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AUSTRALIAN FEDERAL POLICE COLLEGE
AUSTRALIAN FEDERAL POLICE FIFTH OFFICERS' COURSE
CANBERRA, THURSDAY 31 MAY 1984

NEW POLICE FOR NEW CRIME

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Hon Justice MD Kirby CMG

Chairman of the Australian Law Reform Commission

THE DANGERS OF PROVINCIALISM

Recent suggestions that the police service in the Australian Capital Territory should be restored as a separate policing unit, different from the Australian Federal Police, should be approached very cautiously. The involvement of ACT police in the Federal Police Force is generally to the mutual benefit of Federal and local duties. Splitting up the force will damage the effectiveness of each operation. I predict a rapid increase in Federal concerns with criminal law and investigation in Australia. This will provide challenges to the Australian Federal Police, which the Australian Federal Police will be better able to meet if it has both a national responsibility and a local operational base.

The Australian Law Reform Commission was partly involved in the proposal to establish the Australia Police in 1975. So I know something of the tensions that existed between the units of that proposed force which was to have been 'Australia's FBI'. The 1979 amalgamation that led to the establishment of the AFP was a much more modest effort. I am aware of the difficulties of amalgamating, with justice and operational efficiency, two police services such as the Commonwealth Police and the ACT Police. No doubt tensions will exist for some time. However, Sir Robert Mark stressed the importance of enhancing the operational experience of the Federal Police. That can best be done by linking it to a region where there is a high level of regular community policing. This will allow skills of investigation to be acquired and developed. But the Federal Police also provides opportunities for national service to skilful and talented police officers who show the flair and capacity to take on the challenging tasks of new Federal crimes. I have read proposals that the marriage of the AFP and ACT forces should be dissolved.

I caution against the adoption of a 'small-town mentality'. Narrow provincialism is often the enemy of rational deployment of scarce resources in Australia. The ACT and the Federal Police need each other. A divorce could weaken the Federal policing service precisely at a time when great opportunities and challenges are opening up for experienced Federal police officers.

THE OPPORTUNITIES IN FEDERAL CRIME

Federal crime has become a growth area. In the Australian Law Reform Commission's 1980 investigation of Federal offences, the rapid growth of the Federal criminal docket has been clearly demonstrated.¹

Until very recently, crime in Australia was virtually exclusively a State Police concern. But in the past decade there has been an increase in Federal involvement in the criminal law which can only be described as dramatic. In little more than a decade the volume of cases arising under the Federal Crimes Act dealt with by Federal Police has trebled. Within that time the authorised strength of the force only doubled. There are a number of special features of Federal crimes. They include typically:

- . a very high proportion of white collar crime, such as fraud, forgery, false pretenses, misappropriation, medibank and social security offences;
- . very high proportions of female offenders (25% as against 4% for State crimes);
- . sensitive and controversial offences, such as the former National Service prosecutions, medifraud and drug cases.

In my view the area of Federal crime will continue to grow, particularly in relation to such matters as:

- .. investigation of organised criminal activity;
- . suppression of narcotics trafficking;
- . illegal copyright and patent activities;
- . computer crime;
- . social security fraud;
- . companies and securities offences;
- . interstate trade and telecommunications offences.

NEW POLICE SKILLS v EROSION OF POLICE ROLE

To deal with these changes, it is essential that Australia have police who can not only handle effectively 'old crime' such as homicide, sex crimes, robbery, break and enter, but can also deal with 'new crime' such as commercial/computer crime — where a

greater number of victims was involved, the investigation would often require scientific skills and the proof of the crime in court may be much more difficult.

An additional reason for coherence in the combined Australian Federal Police is the challenge to policing coming from non-police activities. This is a testing time for our police services. On the one hand, police are losing traditional police activities to private quasi-police services, security guards and the like. On the other hand, dissatisfaction with police performance has led to the rise and rise of Royal Commissions, special Commissions of Inquiry, Crimes Commissions and Crimes Authorities, with enhanced powers that the police do not have. My own preference, rather than going further down this track of erosion of police services, would be improve the capacity of the police to respond to modern problems. This is the basic reason behind the effort of the Australian Law Reform Commission to provide a modern system of handling complaints against police and modern procedures for criminal investigation.

Numerous changes will be needed in police organisations if police services are to respond to this challenge and erosion.² These changes include:

- . new principles for recruitment, with less emphasis on height and size and more on scientific skills and academic qualifications;
- . new possibilities of lateral entry and breaking down of the 'seniority' rules;
- . more imaginative criteria for promotion and appointment to investigation duties than simple arrest rates;
- . more formal education and courses designed to equip police for the scientific challenges of policing today, particularly in Federal crime.
- . new emphasis on police/community relations and public communications through the mass media;
- . a more aggressive stance by police in arguing for law reforms seen to be necessary for effective policing;

I applaud the establishment of the Australian Federal Police College in Canberra. I look forward to a continuing vigorous dialogue between Federal Police and the Australian Law Reform Commission.

FOOTNOTES

1. Australian Law Reform Commission, Sentencing of Federal Offenders, 1980, Interim, AGPS, Canberra.
2. D Chappell, R Gordon, R Moore, 'The Selection, Training and Evaluation of Crime Investigators : a Canadian Survey' (1983) 7 Canadian Police College Journal 271; cf by the same authors 'Experiments, Innovations and Future Directions in Criminal Investigation : A Survey of Canadian Police Departments' (1983) 7 Canadian Police College Journal 161.