

PROJECT FULCRUM

“Professionals Policing the ADO”

“Enhanced Policing Functions”

“Making a difference”

Aim

- **To expand Defence Policing powers to create:**
 - Aust Defence Police Service (or ADF Police Service)
 - a recognised Law Enforcement Agency
- **Enhance Policing capability in support of ADF operations and the day-to-day operation of the ADO.**

PRIMARY COMPONENTS

- **Legislative change**
Write Defence Police Act (or amend DFDA) = ADPS as a Cth Law Enforcement Agency (Federal Pol Force holding unique dual jurisdiction):
Military Jurisdiction – jurisdiction over ADF within and external to Australia.
Civilian Jurisdiction – jurisdiction over civilians on Defence bases, and in situations where there is a compelling Defence nexus.
- **Enhanced Summary Prosecutions for ADF**
Based on a civilian ‘Mentions Court’ system.
Exercised within the DFDA (or new Act).
ADPS charge mbr and prosecute ‘guilty’ pleas before SA.
Only prepare full briefs of evidence for pleas of ‘not guilty’ with an attendant case management system.
- **Improved investigations and delineation of responsibility**
Change SvcPol Code of Conduct to an Oath of Office that is sworn by ADPS on entering service.
Amend investigation model to show:
- Disciplinary investigations conducted by non-ADPS.
- Policing investigations conducted by ADPS.
- Criminal investigations conducted by ADPS (senior Investigators).
- **Establishing a Defence Coronial Authority**
For ADF deaths overseas and domestically.
Military Court of Australia sitting as a Coronial Court supported by DefPol.
Improved control and management of ADF deaths in support of NOK.
- **Enhancing interoperability with CIVPOL**
Improved Policing intel via access to CrimTrac.
MOUs with CivPol for Ops, trg, intel, forensics, etc.
- **Creating a single DIA**
Merge six DIA into one for Policing/Criminal matters.
Combined Civilian and uniformed workforce.
Work under one governing Police-Powers Act.
- **Enhanced Victims of Crime procedures**
Work with CofC and Spt Agencies to provide support to victims and NOK.

1	SKILL & PRIORITY	CURRENT CIVPOL POWERS	CURRENT SVC POL POWERS		ENHANCED ADPS POWERS
			Dom	Intl	
1	Off base Search warrants	✓	X	X	✓
1	Prosecute a serious Civilian Offence where a Defence nexus exists	✓	X	✓	✓
1	Undertake live criminal history checks	✓	X	X	✓
1	Prepare a Mortuary Affairs Report	✓	X	X*	✓
1	Test for all prohibited substances not just narcotics	✓	X	X	✓
1	Apply road safety (RBT & Laser Speed Detection)	✓	X	X	✓
2	Take DNA and like biological Samples	✓	X	X	✓
2	Use biometric capabilities	✓	X	X	✓
3	Arrest powers over civilian offenders on Service land	✓	X	X	✓
3	Investigate civilian Defence offenders on Service land	✓	X	✓	✓
3	Investigate civilian offenders on Service land	✓	X	X	✓

* ADFIS prepares Mortuary Affairs Report for all ADF deaths on Ops though there is no doctrine or policy for this.

Warrant for off-base action

Currently reliant on CivPol priorities and agreement to issue and execute a warrant.

- Warrant issued by MCA for ADPS to enter private property, search, and seize evidence.
- Timely response to criminal incidents affecting the ADF.

Aggravated Sexual Assault

Domestic incident - ADFIS can investigate but must seek CDDP concurrence as incident must be prosecuted by CDDP, hence ADFIS usually does not investigate.

International incident – ADFIS can and do investigate and submit BOE to ODMP.

- Defence retains control of incidents with option to refer to CivPol.
- Enable ADPS jurisdiction to include serious offences and reverse s63 of DFDA (which requires local DPP consent for ADF to investigate and prepare a BOE for prosecution of serious offences).
- MCA delivers a service conviction to the offender.
- Reinforces ADPS responsibility to support Victims of Crime.

On-base Criminal Offence

Currently ADFIS can investigate ADF specific incidents but often refer them to CivPol due to prosecution process discussed above.

- ADPS investigates criminal offences on-base, whether by ADF or civilian pers.
- Synergise with CivPol where necessary.
- ADF pers dealt with by MCA.
- BOE for Civ offences sent to relevant civilian prosecution agency.

Off-base Criminal Offence with Defence Nexus

Currently reliant on Civpol priority of effort and willingness to prosecute.

- ADPS could investigate and prepare BOE to either ODMP or CDDP.

Coronial Powers

With death on operations, ADFIS currently can investigate under the CDF Directive to PMADF but ADF/ADFIS has no Coronial powers. CDF COI created but usually takes time to commence and are not Coronial in nature.

- ADPS would prepare BOE and MCA would make coronial findings.
- Enhanced coronial management of ADF deaths.
- More timely outcomes for NOK.

Mentions list

Currently ADFIS prepares detailed BOE for unit to use before Summary Hearing Authority, contributing to time delay on investigative taskings and actual charges being laid.

- Where ADF mbr pleads guilty to a ‘Police-Powers’ Act offence, ADPS charge and prosecute on a statement of facts.
- A ‘Duty SA’ per locale hears all guilty pleas at a set time and case manages any pleas of not guilty to ensure timeliness.

END-STATE
Professional Aust Defence Police Service, recognised as a law enforcement agency, which practices its profession in AS and on operations. ADPS are an equal Policing agency *vis-a-vis* their Civpol counterparts, providing policing support to ADF operations and the day-to-day operation of the ADO.

It is noteworthy that the ‘Service Police’ of our primary allies (USA, UK and Canada) already have policing powers akin to what is being proposed for the ADO in Project FULCRUM, including civilian police officers in the case of the USA.