determine what evidence was collected.
3. Discuss preliminary scene findings with team members.
4. Discuss potential technical forensic testing and the sequence of tests to be performed.
5. Initiate any action(s) identified in discussion required to complete the crime scene investigation.
6. Brief person(s) in charge upon completion of assigned crime scene tasks.
7. Establish post-scene responsibilities for law enforcement personnel and other responders.

Summary: The crime scene debriefing is the best opportunity for law enforcement personnel and other responders to ensure that the crime scene investigation is complete, and lessons are learnt from the experience to improve future operations.

8.17 PERFORM FINAL SURVEY OF THE CRIME SCENE

Principle: Final survey of the crime scene ensures that evidence has been collected and the scene has been processed prior to release. In addition, a systematic review of the scene ensures that evidence, equipment, or materials generated by the investigation are not inadvertently left behind and any dangerous materials or conditions have been reported and addressed.

Policy: The investigator(s) in charge shall direct a walkthrough at the conclusion of the scene investigation and ensure that the scene investigation is complete.

Procedure: The investigator(s) in charge should ensure that:

1. Each area identified as part of the crime scene is visually inspected.
2. All evidence collected at the scene is accounted for.
3. All equipment and materials generated by the investigation are removed.
4. Any dangerous materials or conditions are reported and dealt with.
5. The crime scene is released in accordance with jurisdictional requirements.

Summary: Conducting a scene walk-through ensures that all evidence has been collected, that materials are not inadvertently left behind, and that any dangerous materials or conditions have been reported and addressed.

8.18 DOCUMENTATION OF THE CRIME SCENE

Principle: Reports and other documentation pertaining to the crime scene investigation shall be compiled into a “case file” by the investigator(s) in charge of the crime scene. This file shall be a record of the actions taken and evidence collected at the scene. This documentation shall allow for independent review of the work conducted.

Policy: The investigator(s) in charge shall ensure that reports and other documentation pertaining to the crime scene investigation are compiled.

Procedure: The investigator(s) in charge should obtain the following for the crime scene case file:

1. Initial responding officer(s') documentation.
2. Emergency medical personnel documents.
3. Entry/exit documentation.
4. Photographs/videos.

5. Crime scene sketches/diagrams.
6. Evidence documentation.
7. Other responders' documentation.
8. Record of consent form or search warrant.
9. Reports such as forensic/technical reports should be added to this file when they become available.

Note: The above list is limited to crime scene documentation. This should not be considered a comprehensive list of the documents involved in an investigative or prosecution case file.

Summary: This will ensure that reports and other documentation pertaining to the crime scene investigation are compiled into a case file by the investigator(s) in charge of the crime scene and allow for independent review of the work conducted.

SECTION 4 - CRIME SCENE EQUIPMENT

8.19 INITIAL RESPONDING OFFICER(S)

Essential*

- Mobile telephone with camera.
- Crime scene barricade tape.
- First-aid kit.
- Torch and extra batteries.
- Paper bags (and other suitable containers for holding exhibits).
- Personal protective equipment (PPE).

* These items should be in law enforcement official vehicles or readily available to initial responding officer(s).

Desirable

- Audiotape recorder.
- Digital video camera
- Digital Camera with flash.
- Directional marker/compass or GPS.
- Disinfectant.
- Maps.
- Plastic bags.
- Pocket knife.
- Tape measure.
- Tarps to protect evidence from the weather.
- Traffic cones.

8.20 CRIME SCENE INVESTIGATOR/EVIDENCE TECHNICIAN

Essential*

- Sample collection kit.
- Mobile telephone
- Digital camera with flash.
- Casting materials.
- Evidence seals/tape.
- First-aid kit.
- Torch and extra batteries.
- Latent print kit.
- Magnifying glass.
- Measuring devices.
- Permanent markers.
- Personal protective equipment (PPE).
- Photographic scale (ruler).
- Sketch paper. Tool kit.
- Tweezers/forceps.

Desirable

- Audiotape recorder.
- Business cards.
- Maps.
- Marking pens.
- Phone listing (important numbers).
- Refrigeration or cooling unit.
- Respirators with filters.
- Roll of string.
- Rubber bands.
- Biological specimen collection kit
- Digital video recorder.

* These items should be in police vehicles or readily available to initial responding officer(s).

9 DEALING WITH DIFFICULT SITUATIONS

9.1 INTRODUCTION

“The oldest and strongest emotion of mankind is fear, and the oldest and strongest kind of fear is fear of the unknown” - H.P. Lovecraft

One thing a career in a law enforcement provides is large doses of fear. There are many routine jobs the law enforcement officer attends that generates fear ranging from an “oh, oh” moment through to a sustained sheer terror, “oh no!” ordeal. But this chapter isn’t all about law enforcement, it is totally relevant to every human being. The only difference between the everyday person and a law enforcement officer is the frequency of being confronted with fear for your safety.

The culture among law enforcement fraternities is to not show fear. That in itself is not a bad thing, but not acknowledging it, nor understanding it and harnessing it is a bad thing. Fear should not be a weakness, but a strength.

Often, we don't really know exactly what we are getting ourselves into, other than the sense that something doesn't feel right. We all have a compass that guides us -- a gut feeling -- towards those things that make us feel unsafe, and those situations often involve a sense of not having any control over the outcome. Some people ignore that gut feeling and disregard the little alarms that go off in their head, and unnecessarily put themselves in danger. Some will avoid the situation altogether, when they should have taken control over it. The threat to personal safety is not the only reason for fear, there are situations that threaten other people’s safety, threaten job security, and threaten their reputation; there are situations that make you afraid of what you are going to see, smell, or hear, and situations where you are afraid of what you might have to do, and whether you can do what you have to do.

As H. P. Lovecraft is quoted above, *“the oldest and strongest kind of fear is fear of the unknown”*. A law enforcement officer is capable of lessening that type of fear through education, training and experience. The law enforcement officer who ignores the risks from doing his job is likely to not only fail in doing their duty, but also suffering from severe stress or other forms of mental illness.

It is not only life-threatening situations that can cause a law enforcement officer to feel afraid. Fear of making a mistake, getting into trouble for doing their job and punishment from senior officers can cause fear that can influence officers to avoid their duty. We can manage and control all types of fear if we have a basic understanding of it and have a plan to deal with it.

9.2 COPING WITH FEAR AND AVOIDING POST TRAUMA STRESS

Even though fear can engulf a person in an instant, it will still go through six phases of development. The phases in simple language are:

1. **Here comes trouble**
The risk becomes known or a situation escalates in intensity.
2. **Oh no!**
This is the moment of when we feel our vulnerability in a situation; we may feel weak, vulnerable, or not in control.
3. **"I've got to do something"**
We must act to survive or gain control over the situation if we want to survive. We acknowledge the reality of the danger and make the transition from an internal focus on vulnerability to an external focus on the danger.

4. Survival

Now we need to focus on the danger in terms of our ability to respond to it. We consciously or instinctively come up with a plan. We start to react and feel more balanced and in control.

5. "Here goes"

This is the moment of commitment. With our resolve to act whether instinctual or planned, we mobilize tremendous strength. Our frame of mind is focused; characterized by strength, control over this strength, clarity of mind, and increased awareness: the survival resource.

6. Response

We go for it; our response is fueled by our will to survive.

When a person is confronted with a life-threatening crisis and fear develops, the brain activates a cascade of reactions that get us ready to either to battle for our lives or to escape as quickly as possible. In my experience, some people process fear and stress better than others. There are those who can process fear and control it once they realize that they can control the danger, and there are others who can't get to the stage of feeling in control and therefore react instinctively or irrationally. The latter are the type of people who fall to pieces in a crisis. They focus on the best and easiest option for their self-protection, which is usually to get as far away from the danger as possible. You can't do that if you are a law enforcement officer: not if you have any self-respect and sense of duty!

The main thing I have learnt from my experience is that the more information and choices a person has, the better they can operate through fear, and the better decisions they make. However; the more information and choices you have, the more your brain must process. A cascade of reactions becomes a flood. Therefore, you must think logically and rapidly to avoid being overwhelmed by a situation.

I taught myself to process information before I found myself in a crisis so that I had less to process when I was forced to cope with fear. These are the

Phases of fear	Strategy	Tactics to learn
1. Here comes Trouble	Recognition	What could happen
2. Oh no!	Awareness	Rehearse mentally and physically
3. "I've got to do something"	Control	Know what you can do
4. Survival	Survival	Train for survival
5. "Here goes"	Focus	Be ready to act
6. Response	Action	Be committed to survival
7. Recovery	Accept the results	Mental strength and agility

These are a few tips that I have learnt over my career to help me overcome fear and avoid post trauma stress:

- Acknowledge the reality of what can happen NOW.
- Understand the psychological and physical effects of fear.
- Reinforce your will to survive.
- Learn the tactics you need well.
- Get the training you need and keep up your skills.
- Mental rehearsal of critical incident situation will help you: learn your tactics; get them to the point where they are instinctual, reflexive, and second nature; and prepare for future encounters
- Learn from past mistakes and success.
- Harness fear to become strong.
- Situational awareness
- Self-awareness: know your strengths and weaknesses

9.3 DEALING WITH ANGER

Dealing with angry people is not a pleasant experience; however, understanding some basics about how and why people become angry can make it much easier to deal with.

Anger is initiated by one or more of the following feelings:

- Frustration
- Threat
- Insult
- Attack
- Reciprocation

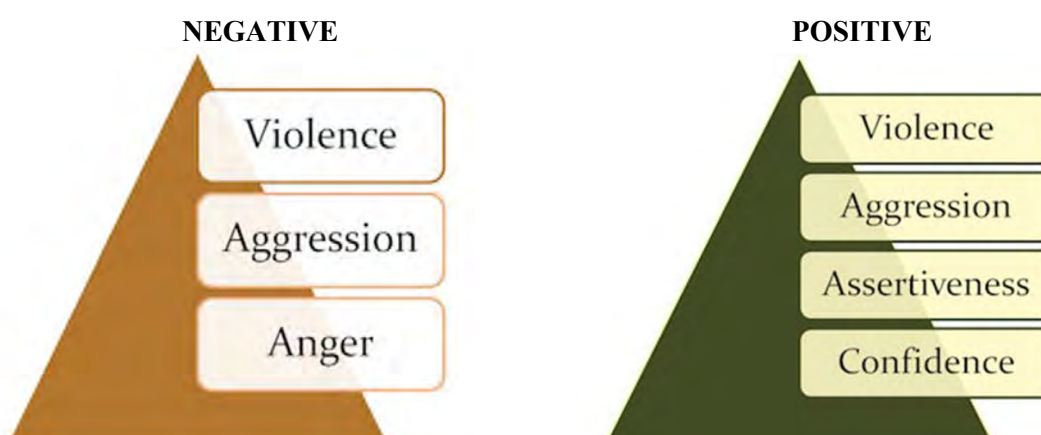
These feelings will be triggered by a situation or event. The cause of the trigger will be either:

- A person or people
- Circumstances made of events, situations or objects

When working in law enforcement, you automatically and naturally invoke any one or more of those feelings in people you are dealing with. Therefore; it is important to realize that you can be the source of a person's anger, and you can take action to mitigate it. Contain the conversation to how the person 'feels' about the situation. If they feel frustrated, say and do things to minimize that feeling. If they feel insulted by your interaction with them, say and do things to minimize that feeling, and so on. Developing good negotiation and persuasion skills is the most important thing to concentrate on when you become a law enforcement officer.

When a person becomes unable or unwilling to control their anger, the next phase is aggression. There are two types of aggression: negative and positive. Negative aggression is that which is triggered by those instigators mentioned above. It is a type of aggression that is not normally acceptable in any society.

On the other hand, positive aggression is that which is rewarded or respected in society. It is the type of aggression that helps us succeed in life and protects us from harm. The dynamics of the two types are different.



Therefore, you use confidence and assertiveness to combat anger and low level aggression, and higher level aggression and violence to protect yourself from physical harm if it becomes necessary.


9.4 TYPES OF AGGRESSION

It is important to not over-react to aggressive behavior, just as it is important to not ignore it. Ignoring low level aggression can result in the aggressor escalating their behavior if their concerns are not being dealt with. This chart shows the eight varieties of human aggression that range from low, passive levels through to violence.

	ACTIVE		PASSIVE	
	DIRECT	INDIRECT	DIRECT	INDIRECT
PHYSICAL	1 Assault	2 Damaging property	3 Obstructing or confronting behaviour	4 Refusing to perform a necessary task
	5 Insults, abuse, threats	6 Malicious gossip or rumour - verbal or written	7 Refusing to speak, sullenness, avoidance	8 Refusing consent – vocal or written

For example, a person who is refusing to obey a lawful instruction is exercising the lowest level of aggression, and their behavior can escalate through the next seven phases and become violent if it is not managed effectively.

This diagram demonstrates the types of behavior a person can exhibit as they escalate from the trigger point to crisis.

Phase	Behaviour
CRISIS	 <ul style="list-style-type: none"> • Violence • Loss of physical control • Loss of judgement • Verbal control is lost
ESCALATION	<ul style="list-style-type: none"> • Intimidation and threats • Verbal venting • Refusal to comply • Questioning and arguing • Anxiety increases
TRIGGER	<ul style="list-style-type: none"> • Stress and anxiety starts

9.5 TYPES OF VIOLENCE

There are three basic levels of violence that can be expected. They are explained briefly in this table.

Level of violence	Type of force	Potential consequences
Minor assault	Pushing & jostling Punching	Minimal or no injury
Serious assault	Sustained attack Kicking Weapons assisted assault	Serious injury
Lethal assault	Any assault capable of causing death or serious physical injury	Serious bodily harm or death

Law enforcement officers must respond quickly the moment a person becomes violent if they are to avoid physical injury.

10 THE ART OF PERSUASION

The art of persuasion is the skill involved in taking a person's resistance through to collaboration, cooperation and compliance.

10.1 ORGANISATION

Organisation is how the speaker organises the verbal delivery into beginning, middle and end. The aggression manager's initial approach to the aggressor should be professional and polite. It gives you time to gain a quick appreciation of the mood of the situation without getting into an argument and sets the tone for what is to follow.

Dr George Thompson, founder of Verbal Judo, developed this eight-step meet-and-greet style which will help you organising your communication with an aggressor:

1. An appropriate greeting
2. Identify yourself and your position/role
3. Give the reason for your presence
4. Ask for a reason for their behaviour
5. Create and present options
6. Ask for and give clarification/explanations
7. Confirm compliance or non-compliance
8. Close on a positive note

10.2 VERBALISING

Key principles to be applied when verbalising are:

- Everything you say must be coherent and consistent with what you have said before – stick to the message in language and terms the subject can understand
- Your voice must match the role you are playing
- If your voice and role conflict, people will believe the voice. (If you are playing a strong role, a weak voice will have a negative effect)
- The verbal message must match the non-verbal message (if they conflict people will believe the non-verbal message)

10.3 ASSERTIVENESS

Assertive behaviour describes ways of relating to and interacting with other people that recognise and respect the rights, feelings and opinions of both parties. Assertive means to have a positive influence upon, whereas 'aggressive' means to be forceful, to attack. Behaving assertively is helpful for both you and the aggressive person you are dealing with.

An aggressor will be fuelled by anger and using natural language; you are likely to encounter language that includes shouting, screaming, threats, insults, and abuse. It is natural for an untrained person to want to respond by giving the same back.

In asserting yourself in an aggressive conversation, the first step is to show the other person that you are listening, that you understand their point of view and recognise their right to say what they think. The underlying message you should be trying to convey is:

- I care
- I am in control
- I will assist you with your problem/complaint.

10.4 3-STEP STRATEGY FOR PERSUASION

Once you have established communication with the aggressor, and learned all the background information, you need to commence defusing or de-escalating their aggression using your persuasion skills. This 3 step style for verbal persuasion is an adaptation of Dr George Thompson's 8-step meet-and-greet style.

Step One – Setting Limits

The first step of de-escalation involves setting limits using suggestion, coercion, and controlling the options available to the aggressor. Remember that you are thinking for a person in a way that they would think for themselves if they were calm and in better circumstances.

- a. You send your message to the aggressor
 - I care, I am in control, and I can help you
 - Cooperating with me is in your best interest
- b. Explain
 - What the impacts that his behaviour is having on them and others
 - The potential consequences of the continuation of the behaviour
- c. Present options
 - For changing their behaviour
 - Continuing their behaviour
 - Escalating their behaviour

There are four great persuaders any or all of which will influence people to change their behaviour. Build these into the options you present to the aggressor. They are:

- Time
- Money
- Reputation
- Family

Step Two – Confirmation

Assuming that step one has worked you will now summarise the conversation. However; if compliance, cooperation or collaboration has not been achieved you use this statement to explore any last resorts:

“Is there anything else I can say or do at this time to earn you cooperation?”

The benefits of this question are two-fold:

- a. It allows you the opportunity to identify the crux of the matter if it has not already been revealed, and affords the opportunity for further negotiation; and,
- b. If the answer is “No”, and the aggressor has not de-escalated, it provides a clear message that you need assistance to manage the situation because persuasion may not resolve the issue.

Step Three – Act

If you have exhausted all your reasonable persuasion options, and you anticipate that the aggressor’s next step may be violent, you need to act as quickly as the circumstances allow. The objective is to provide other people to assist you that may include:

- Other competent aggression managers
- Aggression response team
- Security guards
- Police

If persuasion fails, your last remaining options will be safe escape or physically restraining the aggressor.

10.5 – PERSUASION TACTICS

This five-step style is effective in appealing to an aggressor to gain compliance, cooperation or collaboration. Each step is progressively firmer than the one before it. Use your judgement as to which step to start with. You may believe that an aggressor might respond best to reasonable appeal in the first instance for example. During a conversation you may find it necessary to try different forms of appeal as you win or lose ground with the aggressor.

1. Ethical Appeal

Most people will respond to a direct appeal from a person in obvious authority. By using professional language and direct instructions the majority of the resistance can be overcome at this stage.

2. Reasonable Appeal

Explain why you have made your request. Compliance can often be gained by having the person understand why the request is being made of him. (“Why?” is often a reasonable question, but it is often seen as an offensive remark.)

3. Personal Appeal Options

This is the stage where you give the person their options. Explain to the person what he can realistically be expected to gain or lose (time - money - family - reputation). Remember they are under a great deal of stress. They need you to provide them with options. They may be listening but not hearing what you are saying to them. Be hard on the problem and soft on the person.

4. Practical Appeal

This is the final verbal option where you confirm the action you must take in response to the person's non-compliance or threatening behaviour. It is valuable for your justification for any use of force if you have suitable wording.

Consider this:

"Is there anything I can reasonably do or say that would get you to comply?"

It is also a useful signal to any other person assisting you to let them know that the next stage is physical force.

5. Act

Use the option of safe escape or physical force if necessary.

11 CONCLUSION

This handbook is intended to provide the user with some basic information to help them develop confidence as a forest law enforcement officer. It is not comprehensive by any means, and the writer hopes that it will lead the user onto more in-depth study and training on the personal and practical skills that make a law enforcement officer more effective.

APPENDIX 5

CONCEPT NOTE

FIJI NATIONAL FOREST LAW ENFORCEMENT & GOVERNANCE STRATEGIC PLAN

Purpose

To develop a national forest law enforcement and governance strategic plan.

Context

Sustainable forest management (SFM) is internationally recognized as a critical component of measures to protect the environment, improve rural livelihoods and mitigate the impacts of climate change. Effective and efficient implementation and enforcement of forest laws is essential for the delivery of SFM.

Objectives

- (a) To improve awareness, education and practices that promote improved compliance with forestry legislation and the Fiji Forest Harvesting Code of Practice.
- (b) To promote inter-agency, forest sector and community cooperation on activities to prevent, detect, and correct non-compliance with forestry legislation and the code of practice.
- (c) To advance a strengthened co-regulatory model that promotes higher levels of responsible self-management and accountability by the forest industry and allows the government to focus its resources on key enforcement activities.
- (d) To clarify the actions that can be taken, by government agencies, industry, landholders and other stakeholders, to prevent, detect and correct non-compliance with forestry regulations and protect forest resources from environmental degradation and criminal exploitation.

Project Description

A draft national forest law enforcement strategy and action plan will be developed as follows-

- (a) Consultation with key stakeholders on the draft strategic plan and refinement of roles, responsibilities and activities according to current legislation, jurisprudence, mandates and capacity.
- (b) Draft document presented to the Conservator of Forests for consideration.
- (c) Further consultation with key stakeholders as required, and finalization of the strategic plan document.
- (d) Submission of the plan through the Conservator to the Minister for Government endorsement.

Expected outputs/results:

- (a) A national strategic plan is expected to produce a coherent plan of action to guide forest law enforcement officers and other stakeholders on implementation of their roles and responsibilities under the forestry legislation and code of practice. Some of the specific outputs include: i) review and clarification of the roles and responsibilities of government agencies and the forest industry; ii) key capabilities to be developed; iii) a best practice law enforcement strategy; iv) action plans to improve compliance with forest regulations and codes of practices.
- (b) A guideline for the development and delivery of a well-rounded and on-going training program for forest law enforcement officers.

- (c) Increased general awareness of technical and policy issues in forest law enforcement in Fiji and better information for policy makers thereby promoting sound policy formulation and implementation.

Contribution to capacity building

- (a) A national forest law enforcement and governance strategic plan will substantially strengthen the Forest Department as an institution and help deepen its effectiveness to monitor and enforce compliance with forest regulations and the code of practice.
- (b) It will put the Government of Fiji on a solid platform for the growth of its forestry sector on a sustainable basis and improve export and trade opportunities in the region and internationally.

Assistance to prepare the plan

The plan will be prepared by the Forestry Department with the support of the Pacific Community (SPC) under an existing project funded by the Asia Pacific Network for Sustainable Forest Management and Rehabilitation (APFNet) entitled *Capacity Building Toward Effective Implementation of Sustainable Forest Practices Management in Fiji, Tonga and Niue*. This project has access to the services of two international experts in forest regulation and law enforcement, who will provide advice and assistance with the formulation of the plan. All costs will be covered by the existing project.

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