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SERVICE POLICE REPORT

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Investigator:	Reference No:	Type of Report:
47F(1)	IR-ADF01-CAN-2016-38	Assessment
Originating Unit:		
Joint Investigation Office – Canberra Australian Defence Force Investigative Service Building A58, RMC Duntroon Canberra, ACT 2600		
Report in the Matter of:		
Distribution of underage sexually explicit images		

References:

- A. Conversation 47F(1) ADFIS/47F(1), ADFA of 47E(d)
- B. Telecon 47F(1) ADFIS/47F(1), AFP of 47E(d)
- C. PM-ADF Incident Management Board of 47E(d)
- D. Conversation 47F(1) ADFIS/47F(1), AFP of 47E(d)
- E. DI (G) ADMIN 45-2 – *The reporting and management of notifiable incidents*
- F. Service Police Manual Vol 2 – *Investigation procedures*
- G. DI (G) PERS 35-4 – *Reporting and management of sexual misconduct including sexual offences*

Introduction

1. The Australian Defence Force Investigative Service (ADFIS) has assessed the information provided at reference A, IAW references B – G, which concern an allegation that

Approving Officer:			
47F(1)	47F(1)	SQNLDR / REGIONAL COMMANDER ADFIS SOUTHERN REGION	31 Oct 16
	Printed Name	Rank/Appt	Date
Distribution:			
COMDT	(ADFA)	(alan.clements@defence.gov.au)	
DOPS	(HQ ADFIS)	(adfishq.operations@defence.gov.au)	
JIO COMD	(JIO Canberra)	(Original)	
For information:			
CO	(ADFA)	(tamara.rouwhorst@defence.gov.au)	

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a former girlfriend (civilian) of s47F(1), ADFA, was distributing naked photographs of him on social media.

Background

2. The photographs in question were posted on social media site, 'Tumblr' within a page called, 'gaysouthaussies' by 47F(1) civilian ex-girlfriend without his knowledge or consent. The images had originally been taken by 47F(1) and sent exclusively to his then girlfriend when he was 47F(1) of age, prior to him joining the ADF. However, integrated into the Tumblr posts were images from 47F(1) Facebook page which included images of him in uniform at the ADFA first year CDF parade. These latter images of 47F(1) in uniform were all taken from his personal Facebook page after the relationship with his former girlfriend had ended.

Action Taken

3. Vide reference B, the AFP Child Protection Operations, Victim Based Crime – Counter Exploitation unit, advised that AFP wished to speak with 47F(1) and were willing to assist in resolving the matter. It was noted by the AFP that the sexually explicit images of 47F(1) were of an underage person and therefore illegal. 47F(1) 47F(1) indicated that he didn't wish to lodge a formal complaint with police; he just wanted the images removed.

4. Vide reference D, 47F(1), in company with the ADFIS, attended AFP Child Protection Operations. The AFP advised that they would arrange for the deletion of all posts containing images of 47F(1). They further advised that they had spoken with 47F(1) former girlfriend, warning her that her actions were criminal; however, consistent with 47F(1) wishes, advised they will not be pursuing criminal charges against her.

Assessment

5. Vide reference C, this matter was considered by the Provost Marshal of the Australian Defence Force (PM-ADF) at a PM-ADF Incident Management Board. As a result of reviewing the material presented, the PM-ADF decided the matter will not be further investigated by ADFIS. The reasons for this decision are based on the following:

- a. the matter reported is a criminal offence and not within the ADFs jurisdiction;
- b. the complainant's desire not to lodge a formal complaint with police; simply to have the offending images removed from the internet; and
- c. the AFP having taken appropriate investigative and remedial action consistent with the complainant's wishes.

Conclusion

6. In view of the foregoing, enquiries by the AFP and this office are now concluded. A case entry in the Defence Policing and Security Management System (DPSMS) maintains a record of this event under the aforementioned reference number.

7. Should you wish to discuss this matter or have any questions relating to it, the point of contact at JIO Canberra is [REDACTED] who may be contacted on 47F(1) [REDACTED] or via email 47F(1) [REDACTED]@defence.gov.au. Please ensure to quote the aforementioned DPSMS reference number in any related correspondence.



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Investigator:	Reference No:	Type of Report:
47F(1)	IR-ADF01-CAN-2016-27	Final
Originating Unit:		
Joint Investigation Office – Canberra Australian Defence Force Investigative Service Building A58, RMC Duntroon Canberra, ACT 2600		
Report in the Matter of:		
Sexual Assault		

References:

- A. Service Police Assessment Report—IR-ADF01-CAN-2016-27 of 47E(d)
- B. Email [redacted], AFP/[redacted], ADFIS of 47E(d)

Introduction

1. It will be recalled vide reference A, that the Australian Defence Force Investigative Service (ADFIS) had assessed an allegation that 47F(1) [redacted] from the Australian Defence Force Academy (ADFA) had sexually assaulted a civilian female. The matter was subsequently referred to the Australian Federal Police (AFP) for investigation.

Background

2. The circumstances surrounding this matter are that on the evening of 47E(d) [redacted], 47F(1) [redacted] accompanied 47F(1) [redacted] to his accommodation room within the confines of ADFA. 47F(1) [redacted] indicated that she initially engaged in consensual sexual activity with 47F(1) [redacted]; however, whilst doing so, he forced her perform sexual acts that she was uncomfortable with and did not consent to. Precise details of the non-consensual sexual acts

Approving Officer:			
47F(1) [redacted]	47F(1) [redacted]	SQNLDR / REGIONAL COMMANDER ADFIS SOUTHERN REGION	24 Oct 16
<i>Signature Printed</i>	<i>Name</i>	<i>Rank/Appt</i>	<i>Date</i>

Distribution:		
COMDT	(ADFA)	(alan.clements@defence.gov.au)
DOPS	(HQ ADFIS)	(adfshq.operations@defence.gov.au)
JIO COMD	(JIO Canberra)	(Original)

were not disclosed to ADFIS; however, by virtue of 47F(1) claim that some of the acts were non-consensual, it was deemed that 47F(1) actions could have amounted to a sexual offence requiring further investigation.

3. None of the information above was disclosed until after an incident on 47E(d), when 47F(1) saw 47F(1) at Mooseheads Nightclub in Civic, ACT. At this time 47F(1) observed 47F(1) from a distance, pointing his finger in her direction and allegedly making comment about her to his friends. 47F(1) could not hear what was said but stated she was able to read 47F(1) lips and 47F(1). This embarrassed and upset 47F(1) and was the catalyst for her disclosing the alleged sexual assault from 47E(d), to her current boyfriend, 47F(1), also of ADFA. 47F(1) later approached the ADFA Chain of Command and raised his concerns that 47F(1) may have been sexually assaulted.

Action Taken

4. On 47E(d), ADFA staff advised ADFIS of the disclosure that 47F(1) had made to 47F(1). ADFIS staff contacted 47F(1) to establish the nature of the alleged incident/s and what, if any, action she sought. 47F(1) initially indicated that she did not wish to lodge a formal complaint against 47F(1) as she did not want him getting into trouble but did indicate that she would like an apology from him for his disrespectful actions. However, after having her options fully explained to her, 47F(1) expressed a desire to speak with the AFP 47F(1) to further consider those options.

5. On 47E(d), ADFIS notified the AFP about the allegation and facilitated the necessary liaison. The AFP commenced an investigation into the aforementioned allegations on the grounds that 47F(1) had indicated she wanted to lodge a formal complaint.

6. On 47E(d), the AFP notified ADFIS vide reference B, that 47F(1) did not wish to proceed with further investigative action regarding the allegation against 47F(1), advising that she had formally withdrawn her complaint.

Conclusion

7. In view of the foregoing, enquiries by the AFP and this office are now concluded. A case entry in the Defence Policing and Security Management System (DPSMS) maintains a record of this event under the aforementioned reference number.

8. Should you require any further information or clarification, the point of contact is 47F(1) who is available on 47F(1) or via email 47F(1)@defence.gov.au. Please ensure to quote the aforementioned DPSMS reference number in any related communications.

Recommendations

9. With no formal complaint from the victim, there is insufficient evidence to warrant further investigation by either the AFP or ADFIS. Despite this, it seems apparent that 47F(2) actions on both reported occasions may demonstrate a lack of respect that is inconsistent with contemporary community and ADF values. It is therefore recommended that the member be formally counselled by the chain of command regarding his behaviour and

apparent attitudes. Consideration could also be given to encouraging ^{47F(2)} [REDACTED] to apologise to ^{47F(2)} [REDACTED], if she remains desirous of such an outcome.

^{47F(1)} [REDACTED]

CPL
ADF Investigator



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Investigator:	Reference No:	Type of Report:
47F(1)	IR-ADF01-CAN-2016-39	Final
Originating Unit:		
Joint Investigation Office – Canberra Australian Defence Force Investigative Service Building A58, RMC Duntroon Canberra, ACT 2600		
Report in the Matter of:		
Act of Indecency		

References:

- A. Telecon CAPT Bearman, ADFA / 47F(1), ADFIS of 47E(d)
- B. Interim Defence Instruction ADMIN 45-2 – *Incident Reporting and Management*
- C. DI (G) PERS 35-4 – *Reporting and management of sexual misconduct including sexual offences*
- D. PM-ADF Assessment Board of 47E(d)
- E. Email [redacted], AFP / 47F(1), ADFIS of 47E(d)

Introduction

1. The Australian Defence Force Investigative Service (ADFIS) has assessed the information provided at reference A, in accordance with references B and C, which detailed allegations of an Act of Indecency perpetrated against 47F(1), Australian Defence Force Academy (ADFA).

Background

2. On 47E(d), it was reported to ADFIS that 47F(1) and 47F(1), ADFA, returned to their accommodation block after consuming alcohol at the ADFA

Approving Officer:			
47F(1)	47F(1)	SQNLDR / REGIONAL COMMANDER ADFIS SOUTHERN REGION	04 Nov 16
<i>Printed</i>	<i>Name</i>	<i>Rank/Appt</i>	<i>Date</i>
Distribution:			
COMDT	(ADFA)	(alan.clements@defence.gov.au)	
DOPS	(HQ ADFIS)	(adfishq.operations@defence.gov.au)	
JIO COMD	(JIO Canberra)	(Original)	

Mess. The two males were sitting on a couch in the common area watching television. During this time, 47F(1) allegedly made sexual advances towards 47F(1) by touching and kissing him. 47F(1) asserts he did not reciprocate the advances and asked 47F(1) to stop. 47F(1) allegedly ignored these requests and placed his hands down the pants of 47F(1), subsequently touching 47F(1) 47F(1) 47F(1) indicated that he refused this request and pushed 47F(1) away.

Action Taken

3. On 47E(d), ADFIS met with 47F(1), who explained that he wished to make a formal complaint to the Australian Federal Police (AFP). The ADFIS facilitated this contact and later that day 47F(1) attended Belconnen Police Station with ADF Investigators (ADFI).

4. While recounting the incident to AFP officers, 47F(1) disclosed that during the sexual advances by 47F(1), he (47F(1)) had placed the hand of 47F(1) onto his groin region and asked sarcastically, 47F(1) 47E(d). After being interviewed by AFP officers, 47F(1) declined to provide a formal statement of complaint.

5. On 47E(d), AFP notified ADFIS vide reference E, that without a formal statement of complaint from 47F(1), they are unable to proceed with an investigation due to insufficient evidence. They further advised that they would be in contact with ADFIS if that situation changed.

Assessment

6. On 47E(d), this matter was considered by the Provost Marshal of the Australian Defence Force (PM-ADF) at a PM-ADF Assessment Board. As a result of the PM-ADF reviewing the material presented, it was decided that the matter will not be investigated any further by the ADFIS. The reasons for this decision are based on the following:

- a. the matter reported is a criminal offence and not within the ADFs jurisdiction; and
- b. the complainant's wishes not to proceed with a formal complaint as communicated vide reference E.

Conclusion

7. In view of the foregoing, enquiries by the AFP and this office are now concluded. However, should further information be forthcoming which may materially affect this assessment, please advise ADFIS as soon as possible. A case entry in the Defence Policing and Security Management System (DPSMS) maintains a record of this event under the aforementioned reference number.

8. Should you require any further information or clarification, the point of contact is 47F(1) who is available on 47F(1) or via email 47F(1)@defence.gov.au. Please ensure to quote the aforementioned DPSMS reference number in any related communications.

Recommendations

9. It is recommended that 47F(1) and 47F(1) be re-educated regarding the definitions of sexual misconduct and sexual consent. It is suggested they both resit the Workplace Behaviour Mandatory Awareness training and receive Command counselling regarding this issue.

47F(1)



CPL
ADF Investigator



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Investigator:	Reference No:	Type of Report:
47F(1)	IR-ADF01-CAN-2016-42	Final
Originating Unit:		
Joint Investigation Office – Canberra Australian Defence Force Investigative Service Building A58, RMC Duntroon Canberra, ACT 2610		
Report in the Matter of:		
Sexual Assault		

References:

- A. Telecon AFP SACAT / 47F(1) ADFIS of 47E(d)
- B. Service Police Assessment Report – IR-ADF01-CAN-2016-42 of 15 47E(d)
- C. Email AFP SACAT / 47F(1) ADFIS of 47E(d)

Introduction

1. Vide references A and B, the Australian Defence Force Investigative Service (ADFIS) assessed an allegation that 47F(1), Australian Defence Force Academy (ADFA) had assaulted a civilian female, during consensual sexual intercourse. The matter was subsequently referred to the Australian Federal Police (AFP) for investigation.

Approving Officer:			
47F(1)	47F(1)	SNQNLDR / REGIONAL COMMANDER ADFIS SOUTHERN REGION	14 Dec 16
	Printed Name	Rank/Appt	Date
Distribution:			
DCOMDT (ADFA)		(justin.alexander@defence.gov.au)	
For information:			
CO (ADFA)		(kim.samin@defence.gov.au)	
IM-A	(AHQ)	(neil.peake1@defence.gov.au)	
DOPS	(HQ ADFIS)	(adfishq.operations@defence.gov.au)	
JIO COMD	(JIO Canberra)	(Original)	

Background

2. The circumstances surrounding the matter are that on the evening of 47E(d) 47F(1) (victim) accompanied 47F(1) to his accommodation room within the confines of ADFA, after they met via the online social media dating application, 'Tinder.'

3. Once inside the room they engaged in consensual sexual intercourse. During the sexual intercourse 47F(1) allegedly began physically assaulting the victim. 47F(1) 47F(1) allegedly continued the assaultive element despite being told by the victim to stop the behaviour. The alleged conduct resulted in visible bruising to the victim.

4. On 47E(d), the matter was reported to the ADFA Duty Officer by the victim's friend, without the victim's knowledge. The victim's friend subsequently spoke with the ADFIS JIO Canberra Duty Investigator on 47E(d), who advised that investigators needed to speak with the victim in order to ascertain if she wished to report the matter to the relevant investigative authority.

Action Taken

5. On 47E(d), ADFIS contacted the victim through the victim's friend who initially reported the matter. The victim indicated that she did not wish to lodge a formal complaint against 47F(1). However, on the afternoon of 47E(d), the victim independently reported to the AFP and expressed that she wished to lodge a formal complaint, pertaining to the alleged assault by 47F(1).

6. Vide reference A, the AFP notified ADFIS of the victim's formal complaint, and subsequently informed ADFIS of their intention to execute a search warrant on 47F(1) on-base accommodation.

7. On 47E(d), the AFP executed the search warrant on 47F(1) room and vehicle. ADFIS attended and provided assistance, acting as liaison between the AFP and the ADF. 47F(1) accompanied the AFP to the Winchester Centre, Belconnen where he voluntarily participated in a record of interview.

8. Vide reference C, the ADFIS were advised that the AFP investigation has concluded. The AFP will not be proceeding with a prosecution due to insufficient evidence.

Conclusion

9. In view of the foregoing, enquiries by the AFP and this office are now concluded. A case entry in the Defence Policing and Security Management System (DPSMS) maintains a record of this event under the aforementioned reference number.

10. Should you require any further information or clarification, point of contact is 47F(1) who is contactable on 47F(1) or via email at 47F(1)@defence.gov.au. Please quote the aforementioned DPSMS reference in any related communications.

Recommendations

11. It is recommended that 47F(1) be re-educated regarding the definitions of sexual misconduct and sexual consent. It is suggested that he be required to resit the Workplace Behaviour Mandatory Awareness training as well as more specific sexual ethics training available through the Sexual Misconduct Prevention and Response Office (SeMPRO). It is also recommended he receive formal Command counselling regarding this issue.

47F(1)

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CPL
ADF Investigator
JIO-Canberra

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Investigator:	Reference No:	Type of Report:
47F(1)	INV-ADF01-CAN-2016-17	Final
Originating Unit:		
Joint Investigation Office – Canberra Australian Defence Force Investigative Service Building A58, RMC Duntroon CANBERRA, ACT 2600		
Report in the Matter of:		
Grievances and Harassment		

References:

- A. Service Police Assessment Report – INV-ADF01-CAN-2016-17 of 47E(d)
- B. Email CMDR Westwood, HMAS Harman / HQ ADFIS OPS of 47E(d)
- C. Interim Defence Instruction ADMIN 45-2 – *Incident Reporting and Management*
- D. DI (G) PERS 35-4 – *Reporting and management of sexual misconduct including sexual offences*
- E. Service Police Manual Vol 2 – *Investigation Procedures*

Introduction

1. It will be recalled vide reference A, that the Australian Defence Force Investigative Service (ADFIS) commenced enquiries into information received vide reference B,

Approving Officer:			
47F(1)	47F(1)	SQNLDR / REGIONAL COMMANDER ADFIS SOUTHERN REGION	22 Dec 16
Signature	Printed Name	Rank/Appt	Date
Distribution:			
CMDT	(ADFA)	(alan.clements@defence.gov.au)	
XO	(ADFA)	(kim.samin@defence.gov.au)	
For Information:			
CO	(HMAS Harman)	(alison.westwood@defence.gov.au)	
DOPS	(HQ ADFIS)	(adfishq.operations@defence.gov.au)	
DDNMC	(DDNMC)	(mark.hill1@defence.gov.au)	
JIO COMD	(JIO Canberra)	(Original)	

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concerning the alleged grievances and harassment involving 47F(1) [REDACTED], Australian Defence Force Academy (ADFA).

Background

2. The circumstances surrounding this matter are that, vide reference A, CO HMAS *Harman* informed the ADFIS that 47F(1) [REDACTED] had spoken to 47F(1) [REDACTED] and alleged a culture existed within ADFA which nurtured assaults, bullying, and a failure of the ADFA Chain of Command (CoC) to respond to such allegations. The allegations detailed included incidents that 47F(1) [REDACTED] claimed to be the victim of as well as other incidents that she alleged to have observed or had third party knowledge of.

Action Taken

3. On 47E(d) [REDACTED], 47F(1) [REDACTED] attended the ADFIS Joint Investigation Office – Canberra and spoke to ADF Investigators (ADFI) in company with her support officer, 47F(1) [REDACTED]. 47F(1) [REDACTED] refused to supply a statement regarding the verbal allegations she detailed to 47F(1) [REDACTED] and the ADFA CoC. However, 47F(1) [REDACTED] provided a signed written statement which explained that she did not wish to provide any details regarding any of the incidents due to the current state of her mental health. 47F(1) [REDACTED] advised that she intended to discharge from the ADF on medical grounds.

4. During the conversation with ADFI, 47F(1) [REDACTED]
[REDACTED]

5. On 47E(d) [REDACTED], ADFIS were advised that both the NPCMA and ADFA had submitted 47E(d) [REDACTED] – 47F(1) [REDACTED]
[REDACTED]

6. A decision was subsequently made by the ADFIS that due to 47F(1) [REDACTED] declining to make a statement of complaint, and also 47F(1) [REDACTED], the matter would not be further investigated by the ADFIS at this time. 47F(1) [REDACTED] has indicated she may lodge a complaint at a later stage, once she is discharged from the ADF and in a 47F(1) [REDACTED].

Conclusion

7. Enquiries into this matter are now concluded and no further report will be submitted. Should 47F(1) [REDACTED] change her mind and seek to lodge a complaint or, should your unit become aware of any further information that may materially affect this assessment, please advise the ADFIS accordingly. The Defence Policing and Security Management System (DPSMS) maintain a record of this event.

8. Should you wish to discuss this matter or have any questions relating to it, the point of contact is [REDACTED] who may be contacted on 47F(1) [REDACTED] or via email at 47F(1) [REDACTED]@defence.gov.au. Please ensure to quote the aforementioned DPSMS reference number in any related communications.

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Investigator:	Reference No:	Type of Report:
47F(1)	IR-ADF01-CAN-2017-4	Assessment
Originating Unit:		
Joint Investigation Office – Canberra Australian Defence Force Investigative Service (ADFIS) Building A58, RMC Duntroon CANBERRA, ACT 2610		
Report in the Matter of:		
Sexual Assault		

References:

- A. Conversation CAPT Bearman, ADFA/47F(1) ADFIS of 47E(d)
- B. ADFA OTC IIR 004/17 – IIR Management of victim of alleged sexual assault
- C. DI(G) ADMIN 45-2 *The reporting and management of notifiable incidents*
- D. DI(G) PERS 34-5 *Reporting and management of sexual misconduct including sexual offences*
- E. Service Police Manual Vol 2 – *Investigation procedures*
- F. PM-ADF Incident Management Board of 47E(d)

Introduction

1. The Australian Defence Force Investigative Service (ADFIS) has assessed the information provided vide references A and B, in accordance with references C – E, which concern the disclosure by a female 47F(1) (discloser's details known but withheld), from the Australian Defence Force Academy (ADFA), that she had been sexually assaulted by an unknown civilian male.

Approving Officer:

47F(1)	47F(1)	SQNLDR / REGIONAL COMMANDER ADFIS SOUTHERN REGION	22 Feb 17
	Printed Name	Rank/Appt Date	
<p>Distribution: DCOMDT (ADFA) (justin.alexander@defence.gov.au)</p> <p>For information: Dir ADFIS (HQ ADFIS) (adfishq.operations@defence.gov.au)</p>			

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Background

2. The circumstances surrounding the matter are that, on [47E(d)], it was reported to ADFIS Joint Investigations Office (JIO) Canberra, that during the [47E(d)], the discloser was sexually assaulted at a private residence by a civilian male Person of Interest (POI).

3. The matter was subsequently reported through the ADFA chain of command (CoC) after the discloser participated in mandatory sexual assault awareness training conducted by ADFA. The discloser advised her CoC that she did not wish to lodge a complaint to either ADFIS or the Australian Federal Police (AFP). She was subsequently provided contact with SeMPRO, counselling services, Duntroon Health Centre and the ACT Rape Crisis Centre.

Assessment

4. Vide reference F, this matter was considered by the Provost Marshal of the Australian Defence Force (PM-ADF) at a PM-ADF Incident Management Board. As a result of reviewing the material presented, the PM-ADF decided the matter would not be further investigated by the ADFIS at this time. The underpinning reasons for this decision were:

- a. the discloser does not wish to lodge a complaint to the AFP or ADFIS; and
- b. the POI is believed to be a civilian and therefore does not fall within ADF jurisdiction.

Conclusion

5. In view of the foregoing, the ADFIS have determined this matter finalised. Should the discloser wish to pursue the matter at a later stage, please notify ADFIS or the AFP accordingly. For reporting purposes the Defence Policing and Security Management System (DPSMS) maintains a record of this event.

6. Should you require any further information or clarification, the point of contact is [47E(d)] the ADFIS Joint Investigation Office Commander – Canberra, who is contactable on [47E(d)] [47E(d)] [47E(d)], or via email at [47E(d)] [47E(d)]@defence.gov.au. Please quote the aforementioned DPSMS reference in any related correspondence.