



RAND EUROPE

Classifying acts of violence

Understanding how acts of violence are
classified by subject matter experts

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RAND Europe was commissioned to undertake a study on how different acts of violence are classified by subject matter experts

Classifying acts of violence, and terrorism in particular, is an ongoing challenge. There are risks to society as a whole if a specific act has been misclassified. This may, for example, lead to the release of individuals who could be of harm to others. In response to this challenge, the study investigated three research questions (RQs):

1. How do subject matter experts (SMEs) classify different types of violent acts, and can distinctions be drawn between different types of SMEs?
2. What drives the rationale behind the classification by SMEs and what can explain differences in classification (if any exist)?
3. Based on RQs 1 and 2, what key findings and recommendations emerge?

Twenty-five SMEs from a range of backgrounds (government/policy, practitioners, academia/research) and disciplines (e.g. counter-terrorism, legal, policing, etc.) first responded to a questionnaire to classify 12 short case studies displaying acts of violence. The SMEs then participated in a two-hour workshop, in which four case studies and their classification were discussed in more depth.

A number of key findings emerge from the SME engagement



Knowledge of the perpetrator's motivations is key in enabling the classification of a case study:

Across all the case studies, the importance of understanding an individual's motivations was a recurring theme, beyond simply knowing the type of crime committed.

The lack of clarity around an individual's motivation could result in stakeholders implying a motivation, which may involve the application of biases and lead to a wrong conviction. The importance of motivation should be understood in terms of the role it plays in helping SMEs classify acts of violence.



Recognition of an ideology behind an act of violence can affect the way in which a case study is classified:

Recognising an idea or movement as an ideology has wide-ranging consequences, the first being that, once recognised, acts of violence deriving from this ideology can be prosecuted under *TACT 2000*. Overall, discussions demonstrated that it is easier to define an act of violence as terrorism if one is familiar with the ideology and if this ideology is more established. Social media was mentioned as a key factor in creating new ideologies or re-shaping existing ones, which may result in clusters of ideas that are not as coherent or as well developed as more established ideologies.



Social media and public perception can affect the classification of an act of violence:

Social media can be used to attribute a motive to the crime committed. SMEs, however, cautioned against an excessive reliance on social media in classifying acts of violence: someone can commit 'just' a crime without this crime necessarily having ideological or wider connections. Overall, there is a need to be cautious around the amount of credit given to the perpetrator's social media presence, and to ensure that a balance is struck when giving social media a role in helping to understand and define acts of violence. In parallel to social media, there is also a wider challenge around the public's perception of an offence. Issues to be mindful of include the possibilities of

vilifying certain sections of the population (e.g. this could cause an increase in hate crimes against Muslims after a terrorist act motivated by Islamist extremism), as well as of giving extremist groups or ideologies additional legitimacy or a wider platform.



Mental health issues can render a crime more difficult to classify:

There was uncertainty among SMEs as to how mental health affects

the classification of acts of violence, as well as whether or not it should. Points raised by SMEs demonstrate the uncertainty and the range of questions that exist around mental health, leading SMEs to see the existence of any mental health issues as a factor that would have needed to be made clearer in the case studies, as it could potentially impact how they classify the acts of violence.



Defining an act of terrorism remains complex and, in some cases, unclear:

Despite the definition in *TACT 2000*, which outlines what counts

as terrorism under UK law, defining an act as a terrorist one is extremely complex and appears to remain unclear. SMEs noted that over-classification of violence as terrorism can, on the one hand, trivialise this type of act; on the other hand, it can have a wider societal impact and drive further antagonism between different spheres of the population who increasingly see each other as a threat.



Applications of hate crime can be unclear:

There was difficulty in understanding where and how the definition of hate crime could apply. In

particular, the fact that gender is not included as a protected characteristic was not always

common knowledge and was identified as a gap. Aside from gender, some SMEs questioned whether the hate crime definition would apply to crimes towards one's 'in-group', demonstrating the uncertainty that exists over this type of offence.

Minor differences only were identified between different types of SMEs

No differences could be identified via the questionnaire responses between SMEs of different types or backgrounds. Small differences, however, were noted during workshop discussions in terms of how different SME types approached and perceived the case studies. SMEs with a legal background tended to place a stronger focus on the charges that could be applied and on selecting the charges that would lead to the highest likelihood of conviction compared to other types of SMEs, rather than seeking simply to classify these by the definitions provided. SMEs from a government/policy background appeared to focus more on the ideology behind a violent act. While this focus on ideologies was not specific to this SME type (e.g., SMEs from an academia/research background also focused on ideologies), their thinking appeared more theoretical, especially when compared to the prosecution-based approach taken by SMEs with a legal background. The differences outlined should nonetheless be caveated by the fact that a relatively limited number of SMEs participated in the questionnaire and workshops, including limited numbers of SMEs across different types and disciplines.

Five main aspects seem to drive the rationale behind the classification

The classification of case studies by SMEs appears to be primarily driven by five main aspects:

- 1 Availability of facts and information.
- 2 Knowledge of the perpetrators' motivation and intent.
- 3 Familiarity with the ideology behind the act of violence.
- 4 Knowledge of the breadth and depth of available definitions.
- 5 A focus on the prosecutable acts versus a policy perspective.

The study offers recommendations for policymakers

The findings demonstrate the overall difficulties in classifying acts of violence. Defining acts of violence is often not done in isolation, but comprises many different facets of a crime, including motivation of the perpetrator, the significance of their online presence, any known or emerging mental health issues, and the classifier's own knowledge, experience, and possibly any resulting biases. Misclassification of an act of violence is a potential risk, which must be taken into account when dealing with complex crimes, including ones with probable or verified connections to terrorism. Based on these findings, the study team offers the following recommendations.

Table S.1 Overview of policy recommendations

Area	Recommendation
Learning and development	Ensure that stakeholders undertaking work in relation to acts of violence (e.g. in the criminal justice space, including counter-radicalisation and counter-terrorism) are kept aware of additions and amendments in UK law and counter-terrorism measures. New or evolving concepts, as well as definitions of crimes, should also be communicated as clearly and effectively as possible.
Up-to-date understanding of ideologies	<p>Ensure that relevant stakeholders working in policy, policing, and in the legal field (e.g. those undertaking counter-radicalisation investigations, those prosecuting acts of violence):</p> <ol style="list-style-type: none"> i. Are kept informed on new ideologies, including Mixed, Unclear, and Unstable (MUU) ones, as well as on associated vulnerabilities and threat levels. ii. Are comfortable applying such new ideologies. iii. Understand the significance of being aware of new ideologies when investigating a violent act. <p>Ensuring that shifts and changes in ideologies are being considered is important in order to enable acts of a terrorist nature to be prosecuted as such, even if these fall outside of the well-known groups or traditional, better established ideologies.</p>

Area	Recommendation
Role of mental health	Further investigate and clarify the role of mental health in dealing with acts of violence. In particular, more information on the way in which mental health should (or should not) be taken into account when classifying an act of violence is necessary. Stakeholders should be provided with knowledge as to whether and as to how mental health may affect offences, including those charged with a terrorist connection.
Clarity around hate crime	Provide additional clarity around hate crime, including how and when acts of violence count as hate crime, as well as how the application of the hate crime charges impacts upon an individual's sentencing. This should also reflect upcoming changes to the hate crime definition (i.e. following the ongoing consultation).
Tracking offences	Put in place a database to record all offenses, in particular offenses with suspected connections to terrorism. This database could, for example, contain details on the offence, the offender, the motive (if known), legal outcome, and additional comments regarding the classification (or difficulty thereof) of the offence. In particular, this database should aim to capture areas of concern around where acts were suspected of having a terrorist connection, but where there may not have been sufficient evidence to charge an offence under TACT 2000.
Communication and collaboration	Facilitate ongoing communication and collaboration between various stakeholders involved in classifying and prosecuting acts of violence. This includes obtaining different perspectives from within the Home Office as well as more widely, including from the Crown Prosecution Service and police forces. If conducted regularly, this can ensure that different perspectives are considered and understood, particularly when it comes to complex cases or those with a large amount of public interest (e.g. the Lee Rigby and Jo Cox murders).
Public perception	Improve communication with the public after an act of violence that leads to a large amount of public interest. In particular, seek to understand any aspects that may lead to reputational issues due to the way in which an offence is classified by stakeholders, and reflect on how this classification should be communicated to the public.
Study approach	Conduct further research on how different SMEs classify acts of violence and the associated impact, with the aim of expanding the SME base involved in the research in order to capture a wider range of insights.