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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

A 51 of 2019

AN INQUEST INTO THE DEATH

OF KUMANJAYI WALKER

ON 9 NOVEMBER 2019

AT YUENDUMU POLICE STATION

JUDGE ARMITAGE, Coroner

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON 27 FEBRUARY 2024

(Continued from 26/02/2024)

Transcribed by:  
EPIQ

MR ABBOTT: Your Honour.

THE CORONER: Mr Abbott.

MR ABBOTT: Before my learned friend begins, I want to raise a matter that occurred yesterday, the disturbing incident outside this court. My team, that is my client, his partner, my instructing solicitor and others were about to - we had to wait for a taxi to accommodate us. So we were the last to leave.

As we walked across the road outside the court, because the taxi was parked adjacent to the lawn from other side, there was a large group of Aborigines who began yelling out obscenities and worse still, threats to kill my client. There was no police presence. This group became more threatening as we approached them and they tried to block our access to the taxi.

THE CORONER: I have been informed - - -

MR ABBOTT: Moreover, your Honour, obscenities - - -

THE CORONER: - - - of an incident and I have seen it, Mr Abbott.

MR ABBOTT: Well, your Honour, the obscenities, abuse and threats became louder and the actions of some of those persons present constituted assaults on us. One woman attempted to strike me with her sandal as I was trying to get into the taxi.

And this is obviously at least an attempt to intimidate my client in relation to his stay in the witness box and giving evidence. I might say, of course, he's not intimidated, but it obviously constitutes an attempt to intimidate the witness. The group was clearly in breach of s 46(3) of your Act.

THE CORONER: Mr Abbott, have you raised it with the police?

MR ABBOTT: Yes. Yes, we have. Section 46(3) creates the offence of creating a disturbance or taking part in creating or continuing a disturbance in or near a place where an inquest is being held, and that is clearly what happened yesterday. And of course, had there been police, I assume they would have been arrested, but of course, there was no police presence. And I brought this to your attention - - -

THE CORONER: Mr Abbott.

MR ABBOTT: - - - because I have grave concerns now, as we move further towards the events of 9/11/2019, that the activities of this group and others will increase and I am concerned about the safety of my client coming to and leaving these premises. And I am concerned that attempts to intimidate him or threaten him will continue.

And so, I seek an assurance from you that you will direct your staff to make sure that our egress and access to this court is protected and that we arrive here safely and we leave here safely and that those who carry out these activities in breach of your Act, s 46(3), are arrested.

THE CORONER: Well, I'm not sure that I can ensure that occurs, but clearly it has been brought to the attention of the police.

MR ABBOTT: Yes.

THE CORONER: And I assume that they will carry out their investigations appropriately.

MR ABBOTT: Well - - -

THE CORONER: However, I can say that if you are requesting additional security to enter and exit the premises, that is certainly something that I will enquire into and I will let you know what arrangements have been made.

MR ABBOTT: Yes.

THE CORONER: Every witness is entitled to attend this court and feel safe to do so.

MR ABBOTT: And free from intimidation.

THE CORONER: And they - and free from intimidation - they are required to attend under order of the court and they must be able to attend freely without being intimidated or abused or harassed in any way. And I would certainly make enquiries and let you know as to the additional security that can be made available.

MR ABBOTT: Well moreover, they were yelling out, as I said, not just obscenities, which I won't detail, but threats in relation to killing my client. And your Honour, this can't go on. He can't turn up at court and I am concerned as I said, as we proceed towards the events of 9 November, that the activities of this group or other groups may increase.

DR DWYER: Your Honour, might I assist my learned friend in this way. Last week, in the lead up to this inquest, to ensure that Mr Rolfe felt safe and secure coming to court, which of course he is entitled to do, Superintendent Lee Morgan, the officer in charge of the inquest, emailed Mr Officer to ask whether there were any particular arrangements that could be made to make him feel safe.

That included, as I understand, trying to ascertain what vehicle Mr Rolfe would be coming in, and any way that the police might be able to assist. I am instructed that there was no response to that email. I phoned Mr Abbott myself last week to see if there was anything I could do to be of assistance to him or if there's anything that he wanted to talk about. I didn't receive a reply.

Nobody contacted me last night to ask for any additional security arrangements. If they had done, I would have ensured - I would have made every effort to ask Northern Territory Police to assist. I have no doubt at all that Dr Freckleton would have done the same and I have absolutely no doubt that the officers in charge of this inquest would have made very available attempt to assist Mr Rolfe. He is absolutely entitled to feel safe coming to court and leaving court.

Last week, we also informed his counsel, a solicitor, that there was an interview room that had been made available for him - - -

MR ABBOTT: I wasn't informed.

DR DWYER: - - - and - I regret that your solicitor didn't tell you, Mr Abbott, but the - Mr Rolfe's legal team was informed of that. And a room was made available to him, so that he could come in and use that yesterday. Last night I received no phone contact at all from Mr Officer, or Mr Abbott, who both have my personal mobile. Mr Officer has noted he couldn't contact me when he would like to do so. So I invite them again to do that, on any occasion when I can be of assistance. Because as counsel assisting your Honour, it is very important to me, and I care, as does my legal team, as do our police officers assisting, that Mr Rolfe, and all witnesses, feel safe attending court.

So I'm more than happy to do anything I need to do, or can do - - -

MR ABBOTT: Well - - -

DR DWYER: - - - to assist him when he leaves court on any occasion in court.

MR ABBOTT: - - - well one thing you can do, and that's chase up photographers who are there, and people with recording devices who were there yesterday, who have a record of exactly what happened, and the way - and the things that were said, and the actions that were done towards us. So that's one thing you can usefully do. Or perhaps get the evidence and present it to the police, so that further steps can be taken.

DR DWYER: I am - - -

MR ABBOTT: But Mr - - -

THE CORONER: It's not for counsel assisting to gather evidence about what occurred outside the court room and provide it to the police. The investigating police, who are now well aware of this incident, are more than capable of conducting their own investigations.

MR ABBOTT: Your Honour, just Mr Freckleton rises, I need to respond to what Dr Dwyer says about my engagement and my communications with Superintendent Morgan. I did reply. And I'm happy to provide emails to your Honour. The effect of

it was this. A request as to what Mr Rolfe's movements might be. And I asked for the - security had been ensured for Mr Rolfe. I was told that there was no intelligence as to any concerns for Mr Rolfe. I was happy with that at that time, and -  
- -

THE CORONER: I'm sorry, Mr Officer, Mr Abbott has just left the courtroom.

MR ABBOTT: Your Honour, yes, and the reason for that which I can address is a brief court matter, which I should have told you so. He will be back. Your Honour, in addressing the emails, I wrote to Mr Morgan, Superintendent Morgan last night, making him aware of the incident, and enquiring as to whether there would be any additional police. But I have engaged with Mr Morgan previously, in response to his emails. When he said there's no intelligence as to risks. That's fine. We accept it on face value.

Things happen. The room has been beneficial in the court room, but it happened to be that one of these incidents arose yesterday. So I did let Mr Morgan know that.

THE CORONER: Great. That sounds like it's - - -

DR DWYER: Superintendent Morgan, and any time Mr Officer would like to contact me for additional help, he only need call.

THE CORONER: It seems to be in good hands.

MR FRECKLETON KC: Just before - I should also let your Honour know that the police in advance, have been well aware of the potential for tension, and have been monitoring the situation. In addition, Acting Commander Atkin, who has been the contact point between the Rolfe family and the police, was in contact with Mr Rolfe just last week, on Wednesday, offering him any assistance and support that he wished. And that - that offer remains open from the Acting Commander.

THE CORONER: Well it just does seem that we need to ensure that there is some additional security around the premises - - -

MR FRECKLETON: Yes.

THE CORONER: - - - and that should stay in place until Mr Rolfe and his legal team have left the premises. And if there can be some communication about their arrival times that can be in place for that. And if anything else is required, or deemed necessary, either let us know, or let Superintendent Morgan know, and I'm sure it'll be accommodated, and if you have any concerns, counsel assisting can raise it with me.

MR FRECKLETON: Thank you, your Honour.

DR DWYER: Your Honour, I just neglected yesterday to mention that Ms Baunch appears on the live stream, for Officers Kirstenfeldt and Nankivell.

THE CORONER: Thank you.

Yes, Ms Nobbs.

MS NOBBS-CARCURO: Your Honour, if I could just raise two matters. And they're in relation to some comments that were made yesterday by Dr Peggy Dwyer, counsel assisting, about the role of the association in this inquest. It appears that counsel assisting might have been suggesting that the association ought to, or could have, bought parts of the evidence to the attention of individual witnesses. That's clearly inaccurate. As the Association clearly stated, and your Honour has accepted in ruling number one, that the association is the industrial voice its members.

The Association is concerned with conditions, welfare and working environments of its members. It is not, and has never been, briefed (inaudible) or advise individual members. We do not represent individual police officers at this inquest. Dr Freckleton represents all the police officers, with the exception (inaudible) that he has put on record.

THE CORONER: Yes.

MS NOBBS-CARCURO: He advised the court yesterday that his client will be investigating allegations that Mr Rolfe - made by Mr Rolfe. How he resolves that conflict is a matter for him. That is a matter that this court might want to be concerned about.

MR BOULTEN: Is there some sort of - - -

MR FRECKLETON: Your Honour, this has been a refrain for the duration of the inquest, your Honour needs to know that those representing the individual officers and the Northern Territory Police Force have been attentive, as is their ethical responsibility, to any potential conflicts of interest. And have attended to them in the proper and usual way. And the continued sniping and insinuations about this are unhelpful and deeply resented.

MS NOBBS-CARCURO: Your Honour, I was simply raising the matter that some allegations were made about members - - -

THE CORONER: Yes.

MS NOBBS-CARCURO: - - - yesterday who are represented by Dr Freckleton. That's a matter for him. He then went on to say that those - those matters would be investigated by his legal team.

THE CORONER: No, not by his legal team.

MR FRECKLETON: No.

THE CORONER: There was no suggestion - - -

MS NOBBS-CARCURO: (Inaudible) - - -

THE CORONER: - - - that his legal team would be carrying out any investigations. That was not my understanding of the arrangements at all.

MS NOBBS-CARCURO: Your Honour - - -

THE CORONER: I'm - I do not understand that to be the case.

MS NOBBS-CARCURO: That - that's what we heard, and in the transcript.

And we do - we do now?

THE CORONER: In any event, that's not what I understood the intention to be at all. Rather that - that issues that were raised would be investigated in the normal way, not by legal teams assisting in this inquest.

MS NOBBS-CARCURO: Is it possible to have some information as to what the normal way of that investigation, and under what powers that would be? Is it the crimes investigation, is it the police investigation?

THE CORONER: At this stage, as I understand it, it is police investigation. And that is as far as I am aware.

MS NOBBS-CARCURO: Thank you, your Honour.

THE CORONER: Dr Dwyer.

DR DWYER: Thank you, your Honour. We're ready to begin if it pleases, your Honour.

ZACHARY BRIAN ROLFE, on former oath:

XN BY DR DWYER:

DR DWYER: Mr Rolfe, yesterday I was asking you about 2019. In that year, the beginning of the year, you were run down and burnt out, is that correct?---At some points, yes.

You messaged R [REDACTED] for example - - - ?---No audible response.

Your Honour, might I ask for a non-publication order over the name of R [REDACTED]. I think yesterday I referred to her as somebody - as a female with a name beginning with R.

THE CORONER: Yes.

DR DWYER: You messaged a friend to say "I'm run down and burnt out from work bullshit." That's text 21, you recall that?---Yeah I don't have the text, but I mean - - -

Well if - - - ?---But yes.

- - - others do, so tell me if you want to see it. Text 22. You messaged a family member to suggested that you were "Burnt out as fuck"?---Yes.

You sent the same message to Sergeant Bauwens, is that correct? That's message - - -

THE CORONER: Twenty-four.

DR DWYER: - - - twenty-four?---Yes.

So that's three people you were telling you were burnt out?---Yes.

On a scale of one to 10, how burnt out were you at that time?---That could - like I'm not sure, because there - those messages are over a two day period, but in that two day period, that seems like I was extremely burnt out.

All right, you - one of the people you tell is Sergeant Bauwens?---Yeah.

You're 18 months or so into the police force, or two years I think, into the police force. Was he sympathetic when you told him that you were burnt out? He appears to be from the text messages?---Yeah, definitely.

Did you have any more discussions with him about how to manage that burnout?---No. I believe at that point in time, that might have just been an issue of having a few days off.

Did you ever speak to any of your superiors in the Northern Territory Police about how to manage burnout?---I don't believe I did.

Did you understand how to access psychological supports in the Northern Territory Police?---I - I was aware that we had psych support, yes.

Did you have any training about how to do that, or when were you first told about the psych supports?---We would have been told in recruit school.

You're someone who prided yourself on being fit and tough, and you talk in your diary about getting harder. Did you feel that you could reach out, emotionally, for psychological support, or was that not something that - - - ?---That probably wasn't on my radar at the time.



Do you think that, looking back, there is anything else that might have helped support you as a young officer in your career, to deal with the burn-out - the workload?---Yes.

What do you think?---I think the - I'll try to be quick - I think the way that the police are run, that we do the seven months of police training and then we go on to - the have on your career is on the road and if we look at the - one of the positives that potentially could be a militarisation of police, as for example if we look at some of the units overseas, they might work on a rotation of four month deployment, four month rest, four month fielder. From what I understand we use that but I think some of it needs to be thought about in preventing burnout for police because if you work on a basis where you are not on the road after your six or seven months of training and you don't go in from your six or seven months training to potentially years and years on the road, if it's done on a - some form of rotation device where - process where you have - these are random numbers - say, 10 months on the road, one month of down time that could potentially be positive engagement with youth for example, but no night shift, and then one month of - one month good retraining. I think something like that would prevent burnout.

One thing I am going to ask you about later on is access to leave, including sick leave. Was that discussed from pretty early on in your time?---Yes. I think the whole time I was in we had unlimited - as long as you had a sick certificate you had unlimited sick leave.

And were there a few jokes made around the station pretty early when you got to Alice Springs about using unlimited sick leave?---Yes, I guess there was the idea of people being malingerers, you utilising sick leave when it wasn't necessary, but yes, there was jokes, but it was mainly in that regard.

Was it thought to be - as a young officer, did you discover pretty soon after you arrived in Alice Springs that there were - there was a percentage about of Northern Territory Police Officers who were thought to be milking the system basically, for long term sick leave?---Yes.

And that left the rest of the officers who were there on the ground, to have to do more and work harder to accommodate that. Was that the feeling?---Correct. But I - obviously there's - yes, some people on sick leave for proper purposes. There as a perception that some were malingering. But yes, that would leave more stress on the officers.

And you spoke rankly yesterday about the feeling about the PSC when you first arrived?---Yes.

That there was a suspicion, there was a view by - from the troops on the ground that they were going too hard, taking too long, being too punishing?---Yes.

And there was a perception, wasn't there, amongst some of the officers on the ground that if you got a complaint from the PSC you go off on sick leave. That's one

way to avoid it?---Yes, that came apparent in a job in the police force that I was in that that became very apparent. I guess that attitude progressed.

What do you think about that, looking to avoid that, do you think that the Northern Territory Police Force needs to do something about this idea of unlimited sick leave that can be milked by a small percentage of officers?---I'm not sure. I think - I haven't thought about it enough, to be honest.

Okay?---Unlimited sick leave is a - it's a wild thing. I haven't seen that before.

It's a wild thing that appears, from your frank evidence, to be abused by a small percentage of the Northern Territory Police Force, which makes it much harder for the guys and girls on the ground who are doing the hard work?---Correct.

Something needs to be done about that then, doesn't it?---Yes. Yes, potentially.

Have you heard of the term, "Compassion fatigue"?---Yes.

Was that something that was discussed in the Northern Territory Police when you were there?---It may have been mentioned. It may have been mentioned in police college - it may have been mentioned but it wasn't something that was discussed through much. But the boys and girls on the street, I think, were all aware of what that term is and it may have been discussed but not in those terms.

Is it fair - is your understanding that compassion fatigue can happen when you experience vicarious trauma plus burnout?---Yes.

And do you think that happened to you at any points in your career in the Northern Territory Police Force?---Yes.

At what point do you think - throughout?---Throughout - I think we would always say as well that you're always the nicest on the first job of the shift and then your compassion bucket starts emptying. So on a daily basis really, but in a larger sense I can't tell you when, exactly.

Was there any training or support for you in the NT Police about how to manage or - I withdraw that. Was there any discussion in NT Police about managing compassion fatigue and understanding it?---Not that I can recall.

Do you think that would be helpful, looking back, for a young officer?---Yes. Yes.

THE CORONER: Did you have training days?---We did.

Were yours all IRT or were there other training days?---No, so I was able - due to IRT, luckily, to get two training days per roster where I had one for GDs and one for IRT.

And is burnout and compassion fatigue and vicarious trauma and access to counselling things that are covered in your training days, on a regular basis?  
---When I was there training days were very - they weren't very helpful. I can't even recall what we learned or got trained in.

Do you think a focus on wellbeing as part of training days, along with other things, would be helpful or not?---No, definitely.

DR DWYER: You gave evidence yesterday about the selection training you did for the TRG. Just to remind you, that was between 26 July and 3 August 2018 and you passed with flying colours?---Yes.

You expected to get a spot soon after that?---Yes.

And in February 2019 an email came through letting you know that yet again you had missed out on another position at the TRG?---Yes, was that the second apply that I believe I put through? I'm just not sure of the dates.

Yes, you can have a look text 50, that might assist you and you can tell us whether this was the first or second or third. It's a text message to the person who is - the friend whose name starts with "R". "Hey, just got the email literally just then. Didn't get the position, such a joke. Out of my self and the last three people to get TRG positions since I've been qualified, I'm the only one that passed selection with enough points to be encouraged to apply. They all just passed, so got eligible to fly yet still haven't got the position, fucking ha ha." So with that there were three positions before you that were filled, is that right?---I'm not sure completely. I'm just saying I think - yes - so I think there's - I am including myself - and myself - no, there's four people that have applied previously and this might be my third or fourth application.

Okay?---But I'm just not completely sure.

Sure, but a number of applications where you couldn't understand why people were getting in before you, when you were the only one who had been encouraged to apply and you've topped that group?---Yes. I become aware at this time, and it may have changed now, that the selection process for TRG you pass your selection and you get scored and you get encouraged to apply or are ineligible to apply or not satisfactory. I was then informed that that point system - that tick in the box - that becomes a tick in the box. No matter what you got - no matter what points you got - I was informed - that that becomes a tick in the box and your selection now goes - not to - your application goes not to TRG but goes to the regular promotion board. I don't know who that consists of - but the regular promotion board who see the tick in the box. They don't have the background of the point system or the merit of the selection and then I - I'm not - yes, I guess they just don't use that merit system to inform their decision - that's what I was told.

How did you find all that out?---From speaking to some of the boys in the unit. I think there's some text messages in there that inform me of that decision that they wanted me in the unit but it wasn't up to them.

So you go on to text that same person, "Obviously not the end of the world but it's pretty rude" and then text 51 is to a colleague. Just read that. You say, "Bro, no love from me - for me from TRG". And that person texts back, "Lots of love on the floor, mate, you've just been fucked over by selections in a shit process. Don't let it get you down, mate, you'll get a job n there this year." Who was that to?---That was a member in the unit.

A member in the TRG unit?---Yes.

So you were communicating with a member in the TRG unit who was saying, "You've been fucked over by selection process but hang in there"?---Yes.

And then did you make further enquiries about why it is that you hadn't got the position at that time?---No. I think on my second application I made enquiries and found out about that process.

Did you subsequently find out that, in fact, one of the things that selectors were looking for is experience out bush?---Yes, I believe so.

But that was not something you wanted to do?---No, it wasn't.

And you resented that?---Yeah, I did. I – yes. I didn't see how that was – would assist in the tactical team sense.

You couldn't see any value, in a tactical sense, in understanding community engagement?---No. That's not what I was saying, no.

No, that's not what you were saying?---Yeah.

Well, why couldn't you see any value in- -?---It seemed that I was – that the selection process – the selection criteria for the tactical team was basically the same selection criteria for either promotions in regular policing scenarios, such as regular promotions and stuff like that. I thought that if you're applying for a tactical team, the selection criteria should probably be more specified to a tactical unit rather than, say, a promotion to – to a bush sergeant role or a – another role. But this is my understanding and I could be wrong of the whole selection process.

Did you ask – ever ask anybody for an explanation? "Why is it that you want – need to get more experience in community to demonstrate understanding of bush community before I get into the TRG"?---I – I – there was a discussion, yes.

Were you told?---Basically from the people I spoke to, everyone had the same opinion as me, that it didn't seem relevant or that it was just – I'm not sure. Maybe

the police have always wanted – needed numbers out bush. So maybe it's a carrot to get people out bush in order to get promotions.

You thought it was stupid?---I thought it wasn't a relevant selection criteria.

And so did the – are the guys on the TRG that you're corresponding with, is that right?---Yes.

And what about your sergeants? Bauwens and Kirkby they thought the same thing as you, didn't they?---I can't recall any specific conversations with those two.

Okay?---But general conversations – I haven't had a single conversation where someone said, "Hey, yes, bush is a very good thing to do before applying for TRG."

So as far as you were concerned, your comrades – including those two sergeants, Kirkby and Bauwens, were backing you up in thinking that was not a relevant criteria, that you were right?---Kirkby, yes. I – I can't recall any conversation with Sergeant Bauwens, so I don't want to put him in that.

Okay, I'll take you to your conversation with Kirkby in a second?---Yeah.

A couple of days after you got the news that you were knocked back by TRG, you were involved in a job in Araluen Park, you remember that?---Yes, with the two men?

Yes, 18 February 2019. We'll just watch a video from that now.

A PERSON UNKNOWN: Your Honour, I rise – we should note for the record despite your Honour's earlier rulings, we object to this being played to Mr Rolfe, for the same reasons I articulated with the Master G situation, has no relevance to the court circumstances (inaudible) enquiry or the events on 9 November 2019.

THE CORONER: I think I've already ruled on that.

A PERSON UNKNOWN: You have, your Honour. I just simply note that for the record.

DVD PLAYED

DR DWYER: Whose body-worn video footage is that, Mr Rolfe?---I believe it's – just before I answer, I might need a – I don't know if I've got a certificate for – for - - -

THE CORONER: A certificate has been granted for each of these incidents.

A PERSON UNKNOWN: Yes, I did raise that in objection because I think every use of force matter we have put in our submissions, at par 22, your Honour accepted and agreed of our objection from - - -

THE CORONER: Yes.

A PERSON UNKNOWN: - - - it covers all use of force incidents.

THE CORONER: It covers all use of force matters - - -

THE WITNESS: Sorry, I'm not – are you talking about use of force?

THE CORONER: - - - and all issues arising from use of force, yes.

A PERSON UNKNOWN: Yes, your Honour. And perhaps what should be also included, which we referenced in the submissions as well, is the recording of – and/or dissemination of – body-worn video. It had been put to that, potentially, as confidential information territory, which the recording of and dissemination of (inaudible) cover any question that goes to that topic or subject.

THE CORONER: Yes.

A PERSON UNKNOWN: If it's not clear already from the terms of your Honour's ruling, yes, it's appropriate that a certificate (inaudible).

THE CORONER: The certificate will be reduced to writing. I am proposing one certificate to cover all the different issues.

A PERSON UNKNOWN: Everything.

THE CORONER: And perhaps we can do that and just make sure everything – that everyone understands is covered is, in fact, covered.

A PERSON UNKNOWN: Yes, your Honour. Yes.

DR DWYER: Mr Rolfe, whose body-worn video is that footage?---I – that's mine.

And how did it come to be on your telephone?---I recorded that in the muster room.

So you played the body-worn video in the muster room in front of other officers, is that right?---Yes.

And then you filmed it on your phone?---Yes.

You understood at the time that that was a breach of the rules of confidentiality?---Yes, I did.

You understood that that was important evidence that had been collected on your body-worn video?---Yes, I did.

And your reason for filming it on your phone was for a laugh, to play it back later on, wasn't it?---Yes, it was.

What do you think about that conduct?---Yeah, it's completely unprofessional and I have no excuse for that.

How often did you do that sort of stuff? You filmed your body-worn video and then played it back as a laugh?---I film my body-worn a number of times. I've sent and received a number of body-worn videos from a number of police officers. I wouldn't say it was common practice, but it occurred in the muster room. You can see that I'm not trying to hide that.

A PERSON UNKNOWN: Could you speak up a bit?---Yes, sorry about that. Do you want me to repeat that?

Yes?---I was saying I have recorded my body-worn video a number of times, sent and received body-worn from other officers a number of times. Wasn't a practice that – it was a practice that was common enough that I didn't need to hide it in the muster room but it – so common enough, but not common. But – yes.

DR DWYER: So before you did it, had any of your colleagues done it?---Yes.

That's – so it was a practice you were introduced to, effectively, is that right?---Yes.

So amongst your patrol group, was it common to do it?---I wouldn't say it was particularly – amongst my patrol group. Again, I think – if it – the body-worn that I've received should be in my messages if it shows up as an image or a video file. I haven't gone through all of it, so that should be in the bundle. The – so I can't talk about who did it, but the messages should be in here.

Were there sergeants who were also receiving body-worn video?---I can't specifically recall sending them to sergeants.

Did you ever receive any from sergeants?---I would – I would need to get shown in – my texts.

So is mostly circulating between the probationary constables and constables?---I wouldn't say that. I would say – or probationary constables, constables. Detectives. Yes.

So you would send some of your videos to detectives?---Again, I don't want – if it's in the text messages, I've received some body-worn video from detectives.

For a laugh? Were you sending you body-worn video to show you a funny thing that had happened or a tough tactical manoeuvre for- -?---So there's different – so I can't – so if you've seen in my text bundle, the fact that a body-worn video has been sent to me, is not necessarily for a laugh. Yes, that that has been the case sometimes. Sometimes it is for information purposes on the job, such as providing me intel on a job to locate someone or we – a lot of us didn't have work phones. We had work iPads, which are a bit – we – we used our personal phones for work

sometimes, is what I'm saying. So sometimes yes, laugh. Sometimes work purposes.

Sometimes it was to celebrate a tough tactical manoeuvre, wasn't it? To – if you thought that you or your colleagues had gone in hard and done something tough and heroic, you would film that back and then play it?---I wouldn't know if "tough," or "heroic" is the right word, but – I – I wouldn't say, "tough" or "heroic" but there's many reasons someone might send the body-worn video. But that could – could encompass them.

But one of them was for fun?---Yes.

You've given evidence at trial about your training on the use of force principles?---Yes.

And I don't want to have to labour the same evidence that you've given, but safe to say, isn't it, that it's very clear when you are trained that you need to avoid confrontation as much as reasonably possible?---Yes.

That you need to avoid the use of force wherever reasonably possible?---Yes.

And that where force cannot be avoided, then the minimum force reasonably necessary and justifiable must be used?---Yes.

When you think back on this incident at the Araluen Park, you didn't comply with those use of force principles, did you?---I act - I do disagree on that.

Well, we'll play the actual video for that now and then I'll ask you again.

MR ABBOTT: Was this played yesterday (inaudible).

DR DWYER: No, I played the body-worn.

MR ABBOTT: The actual video.

DR DWYER: This is a six or seven minute video.

#### DVD PLAYED

DR DWYER: "I might just have to give him an infringement just to justify the use of force." There was no need to use force in that interaction with those two men, was there?---I disagree.

Why did you use the words, "Might have to give him an infringement just to justify the use of force." They're your words?---Well, I guess that's an administrative issue.

You used, I suggest to you, that terminology because you knew that there were other ways where you should have dealt with that conflict?---I believe - no, no.



They were two men who were clearly intoxicated arguing on the Araluen Park lawns, weren't they?---They were physically fighting.

They were swinging big haymakers at each other and not connecting, weren't they?---They were physically fighting.

Can you listen to my question. They were physically fighting, sure?---Yes.

But they were swinging haymakers and not connecting because they were drunk and staggering?---Well, they were fighting.

What I suggest to you that you should have done, if you were following the force principles that you were trained in, is to approach those gentlemen and use verbal commands before you ever attempted to push them over?---I believe we arrived in blue lights, lights and sirens. Probably turned the sirens off before we got out of the car, announced our presence. That hadn't - our presence hadn't stopped them fighting. And then I used the minimum force necessary to stop that.

You announced your presence as you're running towards them and pushing them over, don't you?---I didn't run at all.

You walked quickly towards them and pushed them over. Is that fair?---I'm not sure how fast I walked, but I walked.

And were you trained to use verbal commands before you moved to physical force?---Yes, if practical.

Do you think, looking back on that, you could have used verbal commands instead of moving to physical force?---I think there are many ways, looking back in hindsight, how you can handle a situation better - and I've always handled a situation better - definitely that - and use of force is never going to look good. That situation was resolved, again, extremely efficiently and quickly, as was encouraged in Alice Springs, to resolve situations as fast as possible. And it may not look good, but pushing two men onto soft grass is a very low level use of force and it can be confronting for people who are not used to confronting violence on a daily basis.

When you look back in hindsight as a more mature man, do you think that you would deal with that differently now?---Potentially, depending on the circumstances surrounding it.

Because I appreciate that what we see there, I played the full video in fairness to you, is you speaking to those community members, asking him about why he - if he felt unwell and where his tablets were, et cetera, and trying to have a dialogue. You understand that the people you were speaking to might not actually speak your language, or English might be a second or third or fourth language?

MR ABBOTT: Your Honour, I object. What's the relevance of that question? He's engaged with them. He's played the footage. Is there a question on what he said to them, because that clearly - - -

THE CORONER: Well, the question is, did he consider whether or not they might not speak English.

MR ABBOTT: Well, what's the relevance of the question?

DR DWYER: Perhaps if my learned friend could just give me a little bit of leeway, I'll keep going and it'll be much quicker.

MR ABBOTT: And perhaps ask him what information or intel he had prior to arriving at the troubles.

DR DWYER: Well, you can re-examine, Mr Officer, if I miss anything.

Mr Rolfe, did you consider when you're speaking to community members that English might be a second, third or fourth language?---I guess when I speak to anyone, I consider whether English might be their second or third language.

Well, you're not just speaking to anyone, you're speaking to Aboriginal community members on the lawn. It's a fair guess, isn't it, that English might not be their first language?---I'm not sure.

Did you consider that they might find it very confronting that they had just been pushed over by you?---I actually don't think they'd find that confronting at all considering they were fighting in public.

One of them had to then go to hospital for a heart condition, didn't he?---I'm not sure on the outcome of that. It's likely that I took him to hospital, yes.

Can I suggest to you that there is a real difficulty in terms of building good community relations and asking Aboriginal people to trust police, if they are treated with force when verbal commands would be equally effective.

THE CORONER: Or could be.

DR DWYER: Or could be. Do you accept that?---Well, I'm not sure how you would ever find a situation where you know for a fact that use of force and verbal commands would be equally as effective.

Sure. But your training is to use verbal commands first before you move to uses of force, isn't it?---Correct, if practical.

And what I suggest to you is, in this incident, you did not make sufficient effort to use your verbal commands before you moved to use of force?---I admit, I could always do better.

And there's a pattern of it, isn't there, Mr Rolfe, where you go straight to the use of force, rather than exercising verbal commands?---I wouldn't call a - - -

MR ABBOTT: Your Honour, I object to the word "pattern"?---Yeah.

DR DWYER: It's a question.

MR ABBOTT: Each and every single use of force would be different. Yesterday, Mr Rolfe was cross-examined about his lack of appropriate tone with Master G. Now, he's being cross-examined about whether or not he knew or thinks about the language being first, second or third is English. He hasn't been cross-examined about - - -

THE CORONER: Mr Rolfe's had an opportunity to look at all of these videos and to be well aware of the issues that are going to be covered concerning his use of force. He is being asked whether or not that was a pattern of behaviour. He is quite capable of understanding and answering that question.

MR ABBOTT: Yes, your Honour, I'm not saying that he's not incapable of answering, I'm saying the question is irrelevant on whether or not this witness should offer whether he has a pattern that balanced against 46 jobs, 3176 tasks.

THE CORONER: Well, I'm sure he'll be able to answer that question, Mr Officer.

MR ABBOTT: The objection withdrawn.

THE CORONER: Sure.

DR DWYER: Was there a pattern, Mr Rolfe?---No, I would say quite the opposite. Out of 3176 jobs, if you have 46 jobs of use of force and out of them, amongst everyone here, let's say eight jobs that are being talked about, the actual pattern is that I have 3168 jobs where I haven't used any issue - there's no issues in how I've acted. So the pattern is 3168 versus potentially eight.

Well, let's get real. The 3168, many of those, you're attending to anything from say domestic violence matters, matters where there is no issue with you arresting a perpetrator. It might be DV, it might be something else. But many of those matters that you're going to, the 3168, there might not be an arrest?---They - neither was that.

And many of the matters that you attended, you might not even have your body-worn video on for. Is that fair?---Pardon?

Many of those matters you attended, you did not put your body-worn video on?---Yeah, correct.

It's fair to say, isn't it, that the part of the job that you enjoy most were high risk arrests, high adrenaline riots, that sort of stuff?---The parts of the job I enjoyed the most, as I said yesterday, was helping people that needed help.

This is what you text, text 56, on 27 February, so just a week or so after Araluen, "Just searching for a dude who stole a ute with a loaded rifle in it, man. Still looking. Big desert out here to hide in, but still fun though, hey?" Text 58, same day, you texted to your police officer friend, Sykes, "Hurry up and come down, bro. I literally do whatever I want, even just started wearing a t-shirt to work." Text 65, you texted to a friend the next day, "I'm in a semi-tact team down in Alice Springs because TRG is too far away to be of any use. But I passed TRG selection. Just waiting for a spot to open up, aye. So I just do general duties and whenever something high risk is on, just do our own thing." That suited you, didn't it, doing your own thing, not having to play by the rules?---I think that's - no I don't think, I know this is a comparison between my previous career in the Army where the rules in the Army were every second of my day was kind of controlled. I wasn't able to walk on the grass, couldn't put my hands in my pocket. If I needed to go to the toilet or had to do something, how I shaved, there's a rule for that. How I wake up, there's a rule for that. How I go to bed, there's a rule for that. So in comparison to the rules I had in the Army, there is a lack of rules in the police, but that's just because there's an abundance of rules in the Army. So it's a comparative.

Sure. I appreciate that, but it wasn't just about comparing the rules in the Army to the rules in the police, it was about comparing the rules in the police in Alice Springs which were loose where you were, to rules that you might find in other police stations?---I haven't worked in any other police stations.

Have a look at text 69. You're texting someone there. Is that an old Army buddy?---Yes.

And your message to him is, "Fuck, I'm jealous." So that person's in Perth. Is that right?---Yes.

In the police force in Perth?---I believe so.

And you say, "Fuck, I'm jealous. Perth is sick. Alice sucks. Alice Springs sucks. Ha ha. The good thing is it's like the wild west and fuck all rules in the job really. But it's a shithole. Good to start here because of the volume of work, but will be good to leave." Same friend, text 72, texts back to you, "Mate, everyone's going to be a cop, ha ha." Because you just told him that Sykes will finish his cop school in Darwin soon and hopefully come down. Hopefully, Carter will go to cop school in October. Then we can all one day be friends again, ha ha. It would be so sick to all work together over in Perth." And he says, "Hey, everyone's going to be cop, ha ha. Fuck yeah, Sykes will kill it. Yeah dude, may as well get some cowboy shit done before coming to a city." You knew in a city in Perth, you'd have to follow the rules and you'd be watched, but you could do things a little bit looser in Alice Springs, couldn't you?---I'm not sure if I had any information in regards specifically to Perth. But Alice Springs was a loose city, yes.

And you were loose with the rules in Alice Springs, not just you, but you and your cohort?---I don't agree that I was loose with the rules. I followed the rules, but in comparison to the Army, there was very few rules.

Can I suggest to you that you followed some of the rules that suited you, but you didn't follow all the rules, did you?---No. That is correct to say, yes, I did obviously breach the body-worn video rule we were talking about before.

And you breached the rule about not sending your body-worn video footage to other people?---Yes, sorry, that's what I - - -

Okay?---Yeah.

And you breached the rule about not turning your body-worn video on sometimes?---Yes.

Not just you, but others in the cohort?---Yes.

And you and others in your cohort, when you've resented the authority of the bosses, superintendents, the brass, didn't follow their rules, did you?---No, I don't agree with that. I'd probably, if you don't mind clarifying really quickly about my comment about Jody Nobbs, yesterday. In 2019, before I left the force, I definitely had a high level of respect for him, as a police officer, as a superintendent. Due to - my comment yesterday came from due to my, I guess, the - the magnifying glass on me and my life in the last four years. I've then - that prompted me to put that magnifying glass on other people involved in this case. And then that's where that comment came from.

You resent the evidence you've given in this inquest, that was - - -

A PERSON UNKNOWN: I wouldn't say he resents the evidence.

DR DWYER: Well it's a question.

THE CORONER: It's a question?---No, it's more about other things.

A PERSON UNKNOWN: I just didn't hear that answer.

THE WITNESS: It's about other things, sorry.

THE CORONER: More about other things.

DR DWYER: You - you want to tell her Honour about other things that you found out about Superintendent Nobbs, because you're angry that he gave evidence that didn't suit you in the inquest, is that right?---No. All I'm talking about is that I've been made aware of - obviously I've looked at the people that have passed judgement on me. And I've looked at where they're giving the judgement from. And seen things -

their complaint history, for example. So all you guys would have to do is to find information from - better information from the police team, on their complaint history. That's all I'm saying.

Are you bringing that up as retribution for evidence that's been given against you in this inquest?---No I'm just giving you information about my comment yesterday, where that came from. To say that I did respect him as a police officer in 2019.

Okay. Can you have a look at text 79 please. You're texting your friend who's name starts with R?---Yes.

The second part of that, "My week's been good. When we get high risk jobs, I get to really do my own thing. Got the chopper ride, and took the superintendent's car out, coz it's not a marked police car, and got in the maddest pursuit through the desert with it. It's not built for it the poor car, it'll never be the same. But I had a mad time, ha ha." This was - whose car was it?---I believe that was Superintendent Vickery's at the time. Not her - obviously her personal car, but the car issued to her. And that was given with permission from the bosses, to utilise that.

By who?---I can't recall it, but it would there. We can't just take out a superintendent's car. We don't have the access to the keys. That was given to us.

But it was good fun was it?---Yeah it was. We definitely didn't get anywhere close to the car, but we had a - a good drive in the desert.

And you wrote off the car, is that right?---Definitely didn't write it off.

It was never going to be the same again?---It's probably not going to be the same.

Did Superintendent Vickery give you the permission to use the car?---She may have.

Here's what you wrote to N ■ K ■ about that. Is he another police officer?---No he's a civilian.

Was he somebody that you worked in the Army with?---Can we get NPO on them - - -

MR ABBOTT: Your Honour - - -

THE WITNESS: - - - like everyone else, civilians.

MR ABBOTT: It's (inaudible) that person is a civilian, but the standing understanding I had was that civilians weren't named.

DR DWYER: It's - - -

MR ABBOTT: Or mentioned. But police officers was different, and - - -

THE CORONER: Yes, it's - that's my understanding.

DR DWYER: Unless there's a reason for a civilian to be named.

THE CORONER: Yes.

DR DWYER: Then I - yes, your Honour, I'm content for a non-publication order over that name.

THE CORONER: Thank you.

DR DWYER: Two two four.

Was this person, I'll just use his initials, NK, was that person someone you'd been in the Army with?---Yes.

And you message him on 28 April, "Dude, I got in the most wild pursuit the other night. I was chasing this 40-year-old white ICE dealer for like three days, because he took a machete to someone. Then saw him driving around town. It was like Bad Boys. We were driving on the wrong side of the road through red lights at like 130 kilometres per hour. Ha ha, was sick. Then he tried and run and bashed him. Needless to say I'm being investigated for it, ha ha, ha ha, but it was fun, but was fun." Who did you bash?---No that's an overzealous term. There's a - - -

A PERSON UNKNOWN: Sorry, it's a which term?

THE WITNESS: Overzealous. I'm just talking shit with my mate. This person did - let me think of his name, his name will come to me.

DR DWYER: You don't have to name the offender, but you - it's the offender there, or the alleged offender who you put - say that you bashed?---Correct. And we didn't beat him up. He did resist arrest. And he did receive injuries. There was a number of police officers involved in that. I believe there was upwards of five police vehicles involved in that. And it was investigated, and we - in the - four of the police officers involved, there may have been more police vehicles involved, detectives and general duties, we breached a number of the General Orders rules, and we were - received remedial guidance for it. It was - I believe there was a lot on footage.

What - did you call in the pursuit?---Yes, the police pursuit was called in.

What were the orders in the General - what were the General Orders that you breached?---I - I can't recall. There was - amongst the five or six, or more or so police vehicles involved, there was breaches amongst all of them.

Who was the superintendent who was on that job?---I wouldn't know.

Was a superintendent responsible for terminating the job - terminating the pursuit?---I've been out too long to know the ins and outs.

Do you remember being annoyed when the pursuit was terminated?---I don't think that pursuit was terminated.

Have a look at text 74. This might be another pursuit. I referred you earlier to 72, where your mate had said "Yeah dude, may as well get some cowboy shit done there before coming to the city." And then the same day, 28 February 2019 - sorry, it does look like a pursuit, Mark Sykes text you, "Did you get him?" "Nah not yet, looks like he went to a community, laying low. Would have been sick to grab him. We were in a mad pursuit with him out bush, but the superintendent terminated it, coz he was 'inside our cordon in the middle of nowhere, she's an idiot'". So that's a pursuit in February. Who was that superintendent you're talking about?---It's a - I'm not sure. It could have been Superintendent Vickery.

You're writing there to Mark Sykes, another police officer at that stage?---Yes.

You're calling your superintendent an idiot?---Yes.

Do you think that's appropriate for a young officer?---In private conversation - - -

(Inaudible)?---In private conversation, I believe, private conversations are a different thing. I wouldn't call that - I wouldn't say that language publically, or in a professional sense, no. But in - in private, I believe you should be able to say what you want.

Well actually you criticised Superintendent Vickery, and other bosses, to other junior police officers, on a pretty regular basis, didn't you?---Privately.

Yes, other police officers?---Privately though. Yeah, privately, potentially, yes.

See, there's a hierarchy in the police force, in the Northern Territory, and every police force, isn't there?---Yes.

You're still pretty new on the ground, only two years in aren't you?---Yes, but by two years in, I had done nearly double the jobs that Pauline Vickery attended in her career.

So you're supposed to follow rules as a young constable, you accept that?---Yes.

But it's hard for you to follow the rules if you don't respect who's setting them for you, is that fair?---Well it depends what rules there - because they're not generally setting the rules of life. There's different rules that they set.

Well it's hard for you to follow any rules, if you don't respect the reason for the rules, is that fair?---I guess it makes it harder, yes.

That's the case about the body-worn video that you explained to us, in terms of turning it on?---Yes.



That's the case in terms of filming the body-worn video, showing it to your mates, or sending it?---Yes.

And that's the case in terms of respecting a superintendent's decision, to call off a pursuit, or to do anything else?---No that was a particular incident when we're in the desert and - the desert out near the airport, with maybe three police vehicles. And I think there's been a lot of evidence about what a cordon is, and we're in a large open space, kilometres wide, and you - you don't have a cordon with three police vehicles in the desert - - -

Okay?---So that's a specific incidents about - - -

You thought the pursuit should continue, and it was terminated?---I - I thought in that incident it was the safest area for a pursuit, because you're out of town, you have no risk of civilians or other vehicles being damaged or hurt, or death to another civilian. So the safest place for a pursuit is probably out of town, away from civilians.

Did you ever ask Superintendent Vickery or anybody else to explain those rules to you, so that you understood it more, rather than just complaining about it to your mates?---Yes.

Did she ever do that?---No, sorry, anyone else. I – I didn't ask her particularly.

Okay, who did you ask?---I – I can't tell you names of people on the ground – and people on the ground have the same opinion about the safest place for a pursuit being outside of town.

Okay, so people on the ground thought that Superintendent Vickery was an idiot too, is that what you're saying?---No, people on the ground thought that the safest place for a pursuit was probably outside of town.

Is it fair to say – just thinking about one of the people on the ground who you were working with – didn't have much respect for her rules?---I – I don't think she had any particular rules that were – she owned.

Didn't have much respect for her?---It's hard to say. Conversations that have occurred about Pauline Vickery was she was a superintendent in charge of a general duties police station. And the conversations were that she had a lack of general duties experience.

All right. So you – it was difficult for you to respect her in those circumstances? Let's be frank about it?---Yeah, no, I'm just thinking. Look, you don't necessarily have to have a lot of experience in a certain role to be good at that role. You can excel, obviously. But I guess if there are issues in your performance and then you look at your experience, it adds to the issues, yes.

So in terms of two senior people in Alice Springs Police Force who you didn't have much time for, fair to say one of them was Vickery and another one was Virginia Read?---I had – the only dealings I had with Virginia Read were in that first couple of weeks. I had no – I don't think I had any professional dealings with her in like, actual jobs.

All right, so you- - -?---I don't think so.

You've given us – I'll come back to Ms Read – Superintendent Read at a subsequent date, but I think you gave evidence yesterday, your first interaction with her was not a positive one, this was about the police – about the rescue from the flood?--- Correct.

And then – so you didn't have a positive opinion of her, correct?---Correct.

And then you didn't have a positive opinion of Pauline Vickery either, did you?---It – it became more positive towards the end. Superintendent Vickery and – I believe – towards the end of my time in the NT Police, we got along well and there was a level of respect between the both of us.

She- - -?---But initially, yes.

Did she ever talk to you about your excessive use of force or concerns about that?--- I don't recall.

Okay. Did she ever talk to you about the Malcolm Ryder incident after that went to hearing in May 2019?---I honestly don't recall if she ever said anything to me about that.

Around the same time – I took you to a text message on 28 February with Mark Sykes(?), another police officer – about that pursuit. And there were a number of people who you were messaging around that time about searching for “this dude” in the desert and it was fun and it – the same day, you'd text – 28 February – text your mate Perth police to say, “It's the wild west (inaudible).” Around the same time you're sending those texts, it seems that you are frustrated with work, from the messages that you're sending to your family. Is that fair?---That's fair. I had – I had moments of frustration, for sure. And they will be more stark than the moments of positive, but there were definitely moments of frustration, yes.

Text number 80. You text your mum?---Yes, I – look, I admit I was having a lot of hard time. I don't know if it's necessary to delve into such personal messages in this in regard to a shooting – police shooting.

MR ABBOTT: Your Honour, I signpost an objection to this and other similar messages. It was in this document between my client and his mother. They are deeply personal messages and really are irrelevant to your Honour's inquiry about what he and his mother were engaging in.

DR DWYER: Your Honour, I press the message. I don't press that it was sent to his mother, but that just that – pressed – sent to a family member on this occasion?---If you're looking at the last line - - -

Sorry, just hold on for a second- - -?---I'm happy with that.

MR ABBOTT: Your Honour, my objection is not so much as to who the recipient is. It's the content of it.

THE CORONER: Well, the content's relevant, isn't it?

MR ABBOTT: Well, your Honour - - -

THE CORONER: Because it's about his state of mind and how he's behaving.

MR ABBOTT: Your Honour, those sorts of propositions can be put to the witness about how he thought, how he felt, as counsel assisting as done on a number of occasions. To delve into the history of what he and his mother discussed on a completely, intimately, personal and private way – as a mother and son have – is irrelevant to your Honour's task and content - - -

THE CORONER: It's relevant to this extent: that it is contemporaneous and it is likely to be truthful given the nature of the discussion. So in my view, there is a relevance here.

MR ABBOTT: Your Honour, it might be contemporaneous and it might be that that fact – the truth of the matter, the fact that he engages in these conversations with his family members and his mother, in a personal capacity – and as he has said in evidence already, these are private texts – is completely irrelevant. A private expression between he and his mother is completely irrelevant. Things that emerge from there might be properly put. Such as, "Did you feel X, did you feel Y? What did you do about X, what did you do about Y?" But to go through, chapter and verse, messages between he and his mother of very private content amongst – in my submission, is irrelevant and shouldn't be in.

DR DWYER: I press the question, your Honour. And once it's accepted that the proposition can be put and that the theme is relevant, then there's – it's – it doesn't make any sense that a contemporaneous record wouldn't be brought.

THE CORONER: Yes, in my view, it is a contemporaneous record and it is – the contents are potentially relevant and the fact that it is a contemporaneous record and the nature of the record is relevant to assessing what weight should be given to it.

DR DWYER: Mr Rolfe, part of that text message is – starts, "Feel like instead of knowing everything's going to be sweet, I'm waiting for the next shitty thing to happen. Which is fine, I know, because everything takes time. But I feel like I put more effort in than most to get where I feel I deserve, but I get shat on a bit more.

I just don't want all this shit to build up until I do something dumb. Full why I don't go out to the pubs here, because I know if some scum pushes me, I'll go too far and get into trouble." It seems from these texts that, at the same that you're talking up the high adrenaline stunts, things inside your head are not going so well. Is that fair?---I – there were moments of that. Yes, for sure.

You were miserable? This is sent on 1 March 2019?---At some – at some points, definitely.

And you had a short fuse?---Yes, at some points, my fuse was short.

And that impacted on your policing, didn't it?---I think – I don't think so. This was – I am very good at compartmentalising my personal life and my professional life and I think at work, I continued to perform to a professional standard.

"Full why I don't go out to pubs here, because I know if some scum pushes me, I'll go too far and get into trouble." Suggests that you're telling – explaining to your mum that you have a lack of control if someone pushes your buttons?---I mean, if someone assaults me. Assaults are very common occurrences in Alice.

By March 2019, you'd been policing for just over two years and the majority of those people who you were coming into contact with to arrest, or in a policing environment, were Aboriginal?---Yes.

You hadn't had any time relieving out bush?---No.

And you were – you told us on a number of occasions you weren't interested in bush work?---Yes.

Do you think your attitude to Aboriginal people you came into contact with, in the police environment, deteriorated between the December 2016 when you started through to March 2019?---No, not at all.

On 9 March 2019, you text D [REDACTED] C [REDACTED]?---Yo, let's fucking figure this out, yeah?

THE CORONER: Excuse me?---Sorry, there's civilians, your Honour.

MR ABBOTT: Your Honour, the – the ruling that has - - -

THE CORONER: There is a ruling that is in place that there is to be no further publication. Please just listen to the questions and your lawyer is here to ensure if there needs to be any objections that those objections will be made?---Yes, your Honour. Sorry for that, but this is on a livestream.

MR ABBOTT: Your Honour, there's just the expectation that the witness can be taken to the message, the line, rather than rushing into the message to say, "It went to this person and this is the content." Your Honour has been put on notice objections might be taken to message by message. I just also appreciate who can

be named and who cannot be named. So I think we just need to slow down the process a bit so this doesn't happen, so if they can be referred to by their initials?

THE CORONER: Sure. Let's try and refer to the message by its number first - - -

MR ABBOTT: Yes.

THE CORONER: - - - so that if there is any issues - - -

MR ABBOTT: Consistent with your ruling yesterday, your Honour.

THE CORONER: Yes, Mr Abbott or Mr Officer advise.

DR DWYER: Text number 90, Mr Rolfe?---Yes.

You text DC on 9 March 2019, "Hey, all sweet down there"? See that?

MR BOE: Sorry, what number?

DR DWYER: Text number 90?---Yes.

"The losers up here are being nice to each to each other while we're around. I'm hot spotting off my police iPad so will have reception at the event." Where were you when you sent that text?---I'm unsure.

You were obviously at a bush community, is that right?---Potentially.

Well, if you have a look at the next text message I think you can figure it out?  
---Yes.

You were at Borroloola?---Yes.

That's a message that you sent to somebody whose name begins with "R" - female friend?---Yes.

Where you sent her Jordan Pederson's "12 Rules of Life" or a photo of it - you were reading it at that time?---Yes.

So you sent a message to DC, "The losers up here" - in Borroloola you mean, "Are being nice to each other while we are around." Who did you mean by "the losers"?  
---This would be people that were rioting the - either side of the community.

The local Aboriginal community?---No, just the people who were breaking the law and rioting and using violence against each other.

You text your mum, text number 92, "Nothing is going on, just hanging out for a few days, earning heaps of money." It doesn't sound like there was much rioting going

on at that stage?---Yeah correct. As I've said before, they were being nice to each other while we were around.

But you're still calling them "losers"?---In private I could refer to offenders or criminals as "losers".

Well, you seem to be referring to the community as losers in that text message.

MR ABBOTT: I object. I object to what it says. That's her opinion. It can be put to him, not to her - - -

THE CORONER: I think it has been put to him that - and he has rejected that proposition.

DR DWYER: I will move on.

Text number 93, Mr Rolfe?---Yes.

You send a message to your mum?---Yes.

"It's actually good up here. This is the community we smashed last time we came up, so they're behaving nicely now that we're here, so big sleeps, lots of money and also got time to work out and read, so I'm happy, reading that book" - I think you're talking about the "12 Rules of Life"?---Yes.

Is that right? "Going to start eating breakfast again - try it out - looks like the psychological stress I'm putting on my body by fasting, which can be good, is a bit too much at the moment, with a bad sleep pattern making me a sook, so will eat brekky, going to try some Serotonin vitamins from somewhere - to go to get some Serotonin vitamins from somewhere when I'm back in Alice"? What that seems to make - - -?---Sorry, it says "physiological stress".

Thank you. What that seems to make clear, Mr Rolfe, is that actually the community was calm while you were there.

MR ABBOTT: Well, I object to that. Is that a question or - - -

DR DWYER: Yes, it's a question.

MR ABBOTT: Or is that your statement?

DR DWYER: I will make that clear. Thanking you.

MR ABBOTT: Thanks. It should be questions, not your summation.

DR DWYER: Thank you, Mr Abbott, I will do that for you.

MR ABBOTT: Good.

DR DWYER: Mr Rolfe, it seems to make it clear, doesn't it, that "It's good up here" that's what you're communicating?---Yes.

There was no rioting, was there?---Well, I think I've admitted while we were there that it was all good.

Okay. But when I asked you a question earlier about why you referred to the community as "losers" you said that you were actually referring to the people who were rioting - not the community?---Well, we got sent up there for a reason - that a number of people were breaking the law and using violence against each other, so I was referring to them, regardless of their race.

This is what you texted your Mum at 93. "This is the community we smashed last time we came up." When was the time that you'd been out here before - you smashed the community?---I'm not sure of the date.

Text number 94. You sent a message to "BF". "I'm out at Borroloola, a random community on the coast because they're rioting but we came up last time they did this and smashed the whole community. So this time as soon as we arrived they started behaving, which is cool" et cetera. Same message - that you smashed up the community. You sent to DC again on the 10th at 7 pm. "Yeah, too hot for the poor dogs" you're talking about, "sick plan defo I miss them. We smashed this town last time, so they're all behaving, so I'm getting some mad R&R". So that's three people you texted - sent a message to about smashing up the town last time and now they're behaving. What did you do when you smashed up the time - the time before?---I don't think once I've said I've "smashed up" town. I've mentioned that we smashed the town and that is in regard to - I believe it's been mentioned by, for example, Julie Frost mentioned, that IRT as to come in with a zero-tolerance approach. That's how we were used - as a zero-tolerance approach to not accept any laws being broken. So if anyone did break the law, such as rioting, we would arrest them and handle it. So it's an - I'm referring to doing our job in a potentially zero tolerance approach. It's got nothing to do with physical violence or breaking anything.

Is it fair to say from these text messages, is it, that you'd had no interest in the community of Borroloola other than pulling them into line as a member of the IRT? ---I answered it's actually good up there - "It's actually good up here". We enjoyed our time in Borroloola, we had a good work - working relationship with the police station there and I have made some very good relationships with the locals here, for the brief time that I was there.

Text number 100 to "DC". You say this, "The community" - last line - "The community is shit though, so it would be good to come back to Alice. That's what you thought of the community at Borroloola, as a police officer, didn't you?---Well, I wouldn't want to live in Borroloola.

When you first started as a police officer in the Northern Territory, did you expect that other police officers would talk about Aboriginal communities in that way, to say "It's a shit community"?---I think if you look at the state of the Aboriginal communities in the NT, the third world state of them and the shocking way in which the people out here are living, it is a shit place and it should be better.

Do you remember the question I asked you? I was this. "When you first started as a police officer in the Northern Territory did you imagine that other officers would be speaking about Aboriginal communities like that - calling them a "shit community"? ---I hadn't had much experience of Aboriginal communities before this. I did not have that thought at all.

Is that how you and other officers - constables, senior constables, probationary constables spoke about Aboriginals in a bush community - in Alice Springs - "shit communities"?---Yes. They're - they're in a horrible state of affairs and they need to be - they need to be better. It's like third world in Australia.

So you had had no experience relieving out bush, you had no interest in working out bush. Your only experience of being out bush in community because of the IRT - and you formed a view on the basis of that that this was a shit community?---I'm literally like saying that the community should be better for the people that live in the community. I'm saying that the community - they deserve better. I'm not saying that they actually - I'm saying that the - the communities need to be looked after better - that's what I'm saying.

I am asking you this question. Is it appropriate, do you think, for a police officer to speak about Aboriginal communities in that way - even privately - or to other police officers that it's a shit community?

MR ABBOTT: Well, I object to this. This is a private text message. There's one example and it's being used as though this is the way this man regards Aboriginal communities at large and it's unfair - improper.

THE CORONER: Well, it does seem to be - he has confirmed that. He has confirmed that is his view of Aboriginal communities.

MR ABBOTT: Yes, but not - he doesn't go say - he doesn't say that he speaks of every Aboriginal community in those words.

THE CORONER: No.

MR ABBOTT: That might be the way he considers the standard of living that they are reduced to.

THE CORONER: He was asked, "Is that how you spoke about communities to other police?" And you said "yes".

DR DWYER: Thank you, your Honour.



Is that how you think a police officer in the Northern Territory should speak to other police officers about Aboriginal communities?---I think if - I think police officers should be passionate, as most people should be passionate about the state of how people are living in Australia and I think you are twisting the words to attempt to make me attacking Aboriginal communities when I am saying that they are communities that should have more assistance and they should be better by the government.

THE CORONER: Sure. Mr Rolfe, what we are talking about in these messages and you've confirmed you speak to other police officers in a way when you talk about Aboriginal communities being shit is no offering constructive solutions or suggesting that you are concerned about living arrangements. It's dismissive and it's derisive and it's derogatory. Can you accept - - -

MR ABBOTT: I object. That might be your view - that might be counsel assisting's view - and that is something she can put in her submissions, but to spruce it like this - as though this is some sort of advertising campaign - in my submission is the wrong way to approach this. This is not a Royal Commission into my client - although sometimes it sounds like it.

DR DWYER: All those soundbites for the media might be interesting for Mr Abbott, but what I'm interested in asking Mr Rolfe is for his explanation of these text messages. Giving him an opportunity to tell your Honour what was meant, and what was going on in his mind, and in the police station at that time.

MR ABBOTT: Well you're not. What she's doing is giving a media grab of a whole lot of expressive words, which she says the witnesses answers relate to it. And they don't.

DR DWYER: I'll just ask an open question, if it pleases, your Honour.

THE CORONER: I think that's a much better approach, and perhaps we can proceed in that way.

DR DWYER: What do you think of the use of that language, and the way of describing Aboriginal communities? Do you see it as problematic, when you have time to reflect on it as a more mature man?---No I don't. I see it as problematic when people turn a blind eye to the problems happening in community in the way in which these people are being forced to live, and romanticising the notion. I see it problematic when you are trying to attack me and then turn a blind eye to their problems out there.

Mr Rolfe, I don't want you to feel attacked. I want to give you an opportunity to respond to these questions. You had started to feel pretty negative towards the Aboriginal community you spent so much time policing, in Alice Springs. Is that fair?---Are you talking about Alice Springs - - -

Yes?---In general? Yes.

Did those attitudes seep into your treatment of community members when you had to arrest them on occasion?---No.

CW was a 17-year-old Aboriginal boy. Do you recall an incident with him?---I would say that if gone through ceremony and you called him a boy, that would be highly offensive to him. But he is a 17-year-old Aboriginal.

You - the name CW - - -

A PERSON UNKNOWN: (Inaudible).

DR DWYER: CW. The name I just spoke to you, whose name is the - known by the pseudonym CW, you're familiar with that name?---Yes.

He was under the age of 18 is that right?---Yes.

Do you recall there was an incident where he was chased by police officers through the Todd River, Wills Terrace, and onto Anzac Hill?---Yes.

At your direction, he stopped - you say, at your direction, he stopped running, and put himself on the ground, is that right?---I'd have to look at my statement.

You recall that CW ended up with a head injury?---Yes.

And he later complained that you banged his head into the ground?---Yes.

Did you do that?---No.

CW went to hospital and got stitches, didn't he?---I'm not - I'm not sure.

Have a look please at text 182?---Yes.

You recognise that photo?---Yes.

That's a photo of CW?---Yes.

Seen with bandages on his head?---Yes.

How did you get that photo on your phone?---I can't recall.

Well you must have taken a photo of it from official police records, is that right?---Potentially, or it was sent to me.

Sent to you by someone who was involved in the job, is that right?---Potentially.

Well, it must have ended up in your phone in a way that was unauthorised in terms of the police guidelines about the use of evidence, is that so?---I'm - I'm not particularly aware, there is a chance that was used for - obviously has I've said, we've used our personal phones for work. Identification of people, etcetera.

Why would you need to have that photo on your phone after CW had been arrested?---I - I can't recall.

It clearly wasn't for identification was it?---I can't answer that.

I showed you text 182, a photo of that person, under the age of 18, with bandages on his head. Why did you send it to - I'll use the initials first of all, PH?---I can't recall.

Was PH a police officer?---Yes.

So that's PH?---Yes.

Did you often send PH mug shots, he would be the same?---I'm not sure. You have all my text messages.

Did you often send PH videos where you'd been in some hell chase or fun job?---Same answer as before.

You might have done, is that right?---Potentially.

He was one of the guys that you were good mates with in the police force, is that right?---Yes.

Can I - this is a question for you, is it the case that you were having a laugh about CW and the use of force in that incident?---I - I can't recall.

Have a look please at text 164?---Yes.

A few days earlier you text that person, I'll call her SC, is she a police officer?---Yes.

Sophie Campbell?---Yes.

You text her the same photo that you sent to PH a few days later of CW with bandages on his head, correct?---I'm not seeing that.

What did you send?

MR BOULTEN: (Inaudible).

DR DWYER: You - what you say is this. "Check out CW's new mug shot, ha ha." Sorry, CW, there's a non-publication order over that name?---Yes.

You're inviting her, aren't you, to look up a photo on the web, on the PROMIS job?---  
Yes.

And she replies to you, this serving police officer, "Ha ha, ha ha, ha, those  
bandages, I wonder where they're from" - - -

MR BOULTEN: Dot, dot dot.

DR DWYER: "Dot dot dot. I wonder what they're from." And then the next text  
message, 166, "Clumsy boy he must be." And you reply, 167, 8 April 2019, "So  
clumsy, ha ha." Not much compassion in that exchange is there?---No there's not.

Is it the case that you were having a joke about that, because it was obvious that CW  
wasn't clumsy and fallen over - had fallen over, but you had pushed him, causing the  
injury?---No.

Your reputation at that time, Mr Rolfe, was for racing in and using force to get the job  
done, is that right?

MR ABBOTT: Well I - I object to that. She's saying that's his reputation.

THE CORONER: Are you aware of that being your reputation?---No.

DR DWYER: Why did you suggest to Sophie Campbell, a police officer, that she  
check out CW's - - -

THE CORONER: Sorry, CW.

DR DWYER: - - - CW's mugshot.

Sorry, your Honour.

CW's mugshot and write "Ha ha" so that you - it's - you make it very clear that  
you're having a laugh about that mug shot?---I can't recall.

Well have a think about it Mr Rolfe, if you don't mind, now, why would you do  
something - - - ?---I can - all I can say is that CW was a recidivist offender, who  
caused a lot of issues in town, and was known amongst the entire station, and he'd  
cause a lot of - he'd cause a lot of pain to a lot of citizens of Alice Springs. So he  
was known. So there was no compassion in that, yes.

Okay, so he deserved it, CW? To get a bit of an injury when you arrested him, is  
that what you're saying?---I can't control that. I had nothing to do with that.

Well why would you text another serving police officer to say "Check out CW's new  
mug shot, ha ha", if it wasn't so that she could have a laugh, that this young person  
had a head injury? What other possible explanation is there?---I can't recall.

Do you recall that this is a job where you turned your body-worn video on and then turned it off again at some point during the job?---Yes.

Your Honour, I note the time. I'm going to play that video after the break.

THE CORONER: Okay.

We'll take the morning tea adjournment, 15 minutes.

WITNESS WITHDREW

ADJOURNED

## RESUMED

DR DWYER: Your Honour, I think we've got that body-worn video footage ready.

THE CORONER: Yes.

DR DWYER: That's the incident CV – CW.

THE WITNESS: Your Honour, while this is set up, do you mind if I just apologise for my – for what I said before and explain myself just a little bit?

THE CORONER: Well, I'm happy to hear an apology. I don't think we need an explanation at this time?---Okay. I think – I think there'd be some background to the explanation. It's just super quick.

It's something that you – you can raise later, if it's important or relevant.

MR ABBOTT: It's important to him, your Honour. It's important to him as a witness, who has been here – this is his second day. There's likely to be another three days. So I think it's – I'd be obliged if you would hear his apology.

THE CORONER: Sure, go ahead?---I – so yeah, I'd just like to apologise to you and Dr Dwyer. I was – that was rude of me. The reason I got worked up is not for the non-publication order. The fact is that this is being streamed and some of these civilians are still working within the Northern Territory and within bush community. And I think yesterday afternoon was very telling that there are dangers involved with being associated with me. So by reading out civilian's names unnecessarily, the court is potentially putting these people at risk. So that is why I got worked up. So I'm sorry for that, but I am trying to look after people. We have received threats on my life and people around me - - -

A PERSON UNKNOWN: Well, I object to this. This – he's given his explanation and this is a soapbox now.

THE CORONER: Yes.

MR ABBOTT: It's not a soapbox. The threats are real.

A PERSON UNKNOWN: Yes, okay.

MR ABBOTT: We've seen threats.

THE CORONER: If there are any threats to any persons arising from evidence or these proceedings, then I would urge anyone to speak to their local police so that those threats can be investigated and that people can be assured of their safety to the best of the ability of the Northern Territory Police. Yes, Dr Dwyer.

DR DWYER: That video is ready.

DVD PLAYED

DR DWYER: Mr Rolfe, that was your body-worn video, is that right?---Yes.

You can see you're chasing CW. At some point in time, you give him a verbal instruction to get on the ground and he ignores that and keeps running, is that right?--Yes.

You continue to chase him. You appear to go through a school, or towards a school?---Yes.

And you enter the school?---I can't recall.

Or you move a gate, is that for the school? Where was that?---There – there might be a little building next to it, but yes.

So at that point, you turn your body-worn video off, correct?---Yes.

And you do that, don't you, because it's not that important to you to capture what your interaction may be with CW on the body-worn video?---No.

DR FRECKELTON: Sorry, was that a "yes" to the question, sorry?

THE WITNESS: No, I said no.

MR ABBOTT: It's a rejection of the question.

DR FRECKELTON: Thank you.

DR DWYER: You were working on that job with Sergeant Kirkby. Do you recall that?---Yes.

Sergeant Kirkby turned his body-worn video on shortly after CW was detained. Are you aware of that?---Yes.

And immediately, when he turns it on, or immediately captured on that film is a complaint by CW to this effect, "I'm bleeding, why did you do that? You banged me against the rock." And he's got a head injury. Did you cause that injury when you pushed CW over?---No.

Well if you had your body-worn video on, we would be able to show the court the body-worn video, which would prove your version of events, didn't it?

MR ABBOTT: I object to that. That's a submission she can make. That's a submission that can be made.

THE CORONER: Yes it is - - -

MR ABBOTT: It's not - - -

THE CORONER: - - - can - but it's also a proposition that can be put.

MR ABBOTT: But why? I mean what's the answer? I mean the answer is of course if he had his body-worn camera on it would have shown what happened. I mean the answer's obvious. But it's just getting us nowhere.

THE CORONER: Well it's possibly the next question - - -

MR ABBOTT: (Inaudible) question.

THE CORONER: - - - that might be getting us somewhere, Mr Abbott.

DR DWYER: Do you agree with what your counsel just said, that it's obvious that if you turned your body-worn video - if you kept your body-worn video on, it may well have provided very important evidence that would exonerate you, or otherwise, correct?---Yes, it may have.

But it's clearly the instruction for Northern Territory Police, or it was at the time, that you keep your body-worn video on while you're in that pursuit?---Yes, I believe so.

And you knew, didn't you, that there was an option for stealth mode, if you thought that that was necessary?---Yes.

And that would assist you, if you're trying to catch somebody and you don't want to be seen?---Yes, and I hadn't received enough training to know how to use stealth mode.

Well I show you this document. It's a one page. It's dated October 2017. AXON how to stealth mode.

MR ABBOTT: Can I have a copy of that please?

DR DWYER: I'll provide you with a copy.

MR ABBOTT: Thank you.

DR DWYER: Do you recognise that?---No.

It appears to, if you just take the time to read it, give pretty clear instruction doesn't it, on how to put stealth mode on your body-worn video?---Yes.

I'm going to suggest to you that those instructions were available to you, at least from October 2017, the date of that document?---Yes, likely.

I tender that document, your Honour.



THE CORONER: Yes, we'll give an exhibit number for that document.

DR DWYER: You say to her Honour, do you, that you deliberately turned your body-worn video off on that job? - - -

MR BOULTEN: Sorry, what's the exhibit number for that one?

DR DWYER: Twenty-one.

EXHIBIT P21: Instructions for stealth mode dated October 2017

MR BOULTEN: Thank you, sorry about the - - -

THE WITNESS: Yes, my evidence was - remains as per my statement.

DR DWYER: Your - your evidence to her Honour - sorry, which statement are you referring to?---I believe I would have provided a statement about that incident.

A statement to who?---The police.

Recently?---No, no, as part of the job.

When you were originally - - - ?---Yeah, correct.

- - - dealing with that. And your explanation is that you turned - deliberately turned it into stealth - sorry. You deliberately turned it off because you didn't know how to use stealth mode?---That's not why. That's - - -

Why did you?---My explanation. My explanation was I turned it off because the red light - I turned my body-worn off and my torch off because the light from both were giving away my position as CW was hiding in the Anzac Hill area.

You sure you didn't turn it off because you didn't want any criticism of the use of force that you used for CW?---Yes.

You sure about that?---Yes.

You can see how it might look otherwise, given that you were in the habit, while you're a police officer in Alice Springs, at least for a period of time, of not turning your body-worn video on.

MR ABBOTT: I object, that's a submission that my learned friend can make to you. But making these rhetorical statements about how she could see things happening, in my submission, is not a proper to cross-examine upon. And not a proper way of cross-examining.

THE CORONER: Well, we're getting - we're getting to a point that's - we're going to ask, I think, some questions that get us to a point, and there'll be another question. And it is - assists me to assess his evidence on these issues.

MR ABBOTT: But an introductory question that says, you can see how this would look, etcetera, that's not the way to ask questions of the witness. As I said, this is an inquest, not a Royal Commission into - into my client.

DR DWYER: It's not for Mr Abbott, with respect, to tell me, as counsel assisting, how to ask questions of this witness. It is not. Unless my question is improper, or inadmissible, I can ask it in the way that I choose to ask it. And I press the question, your Honour.

MR ABBOTT: Well it's got to be relevant to the issues, and it's not.

THE CORONER: In my view it is relevant.

MR ABBOTT: Very well, your Honour.

THE CORONER: His answers in relation to his choices about body-worn video, when to turn it on, when to turn it off, and to compare and contrast answers in one situation, with answers in another situation, is a relevant line of examination. And I'm permitting it.

MR ABBOTT: I accept all that. But the question starting off "You see how it could look", is not.

THE CORONER: Well I'm going to allow the question, because I anticipate that the reason it is being put is to compare and contrast with other answers that have been given.

DR DWYER: That's the case, your Honour. And in fairness to Mr Rolfe, to give him an opportunity to comment on it. So I'm - I take it that the questions are - - -

THE CORONER: Yes.

DR DWYER: Mr Rolfe, you understood my question - - - ?---No, can you please repeat it.

Sure. You can see how it might look, in these circumstances, that you deliberately turned off your body-worn video, on this occasion, so that there was not a record of the force that you used. And I asked you that question, because yesterday you conceded, that you and others in Alice Springs, deliberately did not turn your body-worn on, because you didn't want certain lines to be captured?---Yes, I conceded that we didn't turn our body-worn on so certain things could not be captured. That was only ever in regard to what was being said. I didn't mention use of force at all. But I can see how what you're saying could be a perception.

Sergeant Kirkby, I've already mentioned, was the sergeant on that job.

His video, just for the record is MFI SS.

He completed a use of force entry, do you recall that?---No.

You and that sergeant kicked heads together didn't you? Isn't that something that you messaged someone at some point in time?---I believe I did. But it has nothing to do with actual kicking of heads.

I meant - you and that sergeant, did lots of jobs together where serious use - serious force was used?---We may have had a number of jobs where force was used.

And you and that sergeant, were perfectly happy for body-worn video to be manipulated, so that it presented the story you wanted - - -

MR ABBOTT: Well I object. She can't - she can't - my learned friend can't ask questions on the assumption that this is what some other person agreed to as well. My learned friend can ask questions about his experience, and what he agrees to. But not include in the question, a conclusion about someone else.

THE CORONER: That officer has given evidence in these proceedings.

MR ABBOTT: May be, but she still can't ask the question in the way she puts it.

DR DWYER: I will just ask this question first, see if it assists my learned friend.

Have a look at text message 431 please, Mr Rolfe?---Yes.

Third of September 2019?---Yes.

Go back one text message perhaps, 4.30. Paul Kirkby, a sergeant in the Northern Territory Police Force, text you this. "Sorry about the stress caused by losing my shit the other night. Stress you didn't need. You sorted it well. I'd just had enough. He was the second person to press my button that night." And you reply, "Bro there was literally no stress about it. I'm all for that shit. I've done the same thing to you more than once before. I'm always ready to make my camera face the other way and be a dramatic cunt for the film, ha ha." And he says to you, text 432, "And the Oscar goes to" and your reply is "Ha ha." And that's you and Sergeant Kirkby, texting in September 2019, about it being funny that you could manipulate what was going on, on body-worn video, to tell a particular story that suited you as officers. Is that correct?---This is similar to before. In regard to - I guess, yeah, manipulating the body-worn video so that things that are said, that could have been deemed unprofessional by PSC, were not captured.

I'm told the live stream's gone down.

THE CORONER: We'll just see if we can get it back up.

We have made arrangements to ensure that the matter can proceed, even if the live stream goes down. I'm told that this looks like it is a - only a small problem, and can probably be fixed very quickly. I'm just going to allow an attempt to be made to do that. But it - if it is not fixed in a short period of time, we'll be proceeding with the alternative recording of this matter, so that the matter can proceed. But we'll just adjourn briefly to see if this is a short fix.

WITNESS WITHDREW

ADJOURNED

## RESUMED

THE CORONER: Dr Dwyer.

ZACHARY ROLFE:

DR DWYER: Mr Rolfe, before the break, I took you to the text exchange with Sergeant Kirkby. Sergeant Kirkby was an officer who you worked with regularly on your patrol group in 2019. Is that right?---Yes.

And was he someone who became a friend of yours?---Yes.

And he was someone you looked up to. Is that right?---Yes.

And he looked up to you in ways too, didn't he?---You'd have to ask him.

Did you detect there to be a mutual admiration?---I think a lot of officers and senior officers would sometimes lean on me for support.

Okay. Why was that, do you think?---I'm not sure.

Do you mean emotional support or - - -?---Yes.

- - - physical support?---Emotional support, I believe. I wouldn't know how to provide them with physical support as such.

What I mean by that is professional support, as in coming in for extra jobs and helping out or being the one who takes that leadership role on jobs?---Yes.

So some of your sergeants, including Sergeant Kirkby I think you're saying there, would lean on you for emotional support. Is that right?---Yeah, sometimes.

And would also rely on you to take a leadership role on jobs on the ground?---Yes.

And that's particularly in terms of your tactical strengths. Is that fair?---Yes.

So this exchange in September 2019 where Sergeant Kirkby is saying to you, "Sorry about the stress caused by losing my shit the other night. Stress you didn't need. You sorted it well. I just had enough. He was the second person to press my button that night." He's talking about a use of force incident, isn't he, with a member of the public where he lost it?---No, I'm not sure that it's necessarily anything to do with use of force. I know he gave evidence. I know he said that he couldn't recall - tell me if I'm wrong, this is my understanding - he said that he couldn't recall the incident and he was, I guess, badgered until he said a story. I'm not sure if he said it - initially he said he couldn't recall it properly, and then he said something. He was pushed into saying something. I do not recall that, what he said, I do not recall that at all.

Did you watch his evidence on the live stream?---No, I read the - initially, yes, and then I read the transcript.

And then you read - so you watched his evidence on the live stream and then you went back and read the transcript. Is that right?---Yes, I didn't watch all of it.

And your perception of it is that I badgered Sergeant Kirkby until he admitted something that he didn't actually do? Is that - - -?---I believe his evidence initially was that he couldn't recall what this was about.

Sure?---And then he ended up giving a version of an event.

Yes. Then he came up with a particular story in relation to an incident which had occurred. Do you remember that? Do you remember what he said?---I remember what he said, yes.

What do you remember? Putting aside what he said, what do you remember about this occasion around 3 September 2019 when he'd had enough and he'd lost his shit with someone who was the second person to press his button that night?---I can't recall the job. Looking at this, all I can say is that I imagine Sergeant Kirkby arrived and said something unprofessional and I moved my camera away and maybe raised my voice and put on the dramatic police voice to potentially cover up what he was saying.

You can't remember doing that at all, can you? You're speculating about what you might have done sitting in the witness box. Is that what you're telling your Honour?--  
-Correct. I don't remember this job.

Sergeant Kirkby could remember a job or purported to remember a job. Do you remember anything about a job in September where he "lost his shit"?---No, but I do believe the job that he spoke about was never able to be located on a PROMIS system and I would question that if there was a job involving a police chase of a person on foot that I was involved in and Sergeant Kirkby was involved in, I would be very questionable whether Sergeant Kirkby caught that person rather than me. Which is, as far as I'm aware, what his evidence was.

So because you're fitter and stronger than he is, obviously. Is that what you're saying?---Well, I'm a lot faster, correct.

Okay. So you think Sergeant Kirkby made that story up?---I don't think he made it up, I think he's under a lot of stress. I think there is a lack of welfare support in this coronial for officers under a lack (sic) of stress and a lack of understanding about the hippocampus in regard to stress and memory retention in officers.

He certainly appeared to under a lot of stress this night, because he says, "Sorry about the stress caused by losing my shit the other night. Stress you didn't need. You sorted it well." And you reply, "Bro, there was literally no stress at all about it. I'm all for that shit. I've done the same thing to you more than once before. I'm

always ready to make my camera face the other way and be a dramatic cunt for the film.” And what you mean by that is that you’re always ready, aren’t you, to act in a particular way on film, or to use verbal commands or say something that tells a particular story?---Yeah, I think there needs to be further - again, this is my private messages. I speak in a certain way privately that I don’t speak in publicly. This is going to – if I was to say this – there have been – lawyers act in a way, sometimes, theatrically. I think all lawyers would accept that, and that’s part of your – that’s a part of your job, to act theatrically at times. For example, when you’ve previously read out my messages, you’ve added tone, you’ve added – you know you have. That it’s not in the messages, there’s no tone in a message, but you’ve added tone which I would call theatrical. In my private life, I could refer to being theatrical as what I’ve said here, as being a, “dramatic cunt.” It is a different in vocabulary that is not necessarily being what is projected, if that makes sense. I don’t mean to be – I’m just trying to explain it, my use of vocabulary.

What you’re indicating on this text message is that you were prepared to act out or act up on the body-worn video. You were prepared to say something to make out that the story was happening in a particular way?---I – I believe I’m saying that I would – I could potentially raise my voice to cover up if something unprofessional was being said.

Sure, and other – an alternative is, isn’t it, that say somebody banged their head and got an injury, you might say on the body-worn video, “Mate, are you okay, how did you fall?” To cover up the fact that you or another officer had used physical force in those circumstances that is unjustified?---No, no.

You cleared used the body-worn video – or acted out on the body-worn video on more than one occasion when Sergeant Kirkby was involved, hadn’t you?

MR ABBOTT: Well, the “acting up” – presumably, has a pejorative connotation.

THE WITNESS: Sure has.

MR ABBOTT: And I object to the use of that phrase. Talking – if you’re talking about – you should put it to him that he was – he would - - -

DR DWYER: I’ll withdraw the question. I’ll ask it in a different way.

THE CORONER: But that’s the whole point of this text message, that what is reflected on the body-worn video is not reality but something that has been created by the police who are appearing.

DR DWYER: Mr Rolfe, text 431. Let’s use your words, so there’s no mistake?---Yes.

Don’t let me suggest anything to you that you don’t agree with. You say there, “There was literally no stress about it at all. I’m all for that shit. I’ve done the same thing to you more than once before. I’m always ready to make my camera face the

other way and be a dramatic cunt for the film, ha ha.” So on more than one occasion, you had said or done something on film to portray the story in a particular light, favourable to police?---No, I wouldn't say that. Again, I think I'm just offering him support in this way: that he has come to me, apologising, and I am merely softening the – letting him know he doesn't – I don't recall ever having done that before. And it's not about changing the reality. It's saying it – raising the volume to a private conversation or something unprofessional isn't said. And I've done it for private conversations or, for example, when my body-worn has been on and I've – someone hasn't realised my body-worn's on and they're taking – they're going to the toilet out bush or something like that, where there is no bathroom. I've done it to hide public – private conversations which is a – which was also being used as a thing here when we've requested from Yuendumu, example, private conversations was the example used why they weren't to be sent to us. So it's a reason that we try to hide private conversations from PSC, for example, because - - -

Mr Rolfe, if someone – if one of you – if you or one of your fellow police officers was shouting at an Aboriginal person in an unprofessional way, you might shout over the top of them, so that you – that particular conversation's not captured. Is that an example?---Potentially, yes.

And I'm suggesting to you that another example is where force is used in a way that is unjustified and you have a conversation on the film to try and cover that unjustified use of force, or present it in a particular way. You said- -?---I disagree.

THE CORONER: Or make the camera face the other way so the use of force is not captured on the video?---I disagree to that as well.

DR DWYER: The use of force case note entry was completed by Sergeant Kirkby. You could count on him, couldn't you, to complete the use of force entry form in a way that exonerated you or painted you in a good light?---I'm – I'm not sure. I don't think that's the right way of putting it at all. I just think he would have written down what happened.

Sergeant Kirkby's not going to dob on you, is he? He's not going to, “snitch on you,” in your words?---If I'd done the wrong thing, Sergeant Kirkby would stand up and say that I'd done the wrong thing.

Is that a serious answer, in circumstances where you've texted each other on 3 September, where you offer to him – he thanks you, firstly, for sorting out the stress he caused by, “losing his shit,” and you thank him – and you reply saying there was literally no stress, “I'm all for that shit, I've done the same thing more than once, I'm ready to turn my camera to face the other way.”

MR ABBOTT: “I'm ready to make – I'm ready to make” - - -

DR DWYER: You're not seriously suggesting, are you – I haven't finished my question.



MR ABBOTT: "I'm ready to make my camera," not, "turn my camera."

DR DWYER: Thank you.

MR ABBOTT: Thank you.

DR DWYER: "I'm always ready to make my camera face the other way and be a dramatic cunt for the film." You're not seriously suggesting, are you, that a sergeant who you exchanged that message with is going to hold you to account for a use of force (inaudible)?---Yeah, yes. He would have, for a use of force, yes, he would have.

And Senior Sergeant Gall then did a further check of that use of – case not entry, you're aware of that?---Yes, I believe so.

Do you think he would hold you to account for a use of force that he didn't approve of?---Sergeant Gall definitely would.

And he would interrogate it fully, would he?---He would - - -

Would you expect that?---He would do his best.

You think he'd accept your opinion over the opinion of an Aboriginal person?---I don't think race would come into it at all.

Sergeant Gall, did you listen to his evidence?---I've skimmed most of the transcripts.

Sergeant Gall gave evidence that he would give your use of force case note entries the tick of approval without taking into account the version of the Aboriginal person who had made the complaint against you. That's transcript 2965. Are you aware of that?---Well - - -

MR ABBOTT: I object to it. What relevance does someone else's evidence have? I mean, the fact that Sergeant Gall has given evidence, in my respectful submission, has got nothing to do with my client.

THE CORONER: I think - - -

MR ABBOTT: And it's been put to him, as I – he's somehow responsible for Sergeant Gall's evidence.

THE CORONER: No - - -

DR DWYER: Perhaps my learned friend could listen to the next question? You could count on that, couldn't you?

MR ABBOTT: Well - - -

DR DWYER: Did you – were you aware of that, that Sergeant Gall would sign off on your use of force complaints, because – or use of force case note entries, because he would take into account your version of events without taking into account the version of an Aboriginal person. Did you think that was possible?

MR ABBOTT: Well, I object to this. The proper way to put this is to put out – put a paragraph from Sergeant Gall's evidence and say, "do you agree with it?"

THE CORONER: All right.

MR ABBOTT: The way – the way this cross-examination is going - - -

THE CORONER: Let's do that.

DR DWYER: Sergeant Gall gave evidence that he would – it's transcript 2965. Okay. I'm reading from an examination conducted by Mr Boulten, and Sergeant Gall is asked – in relation to signing off from this use of force form – for the audit of the misuse of force form – Mr Boulten says, "When you were asked this morning about why it is that you concluded in the audit – and now it seems you also concluded in the Complaints Resolution Process Investigation – that Mr Rolfe had not used excessive force in this incident, you suggested that there was really only one version. That was Mr Rolfe's. There was a contrary view here," Mr Boulten suggests, "that was evidence from the complainant in the video at least, right?" And Sergeant Gall says, "Correct, yes."

MR ABBOTT: What page is this?

DR DWYER: 2983.

MR ABBOTT: Thanks.

DR DWYER: And then the question's asked, "Why didn't you tell him – why did you ask him to tell you what happened?" And Sergeant Gall says, "Look, from reflection, it's something that I should have done, your Honour. I should have asked him for his version." And when he's returned to the question, the question is, "Why didn't you?" And he says, "Because I took Constable Rolfe's version as being the accurate version." He's asked, "Because he's a police officer?" "Yes, possibly, yes." You could count on Senior Sergeant Gall couldn't you, to take your version of events as being the correct version. Do you agree with that?---No, I couldn't. I'd probably be - well, unless I didn't raise it, I would be quite offended if your implication that race was involved in some way or another, where I don't think I was shown that evidence at all. But "No" is the answer to that question and I would highlight that race would have nothing to do with what he did.

My question is for you and what you could expect. You could expect that time that Sergeant Kirkby would cover for you and you would cover for him in circumstances where you were unprofessional in your voice commands or with your use of force. Do you accept that?---No.

And the second suggestion is that you could - I'm not suggesting that Senior Sergeant Gall did anything deliberately wrong or suspected use of excessive use of force - it's not a criticism of him. My question is for you, that you - I am suggesting to you - could expect at that time that he would accept your version of events over somebody who you had detained?---I can't speak on behalf of that. I didn't expect that of him.

Around this time - we're talking April 2019, there are various text messages, aren't there, that involve you joking or boasting about the use of force?---Isn't this September 2019 we were at?

No, April 2019?---What text?

Let me take you to one. 172?---Sorry, I thought we were at 430 still.

No. If you could go back to 172 - I moved to 430 because that was the camera.

MR ABBOTT: And for my clarification, since I haven't read the transcript, but when my learned friend say, "About this time" is she referring to the time of the CW incident - - -

MR BOE: CW incident?

THE CORONER: She is talking about April 2019.

MR ABBOTT: April. CW.

DR DWYER: Text 172. This is the day after, I should say, that you were texting Sophie Campbell to say to "Check out - CW's mug shot ha ha. Ha ha ha ha" et cetera. So the day after that the same officer - Sophie Campbell - texts you on 9 April, "I am so sick of Aboriginals tonight - fuck" - with lots of K's. And then you text back, "They being losers?" Are you referring there to Aboriginal people who she has noted?---Yes, and this is a - probably an example of that racist language that became normalised in this station. But I know her and I know she wasn't obviously talking about an entirety of a race. I knew she was talking about a specific people involved in the jobs that she was talking about, that she'd had an involvement with. She was talking about specific people but you - - -

Okay, but it sounds like you're conceding that that is racist and inappropriate?---Yes, yes.

She goes on to message you, "Just had a chick lying the whole time. I don't know him, then her kid has the same last name, 'Oh no elation' - then fucking look her up and they're husband and wife, so we laid into her and she stuck to it." And she sends another message, "And I may have been super hangry". That term is slang for hungry and angry, correct?---Yes.

And you reply at 8:49, text 176, "Hate that. Oi, if you're hungry you're definitely allowed to towel locals up." And she replies, "If your last name rhymes with 'Olfe' you're allowed to towel up locals" and you reply, "I do have a licence to towel locals, I like it." The term, "Towelling up", is that colloquial expression isn't it, for a severe physical beating?---I can't count on a severity but yes, for a physical beating, yes.

And is that how you meant it?---I guess - and we were just talking shit.

What do you think about the level of professionalism involved in talking shit like that to another police officer who is dealing with Aboriginal people(inaudible)?

---I think private conversations like this are used as a venting capacity where so police officers can work on shift professional in their interactions with the public. This is a method where police offices can vent their frustrations between each other so then they don't vent their frustrations in their interactions with the public. So I would say that the language is - as I've said - said before - is racist and should not be used. We should do better. But the idea of the venting between police officers is a - I would say it's a very healthy thing.

So you think it's healthy to have this exchange where you're talking to another young - or another constable where she - you say, "Oi, if you're hangry you're definitely allowed to towel locals up" and she says, "If your last name rhymes with 'Olfe' you're allowed to towel locals up" - and you say, "I do have a licence to towel locals - I like it." Do you think that's a healthy exchange with another police in the Northern Territory?---We're venting privately, so that in our interactions with members of the public our frustrations don't leak out.

I just took you to an exchange with Sergeant Kirkby which was a classic example, can I suggest to you, of where his frustration had leaked out?---Yes, correct, so Sergeant - - -

In his dealing with a member of the public?---So he - - -

Where he "lost his shit" - quote - unquote?---So he may have had to do more venting to prevent that prior - so maybe there was a requirement for more venting or more outlets.

But only he'd just texted another police a bit more about towelling up locals and making another joke about that he might've avoided actually losing his shit towards a member of the public - is that what you're suggesting?---I - I've already conceded that the language should be better, but yes, if he had other mechanisms for - as a lot of police officers it appears, have other mechanisms of healthy outlets. One of the healthy outlets is police's private conversations.

I am not suggesting to you that there don't need to be more healthy outlets, in particular there could be some useful - suggestions to her Honour about how police might be assisted in their job?---Yes.

In terms of stress relief, or having a break from the hard graft?---Mm mm.

But can I ask you to reflect on this. It's not a healthy outlet, is it, for two young officers to be texting each other about towelling up locals?---Again, the race should never have been brought into it. I am not going to concede that private conversations between officers is unhealthy. I think it's necessary and I think it should not be - I think this is a very damaging thing to the police force and there's probably a lot less venting occurring and that can - we'll see how that occurs with the police force as we go ahead.

So you're shifting the blame on me, are you? You're suggesting that it's my fault for bringing up these text messages to you - rather than there being a problem with the text messages themselves?---I believe you - yes, you are held part of the blame, yes.

MR BOE: Not the first time (inaudible) the accused.

DR DWYER: You texted - in this exchange - "If you're hangry you're definitely allowed to towel locals up" and the reply was, "If your last name rhymes with 'Olfe' you're allowed to towel up locals." You were aware of your reputation at the time for towelling up locals. Is that - - -?---No.

Our reputation at that time was, wasn't it, for racing in, using force to get a job done, regardless of the injury that was caused to the person you were detaining?---No.

Do you accept any responsibility at all for engaging in that exchange which glorifies the use of violence?

MR ABBOTT: I object.

DR DWYER: I withdraw that. Do you accept that that account glorifies the use of violence?---It's a meaningless exchange. I don't accept that.

Do you see a level of arrogance in the young man that you were then?---Yes.

Do you accept that that might have spilled over in your interactions with Aboriginal people that you were - who were the main people you were arresting?---No, I don't - I'm not aware of any instances where I have done that.

Do you accept that you had developed a bad attitude towards Aboriginal people accused of crime?---No.

Do you accept that you had developed a bad attitude - at least to Aboriginal men who you were arresting for alleged criminal offences?---No.

On 12 April 2019 somebody with the initials "LM" - Luke Madril(?) was asleep at his mother's home in Charles Creek in Alice Springs, do you recall that?---Vaguely.

That was a planned arrest wasn't it?---I can't remember it too much.

Could I just remind you that while he was sleeping you and a number of other officers including officer Kirstenfeldt attended the residence?---Yes, I vaguely remember.

Officer Kirstenfeldt was a mate of yours?---Yes.

Is still a mate of yours, I should say?---Yes.

And he was someone who was on your patrol group?---Yes.

He did a lot of work with him arresting people?---You - you - the numbers on the PROMIS system. I don't know.

He was someone who you had a great relationship with when you were working, is that right?---Yes.

And in - for example, in the CW job, do you refer that Kirstenfeldt was there?---I don't recall.

Do you recall at all with the CW job that you - were you pulled up at all for the interactions in that matter, with CW?---I don't recall.

But back to Luke Madril. Mr Madril exited his home and ran into bushland behind Charles Creek. Do you recall that?---Yes.

You chased him, remember that?---Yes.

According to a complaint made by Mr Madril, after running for a few minutes, he stopped and put his hands on his back and said, "I'm stopped, you can arrest me now." He said that you grabbed him, picked him up and slung him down the hill, causing him to roll three or four times, to collide with a large rock. When he screamed out, one of the officers you were with said "That's got, you got flipped, you think you're good." And then officers started laughing. Is that how it happened with Luke Madril?---No.

Not one of you, the officers who were there at the time, had your body-worn video activated. Do you recall that?---Yes.

This is now April - 20 April 2019. By this stage, there had been multiple warnings about the use of body-worn video, hasn't it?---Yes.

I took you to one's yesterday where back in March 2018, over a year earlier, there had been station wide broadcasts?---Yes.

And you personally had been taken aside and told to use your body-worn video?---Yes.

And yet not one of you had your body-worn video on for a planned arrest?---Correct.

Why not?

MR ABBOTT: Well he can't speak to the others. He can only speak - - -

THE CORONER: Well he might be able to. I don't know, they - - -

MR ABBOTT: - - - how can he speak - he can he speak for the - - -

THE CORONER: Well there might have been - - -

MR ABBOTT: - - - why the others didn't have their body-worn - - -

THE CORONER: - - - there might have been a conversation between them about it.

MR ABBOTT: Well I think - - -

THE CORONER: He can explain whether he can only talk for himself or whether it was an agreement.

MR ABBOTT: Well you - he can be asked whether there was an agreement about not to turn body-worn on. But he hasn't been asked that question. The question that's been put is why did - - -

DR DWYER: Sure, I withdraw it.

Mr Rolfe, why didn't you wear your body-worn video?---I can't recall.

Do you know why any of the others didn't turn their body-worn video on?---No.

Do you recall the other police who you were with that day?---No.

Was one of them Mitch Hansen, does that ring a bell?---I - I can't recall the job.

Is it possible, given your attitude to body-worn video that you told the court about yesterday, and the attitude of some of your cohorts, that there was an agreement not to turn your body-worn video on for the arrest of that young - - - ?---I've never, that I can recall, talked about an agreement to not turning on - turn body-worn on, no.

Well I took you to an agreement to act up for the film on the body-worn video. Do you say there was never a discussion between you and your cohort, about who would or wouldn't turn their body-worn video on?---No I can't recall ever having a conversation like that.

You agree with me that this was a planned arrest, for this young man?---Yeah, I - I think it was a vague plan.

There was no excuse for not turning your body-worn video on in those circumstances, was there?---Again, I can't recall why we didn't do it.

Well you can't think of an excuse, sitting there in the witness box, correct?---No.

Would you have a look at, please, at text message 187. Ms Walz corrects me, Mr Rolfe, we have body-worn video for you, for Mr Madril, but it commences after he's been detained, and injured?---Okay, so that may have been an issue with forgetting to turn it on.

For a planned arrest?---I think - I think, when you're mentioning a planned arrest, it's not a - for example, like a written plan. It would have just been an on the go plan.

You had plenty of opportunity to turn your body-worn video on, prior to the arrest of Luke Madril?---Yes.

And there was no excuse for not doing so was there?---No, not that I can think of.

Could you have a look please at text 187?---Yes.

And Dave Munroe is another police officer, is that right?---Yes.

And he text you, "Hey mate, just a heads up, old mate was complaining about being chucked down the hill, and said he was going to tell his lawyer. Had some knee pain. Didn't want to speak with us about it. Hurts letting you know." Now he later clarifies that he means, he meant to say "Just letting you" instead of "Hurts letting you know"?---Yes.

And you reply, "Thanks brother, expected it." You expected a complaint from Luke Madril, from that night?---Was he a youth?

No, he was 18 - - - ?---Eighteen.

- - - years old?---Okay yes, I think that may have been the time about where - I think it's been mentioned before, Sophie Trevot(?) may have been at NAAJA. We had recidivist complaints coming from NAAJA. And basically, whenever we arrested anyone, we would be getting complaints. So I'd - if I arrested anyone, I'd expect a complaint.

Didn't trouble you to have a complaint in those circumstances then, is that right?---It didn't trouble me when I had - hadn't done anything. Obviously the wrong thing I here done is body-worn video, but nothing else.

I'm told that the complaint didn't come from Sophie Trevot, in relation to this matter. Is it the case that you expected a complaint from Luke Madril, because you knew that you had treated him roughly, and - in those circumstances?---No.

You knew you'd used excessive force in those circumstances?---No.



You just said I think - I'll withdraw that. Did you - I asked you the question, you weren't troubled by a complaint. Did it worry you that this young man, 18 years old, was going to make a complaint that you've used excessive force?---Not really. I believe he had no - no injuries, no cuts or abrasions or lacerations and you'd expect some from being flung down a hill, and rolling multiple times on rocks etcetera.

Well it appears he complained to police that he had knee pain?---Correct, and I - I don't think I just need to repeat what I just said, yes. That doesn't necessarily mean there's any lacerations or.

By that time, had you, at any time, been spoken to by any of your superiors, and by that, I mean sergeants, senior sergeants, superintendents, anyone above you in rank, that they were concerned with the number of force complaints that you had had against you?---Never.

On 11 January 2018, you arrested Malcom Ryder. I dealt with the body-worn video issue yesterday?---Yes.

There were five officers involved I think, in that arrest, do you recall that?---Yes.

Two of them were your - were your good mates, Zendelly and Bonney?---Yes.

The matter went to hearing in 2018, and you gave evidence on oath, is that right?---Yes.

Mr Ryder was found not guilty, you'll recall that?---Yes.

Did you read the decision of Borchers J, in that matter?---Yes I did.

When did you first read that?---I can't recall.

If I tell you that the decision was released on 9 May 2019, are you able to say roughly, how soon after that you read that decision?---Very soon after that.

How was it brought to your attention?---I can't recall.

Were you concerned when you read the decision?---From Borchers J, not at all.

It didn't trouble you at all, that a judicial officer in the Northern Territory, had made findings against you, that you firstly lied, and secondly, assaulted someone?---Yes, and I believe the sentiment was shared by those on the ground floor at least from the  
- - -

MR BOULTEN: Your Honour, I can't hear - can't hear what the witness is saying.

THE CORONER: Sorry.

MR BOULTEN: Okay, I'm not accusing anyone, I just want to hear what he's saying about Borchers J.

DR DWYER: Sorry Mr Rolfe, they've gone?---Sorry, the sentiment that I had was shared amongst the - at least the ground floor of the people that were aware of the complaint in the station. Borchers J had a history of making, I would say, outrageous comments, in his court findings. Racist comments about indigenous people, abandoning their babies, being primitive like in dragging their women out of caves. I believe he mentioned that - or pondered whether there'd be an anthropological issue that would describe why Indigenous people abandon their children so often. He was basically known as a judge in the courts here that made outrageous comments. And I believe he was called to be removed from the bench a number of times. And because we didn't put much weight on any of the comments he'd made previously like that, he was known for making outrageous comments, we put this comment in the same bucket. I also knew that he was wrong about what had occurred. We had a junior - I just had a fairly junior prosecutor. A particular witness wasn't called that would have assisted us, and the defence lawyer was very good at his job.

When you say "we put this in the same bucket", can you tell her Honour who you're talking about?---Generally, the people that I was working with in the Alice Springs station.

All right. Your patrol group?---Yes, potentially. But not - I can't speak for everyone, but generalising, yes.

Okay. You talked about people on the ground?---Yes.

That would have included your mates in the police force, obviously?---Yes.

And I'll just run through them generally, people like Mitch Hansen, Kirstenfeldt, Sergeant Kirkby. Is that right?---Look, I can't name names, because it was so long ago. It's just a general - a general thing.

Certainly that was - well I'll ask you the open question - was that the view shared by Zendelli and Bonney and being involved in that job?---The view shared by them was that the judge had made his findings wrong, yes.

And in terms of the people on the ground, I mentioned a couple of constables. Were there also sergeants who shared the view that you had that there was nothing to be concerned about in terms of Judge Borchers' comments?---No one brought any concerns to me.

In terms of your response to this decision, let me just firstly remind you of some of the things that Judge Borchers said. At page 8, and this is in the brief of evidence, if you want to see it, but otherwise I'll just read it to you?---No, it's all good.

It's 3-143 of the transcript. At the bottom of page 8, he speaks first of all, or makes findings first in relation to actions in the bedroom before you moved out to the lounge area and he says of your evidence:

"In respect to what happened in those four seconds that Rebecca Hayes and Malcolm Ryder were in the rear bedroom at 3 Saltwell Street, I make the following findings:

I cannot accept the evidence of either Constable Rolfe or Constable Zendelli when they say they saw punches thrown by Ryder. Neither Constables Lorraine(?) nor Geranios(?) saw any punches thrown and both were closer to Ryder than Zendeli. A body-worn video shows no punches being thrown. Constable Rolfe and Zendelli's evidence is wrong and is pure fabrication."

Do you say that it didn't concern you at all that a judicial officer in the Northern Territory had made findings that you and another officer had lied?---Correct. I was there. I knew what happened. And I believe it's been established by Superintendent Bryson, who was in charge of crime I believe, and Assistant Commissioner Bruce Porter who was in charge of PSC, that they agreed that Judge Borchers was wrong. I had faith that what occurred would come out, and it seems to have come out correctly, that the police found that the judge was wrong.

The complaint hasn't been substantiated. In part, the problem was the failure of you and other officers to turn your body-worn video on.

MR ABBOTT: Well, I object to that. That's an assumption that my learned friend makes.

DR DWYER: I'll withdraw it.

MR ABBOTT: Thank you.

DR DWYER: Mr Rolfe, what might have assisted you is if you had turned your body-worn video on. Do you agree with that?---Yes.

And you're aware that in the absence of body-worn video footage, it's very difficult to make a finding at the complaint level of the police?

MR ABBOTT: Well, I don't see how he can say it's difficult.

DR DWYER: Are you aware of that?

MR ABBOTT: We're not - - -

DR DWYER: Are you aware of that?---Yeah - no.

THE CORONER: The answer was "no".

DR DWYER: Judge Borchers went on to say this.

THE CORONER: It's probably just obvious, but I don't have a problem with questions being put. Your client can say, I don't know.

MR ABBOTT: It's the inference that's behind the questions that I object to.

THE CORONER: If your client doesn't know, that's the evidence.

MR ABBOTT: Of course.

THE CORONER: And that's what I'm interested in.

MR ABBOTT: But there's a way of questioning. I know the rules of evidence don't apply and I've seen that. That's obvious in this jurisdiction. But at least there is common courtesy to be observed in the way in which my learned friend questions my client. I keep saying, it's not a Royal Commission into Mr Rolfe, it's an inquiry into a death. And you know, we've been here, this is a day and a half, we're going to be here for a couple more days, and I say, your Honour, that my client should be treated with more courtesy than he has been so far.

THE CORONER: I found nothing discourteous in the way that he is being treated and the manner of the examination. Please proceed, Dr Dwyer.

DR DWYER: Mr Rolfe, I'm going to ask you some questions after I read this to you about your response to Judge Borchers and whether you talked about it to anybody else?---Yes.

He says at page 12, he cites you in giving evidence and he says:

As Rolfe said at page 84 of the transcript, "When Malcolm Ryder left the room, he needed to be dealt with because he was a threat. He now needed to be arrested and he had committed an offence and needed to be arrested.

So that's the evidence that you gave. Do you recall that?---I don't recall that, but I accept it.

Judge Borchers goes on to say:

"Only Rolfe says Malcolm Ryder turned and faced him in the hallway and punched him. Only Rolfe says both he and Lorraine tackled Ryder and brought him to the ground. Constable Lorraine's evidence is that this did not happen and he did not tackle Malcolm Ryder. Only Rolfe says Ryder tried to scratch him. Lorraine only saw Ryder's hands, arms raised. Ryder says he had his arms up to his eyes, because of the OC spray.

I find that Constable Rolfe's evidence lacks credibility. He lied. He has lied in a statutory declaration about what happened in the bedroom. Nobody can say

how Malcolm Ryder was knocked out, but him. And he surmises that Ryder may have hit his head while he was being tackled to the ground. If that is the case, it is highly likely that he was unconscious when Rolfe punched him in the face.

It is more likely however that Ryder was punched first to the left eyebrow by Rolfe's right fist and then he received the injury to his right eyebrow when his head was pushed into the floor. How the injuries occurred and in what sequence of events is more likely than not to be in the manner consistent with Malcolm Ryder's evidence; that is, Rolfe deliberately banged his head into the floor as he was being turned over to be handcuffed."

He goes on to say at the bottom of page 12:

"I am not satisfied beyond reasonable doubt that Mr Ryder punched Constable Rolfe in the forehead in the hallway in the corridor between the bedroom and the lounge room. I am not satisfied beyond reasonable doubt that he threw his mobile phone at Constable Rolfe in the hallway corridor.

On this matter, I accept Malcolm Ryder's evidence that he threw his mobile phone into the bathroom, so he could use both hands to place them on his eyes which were affected by OC spray. I am not satisfied beyond reasonable doubt that he attempted to scratch Constable Rolfe's face, as Rolfe was on top of him in the lounge room."

Regardless of what you believed at that time had happened in that house and the evidence that you gave, I suggest to you that they were very strong and concerning findings that the judge made against you. Do you agree with that?---Yes.

Were you then worried enough about it to raise it with any of your superiors in Alice Springs?---I can't recall. I wasn't worried about it. I may have raised it.

When you say you weren't worried about it, is the thrust of your evidence that you weren't worried about it because you didn't respect Judge Borchers?---I knew he made a number of disrespectful comments that meant I lacked respect for him in that regard; disrespectful and racist comments. I found it hard that I could put weight on one thing he said more something else that he said. And I had faith in the system that the complaint would resolve itself, and the right outcome would be found, which it has, in my eyes.

As a starting proposition, do you respect the important role that judicial officers play in the justice system?---Yes.

But you disregarded his comments because you didn't respect this particular judicial officer. Is that right?---I disregarded his comments because I was there and I knew what had happened. And he'd made a number of racist comments publicly.

And you didn't think that anybody else in your profession, as in any other police officers, would be concerned at all about a judge of the Northern Territory making these comments that a constable had lied in court?---No, that's not my evidence.

It is extremely rare, isn't it, for a judge of the Northern Territory to make a finding that a police officer has lied to the court.

MR ABBOTT: Well, I object to that. How could he possibly know that.

THE CORONER: He probably can't know that.

MR ABBOTT: He's not subject to every judgment that every - - -

DR DWYER: I withdraw the question, Mr Abbott. I withdraw the question.

MR ABBOTT: Thanks.

DR DWYER: Mr Rolfe, I'm going to suggest to you that to have a police officer criticised in these circumstances – the circumstances that you were – would – I withdraw that. I am suggesting to you that it is a matter of significant concern for you, as a young professional, to have these comments made against you as a judicial officer?---I wasn't concerned by these comments.

Okay. So what about Sergeant Bauwens? What did he think of these comments?---You'd have to ask him.

MR ABBOTT: Well, how – how we do we know what Sergeant Bauwens thinks?

THE CORONER: Well, I assume that she's asking in a reasonably loose fashion, "Do you know what Sergeant Bauwens thought about these comments."

MR ABBOTT: Well - - -

THE CORONER: Given that were good friends.

MR ABBOTT: Why doesn't – why doesn't – why hasn't the question put in that way? Ask him what Sergeant Bauwens thinks.

THE CORONER: Do you have any difficulty with a question being put about what Sergeant Bauwens thought? I mean, you might say, "I didn't talk to him about it," or you might say, "Yeah, we had a conversation, so I can answer that question." Do you have any difficulty answering that kind of question, Mr Rolfe?---Look, I'm – I'm obviously going to back Mr Abbott every step of the way. I am definitely on Team Abbott here.

THE CORONER: All right. I mean, we can break it all down.

DR DWYER: I will, I will.

THE CORONER: Into one question at a time, leading to a particular position. Or we can ask you a sort of rolled-up question, which allows you to say, "whether or not we had a conversation and whether or not I know anything about what he was thinking"?---Yeah. I – I don't know, is the – yeah.

DR DWYER: In the weeks that followed the decision made by Judge Borchers, Mr Rolfe, did any of your mentors or supervisors raise the decision with you?---Not that I can recall.

Did you raise the decision with any of them?---Not that I can recall. It – but it was definitely widely known.

Okay. And how did you come to understand that it was widely known?---I believe it was just talked about a lot at the station.

Talked about in your patrol group?---And others.

All right. And so it – was it the subject of some jest or laughter from the station? Or how were people talking about it?---I wouldn't say, "jest" or "laughter." I would say – obviously five minutes attended that job – or six? Five.

I could five, but there might – you might be right?---Five or six members attended that job, so that's a small station. So word gets around. I think a lot of people were upset with his remarks and upset that the – I guess the case wasn't put forward as good as it could have done. There was a bit of – even regret on our behalf, because we'd had a discussion between the prosecution, defence that Mr Ryder would agree to plead guilty to hinder, rather than assault. And we had decided to go with the assault, because we believed we had the evidence for it. In hindsight, it would have just been – I still believe the right thing was to push for the assault, because he did assault police. But he's found not guilty, so we believed he did – sorry, I shouldn't say that. It would have been a lot less hassle if we just took the plea. There were some discussions about that.

Okay. From – in relation to that decision, there were five or six police officers involved, did you say? There was six - Ms Walz corrects me. So there were six officers involved in that attempted arrest, or ultimate arrest, but only two were found to have lied. And that was you and Zendelli. Was there any discussion in the police station about the significance of a judicial officer finding that two young constables had lied under oath?---Look, I'm sure there was, but there was no – I can't recall any concern.

Okay. You – you've given evidence of a number of mentors. Two of them are Bauwens and Kirkby. Did you raise with either of them the fact that the judge made those findings against you?---I cannot recall.

Superintendent Vickery was at the station. Did you raise with her the findings?---I can't recall.

And is the same answer in relation to whether or not she raised it with you?---Yes.

Do you think that it would be a matter of some significance to you, such that you would remember, if it had been raised with them?---No, I would say no.

Can't answer?---Yeah.

Was the transcript of – from – that the judge gave of the decision circulated on Instagram and WhatsApp and your phone messages amongst police officers?

MR ABBOTT: You mean by him or by someone he knows? Or by the judge or by the court's authority or what?

THE CORONER: Was he aware - - -

MR ABBOTT: Thank you.

THE CORONER: - - - of it being circulated?

MR ABBOTT: Exactly.

THE WITNESS: Perhaps a little bit. I can't recall.

DR DWYER: Have a look at text message 261, if you don't mind. Sorry, I've given you the wrong number.

MR ABBOTT: 288?

DR DWYER: 288? All right. You see there that you text Simon Gillette?---Yes.

And that's the transcript of the findings of Borchers J?---Yes, I accept that.

And you see at the top of that page it says, "Zen Zen." That's Jen Zendelli, a police officer, is that right?---Yes.

She had – she sent you the transcript?---I would accept that she had.

It looks like it, doesn't it?---Yes.

And then you forwarded it on- - -?---Yes.

- - - to Simon Gillette, another police officer, correct?---Yeah.

And then if you have a look at message 289, please?---Yes.

And Simon Gillette, what was his rank at that time?---Constable.



Constable? Had he gone through the academy with you?---No.

Was – were you senior to him or vice versa?---I was senior to him. We'd grown up together. We knew each other.

All right. Did you encourage him to come to the Northern Territory, into the police force?---No.

You just happened to be there, is that right?---He'd done some previous work here in the Northern Territory, in a different area.

Was he someone you were in the army with as well?---No.

Just coincidence that you happened to grow up together, is that right?---Yes.

That you became – you were good mates, is that right?---Yes.

So he messaged you, "No one can say how he was knocked out. It is" – and then there's a quote from the decision. "It's more likely that Ryder was punched in the face by Rolfe, 'fucking lol." L-O-L. He goes on to text, "Such mystery." And then another text, "Fucking dweebs, man. Too funny, whatevs." And you reply, "Fucking dweebs, ha ha." Is it the case that Simon – you understood Simon Gillette to be making a joke because it was well-known that you would use force in those circumstances? Punched him in the face when it wasn't justified?---No, no.

Why was it so funny, the findings of a judicial officer, that you had lied on oath and assaulted Mr Ryder?

MR ABBOTT: Well, I object. He doesn't say it's so funny.

A PERSON UNKNOWN: L-O-L. That's what that means.

THE CORONER: Well, that's SG.

MR ABBOTT: So that's – that's by Mr Gillette.

THE CORONER: But at 292, we've got a response.

MR ABBOTT: Yes.

THE CORONER: "Ha ha."

MR ABBOTT: "Fucking dweebs, ha ha."

DR DWYER: Yes, so my – I'm sorry, your Honour, I had actually thought that the words, "ha ha," were intending to indicate something funny.

A PERSON UNKNOWN: Laughter.

DR DWYER: Is that the case, Mr Rolfe? Let's just get real about what that message means?---So I – I would like to see my statement about the Malcolm Ryder incident before I answer further questions.

Well, I'm not asking – Mr Officer and/or Mr Abbott will have the opportunity to re-examine you, so they can take you back here. But I just want to ask you about this next text exchange. Simon Gillette, a serving police officer, is sent by you the transcript. He makes a joke about it, isn't he? Doesn't he? "It's more likely that Ryder was punched in the face by Rolfe." He's taking the quote from the judicial officer. "Fucking lol"?---Yes.

"Such mystery. Fucking dweeb, man. Too funny, whatevs." And your reply is, "Fucking dweeb, ha ha." It sounds like you just think it's a bit of a joke, that a judicial officer has made that finding against you?---I can't answer the question without seeing my statement from the day. There's more context to it.

If you can answer a question about this text exchange- - -?---I – I need to know more information.

THE CORONER: But it's not about what you wrote in a statement or anything else. It's just a conversation about the transcript that has been circulated between two people?---Okay, so I won't get my statement, but I believe in my statement, I – and my use of force – I say that I punched Malcolm Ryder in the face, so it should be fairly obvious how Malcolm Ryder got knocked out. Is that – I think that's what he was laughing at. I admit to how he got knocked out. I think that's what he's laughing about.

DR DWYER: Okay. Well, I think the lunchtime adjournment's coming up, your Honour, and Mr Rolfe would have the opportunity to refresh his memory from his statement - - -

THE CORONER: Sure.

DR DWYER: Do you feel that that's important for you to be able to answer- - -?---Unless you accept that. Unless you accept that. Like, I think he's saying that - I think he's laughing at the fact that it - it's deemed that it - it's unable to be - it's a mystery how this man got knocked out, when I admit that I punched him in the face.

So you think he's laughing about the fact that the judicial officer had said "No one can tell how he was knocked out." When it fact it was obvious, because you had already admitted that in your statement?---Potentially, that's what I think that's about.

Your response, at 292, is "Fucking dweeds, ha ha." Who are you referring to, or what are you referring to there?---I can't recall. We may be calling Borchers J, a "dweed".

Well that would fit with your contempt for him as a judicial officer, wouldn't it?---Look, as I've said before - - -

MR ABBOTT: (Inaudible) he hasn't said he had contempt for him.

DR DWYER: Well doesn't it fit with your attitude towards Borchers J, that you didn't respect his decision-making?---Yeah, I didn't respect his decision making in a number of - as I said, a number of racist remarks he's made publically. And I didn't - I knew this decision was wrong.

And because you didn't respect him, you didn't care, what he said, publically, about whether you'd lied, or whether you punched a member of the public in their face, unjustifiably?---I cared, because it's obviously - once it's on the internet, it's on the internet, but I didn't - I didn't sorry for - that I would be found guilty of anything.

But you didn't care enough to raise it with any of your supervisors or mentors, or get advice about how to deal with that as a young officer, did you?---Well I may have, I can't recall.

You remember, don't you, that Mr Ryder was interviewed, at the police station, by two officers, Herbert Fischer(?) and Campagnaro?---Yes.

And this was back in January 2018, before you commenced a romantic relationship with Ms Campagnaro?---Yes.

You didn't know her at all at that stage? Or you didn't know - certainly didn't know her well, is that right?---I believe so.

Did you watch the evidence that she gave in this inquest?---I don't think she was on stream.

THE CORONER: Audio.

DR DWYER: Did you listen to it?---No I didn't.

Did you - have you read any of the statements that she gave in relation to this incident with Malcolm Ryder?---Yes.

Have you read them recently?---Recently enough.

You're aware aren't you, of some things that she says happened - some things that she says you told her about this incident?---Yes.

I'll take you to those in a moment. But I just want to take you to some of the things she says that you might agree with, before I take you back to some of the things I anticipate you might not. She gave evidence, and this is transcript 2754, or 2755. I'm just going to get that up. She gave evidence that some of the time at least, she says the majority of the time, you did not have your body-worn on when you were

dealing with situations with the public. You've conceded that, or - - - ?---Look, there were times.

- - - you've conceded that there were occasions where you deliberately did not turn your body-worn on?---Yes.

She gave evidence that you got an email once or twice from Senior Sergeant Vickery, but you still didn't want to turn your body-worn video on, even after that. You would concede that (inaudible)?---I'd have to see the emails but I - - -

Just - - - ?---I accept there were warnings.

All right, and you accept there were warnings from Vickery, but you still didn't want to turn it on after that?---I was still a part of that culture, yes.

She says that in Alice Springs Police Station, she heard other officers using racist language, including "coons" and the "N" word. That fits with your evidence yesterday, correct?---Yes.

She says that she became desensitised to that language. And that fits with your evidence too, doesn't it, that you became desensitised?---Yes.

She also says, that you told her your view of bush cops, meaning community police, was that they were lazy. That was your view of community police around that time?--I can only speak for specific involvements. I know in my text messages I speak generally. I'm not saying all bush cops. I don't know all bush cops. Plus, there's no such thing as really there's no - you don't join up the NT Police as a city cop or a bush cop. But I speak generally. I have had a number of interactions or involvements where I've dealt with lazy bush cop - cops out working out bush, yes.

But there's a number of text messages, Mr Rolfe, aren't there, where you say things like text 126, you're texting Dave Munroe, "Fucking oath, now the loser has gone out to Alparra and the cops out there will be too lazy to grab them." That's just one example?---Yes.

Text 428, you text Sergeant Kirkby, September 2019, "They're fucking idiots, prioritising lads that go out bush so they can be lazy and do no work." Text message 464, around the same time, Kirkby text you back, "Everyone knows police go out bush coz they're fucking lazy. Maybe that's how - who they're looking for now in order of preferences now, it's blacks, chicks, gays and lazy fucks, then Zach." He's commiserating with you about not getting into the TRG. So there are plenty of messages aren't there, where you complain about bush cops being lazy?---Yes, generalising, we're not obviously speaking about all police officers - - -

Sure?---In general. There was a bit - yeah, I guess if you look at the work load, particularly, and we're not - we don't know, like Alice Springs is Alice Springs. There's a lot that happens up in northern NT that I have no experience with, the bush communities up there.

You're talking about bush cops for the communities around Central Desert?---At the time that I was in, and the communities that we had involvements in, specific job loads, Alice Springs was a lot higher than those communities. And there was instances where people would go out for a - to some communities, certain communities, for a slower pace.

So that certainly fits with what Gloria Campagnaro gave evidence about, which is that you would tell her that bush cops were lazy?---Yes - - -

That's the view you had at the time - - - ?---I've said it, but again, that's - I've stated it generally. I don't - I don't purport to speak for every single police officer that works out bush.

No, but you made general comments?---Yes.

THE CORONER: He's agreed.

DR DWYER: And this is what she says about that - what happened in relation to Malcolm Ryder. Transcript 2753. She says, on the day that she interviewed Mr Ryder, she was very concerned with his head injury. And sometime later, she had a conversation with you. She's asked, "What did Zach tell you?" She says, "He told me that a detective upstairs had scratched him, so that his use - in his use of force documentation, he could say that's why he had used force on Mr Ryder." What do you say about that?---That's not true.

So you just accepted a number of things that I've told you that Ms Campagnaro said are true and accurate, but that one's not?---Yes.

This is what she said about your attitude to Aboriginal people, when she was going - when she was having a relationship with you, 2777. And he - she said there, it's - she's repeating some of the evidence that she's given earlier. It's reading up to her - page 33 of her statement. A conversation that happened in front of her friend, whose name I won't read out?---Yep.

But she was present, and heard it. And you said something like, "Indigenous people's heads are like rock. Like you can't break through them." Is that something that you said?---No that's not. And that friend made a statement that says she's not heard those words come out of my mouth. The police have that statement, and perhaps you do as well.

She said, this is what her - her evidence was about you at that time, "I think he just devalued their lives." She's talking about Aboriginal people. "And I just didn't think that they worth too much to be honest. He just thought it was another arrest, and he just didn't care really." She is referring to Aboriginal people who you arrested. Had you started to develop attitudes where you were dismissive or devaluing the lives of Aboriginal people you arrested?---Not at all and luckily, we have some evidence to

suggest quite the opposite from September 2019, which I'm sure we can bring up later.

MR ABBOTT: I call for the statement.

DR DWYER: It is now requested.

I want to give you an opportunity to respond to this. At transcript 2761, Ms Campagnaro repeats a conversation that she says she had with you. She said "There's a few conversations about going out and killing people an Zach said on several occasions to me and probably to other people too, that he would like to shoot someone, then he can go on a paid holiday because obviously when you shoot someone you can go under investigation, like what is happening now and you go on paid holiday." Did you say anything like that in front of Ms Campagnaro, even as a joke that you didn't mean?---Not at all, no.

This is what she says about the use of force - and it is page 2762. It is quoting from her interview. "So he loved arresting people. He was active - like he was good in that sense suppose, but he didn't care about or liked any of the indigenous people really. I know this because he told me, that a lot of his unjustified forces were just swept away by Senior Sergeants that were in charge of him." Did you tell Claudia Campagnaro words to the effect of, "That you'd be pretty comfortable that your use of force would be swept away or swept under the carpet"?---No, I didn't.

Did you tell her that your unjustified forces were swept away by the senior sergeants in charge of him?---No, I didn't.

Is that something you felt would happen though?---No.

I read to you what I Alister Gall said, that he would take your evidence - - -

MR ABBOTT: Well, in answer to that question, he is not - he is not - not considering there was unjustified forces, which is implicit in your question - - -

DR DWYER: Would you mind waiting till I ask a question, Mr Abbott?

MR ABBOTT: I am dealing with the last question and answer.

DR DWYER: Sorry. Okay.

THE CORONER: Just take a seat, Ms Dwyer. I will hear what the objection is.

MR ABBOTT: The question had the premise in it that he had used unjustified force.

THE CORONER: It did. It was two premises that there was unjustified force that would be swept away and the answer to the concept of that was "No".

MR ABBOTT: All right. I wanted to make it clear that my client is not in any way agreeing that he used unjustified force on many occasions.

THE CORONER: Thank you.

DR DWYER: I thought that as evidence. That is certainly how I took the reply.

MR ABBOTT: Thank you.

DR DWYER: I read to you earlier what Senior Sergeant Gall said, that he would accept your version of events, in effect, without getting a version from an Aboriginal person. Is that something that you could rely on?---I again don't think Alistair Gall brought anything up about race, which keeps getting injected into this line of questioning but no - like no, I don't accept that.

I just need to give you an opportunity to respond to what Ms Campagnaro said, you understand that, don't you?---Yes, but where did the Aboriginality thing come in with Gall? Yes, has that come from you?

THE CORONER: I think it has come from the evidence.

DR DWYER: Ninety-five per cent of the people that you were arresting - or all were Aboriginal (inaudible)?---Yes I - again, I just know if it was put to Gally if you'd he'd do what you're saying with the 95 per cent and the five per cent or - I just don't think it's fair to bring that up with him because it hasn't been brought up to him specifically. Gally is - I've never seen him do or say anything racist at all.

I'm not suggesting for one second - not for one second - that he did or said anything racist. I am asking you what your perception was about whether he would accept your version of events over the version of somebody who had been arrested. Let's leave race out of it?---Let's leave race out of it - that's a good idea. Then no. The answer is no.

This is what Ms Campagnaro said about the use of racist language. She said it was used freely in Alice Springs Police Station. That fits with what you said isn't it?---Yes.

She gave evidence that one of the officers who was using racist language in the station was Sergeant Bauwers. That's true isn't it, when you reflect on it?---No, not at all.

She gave evidence that one of the police officers who was using racist terms freely, was Sergeant Paul Kirkby. That's true isn't it?---No, I can't recall any instances of him saying anything.

She gave evidence - moving away from people who were sergeants - that one of the people closer to you in age and rank using racist language was Mitch Hanson, regularly. Was that true?---Yes, correct.

So happy to suggest that Mitch Hanson was using racist language outside of text messages?

MR ABBOTT: I object to it. He is not happy to suggest it. He is not happy to suggest anything - - -

DR DWYER: I will withdraw it.

MR ABBOTT: Thank you.

DR DWYER: Are you suggesting that Mitch Hanson was using racist language outside the text messages?---Well, I believe like he has suggested that he has, in his evidence.

All right, so that's why you're prepared to say, is it, that Mitch Hanson is using racist language because he admitted it but you're not prepared to say that Sergeant Bauwens or Sergeant Kirkby used racist language because you want to back them up when they say they didn't?---Incorrect.

Is that right?---Incorrect.

See, Ms Campagnaro says there were plenty of police officers who didn't use racist language. There were plenty of police officers who were lovely and very professional and she specifically names Gerianos, Officer Hawkins, Officer Eberl and others. But she gives evidence that racist language was used freely by Sergeant Bauwens, Sergeant Kirkby and Constable Hanson and I am suggesting to you that those three officers whose names I have read, did use racist language?---I disagree.

Well, it's a bit of a coincidence isn't it, Mr Rolfe, you say racist language was used freely in the Alice Springs Police Station but three people who didn't use racist language were three people who texted it. That just strains credibility doesn't it? ---I think if you - when we get to Sergeant Bauwens' text messages, there is actually evidence to suggest that - I can explain a bit more that from my perspective, I'd never heard him say anything like that and I think the text messages can actually show that a little bit.

Well, we will come back to that after lunch.

THE CORONER: We may, yes. We will adjourn for lunch. It is 20 to 1:00 but we are going to resume at 1:30.

WITNESS WITHDREW

ADJOURNED



RESUMED

ZACHARY ROLFE:

DR DWYER: Your Honour, just a few housekeeping matters, if I may?

THE CORONER: Sure.

DR DWYER: Might I mark for identification the Araluen Park video that was shown, Mr Rolfe's body-worn video, should be MFI PPP.

MFI PPP Body-worn video of Mr Rolfe at Araluen Park.

THE CORONER: MFI PPP.

DR DWYER: And the video of CW is – that is, Mr Rolfe's body-worn video, should be MFI QQQ.

THE CORONER: Yes.

MFI QQQ Body-worn video of Mr Rolfe with respect to CW.

DR DWYER: Mr Walls has asked me to remember a 9:30 start for tomorrow morning.

THE CORONER: Thank you.

DR DWYER: So I will try and remember to remind everybody about again. And just in relation to the issue that was raised by Mr Abbott at the start of the day, our officer in charge, Superintendent Morgan, has made enquiries with those involved. As I understand it, they have declined to provide a statement. So there is no complaint that is currently with Northern Territory Police in relation to those matters.

MR ABBOTT: I have (inaudible).

DR DWYER: Further arrangements have been thought, in consultation with Mr Officer and Superintendent Morgan to ensure that Mr Rolfe is comfortable and secure in leaving court today.

THE CORONER: Sure.

DR DWYER: I'm told there were no issues at arriving at court.

THE CORONER: I'm happy to leave that with the police. If there's any issues that need to be raised in court, we can raise them. But the matter is – for any investigation and how that might be conducted, is with police.

MR OFFICER: Yes, your Honour. Mr Morgan has helped with arranging security afterwards, that's fine. I have said to Mr Morgan in relation to whatever assistance is offered in relation to the investigation about, they will speak further with Mr Rolfe. We've got more pressing issues to deal with this afternoon, thank you.

THE CORONER: Sure. Mr - - -

MR ABBOTT: I certainly want to complain.

THE CORONER: Well, that's being heard and no doubt, the police can follow that up with you.

MR ABBOTT: Yes. (Inaudible).

DR DWYER: Mr Rolfe, I was asking you about Ms Campagnaro, former officer of the police, Ms Campagnaro. In her evidence, transcript 2759, she says that – she's asked about the incident with Mr Ryder, and I – as I told you before, she said that you told her you were scratched by the detective upstairs in order to make it look like there had been a use of force against you. What do you say about that?---That's incorrect.

You knew some of the detectives upstairs though, didn't you? That's your evidence so far?---When was this?

This is January 2018?---I can't say.

You can't recall?---Yeah, I knew it was later in the career that I started knowing more detectives.

When did you start knowing detectives?---I knew of them, but I definitely wasn't close to any of them until later, until the 2019 years, I think? End of 2018, 2019.

Who were the detectives that you became close to upstairs?---I'm definitely happy to write them down, is that all right?

DR DWYER: Sure. Mr Coleridge, would you mind providing (inaudible).

THE WITNESS: Actually, I – I got one.

DR DWYER: You got one?---Yeah.

Great, thank you. Your Honour, I'm noting – to ask for at least an interim non-publication order over those names, but that they be shown to my learned friends and then there can be a discussion about that at a later date. But I accept that what Mr Rolfe has done in writing those down is, in effect, expressed a concern – at least at this stage – that their names should be subject to a interim non-publication order.

THE CORONER: Sure, I'll make an interim non-publication order in relation to MFI -  
- -

DR DWYER: RRR.

MFI RRR Names of detectives written by Mr Rolfe.

THE CORONER: MFI RRR, which are the names. I can – with similar documents from yesterday, they've been placed in a sealed envelope. This one will also be placed in a sealed envelope, but it can be – the names can be disclosed to counsel at the bar table for the purposes of these proceedings on the understanding it's not to go further unless there's an application.

DR DWYER: Thank your Honour.

Mr Rolfe, Ms Campagnaro says this – she's asked were there other times in Alice Springs Police, when you were there for your year, where you heard of police officers covering up for each other for the excessive use of force. And her answer is, "Yes. Yes, I did." And she's asked, "Did any of those involve Zach?" And she says, "Yes, they did." She was asked whether she could remember any other specific incident that involved you, other than Ryder, which involved a cover up. And she says, "I remember one involving a river, the Todd River, where he had punched someone in the river with another officer called Barclay(?)." Do you remember that incident? Or do you know of any incident she's referring to?---No, I deny that.

In relation to the idea of covering for each other, you've already given evidence that you don't like to snitch on people. You recall that?---Yes.

And by that, you're making it pretty clear that you were a tight group of police officers and you looked out for each other?---I'm – I'm just saying that I wouldn't want to snitch on people. If I had an issue with someone, I'd take it to them probably initially.

But the court would understand, you're a group of young people and older people working in a tough environment. You obviously want to have each other's back, in a positive way?---Yes.

And you need to feel confident in other officers, that you've got each other's back?---Yes.

But what you must have to guard against, can I suggest to you, is that becoming a bit toxic if people cover up for each other when there's been a wrongdoing?---Yes.

Can it sometimes – or did it feel sometimes like a slippery slope? That it was hard to know when to cover for someone and when to cover-up?---I – no.

That text message with Sergeant Kirkby that I read to you – this is a genuine question I want you to reflect on?---Yes.

It's September 2019. You've been working in a tough environment for a couple of years. This bloke was your mate. He was also your sergeant. He leant on you emotionally. When he says to you, "Thanks for helping me sort it when I lost my shit the other night," and you reply, "Bro, literally no stress at all, I'm all for that shit, I've done the same thing to you more than once, I'm ready to make my camera face the other way and be a dramatic cunt," in effect, you're signalling to him that you're ready to cover for him if he uses force or does something unprofessional. Is that fair?

MR ABBOTT: Well, I - - -

THE CORONER: Is that what you were signalling?---No.

MR ABBOTT: And my learned friend has made a distinction between covering and covering up in her previous questions. I think it ought to be made clear to the witness that, in this question, she's only talking about covering and not covering up.

THE CORONER: I think she's talking about covering up, but I agree there has been that distinction and it should be clarified.

DR DWYER: In effect, is that right, that in that message of 3 September 2019, you're offering to cover up for Sergeant Kirkby when he was at least unprofessional?---Yes.

And the offer there, in terms of covering up, is to make your body-worn video camera face the other way if something happens that's unprofessional that would otherwise be caught?---Yes, and/or raise my voice over whatever was said.

Sure. But the particular message I'm taking you to?---Yes.

Just a commonsense read of it is that you offered to make you body-worn camera face the other way so it doesn't capture something?---Yes.

Being unprofessional. Is that right?---Sorry, yes.

I was asking you just before the break about the use of racist language and this is the last time I want to bring it up with you. You've volunteered some evidence about the use of racist language by other people, and you've admitted use of racist language yourself. When you gave evidence back in November 2022, I'm just going to paraphrase your evidence, this is when you gave short evidence in the first time in this inquest?---Yes.

The effect of your evidence was, wasn't it, that you didn't see colour. You don't treat anybody differently. You treat them the same. You're not policing colour?---Yes.

You're not policing race, you're policing conduct?---Yes.

And can I - I take it that your evidence is that that is your genuinely held belief, that you do not discriminate against people. You are only policing behaviour that people exhibit?---Yes.

But just to understand your evidence, do you accept now, with the benefit of reflection and maturity, that the use of racist language can affect your behaviour adversely?---I accept that it can, but I don't accept that it did in my instance.

In?---In for me personally.

Why would you be different to other people whose behaviour can be affected by the use of racist language.

MR ABBOTT: Well, I object. Where's the evidence that other people are?

DR DWYER: Mr Abbott - I withdraw that. Your Honour, the answer just given by Mr Rolfe is that "I accept that it can, but it didn't in my case." And so, it's a natural question that follows, in fairness to the witness which he well understands why we would put it, why are you confident that doesn't affect you in the way that it might affect others?

THE CORONER: It seems to be to arise directly from the answer that's been given and so arises on other evidence that's in court in relation to how language can ultimately inform behaviour.

MR ABBOTT: I don't see what help an invited speculation about what other people do is going to assist you in your inquiry, with respect, your Honour.

THE CORONER: He's not being asked to speculate on what other people do, he is being asked to provide us with some insight into why he believes it didn't affect him.

MR ABBOTT: I accept what your Honour's saying.

DR DWYER: Mr Rolfe, you've got the text messages there. I just want to take you to a couple of them. This is about your use of language. But before I do, can you answer that question, why are you confident that it wouldn't affect you in the way that it might affect others?---Well, when I said that I treated everyone the same, just flicking through these pages to find the messages you're talking about, I've seen a number of messages where I call people either a "white cunt" or a "white bitch". I would say that I've referred to white people that I am Caucasian more so in that regard than I have referred to any other race.

What are the messages where you call someone a "white bitch"?---There's 296, I've seen - I've called someone a "white cunt" in another incident. If you have the document on a computer and you just control F, and search "white", just flicking through it, I've seen two messages where I've referred to white people, that if I was of a different race, someone could say that's fairly racist.

Have a look at 295 and 296, the one that you just directed us to?---Yes.

On 22 June 2019, Sergeant Kirkby, same officer who you were joking about in relation to the - I withdraw that - same officer you had said you were happy to make your body-worn video face the other way, he texted you on 26 June to say, "Hope your body-worn's on!"

MR ABBOTT: 22 June.

DR DWYER: 22 June, thank you.

THE CORONER: Text 293.

DR DWYER: "Hope your body-worn's on" You respond, "Ha ha, on the whole time." I'll just pause there. That's another instance, isn't it, where you're joking about the fact that you don't turn your body-worn on sometimes, or you turn it on and off?---I believe that would have been in regard to this particular person. I believe we probably would have made - I can't say that, for example, she could have struck someone who was going to make a complaint.

And in those circumstances, there was it appears, a culture that developed at least between you and Sergeant Kirkby and perhaps others, of just turning your body-worn off then if you suspected someone might make a complaint?---No, the opposite. That's why he's saying, "I hope your body-worn was on the whole time!"

So you're saying that, in those circumstances where someone might have a complaint, you were absolutely fastidious about turning your body-worn on. Is that right?---Well, because now we're towards the end of 2019 where I've improved my body-worn usage. Obviously, we culminate the three months from now where I did utilise my body-worn video on the night of the incident.

So do you look at that text message and know exactly what job it refers to?---Not at all.

So you're just speculating, are you, in relation to what you're joking about there, about body-worn?---Yes.

You're not aware of any body-worn video in relation to a particular incident that covers that date. Is that right?---No, I'm not.

The exchange goes on where Sergeant Kirkby says to you, "Who was the silly bitch?" And you reply, "Fuck knows, some white bitch who thinks she's Aboriginal." And he replies to you, "Lying in the dirt pissed, doing a fucken good impression." Sergeant Rolfe - I withdraw that - Mr Rolfe, Sergeant Kirkby's exchange to you, as a senior officer, I suggest to you is extremely racist and unprofessional. Do you agree with that?---I would say yes, but I'm still being utilising - I'm utilising the - I call someone an Aboriginal.

No, stick with my question and then I'll give you every opportunity?---Sorry, yes, yes.

It's extremely racist and unprofessional. Do you agree?---Yes.

I'm suggesting to you that that was a very poor example to be set for you as a young officer in that station. Do you agree with that?---This is not a professional matter. This is a private matter. I would separate the two. I would separate the two, and I was able to compartmentalise the two into private matters and professional matters.

Just think about this really carefully, I appreciate you don't want to snitch on your mate, but you were a young officer there. For a sergeant you look up to, someone who lent on you emotionally during that year, he's supposed to be providing you with guidance, isn't he, as a sergeant?---Yes, which he did.

He's supposed to be setting a standard, isn't he, for you?---Yes.

He's supposed to be exhibiting what professional behaviour expectations are in the Northern Territory Police, isn't he?---Yes.

And then he messages you, "Who was the silly bitch?" And when you reply, "Fuck knows, some white bitch who thinks she's Aboriginal." He replies, "Lying in the dirt pissed, doing a fucken good impression." That's an extremely poor example to have been set as a young officer, isn't it?---Yes.

And you used the term "white bitch" there, but you it in circumstances where you're saying it's a white bitch who thinks she's Aboriginal. And why did you write that?---I can't recall at the time. I imagine - I'm speculating again, because this is from past experience - some of the things that us police officers in town are called by people in town are obviously such things like as "colonisers" or "Captain Cook white cunts" on a regular basis, which from an Indigenous person makes sense, but from a Caucasian person, it doesn't make sense. So perhaps she's a Caucasian person who said this, because I've had that experience as well.

You don't think that the use of terms by members of the public towards police defies racist language, do you?---No. But again, it would normalise it.

Does it excuse it in any way?---No, just normalise it.

I think you said earlier when I asked you about the body-worn, this is June 2019, you're well into the time when you were turning your body-worn video on to cover jobs. Is that right?---Well, I guess I'm utilising it more.

Well six days later, there's a matter involving Antonio Woods(?), do you recall that?--  
-No.

I ask you to accept that you did not turn your body-worn video on for that matter, would it surprise you to know?---No, I'd accept that.

In relation to some of the messages. Have a look. I'm just asking you about yours, because I'm going to ask you to reflect on them at the end of these questions. If you wouldn't mind turning up 209. This is an exchange with Officer Sykes, he was then another constable, is that right?---Yes.

He'd joined the Northern Territory Police after being in the military for a while, is that right?---Yes.

He was a mate of yours before he joined up?---Yes.

And you encouraged him to come down to Alice, is that right?---Yes.

Is he still a mate today?---Yes.

And he text you in April 2019, "Heard you had a rough arvo, yesty, grubby fucks." And then there's something about equipment. And you reply, "Nah bra, just slightly in mourning, ha ha, coons man." So there's the use of that language, which you've admitted had - had been used?---Yes.

And at that stage, it was well and truly normalised between yourself and other young constables, including Officer Sykes?---I wouldn't say it's normalised at all. That is the one time I've said that word in the entirety of my messages. Which I believe could reach up to approximately 20,000 messages in these exchanges.

But it's not the entire time - it's not the entirety of the time that you used that language while you were a serving police officer, in the police force, in the station, is it?---Where's the evidence of that?

Well I'm just asking you?---Well no. This is the only time I've ever - I've said that.

But it's the only time you've texted it, and that means it's the only time you've ever said it, is that right?---Yeah, I - I don't say that word. It's - there's no excuse for saying it. I am sorry I've said it.

Sergeant Bauwens used that term in text message - in a text message with you, didn't he?---Yes he did.

There's a text at 241, if you look at that please, this is from May 2019 - - -

MR ABBOTT: Well before - before we go on. Can my learned friend confirm that this is the only occasion, in these text messages, or - - -

DR DWYER: Well, Mr Abbott - - -

MR ABBOTT: - - - I mean this - - -



DR DWYER: - - - has access to the brief in the same way that I do, and so he's free to do control f search as well. The question I asked, was whether or not Mr Rolfe used that term outside the text message.

MR ABBOTT: Well first of all, you asked inside the text - about the text messages. He was told this was the only time. Now - - -

THE CORONER: And - - -

MR ABBOTT: - - - you know, I wouldn't like the impression to be given that there's something else. There's - he's said there's 20,000 of these text messages. We've only got a small selection here. This is very fitting - - -

THE CORONER: No, you've got the entirety of the text messages. A lot of work was done to identify those which might be used by any of the counsel, and that - - -

MR ABBOTT: Well I think I've been given 115 pages with text messages.

THE CORONER: Yes.

MR ABBOTT: But that's it. I haven't seen the other 20 - 20,000.

THE CORONER: Well it - they're in the brief.

DR DWYER: Mr Rolfe, I just want to take you to one other term?---Mm mm.

Two four one. It's a text message to a member of your family, do you see that?---Yes.

And you say, half way down the page, you're talking about how tough it is for you in the job at that moment?---Yes.

And you say, "I know it'll get better. It's just a moment in time and I'm being a pussy. I'm sure I work a lot harder than most people. Just don't get why all that work has got me to the point where it's my job to look after Neanderthal who drink too much alcohol, ha ha." You "Neanderthal" you were referring to the Aboriginal people who you policed?---No.

You were referring to Aboriginal people you arrested, is that right?---No.

Who did you say that you were referring to when you used the term "Neanderthal"?-- -I was referring to the entirety of the population, regardless of race, who I considered drink too much alcohol at that time that I was dealing with.

You didn't regard that term as racist, is that right?---No. I'm using it - I'm not using it in regard to race.

You sounded genuinely surprised there. Are you seriously - are you suggesting that you're not - you did not intend to be racist there, is that right?---Yes, I'm not using that term in regard to any particular race. I use that term - I use that term a lot to - in general.

MR BOULTEN: Sorry, just didn't hear the witness.

THE WITNESS: I use that term a lot in general, sorry.

MR BOULTEN: Thank you.

DR DWYER: Where - in what other context would you use it?---I've got a few mates who are a bit meat head, zing(?) guys, I call them that. Non-Indigenous they are. Also we use that term a lot, it came - we use it a lot in the Army and stuff. We just use that word.

I took you to the text at 295. You understood full well, when you were having that exchange with Sergeant Kirkby, that it was intended as a racist slur against Aboriginal people, when you texted Sergeant Kirkby at 296, in response to him asking you, "Who was the silly bitch?" "Fuck knows, some white bitch that thinks she's Aboriginal"?---No.

You didn't understand that to be a racist slur?---No, I - I - no, this is how I explained it before.

All right, well when he texted you back, "Laying in the dirt twist, doing a fucking good impression." You certainly understood that to be racist, didn't you?---Yes.

In your opinion piece in the NT Independent, in February 2023, you seem outraged that the private messages are even being bought up in this inquest. Is that fair?---Yes.

And that's the thrust of your evidence yesterday, that - correct me if I'm wrong please, that you are still angry that your private messages have been exposed in this inquest. Is that right?---Yes.

I want to ask you, putting that aside, when you are reminded of these messages, and of racist exchanges that went between you and other officers, what is reflection, about your own conduct?---I should have done better. And there are definitely words and themes that I should not have used at all. And I should have done better in - in certain incidences.

As in, I should have done better and not used this racist language in text exchanges, do you accept that?---Oh yes, yes.

And you should have done better, and not used the racist language in exchanges in the police station?---I've never said that I've done that.

MR ABBOTT: Your Honour - - -

DR DWYER: Did you yourself, use any racist language in Alice Springs Police Station?---Not that I can recall.

So it wasn't you, it was just other people in the station, is that right?---As far as I can recall.

So, your evidence is that there were plenty of police officers using racist language openly in the police station, but not you, not Sergeant Bauwens, and not Sergeant Kirkby, even though you were texting them to those officers?---Yes.

Even though you were texting racist messages with those officers?---Yes.

I suggest to you, Mr Rolfe, that that is not correct, that is not truthful evidence - - -

MR ABBOTT: Well I object - I object - I object to this. Where's the evidence in this hearing, that you've already received, from someone, apart from Ms Campagnaro that he was - - -

THE CORONER: Why does it - why should there be evidence - - -

MR ABBOTT: - - - that he was using racist - racist - - -

THE CORONER: - - - apart from Ms Campagnaro?

MR ABBOTT: - - - why was he - where's the evidence, that he was using racist language in the police station in Alice Springs?

THE CORONER: Well you've already identified one witness who said that he was.

MR ABBOTT: Well, yes, and - and the objections to her evidence are many, and obviously they'll be made in terms of submissions. But there's no one else who doesn't come with Ms Campagnaro's baggage, whose given evidence, who has said that he has used racist language, in the police station. I want to make it clear that I know of no evidence. And if my learned friend has evidence of - from someone else in this "and it's gone on for years", as to him using racist language in the police station, let me hear about it.

DR DWYER: Your Honour, it's abundantly clear, as your Honour has identified, that Ms Campagnaro, gives evidence, that a number of officers were using racist language in the Alice Springs Police Station. One of them was Mr Rolfe. Another was Sergeant Bauwens, and another was Sergeant Kirkby.

Mr Rolfe, what do - I'm giving you another opportunity to reflect on it, is it the - is it possible, that you used racist language, at any time, openly, in the Alice Springs Police Station?---No I don't think I did.

Do you say to her Honour that her Honour should accept your credibility in that regard and not Mr Campagnaro's?

MR ABBOTT: Well, that's a matter for - it's not a proper question to put.

DR DWYER: It is. I withdraw it.

MR ABBOTT: Thank you.

DR DWYER: We suggest to you, Mr Rolfe that you're telling - you should be believed when you say to her Honour that you did not use racist language. Is that right?

MR ABBOTT: I give up.

THE CORONER: I think he is giving evidence under oath.

DR DWYER: When Officer Hanson gave evidence about this he acknowledged a sense of shame in the use of these text messages. Have you read his evidence? --Yes, I have.

Did you listen to him give evidence?---No.

His evidence includes this, at transcript 2701. He is asked, "Do you think there is an important lesson here for other police officers that you will be able to pass on?" This is one of the reflections he gives about the racist language. He says:

"You know, I've had - just in the last couple of days since coming to Alice I've had some pretty wholesome conversations with some of the guys that I worked with back then and it's been quite encouraging because, you know, the other guys have seen what I'm going through and they're looking at it going, 'Man, even I've reflected, you know'. And it feels good. I don't even - although I am deeply offended by my own conversations, the growth that I've got from this is sort of like it's little bit invaluable, something that I can, you know, it's an experience I can pass on to my young fellows and it gives me experience in owning my mistakes, I guess. And that is seen by other members I work with and they are doing the same thing without me prompting them, which is awesome."

So the question I've got for you, having had the opportunity to listen to that evidence is, are you offended also by your own conversations?

MR ABBOTT: What conversations though?

DR DWYER: By your own racist conversations.

MR ABBOTT: He hasn't said he's had racist conversations.

THE CORONER: The text messages.

MR ABBOTT: The text messages - that's one thing. Conversations are another.

DR DWYER: Are you offended, Mr Rolfe, by your own exchanges in your text messages?---I don't know if me being offended is the right word but yes, I feel like – I feel a sense of shame and definitely regret and - “shame” is probably a better word than “offence”, per - I don't - yeah, in that - regard to my personal offence - does that make sense?

Has it resulted in any reflection and growth on your part do you think?---Yes.

In what regard? Is there anything else you want to tell her Honour about that before I move on?---No, I am happy to move on.

In around April 2019 I think you booked in for the Ronin Close Protection course, is in South Africa, is that right?---Yes.

What were you hoping that would help with?---I just wanted to do a course and upskill myself as I'd said previously, it was difficult to get on courses in Alice Springs - sorry, it was difficult to get in courses as the police courses were run in Darwin.

Okay. Were you ready to quit the police force by that stage do you think?---No.

Did you think that it might assist in keeping up your skills for the TRG, for example? ---Yes.

Than help you progress in the organisation in that sense?---Yes.

If you could have a look please at text 242. You message a family member to get the phone number of Ben Roberts-Smith?---Yes.

Which you had previously and you just wanted it to be sent again, is that right? ---Yes.

You wanted to ask him if he, quote, “Knows of any actual good private work going at the moment”?---Yes.

And your plan at that stage was to - I am quoting from you - “Just going to try and find the most wild work to do all around the world, I guess”? Text 248.

THE CORONER: Text 248?---Sorry. Yes.

DR DWYER: Does that refresh your memory, or does that indicate that, in fact, you did want to leave the force at that time?---Yes. That refreshes my memory and I guess if there as a better option elsewhere then I would be willing to leave.

And a better option might be doing private contract work overseas in what sort of way?---Depending on the job, I'm not sure. But yes, it would just depend on the job.

Well 249 you'll see there's a message that you sent to Ben Roberts-Smith?---Yes.

And halfway down it says, "I'm at work at the moment but was going to see if you were free something - some time for a chat about some work. I'm heading over SA soon for that Ronin course, maybe just for shits and giggles but yes, policing is good but it's not going anywhere and I need some wild times badly."

And you - here he says – 250:

"Understand, mate, and happy to chat. I have a few different contacts running contracts out of Kabul, Afghanistan, Syria, Iraq and Libya Africa, we will be able to connect you with the right people and doing the Ronin Course will add value to your CV."

And your response at 251 is:

"That would be good, yes. I know it sounds dumb to some people but you get it. I just want some dangerous shit (while being professional..) TRG will happen at some point. I've already passed, just waiting for a spot but they're about to run a new course and they're going to pump a few girls through, so with the new diverse world those girls will take priority over me so I've got time to do other stuff."

And he writes back:

"All good. Let's chat next week and I'll give you some insight".

That's 252. So it's pretty clear, isn't it, from that exchange that what you were interested in at that time as still the high adrenaline, exciting stuff that you could get from the Northern Territory Police Force on a small number of occasions and that you wanted elsewhere?---Yes.

Who were the "donut boys" that are referred to in some of those messages?---That's just me and my mate that e like to eat donuts sometimes.

Is that Sykes and Hansen and Kirkby or?---Just me and Sykes, yeah.

You did jobs, did you, with Sykes in the force?---Yes.

If you have a look, please, at 298. You see there a blurred image. Can I ask you to accept - and you'd probably accept it - but that's body-worn video footage, is that right?---Yes.

Is that body-worn video footage of a home invasion that you attended?---Yes.

And it as one where you explain that home invasion a little bit more at text 300. You'd sent the video - it's pretty clear - from 299 to your mother and father?---Yes.

And with the text, "Mark and I kicking indoors" and then, "YEWWW" which indicates that it a was high adrenalin, high octane, is that right?---I guess, yes.

And then you text your parents:

"Home invasion, dudes broken in with a knife to attack the victim who locked himself in the bathroom. The offenders got away, we've heard it before, but dropped the knife before we got in the doorway."

Door it's supposed to mean.

"I'm the point man, you can hear my voice. We've been having a sweet time. Mark and I have been working together the last week and got so many high priority targets. It's good for Mark, so he already has a sweet rep(?)."

And the response is at 301:

"Awesome work, darling. I love the little cameo of Mark at the end."

And then the response from your dad, "The donut boys strike again!" with an exclamation mark et cetera. So it was, in effect, you texting your parents celebrating that high adrenalin/high Octane work?---I think it was just us bragging - unprofessionally bragging about this one particular incident that was, from a policing sense done well but it was just unprofessional bragging.

You were still a young bloke at that time - relatively young?---Yes.

And you've acknowledged that that was unprofessional - with the benefit of maturity, you can see that more clearly now, is that right?---Yes, definitely.

You understood, did you, that it was a breach of the rules?---Yes.

Being the subject to - you sent the body-worn video footage. I think you have acknowledged this previously, but to a number of other people as well. Is that right?---(No audible response).

I will give you an example just for - - -?---Yes, I'll - yes, I'll accept. Yes.

I will just double-check that I meant to use initials for this. Just have a look at 354, if you don't mind. There's somebody by the name of NK - is that a police officer?---No.

So that's another example of a civilian that you are sending that video to?---Yes.

Again, it's unprofessional bragging about the high adrenalin, high octane (inaudible) is that right?---It's - I agree with - definitely agree with the first part but I would - I'm not sure if I agree with the second part but at the level of - about the job.

Okay. Unprofessional but why are you sending it to that person?---Because in that instance I guess it's a good - it's a good example of the tactics of to clearing a house and I unprofessionally, immaturity, thought my mate would appreciate it

Is he someone you had been in the Army with?---Yes.

I took you earlier to an exchange, or a number of exchanges, about your frustration in relation the TRG. You had four deployments with the IRT in 2018, four in 2019 – before 9 November – and you – I think you've already conceded you were getting frustrated that other people were getting into the TRG before you and you regarded it as an unfair selection process, is that a fair summary of- -?---I – yeah, I regard it as not based on merit.

Not based on merit?---Yes.

One of the messages that you send, it's text 260 if you want to have a look at it, is you to Constable Hansen - - -

MR ABBOTT: What number is that?

DR DWYER: 260. And you say, "Bro, did you hear BB passed TRG? What a fucking joke. Her and two others." And you're referring there – we've redacted the name – but to another Constable, who was actually a friend of yours, wasn't he?---Yes.

And you had less respect for her tactical skills than your own?---Yes. I'd done some – so she's an amazing cop, amazing person – I'd done some – she'd done some training with us to attempt to, I guess pre-training in regard to trying out for TRG. Mitch Hansen, at that point, I don't believe had passed TRG selection. He'd attempted one selection and wasn't – so you do the initial two-day, then you do the firearms week. Generally, firearms week – a bigger fail point is safety or trainability. I guess, in my knowledge of comparing the two – this is just based on my opinion, and I'm also supporting Hansen – is that he should've – if she's passed, his tactics or his skills and trainability would probably be at a higher level and in that – in that regard – that – that probably explains it.

All right. You're a young bloke. You've only been there a couple of years. I appreciate that you're impatient and you're frustrated, but it was unprofessional to message another police officer, being critical of a female – another – a female officer for getting into TRG in that regard?---So she passed a selection. I guess my frustrations at that point was in – as I mentioned in the previous message before – it was my belief now that the selection process would favour a woman over me. That was my belief at the time. I don't think it was – it was sent privately because if I said



it publicly then yes, it would – or in a professional sense, it would be unprofessional, but it was sent privately.

Did you start to – or did you, looking back on it, develop an attitude which was disrespectful to a number of the women in your workplace?---No.

Have a look, please, at text 353. Do you see there an image that you sent to Constable Hansen?---Yes.

Of - I did once know where that was from, but it was – it's from a particular - - -

MR ABBOTT: Which chapter is that?

THE WITNESS: I think it's from Batman.

DR DWYER: From Batman?---Yeah.

353. And it's a photo of – I don't know, how would you describe it, Mr Rolfe?---I think it might be De Niro or someone playing the Penguin.

Okay, so it's some – it's a Batman movie, it's De Niro playing the Penguin, it's- - -?--- Or I might be wrong, but it's someone playing Penguin. DeVito.

It's Danny DeVito playing the Penguin. The point is, it's a fat or rotund characterisation of an ugly character and the message that you send is, "Literally 50 percent of the women at our work." And then, "Girls shaped like this talk the most shit."

MR ABBOTT: Well, I object to this. Where's – what's the point of all this?

THE CORONER: Well, there's going to be a question about it, and it's to do with attitude – disrespectful attitudes to women.

MR ABBOTT: Well, it should be put to him, no disrespectful attitude towards women and how this is being put to him, as I somehow - - -

THE CORONER: Well, it's being challenged. He's being – he said he did not develop a disrespectful attitude to women at work and now it's being suggested, through his text messages, that – challenging that answer, given that he said, "literally 50 percent of the women at work," "Girls shaped like this talk the most shit."

MR ABBOTT: Well, what's that got to do with the – with the death that you're investigating?

DR DWYER: I can answer that question. On 9 November, there's an issue which my learned friend must know about in relation to instructions that were given by a female - - -

MR ABBOTT: This is Ms Frost you're talking about.

DR DWYER: - - - bush police officer, Community Police Officer, called Sergeant Frost. I'm asking Mr Rolfe about his attitudes to women in the event that they affected his ability to take instruction or his communication with Sergeant Frost on 9 November.

MR ABBOTT: Well, I object to this.

DR DWYER: I press the question.

THE CORONER: Yes, in my view, attitudes to women that developed – either may or may not have developed in Alice Springs Police Station or may or may not have developed in relation to Mr Rolfe are relevant to the issues in investigations.

DR DWYER: May it please the court.

Mr Rolfe, does it fairly represent how you felt about 50 percent of the women in your work?---No. Again, I am talking rubbish. I – I respect women a great deal if – on a base-by-base basis. Nothing to do with their gender. I do have a judgmental attitude to overweight police, regardless of gender. I think it puts you at a risk in certain areas to the public and I have – I guess I have a high level of expectation of police officers to perform their duties.

So the point of sending that was to be critical of 50 percent of the women at your work because they were overweight, is that right?---I think it's a – a lot of shit talk. Unless we line out all the women at the Alice Springs Station, I can't say 50 percent. That's just an exaggeration, but there seem to be – potentially, I was working a few police officers who are overweight.

And is shit talking about your colleagues in a text exchange with another young police officer – what do you think about that now, on reflection?---Again, I think private conversations like this are a way in which people vent.

Do you think it might have been a reflection of your attitude to those officers when you were with them, in terms of a lack of respect for them?---In regard to overweight police officers, I held that attitude. It put people at risk sometimes.

You were at – I take it – in that regard, evaluating their tactical skills, or their ability to engage when you say, "it put people at risk"?---Not necessarily. The best example would be up Mount Gillen, when you could run up it years back. Just before the incident at point. A young Alice Springs doctor, I believe he was only in his 30s, had hiked up Mount Gillen and he'd called up the police. And he was – knew he was having a heart attack coming on. Two police attended. One of the police officers couldn't leave the carpark to make the trek up the log – up the – Mount Gillen, because he was too overweight and that would end up with a second casualty. That – the other police officer wasn't fit either. He got up to Mount Gillen. By the time he got up to Mount Gillen, an 18- or 19-year-old girl was conducting CPR on the doctor.

The doctor had found this other – this woman, young woman, had given her instructions before he lost consciousness. The other police was too – according to the report – was too puffed to conduct CPR, and the police officer that should've helped this young woman out stood there while this young woman kept doing CPR. This is what I'm talking about when it's putting people's lives at risk.

Mr Rolfe, you go on to text Constable Hansen. Just have a look at the following exchange. It appears that Constable Hansen, as he was then, was at Borroloola?---Yes.

On 12 July, he messages you in response to you asking if Borroloola's going all right. "Yeah, been a bit hectic. The cops out here have fucked this town. They've been letting the," N-word, "drink wherever they want, ha ha." Senior Constable Hansen has already given evidence about that text message. He has apologised profusely, he's reflected on it deeply. Your response to him is, "Bush cops are fucking shithouse." He says, "Ha ha, got the photo." And then your response on 12 July is, "Girls and bush cops all disgust me, ha ha." Even accepting you are just "shit talking" with another colleague, what do you think about that on reflection in terms of, did it accurately reflect your attitude to a substantial number of the female police you were dealing with?---Not at all. That's why I'm saying it's shit talk. I've said similar things about generalisations about all men.

Do we find in any of these exchanges anything about literally 50 percent of the men at our work with a similar photo?---I'd have to - - -

"Man, bush cops are all just boys and bush cops all disgust me. Ha ha"?---If we went to my 20,000 messages and I controlled F, I'm sure I could find some large generalisations about men.

Well, no doubt there will be an opportunity it re-examination for that to happen.

THE CORONER: There's been every opportunity for any additional text messages to be added to those that have been extracted, but anyway.

MR ABBOTT: Well, the opportunity we got was an opportunity before this cross-examination.

THE CORONER: Sure. And the opportunity continues.

MR ABBOTT: And so now the opportunity is still being given and we will consider it. So I wouldn't like people to think that we've had the opportunity and not done anything, and there are no messages, because we'll examine the 20,000 text messages in accordance with my client's wishes and probably canvass some more. Make the picture complete.

DR DWYER: Well, I think that invitation has been extended on a significant number of occasions and repeated on a number of occasions, as Mr Officer is well aware and will no doubt be able to assist Mr Abbott.

THE CORONER: And the offer remains (inaudible) Mr Abbott - - -

MR ABBOTT: Thank you, your Honour.

THE CORONER: - - - of your own device.

DR DWYER: In relation to your attitude to bush cops and the way in which it was shared with other officers, I've taken you to a couple of messages, but you see them again here, don't you?---Yes.

At 360 and following where Constable Hansen says, "No need for FOMO(?). They don't want us to police properly." You say, "Fuck, have the losers taken over?." He refers to a particular police officer at 362. I take it that that person is a police officer. Is that right?---I believe so.

TM?---I believe so.

Okay. And that person, I don't think there's a nonpublication on the name, but let's - - -?---I just don't know.

I've used the acronym, sure. It's 362, she was a sergeant of police. Is that right?---I don't think I - yeah, I don't know.

The message sent to you by Officer Hansen is, "Tanya Mace is here and doesn't want us to 'ruin the community by getting them offside.'" And you respond back, "Damn man, that's shit." And it's pretty clear from that exchange, isn't it, that what you understood was that Constable Hansen had been told by the sergeant there in community, "You need to not go too hard. You need to make sure that we maintain good relationships with the community." Is that what you understood by that message?---I understood that to go a little bit further than that and potentially be to the point where you need to ignore certain laws being broken as the priority.

I'm told that her rank at that time was a senior sergeant. Do you accept that in that exchange, there is an expression of contempt or at least - I'll withdraw the word "contempt", there is an expression of a lack of respect for the important role of a senior sergeant in a community?---I would take it as a lack of respect in her, I guess, warning to them in that incident. But I wasn't there.

Do you think, looking back on it and the young man that you were then as an officer, and accepting how impatient you were and enthusiastic and confident in your own skills, that that is an example of exhibiting arrogance towards another - or arrogance in the situation?---Well, I didn't send that message.

Sure, but you engaged in it with another police officer where he's saying that this senior officer there, she was a senior sergeant, doesn't want to ruin the community by getting them offside and you replied, "Damn man, that's shit."

MR ABBOTT: Well, I object, because it's not clear from your question as to who he's determining should be exhibiting arrogance. The question is, did he - is he claiming he has arrogance.

THE CORONER: Yes.

MR ABBOTT: That's one thing.

DR DWYER: Thanks, Mr Abbott.

That's what I'm asking you to clarify, do you think that it reflected your arrogance in having that exchange with Officer Hansen?---I don't know.

Do you think it reflected a lack of understanding you had at that time in July 2019 about the important role that is played by officers on the ground in community?---I'd had - by that, I'd had a number of very good interactions and deployments to Borroloola with a previous OIC at the station out there.

Who was that person?---Her name was, I believe, Melissa Sanderson. So I definitely - we engaged with her very well and IRT worked with her extremely well. And I believe we got fairly glowing reports from the rank for our work up in Borroloola. So I'd seen how she had worked. I appreciated how good police work could be done out there. Obviously, everyone is an individual and I think has to be taken on an individual situational basis.

Let me ask you this, this is - the actual communication there is Constable Hansen saying to you that a senior sergeant is here and she doesn't want us to "ruin the community by getting them offside." And you reply, "Damn man, that's shit." Do you think that exchange reflects a lack of understanding by you at that time of the importance of community engagement?---I think it's reading in a bit too deep into it. I think from knowing myself and knowing Mitch, I believe we're talking about the - about potentially - because I understand what you're saying, but I don't think that's what this message is about. I think he's sort of complaining about the fact that they were instructed merely to not uphold the law in the preference of having some members of the community happy with them.

All right. Do you think that it reflects a lack of understanding by you at that time, that there might be a good reason why you let some things slip so that you engage the community, if you deal with the bigger picture issues?---I agree with that, that in community, you may let some things slip. I would imagine that Mitch isn't talking about those small offences.

Do you think, at that stage, that you lacked a proper appreciation of the importance of the role of community police?---Look, I don't think so, no.

I want to take you to the end, towards the end of 2019, one of the messages towards the end of 2019 is one I've already taken you to, which was at 426, the exchange begins, and I don't need to go back to that whole - but on that - that's the start of the

conversation with Sergeant Kirkby in these texts when you say, "I'm putting in for the TRG spot again, 90 percent chance I won't get it. They're prioritising applicants with bush time. Four other applicants have got bush time."?---Yes.

"But I've got to put the paperwork in anyway." And so, even by this stage, you're still frustrated by not getting into the TRG. You think it's probably pretty hopeless, given that you've been overlooked beforehand, or at least there's a good chance that you won't get in?---Yes.

And Sergeant Kirkby says, "True, you've got to put the paperwork in. How does the bush time put your application ahead. It doesn't. It's just an arbitrary decision made by the bosses." And you write back, "Ha ha, I know aye. They're fucken idiots, prioritising lads that go out bush so they can be lazy and do no work." I mean, that's certainly an expression by you to Sergeant Kirkby that you think, at that stage, that people who go out bush are doing it so that they can be lazy. Is that right?

MR ABBOTT: I object to this. We've heard all this before. We've been through this.

DR DWYER: I just asked - - -

THE CORONER: I don't believe that we've been to this text, Mr Abbott.

DR DWYER: No, we haven't. And I would just ask Mr Rolfe about his attitude towards community policing and whether it reflected a lack of understanding.

So I just want to remind you about this text message and give you an opportunity to reflect on it. Do you think, looking back and reminding yourself of that text message, that you had a lack of understanding and appreciation about the importance of work of community policing?---I don't concede that, only because I know that I am, again, I'm talking shit. It's a private message. I am aware - I am intelligent enough to know that when I speak about something so general like bush cops, I don't know every single bush cop. I know an extremely low number. In my involvements with bush police, and I'm intelligent enough to know that this is where this generalisation, venting attitude comes from, my only involvement with bush police, maybe at all, was when they had needed assistance of us, to help them with part of their job. So I obviously - no bush police is going to email Constable Rolfe and say, "Hey man, just letting you know we're so busy and this is how good we're doing it at - at our job" - - -

Sure (Inaudible) - - - ?---So I'm only getting negative interactions, if that makes sense.

Isn't that the problem, Mr Rolfe, that you didn't have the opportunity, to work in community, or to get to know community police, or to understand the pressures of their job, or understand all the good work they did with the community engagement - - - ?---Yeah, correct, but I know that - - -

- - - as there was a lack of understanding - - -?---Correct. I knew that I didn't have that. So this is just - it's meaningless.

To be fair on you, you're exchanging messages with a sergeant, whose supposed to be in a position of mentorship, and his view, is that it was stupid, or not necessary, for there to be any bush time, that helped your TRG. So he's backing you up, isn't he? And saying, that's nonsense that the bosses are requiring bush time of the TRG?---Yes, he's saying it's just an arbitrary decision.

And did that feed into your thinking in relation to - - -

MR ABBOTT: Well I object to this, feeding into thinking - the only - the purported relevance of this, is because, eventually, we'll get to Ms Frost and directions that she is a so called bush officer, gave on the evening of 9 November, or the day of the 9 November. That's the purported relevance. How does that question have anything to do with the answer to what might be coming, when eventually, we get onto the events that were much more proximate to the death that you're enquiring into.

THE CORONER: Well it's relevant to whether or not management were encouraging - senior part of management were encouraging those views.

MR ABBOTT: Management weren't encouraging the view.

THE CORONER: Sergeants.

MR ABBOTT: Yes, he's been asked what he thinks though.

DR DWYER: Would you like the question again, Mr Rolfe?---No, I think - I don't think Sergeant Kirkby's views in any way confounded my views. My views in that regard were my own, and he just - it looks like, had the same view. So that was the - I think that was the question rather.

So he obviously shared your view?---Yes.

And that's the same day that you go on to have that text exchange where he thanks you for helping him sort out the shit when he - sorry, sort it out when he lost his shit the other night?---Yes.

And you say, "I'm ready to make my camera face the other way and be a dramatic cunt for the film"?---Yes.

"And the Oscar goes to", and you're laughing about - or your response at 433 is "Ha ha"?---Yes.

Immediately after that incident, do you see, on 4 November - 4 September, you send a message to your mum and dad, saying "Another good comment from a sarg. Maybe the OIC and super will sign off this year, ha ha." And you're talking about the OIC and super signing off on that comment, or on the TRG?---The TRG I believe.

If you look very carefully, can I suggest to you, it might be familiar to you, but you see the word "Paul Kirkby", a sergeant, at 434, as the one who wrote that commendation?---Sorry I can't read my document at all.

Can I ask you to accept from me that we can see the word "Paul Kirkby" and I'll be corrected if I'm wrong?---I accept that if you can - if you've got a better version than me.

We'll maybe put that on the screen please Ms Laws, 434.

Ms Laws' will hand you the - - -

THE CORONER: iPad.

DR DWYER: - - - screen so that we don't mess with the live stream.

MR ABBOTT: And sorry, may I, for clarification, I can it the words "Another good comment from a serg", the "A Serg" is a reference to Mr Kirkby?

DR DWYER: That's how I read this entry.

MR ABBOTT: Thank you.

DR DWYER: This is how I read it, following (inaudible). It says, words to the effect of, it's clearly marked, and the supervisor name Paul Kirkby, sergeant. "Constable Rolfe started on patrol group in Alice Springs, and took on a leadership role or style amongst his colleagues. Constable Rolfe's decision making is decisive and guided by legislation and policy. Constable Rolfe's file work is always completed in a timely manner, and to a high standard. He carries himself with pride, and always looks professional when in uniform. As per Constable Rolfe's comments about his IRT work, it may be best to contact Sergeant Lee Bauwens for an up to date and accurate assessment on the mobile provided. Constable Rolfe is proactive and enthusiastic in arresting outstanding offenders" etcetera, I find it difficult to read the rest. That's a comment from Sergeant Kirkby. It's no surprise to you that he wrote those comments, is it?---No, I would I have seen them before, yes.

And those comments are sent literally the day after he's had the exchange with you, where he says "Sorry about the stressed caused by losing my shit the other night. Stress you didn't need. You sorted it well. I'd just had enough. He was the second person to press my button that night." And you reply, "Bro, there was literally no stress, I'm all for that shit. I've done the same thing to you more than once before. I'm always ready to make my camera face the other way and be a dramatic cunt for the film." He's talking you up on your commendation, as being professional, and always ready to abide by the standards, and being someone who should advance in the organisation. But in fact, you - you and Sergeant Kirkby, engaged in conduct that was unprofessional together, do you agree?---Yes we did.



You - I asked you this earlier, I used a different term, but you and that sergeant, were involved in a number of jobs where there was aggressive arrests, is that fair?---I would need to be shown the actual jobs.

All right, just have a look at, if you don't mind, at text 439. Just go back earlier, after you send that to your parents, and I'm not - there's no criticism of this, the response from your mum is "Great comments darling, fingers and toes crossed, etcetera." And your reply to her, at 439, is "Yeah, me and that sarg stomp heads together, ha ha." What did you mean by that?---Again, I am talking shit. We - I'd say we were effective at the job together. If there was an instance where force was necessary, I would say me and that sarg would be effective in that job, if required.

In early September you found out you missed out on the TRG spot. Do you recall that?---No.

All right, just have a look at text 445, they'll remind you of that. And you text Constable Hansen, "Ps I didn't get the TRG spot"?---Yes.

And you text, 449, "Yeah man, fucking joke"?---Yes.

"When are you back at work? Need you back to help temper the storm." What did you mean by that?---I can't recall. Potentially just the work load.

On 24 September 2019, you and Constable Kirstenfeldt located a man outside the Todd Tavern and began questioning him in relation to an escape from custody, do you recall that?---Yes.

You've said previously I think that Constable Kirstenfeldt is a good mate?---Yes.

Ex-Army?---Yes.

Is that right? Someone you respect and respected?---Yes.

Is he someone who was known to be a bit loose in the force?---He - he would speak in a loose manner, I'm not aware of any of his loose dealings. But he would definitely speak in a way that a lot of people would find potentially crude.

And could he speak in a manner to the people that you were arresting in a way that was rude and abrasive?---He could speak that way to anyone.

Might we watch that video please? It's the Todd Tavern.

DVD PLAYED

DR DWYER: That should come on your screen in front of you, Mr Rolfe.

DVD PLAYED

DR DWYER: Would you just pause there, if you don't mind, court officer?

DVD PLAYED

DR DWYER: MFI W – sorry, MFI YY is the body-worn video footage of the Todd Tavern. Can I ask that it be played?

DVD PLAYED

DR DWYER: Was it a tactic that you used in the police force to – often, to race after an offender and push them from behind or from the side?---It was a tactic to – if an offender was to run away from us, to chase them and use the minimum force required to apprehend them, yes.

Or a suspected offender, I should say? Someone that you – whether you knew that they were an offender or not?---Yes.

And in this instance you know, don't you, that this was someone – you were out looking for a particular person?---Yes.

You had a photograph of that person on your phone, is that right?---Yes.

And you held the photo up to their face, is that right? Tried – to the man's face?---Yes.

Try to identify them?---Yes.

And then what happened?---He ran.

And then you ran after him, and we see exactly what happened afterwards depicted on your body-worn video, is that right?---Yes.

And you pushed that man over in the way that we can see there?---Yes.

And then you understand you broke his arm, is that right?---No.

He suffered an injury as a result, is that right?---He had a sore shoulder.

Did he get taken to hospital, is that right?---And released a very short time later. If you have medical records you can prove me wrong, but it was – as far as I was aware, he just had a sore shoulder.

It was put in a sling when he was in hospital. Are you aware of that?---Yes.

Are you – are you mocking that? Are you suggesting that he didn't hurt himself with that – from that push that we see on the - - ?---No, I'm just suggesting that you might be putting in or implying something that didn't occur.

Okay. Let's just put it as he had a sore arm or shoulder and he was put in a sling. You accept that?---Yes.

The chase went from outside the Todd Tavern on Wills Terrace to outside Sporties restaurant, about 250 metres away?---Yes.

The man appeared to slow down, didn't he, outside of Sporties restaurant?---That, or I sped up.

And around that time, you struck him with your outstretched hand and that caused him to fall into a fence outside Sporties? Is that what - - -

MR ABBOTT: Well, I object. This – I object, this – categorising this as an assault, in my submission, is completely wrong. In the course of his duty - - -

DR DWYER: I said, "struck with your outstretched" - - -

MR ABBOTT: - - - in apprehending – apprehending an offender, he pushed this man to stop him running.

THE CORONER: We'll just use a neutral term, that you used your right arm that connected with his body.

MR ABBOTT: Yes.

DR DWYER: You used your right arm and connected with his body, is that right?---Yes.

And he then fell into – what?---What – that flag – what, we saw it. I don't know how to describe that.

Okay. He fell into a fence outside Sporties, is that what it looked like to you?---Yes.

And he suffered – or he complained of an injury to his arm because of that use of force. Do you agree with that?---Yes.

And he was taken to hospital?---Yes.

And in fact, that man was not somebody who was the offender you were looking for, was he? You got the wrong person?---He was not the offender we were looking for, but he did commit an offence.

He wasn't the offender – well, what was the offence you can (inaudible)?---I believe he provided a false name, false ID.

You're saying that that would justify you running after him and pushing him with your outstretched arms, causing him to fall over into that fence?---That use of force was justified and was cleared.

Well, it was cleared, but are you suggesting that that was just – wholly justified that use of force?

MR BOULTEN: Sorry, it was found not to be sufficient – to be established. Not - - -

MR ABBOTT: That's a matter for – that's a matter for submission. My client has given his evidence. If you want to ask him questions about it, you'll have your turn.

MR BOULTEN: Yes, I will. Yes, true.

DR DWYER: Mr Rolfe, it turns out it was the wrong guy in terms of the person you were looking for, isn't it?---Yes, it wasn't the person we were looking for.

Were you – did you – were you concerned that, in fact, he'd sustained an injury – or complained of an injury – and had to – and was put in a sling as a result of the arrest that you had affected?---Yes, so he was taken to hospital and we made the decision not to arrest him or charge him for providing a false name, which we had – were well in our right to do, so. And I believe he was very happy with the outcome.

Mr Rolfe, you tried to identify somebody by using a phone, holding it up to their face, and you – effectively, in doing that – did you identify that person?---Well, no. I believe – I believed it was the person in the photograph, as did my sergeant, who had called us down to that location, and my partner.

Who was the sergeant who called you down?---I believe his name is Wade Pahi.

And who was the partner who you were with on that occasion?---I believe that was Jimmy Kirstenfeldt.

And you held the phone up to his face. As a result of that, it's apparent he ran. Is that clear? You agree with that?---I – I – you ask him why he ran.

He ran at a time you were holding that photo up to his face, correct?---Yes, I believe he glanced at the photo and then ran.

And it turns out that wasn't the person that you were looking for at all, was it?

MR ABBOTT: Well, this is the second – this is the third time this has been asked. The third time.

DR DWYER: Just answer the question so that we can move on, is what I'm asking for, your Honour.

MR ABBOTT: Well, I object to - - -

THE CORONER: He's already agreed that it wasn't the person.

DR DWYER: All right.

So it wasn't the person and then he complained of an injury as a result of being pushed over in the manner we see depicted in the body-worn video footage, and he was taken to hospital.

MR ABBOTT: That's the third time you've asked that.

THE WITNESS: Yes.

DR DWYER: Were you concerned that the person you had detained wasn't, in fact, the person you were looking for, had suffered an injury – or at least, was complaining of an injury?---Ideally, in use of force – ideally any arrest, that there's not going to be an injury. That sometimes can't be prevented.

We see that – what we see and what I've just shown is, in fact, an example of you recorded body-worn video on your phone, in breach of police regulation, isn't it?---Yes.

And then you sent that video to a family member, did you?---Yes.

Have a look then, at 480?---Yes.

And what you say there on 25 September 2019, "The main chase body-worn is mine, ha ha. Treated him to the old illegal shoulder-charge. Because I wear body armour, I'm not as rapid as the locals initially, but they still can't outrun me. Turns out the dude wasn't who we were looking for and is now in a sling for nothing. Ha ha, don't run from police." And the response from your family member is, "Wow, that's incredible running, darling. He must have been guilty of something if he ran." Is that a view you share?---He was guilty of something.

And you then receive a message from another family member who you'd sent the video to say, "Hi Zach, I actually prefer your partner's video, as it shows you cuffing the suspect and shows how much quicker you were. Have a great time" - - -

MR ABBOTT: Well, I object to the - - -

THE WITNESS: Yeah, yeah, yeah. Thank you.

DR DWYER: - - - I'm not intending to say the name?---Thank you.

With the person whose named there?---Yeah.

"On Thursday, and see you soon." So it's an expression of joviality, you're joking with family members, having - in breach of the regulations, sent this body-worn video, and in circumstances where a man has gone to hospital complaining of having a sore arm and been put in a sling. And it looks like you think that's funny, is that fair?---Maybe it's dark humour making light of the situation, yes.

I asked you earlier in the day about compassion fatigue, do you think this is an example of you having compassion fatigue in this job?---I believe I treated him in the instance afterwards if - I'm not sure if the body-worn goes longer than that, or if it turns off completely, in the actual body-worn video footage, I believe that's another situation where I would have treated him with respect and compassion after he had stopped running, and after the situation was resolved. This is again, this is a situation where I am venting. I admit that I talk in this way, that it is very offensive to a lot of people. But when I'm on the ground, I treat people with respect, when I can, and as - and I am as compassionate as possible. And I look forward to when we get to the email from the head of RFDS, to the Commander of Alice Springs Police Station, which I don't think the police would have given you, asking them to commend me for my compassion in regard to working with an Indigenous child in September of 2019. So I don't think I was suffering from compassion fatigue. But that is not fair to you, because I don't think you have that either.

Can I just make it clear to you, Mr Rolfe, that your lawyers have had every opportunity to provide us with any of that documentation, and we would welcome receipt of it. So it's - if there is anything of that nature that you wish to draw to her Honour's attention, then there's an open invitation, and there has been for a very long time?---Understood.

It's not any reflection of compassion, is it, this exchange that you had with a family member. You'd' accept that?---No, this private exchange is not an example of compassion.

What - I asked you about whether or not, reflecting on it, you think you had compassion fatigue - - - ?---Mm mm.

- - - at that point in time, given all you'd been dealing with in Alice Springs. And your evidence you'd been given about the lack of supports for young officers. Do you think it's fair that the weight of what was going on around that point in time was weighing on your and affecting your mental health?---Yeah, it potentially may have been, yes. But I still believe I was able to show a - a good - a good amount of compassion on the job.

Did - accepting that you tried, and that that was your intention, do you think there were times when you let yourself down because of the mental fatigue or whatever else was going on?---None that I can recall on the actual job.

If you look at - and I'm not going to mention the name of this person unless you want me to, but there's a text exchange at 496 with a family member?---Yeah, no - no name - - -

Sure?---If you can pick the parts that you need to, but obviously otherwise it's a bit obvious.

Sure. So you're texting a family member for support, and I'm not suggesting for a second that that's not appropriate?---Yes.

But it seems clear from that message that you're pretty down. You say - you describe the desert, and "This dead end gig down here is really taking all my energy." Do you see that, 496?---Yes, I believe at this point I was having a very hard time sleeping.

Okay. And you get some good advice from the family member, whose offering you obviously a lot of support. Do you see that?---Yes.

And that's really clear from 498, I'm not going to read that?---Thank you.

There's advice, in effect, I'm just going to summarise, it's advice about trying to be patient and focus on the positives - - - ?---Yes.

- - - is that a fair summary?---Yes.

In 499, can you just have a look at that?---Yes.

Again, I'm not going to say the name of the person that you're texting. It's a family member whose really supporting in the circumstances, obviously isn't it?---Yes.

And - but what you're expressing there is "There's nothing I can do to help myself. People say good things take time. That's not true. Everyone who did selection with me that I beat is already in TRG. People who've done selection after me are in now. That's just a slack saying." It's obvious that this real frustration about not getting into TRG is evident in the messages?---Yes.

Do you think it would have been helpful, again, reflecting on it, if you had actually had a dialogue with your seniors? People who were responsible for making the decision about TRG, and you'd got more encouragement about your career progression, and a clear understanding of (inaudible)?---Definitely. I don't know if I had access to them, they were Darwin based, in that regard to the people who actually had - unless you're talking about Superintendent Vickery.

No, no, you tell me. Who is who could have explained that to you in a way that might have helped you?---Someone in Darwin.

All right?---Yeah, but career progression and some of that form of control would definitely have been welcome.

Okay, so reflecting on that, in terms of young officers who might be in Alice Springs now expressing frustration about the grind of general duties?---Yes.

Having a mentor, a positive mentor, who sat down with them and mapped out their career progression and opportunities for them is a good idea?---I think so. And on top of that are - perhaps like a - what I vaguely talked about before, down time,

positive engagements and training time, in addition that that is, I believe, probably very, very important.

If you don't mind, I'll just try and do this quickly before the break, but - or would you prefer a break now Mr Rolfe?---No, I'm good, thank you.

Around this time, it's clear that you go to the doctor, and you get some help in relation to your insomnia, is that right?---Yes.

If you can take it from me, in terms of your GP records, you're prescribed Escitolapram and Oxeazepam on 9 October 2019. A benzodiazepine is for the control of anxiety and insomnia. Were you experiencing both of those things?---I think it was mainly insomnia, or yes. The main issue was having an incredibly hard time sleeping, which obviously caused a lot of other symptoms.

What are some of the other symptoms that that caused?---I guess if you - it could mirror the symptoms of depression, I think it'd be easier just to - I would feel more comfortable like leaving that to the experts - - -

All right?---Because that makes - - -

Sure. So let's just - could you just tell us - or tell the court, I should say, how you were feeling?---I was tired. I was just tired.

And down, is that fair?---Yeah, I get down from that, yes.

One of the symptoms of depression is, can be, anger and frustration. Is that what you were feeling? Is that fair or not?---At sometimes it - obviously it wasn't - everything is an ebb and flow, a roller coaster. Sometimes I was having really good days. Often having really good days. But things that are going to jump out are the negative moments.

That's why I want to give you the opportunity to tell her Honour about the context?---Yeah.

But is it fair to say, that there were mood swings for you around that time?---Yes.

Would you mind having a look please at 518. This is a text exchange, or the beginning of a text exchange with CV, who was someone who had been in the IRT, you recall that?---Yes.

Just take a moment to read it, so you can see the context. So 518, on 14 October, that's - it's number 518, it's 14 October. And he says to you, "Thanks for a chat and hand this arvo brother, really appreciate it." And there's other - he talks about - - - ?- --Yeah.

- - - the college. And you reply, "Yeah all good brother, always down for a chat about our good shit, ha ha. But yee ha into it", and that's about the college I think, is that



right? What was that exchange about?---That may have been AFP code. That person that he's referring to is in AFP. So maybe we're talking about a transfer.

Okay?---And then that's - - -

Transfer of you to AFP or for - or him?---Well I can't recall. I would - I would accept either - - -

Okay?---Or both.

You know earlier you gave evidence that Sergeant Sykes - I withdraw that. Sergeant Kirkby, actually lent on you and asked you for advice in terms of his emotional wellbeing?---Yes.

Was it the came for CV?---At times, yes. Obviously with my stuff I had a very close family member that I would lean on. And I didn't probably - I probably didn't let anyone else know, but yes.

That's for CV. I don't know what his supports were, but he lent on you a bit, is that fair?---Yes, at times. And vice versa, but yes.

And so did Sergeant Kirkby?---Yes, at times.

CV then says to you, at 520:

"This is going to sound wired, bro, but in the nicest way of course, glad someone thinks the way I do and I'm not going mad."

And you reply, 521:

"Nah, I feel exactly the same, man. Cut from the same cloth. I've only talked to you and Sykes about my head but even he doesn't get violence like us. But you're not mad, we're just different than them normal folk."

What did you mean by that?---That's just – again, talking about outlets. We've spoken to – I think we were speaking about it with Simmo before. CV's outlets – he had a very similar, I guess – early adulthood life and up to, I guess, his career progression from leaving school was very similar to mine. He – his outlets are very much the same as mine. My outlet was generally working out, but it specifically would be boxing. He was the same. That was what – yes. That was – it's boxing.

Mr Rolfe, this doesn't talk – this doesn't sound like boxing, so I want you to really think about it and reflect on it, because there might be something really helpful that you can tell the court about in relation to what you were experiencing and, potentially, other officers with (inaudible) or anything else. It sounds like, when you read it, you're having an exchange with CV about emotional stress you're under, how you respond to it and feelings of anger that are expressing themselves in violence with violent behaviour or tense behaviour.

I would actually agree with you, except for the expressing – maybe a – maybe a, like, merely a desire to express in that way. Lesser than expressing, does that make sense?

Can you explain that?---Well, I guess, like, if you are – I guess what he's talking about is when – when – I'm not sure. Like, if he gets angry, you may feel – have feelings of wanting to inflict violence on someone if they are – if you perceive them to do a – have a – do something wrong. Then the healthy outlet for that is to – as at – this is what – I'm not trying to deflect, I'm trying to, like, say that – I understand – that's what I'm trying – I agree with what you're saying except for the – CV was not going around, and I definitely wasn't going around – just because we had a bad day, assaulting someone. But I think what he's saying is that he may feel like that and the healthy outlet is to turn to – turn it into boxing.

I'm not suggesting that you were going around in the street, kicking someone who wasn't doing anything, to break the law. But it's pretty clear from that exchange, isn't it, that what you and CV are saying – or are exchange as officers who were supporting each other – is the work was hard, it was really difficult to control your anger and temper in a work environment like that, where you're dealing with high pressure and a lot of crime – and people pushing your buttons all the time?---Well, it probably does come from a lot of trauma as well. Like, I guess, we were seeing – dealing with a lot of hard jobs. I know the hardest jobs – I think – I think I speak for CV and for myself and for – I'll just speak for us, ourselves. I think he would allow me to do that in this case. The hardest jobs for us would be the crimes against children and crimes against women. Obviously, they affect you. And – yeah. There's sometimes a feeling – there's sometimes a feeling that the justice system doesn't do enough to stop that offending.

Her Honour, you can take it, is well-aware of the really high levels of DV- - -?---Yeah, of course. Yes.

- - - that some – that officers are having to deal with. Is that one thing that you were talking to CV about? Your frustration in trying to deal with those jobs and those offenders?---I – I – we would definitely would have. Domestic violence and crimes against children, for us to have – probably – it would be surprising for – if anyone said they weren't affected by that.

Sure. And surprising if anybody didn't feel angry about people being victimised by that level of violence?---Yes.

Would you agree? So it's not surprising, is it, that when you're a young police officer in that environment – or any police officer in that environment – it is going to make you angry- - -?---Sure.

- - - having to deal with offenders, is that fair?

MR ABBOTT: Well, I object – I object to this. The claim is that the anger in relation to specific is somehow generalised, and I object to that suggestion.

MR DWYER: Your Honour, I am trying to have a really meaningful, engaging – exchange with Mr Rolfe, and he is more than capable of really helping this court to get to these issues. Perhaps if we might have a break. Mr Abbott can reflect on that with Mr Rolfe (inaudible).

THE CORONER: Well, it is time for the afternoon break and I think it is – would be a common experience if you are continually exposed to difficult situations in the community, as a police officer, that some feeling and reaction to that is inevitable. And one of the things that this inquest is looking at is how can that be managed and assisted so that it doesn't come to harm individuals in a physical way, or in an emotional or psychological way. So an aspect of our concern is with the welfare – or particularly young police who are exposed to a relentless experience of trauma in the environment. I thought Constable Rolfe's suggestion – sorry, Mr Rolfe's suggestion now, reflecting on his time as an officer, factoring in as part of the police working life, opportunities as a police officer to engage in positive ways with the community was a very insightful suggestion.

MR ABBOTT: I agree with that, but the question – the line of questioning, really, I was dealing with was my client's discussion with counsel assisting about women and children, and the effect that seeing terrible things being done to women and children, how that affected him in his job and now – some – some sort of progression that because he was angry and upset about that, that somehow that - - -

THE coroner: Well, it certainly – it certainly - - -

MR ABBOTT: - - - affected your general policing activities.

THE CORONER: It's certainly well-known that a very high percentage of the workload in Alice Springs for young constables on the road is exposure to harm against women and, directly or indirectly, against children and families.

MR ABBOTT: Of course. I agree.

THE CORONER: We'll adjourn.

MR ABBOTT: I agree, your Honour.

ADJOURNED

RESUMED

ZACHARY BRIAN ROLFE:

DR DWYER: Mr Rolfe, just we took that time over the break. Is there anything else that you wanted to say about that exchange that you had with "See me" or any things about this issue we discussed before the break?---No, thank you.

All right. There's a final use of force matter that I wanted to take you to prior to coming to 9 November involves a Mr Albert Bailey on 12 October 2019. Just to refresh your memory about that job, police were conducting patrols outside Bojangles around - and in the Alice Springs Town Council building at around 2:30 am on 12 October 2019. And a man by the surname of Bailey and a women were having an argument and police officers conducting the patrol saw them. And the officers, just to remind you, were yourself, Sergeant Sykes, Constable Hansen, there was a Badger(?) and Crotty and Sergeant Kelly. I withdraw that.

MR ABBOTT: Your Honour, this is an ongoing - I'm told this is an ongoing investigation and for that reason, my client declines to answer any further questions. And in my view, a certificate would not be expedient because it's an ongoing investigation.

THE CORONER: (inaudible).

MR FRECKELTON: Mr Abbott is correct. It is an investigation that is continuing.

DR DWYER: To have it clarified, is that a criminal investigation that's continuing?

MR FRECKELTON: No.

DR DWYER: Well, in no circumstances then a certificate should be provided. A certificate has been provided.

THE CORONER: Yes.

DR DWYER: In fact there are a number of police officers. I might have misspelt one - - -?---Yeah.

- - - or mistyped one. So a number of police officers, including the ones that I know that I'm accurate about?---Yes.

Sergeant Sykes, Constable Hansen and Officer Crotty and Sergeant Kelly?---Yes, Constable Sykes.

Constable Sykes?---Sergeant Kelly.

I beg your pardon, thank you very much?---Yes.

Was that your patrol group at the time, your regular patrol group?---I believe so, and then there was another couple of elements from a different section were there. They may have been similarly attached to youth patrol, they may have been in a different section, I don't know.

Okay. Officers that you knew pretty well?---Some of them, yes.

Obviously, you knew Sykes, Hansen and Kelly well?---I believe Kelly was fairly new to Alice Springs. He'd been in the job a long time, so when I say "new", he may have come back. But I believe he was fairly new to our patrol group.

Okay. What about Crotty?---He was there a fair while, but out of - the least amount of time out of the remainder.

So do I take it then that you had been there - out of that group, you and - I think you had been the most period of time?---I think myself and Hansen the same amount of time.

Got you?---And then Sykes. And again, I could be completely wrong.

Okay. So you and Hansen were the seniors, in terms of the amount of time you'd been in Alice Springs and your experience?---Yes, the other officers, obviously Kelly and I believe the other two, I can't recall their names, were I would guess more senior.

All right. Sergeant Kelly was obviously a higher rank?---Yeah, of course.

All right. But in terms of understanding the landscape and knowing what you were dealing with on patrol, you were obviously an experienced - a relatively experienced officer?---Yes.

Just to remind you, yourself and Officer Hansen ran across the council lawns and we see you make contact with a man at speed where - I'll play the body-worn video and perhaps you could explain it for us?---Yes.

Your body-worn video, and it's found at MFI MM. I'm just reminded that it goes for a period of seven minutes. So we don't need to play all of that. I'll tell you when I think it's a relevant period to stop and if anybody wants, I can keep going.

DVD PLAYED

DR DWYER: I think that's probably enough unless you want me to continue, Mr Rolfe?---No, no, that's fine.

It seems there that as a result of that argument, you were motivated to run over and at full force to push that fellow. And he sustained an injury to his head as a result. Is that right?---I believe calling that an argument is minimising a domestic violence

incident and there is evidence of assault or multiple assaults occurring during that incident.

The woman that he was alleged to have assaulted, is that the women talking there, Ruby?---Yes.

And she is insisting that she wasn't assaulted and she wasn't hit by him. Is that right?---Yes, I believe you guys should be aware that domestic violence victims will often protect the offenders.

In relation to that matter, when that man was pushed by you, he was pushed from behind. Is that right?---I'm not exactly sure, the side, behind.

It's not clear - or please tell us if I'm wrong - were there any verbal commands at all that you used prior to pushing him?---I can't recall.

As a result of that push, he fell into a bench seat attached to the wall at the council building. Is that right?---No, it's just a mis-bit of information. He hit the wall.

Okay. So I'm reading from the use of force report. But you say he hit the wall causing that head injury. Is that right?---Yes.

And his forehead was split and he had a large cut that needed nine sutures to close the wound. Is that what you came to understand?---Yeah, I accept that.

In the use of force report, you said the man was standing in the woman's face with a clenched fist and showing pre-attack indicators. Do you recall that?---Yes.

You responded to what you perceived to be pre-attack indicators?---I witnessed him headbutt her and continue what was an assault. And I was in fear for her physical safety.

She denied ever being hit by him though, didn't she?---She did, yes.

In your exchange with Mr Bailey, it appears to be a classic example of you expressing significant anger as a result of what you saw, the domestic violence incident, or the anticipated domestic violence incident?---In that incident, I could accept a bit of anger came out in my voice, yes.

Reflecting back on it and the use of force principles, there were other ways you should have dealt with that that did not involve a use of force you engaged in. Do you accept that?---I disagree. And I think if the whole evidence was shown, for example, the CCTV that shows the assault occurring.

All right?---To give it in a whole light.

Okay?---And the fact that myself and Mitch Hansen both made contact at the same time, which was obviously not organised. There is more evidence to this that has been presented.

Sure. Let's play that CCTV footage for you?---Yes.

DVD PLAYED

THE WITNESS: This isn't the right CCTV. This is edited short.

DR DWYER: You say there's longer CCTV?---Definitely, there's longer CCTV that tracks them for a minute or two before that watching a verbal argument and shows a headbutt and him strike her with a fist. Please have the CCTV.

We won't - so this was - we'll just have a look in the file, otherwise we'll - it's agreed that 3165(?). Sure. If it's all right with your Honour, we'll identify the right one overnight and then come back to that, if necessary.

So I want to make sure you've got every opportunity to comment on that, Mr Rolfe. So we'll certainly play that at some point?---Yes.

Either this afternoon or tomorrow.

THE CORONER: We might be able to identify it now. I don't know.

DR DWYER: Sure. Mr Coleridge is reminding me that that CCTV footage, the full CCTV footage, was played in full in (inaudible) evidence so during Sergeant Kelly's evidence.

What I want to put to you in relation to that is about your use of force. Have you watched that full CCTV recently?---Yes.

So you've had the opportunity to reflect on it?---Yes.

At the time that you used that force, you appreciated that you caused a significant injury to that man's forehead?---Yes.

As a result of your push and him falling into the wall?---As a result of the contact made by myself and Constable Hanson.

You both pushed him at the same time, is that right?---Yes, unintentionally.

MR ABBOTT: Did you - - -

THE WITNESS: I guess we hit - we hit him - I mean, we didn't plan to collide with him at the same time but there was the two of us that made contact at the same time.

DR DWYER: So you both ran towards him at the same time with your hands outstretched? Other what was the case?---I guess with the same intent, as did the other two officers in the CCTV. Everyone responded in the exact same manner. It just so happened that Hanson and I arrived at the same time.

All right, so you can certainly speak to your intent - your intent was to reach your hands out and make contact with Mr Bailey.

And to push him into that wall?---Not to push him into the wall - to make contact with him to stop the assault occurring on that woman.

I think Ms (inaudible) might have been able to make - play that quickly so we will just -

DVD PLAYED

Is this the one you're referring to?---If you could just skip through to the point where at some point they walk over to that wall - obviously this could be CCTV from any night at that location, I'm not sure - - -

DR DWYER: Sure. Well, let's identify it shortly perhaps.

DVD PLAYED

THE WITNESS: You just have to keep skipping - it looks like it's 19 minutes.

DVD PLAYED

THE WITNESS: Yes. This is it. I think it's this part, this is - I think what we're seeing here is her up against the wall.

DR DWYER: Okay, thank you?---I'm not sure how long this is prior.

DVD PLAYED

DR DWYER: I think that's probably enough, unless you want me to continue, Mr Rolfe?---No, that's fine. This is her crammed - getting between them, trying to protect her.

DVD PLAYED

Just if that could pause there for a moment. You are providing a commentary on that video watching it now. Were you in the vicinity at that time?---I believe I was. When I - I think you can see in the body-worn video when I turned my attention to him. You'd have to - if you could - I don't know if the times are the exact time but if you could cross-reference the time on my body-worn video when I - because you can see when my attention goes to this, you could pinpoint the exact moment I start watching this.



DR DWYER: Okay. It might become clear and assist him too, so let's just keep watching and catch your comments later?---Yes. Because I was watching the verbal argument for a time before I saw the physical aspect of it but not - I don't remember this bit. I've watched this afterwards.

DVD PLAYED

THE WITNESS: See there - the head-butt there.

DR DWYER: Go on?---And the punch there.

DVD PLAYED

DR DWYER: So you were there - we weren't, but you had visibility in a way that makes it difficult but it's different to what we are seeing there. You say that what is depicted there is that headbutt and a punch, is that right?---Yes.

MR ABBOTT: Well I object - I object to her claiming that it's different - it's different from what she has seen.

DR DWYER: Well, it is obvious this is a CCTV. It appears to be from a high angle - I'm not precisely sure where it is in relation to where you were standing? ---Neither am I. It could've been one of those transportable - or those moveable police pods. We didn't have access to this CCTV on the night.

Sure, sure. But you're not seeing when you're there on the night, from the same angle that we're seeing it now?---No. I would imagine the camera is five metres above.

Whatever you saw clearly made you - concern for the female who was there. Not only you - the other police officers?---Yes, all officers were concerned for her safety.

And just in terms of what you did, you and all the officers raced at the same time in response to something happening of what Mr Bailey was doing, correct?---Correct.

And when you reflect back on that, you certainly are reflective aren't you, about the - and get it, you felt, at that time, by the commission of that offence?---I did feel - I did feel a level of anger and that did seep into my voice, in that regard, which is uncommon.

Did it seep into your actions in you and other - alongside other officers, using too much force there when you look back on it?---No.

So do you say that it was acceptable for all of you in those circumstances after you all ran together for you and Mr Hanson to push at the same time and to cause Mr Bailey to fall into the wall and cause that injury?---See the - obviously it wasn't planned for Hanson and I to make contact at the same time, but that causes a - so

with my kit and body armour plate that I was wearing I probably weigh anywhere between 85 and 90 kilos, Mitch Hanson would probably be the same, so basically that collision, because it occurred at the same moment, doubles that collision from 90 kilo collision to 180 kilo collision. That wasn't planned. If it was just the one of us the injury hopefully wouldn't have occurred, or would've been a lot worse, but that's part of - it's just - that's just timing and unfortunately, our intentions were good and our actions were lawful - at least they were deemed lawful - they were cleared in the use of force report - the process of that use of force report was cleared and I could be wrong but I have been made aware – multiple times – that this – time job has been completely cleared and reopened and cleared again. So I'm – I'm not sure.

Sergeant Kelly was one who has cleared the use of force, is that right?---I believe initially, and then it had to go to someone above him to be cleared. I think it has to get cleared by two people. I could be wrong.

Right?---When I was there, I was – I was aware that it had to be a sarge and a superintendent.

You talked about the use of this body armour. Was that standard issue?---They were standard issue body armour plate that I wore in a non-standard issue carrier.

Was the standard – what was the non-standard issue carrier?---So have you – it's hard to say. I don't have access to it anymore.

Was – did the non-standard issue carrier add weight?---No, it actually took weight away.

In relation to this job, you – did you – is this one of the ones where you recorded, on your phone, the body-worn video footage?---Yes.

And for what purpose?---Same as before. Unprofessional. It was unprofessional. I have no excuse. Same as the other incidents.

Can you have a look at text 512, please?---Yes, city - - -

You're texting her – a paramedic with a first name who begins with E?---Yes.

And you text her at 9:20, "You should have come. Your best mate Crotty's here."

THE CORONER: She – she texts.

DR DWYER: I beg your pardon. She texts you, Mr Rolfe. Thank your Honour. "You should have come. Your best mate Crotty's here." Was she a friend of yours at that time?---Yes, we had a good working relationship with the paramedics in town.

Okay, did you form friendships with a number of the paramedics as well?---Yes.

Working relationships? Why was she texting you at 9:20 with that message?---I don't recall where they were at. I guess there was a group of people doing something that I didn't go to.

So it was the day after the Bailey job(?) that she texted you that?---I accept that.

And then you reply to her about something to do with Officer Crotty, and you tell her that you slept for 13 hours, you just started sleeping again properly?---Yes.

And it appears that the medication that you'd taken was (inaudible) of that?---Yes.

And she replies, "Yes, he did." As in, Crotty made an appearance, etcetera?---Yes.

The next text message, 515 on 14 October is this: "Yeah, you guys start nights so early. Who will you be working with tonight? "I've had some busy shifts lately. Mashed some dude's face against a wall and that talkative Georgia paramedic came and quickly got on board that we were treating him extra nice so he didn't make a complaint"?---Yes.

You're talking about the Bailey job on 12 October?---Yes.

It's the case, isn't it, that you knew immediately after that happened that you had gone a bit too far in terms of both of you striking Mr Bailey at the same time and causing that head injury?---No.

Are you boasting there, to the paramedic, about "mashing some dude's face against a wall"?---Yeah, I guess I am, unprofessionally, I am boasting about it, yes.

It suggests that you are, at that stage, using that violence as a way of coping with the pressures. Is that fair?---No, I would disagree. I would say I'm just using this again – I know I keep coming back to it – as a way of venting frustrations because obviously, that job is one of those jobs that I was talking about before that does create – I'm going to lie, that does create anger, seeing a woman get assaulted by the - I guess, by the person that should be the main person in her life who should be protecting her more than anything. That does cause anger, yes.

It's the very same day that you have that exchange with CV?---Yes.

So you put the picture together, you'd had a low mood on 9 October and you were prescribed Escitalopram and Oxazepam. At text 507, you explain to the person – to the family member that you're just going to tell Mark that you're taking that. That's Mark Sykes?---Yes.

So you don't tell anybody at work about that, other than Mark Sykes, is that right?---Yes.

And a few days later, there's the Bailey incident on 12 October, where he gets a head injury and needs to go the hospital and get stitches. Two days later, you're

texting the paramedic saying, "I've had some busy shifts lately. Mashed some dude's face against a wall. And that talkative Georgia paramedic came and quickly on board that we were treating him extra nice so he didn't make a complainant." And then very same day, you had a chat with CV, who leant on you for emotional support, and you on him, and CV says, "This is going to sound wired, bro, but in the nicest way, of course, glad someone things the way I do and I'm not going mad." And you reply, "Nah, I feel exactly the same, man. Cut from the same cloth. I've only talked to you and Sykes about my head. But even he doesn't get violent like us. But you're not mad, we're just different than the normal folk." Just think about that carefully. That message to CV was not about boxing, was it? It was in the context of dealing with these serious violence, like DV, and getting violent yourself in response to it?---No, my answer doesn't change from the same question that has been asked previously. I definitely got down. I got low, I felt anger, but when I'm on the job, I did not let that affect my work. The – I did my job professionally and as compassionately as I could.

I took you to the message where you say to a family member on 9 October, "I'm only going to tell Mark" – meaning Mark Sykes – "I'm taking these things in case something happens, and someone should know if I'm taking anything, IE, failing a drug test or something"?---Yes.

Did you do routine drug tests at all at any time in the Northern Territory Police?---Not while I was there. I – maybe – I think I mentioned that because – sorry, what text number was that again? I just saw it.

That's 507?---Yeah. I think I said that just to ensure – pass on the message that it's not, like, you know – in case something happens, in case I hurt myself.

Okay?---It wasn't that. It was in case something happens medical, administrative, if I was in a vehicle crash and the paramedics, so – often ask, "Is he on any medication?" That – so I - - -

Okay, you didn't want your family member to get the wrong impression?---Correct, I'm passing the impression that it's not for – you know what I'm saying. It's just in case something happens.

Sure?---But it wasn't – I had no intentions of hurting myself.

Okay?---That was what I was trying to pass on.

That's good to hear?---Yeah.

When you spoke to Sykes – Mark Sykes – what did you tell him about what was going on in your head?---If – I think all I told him, really, was that I couldn't sleep. And then I think we discussed what I was doing.

Did you think, at that stage, about reaching out for more help from the Northern Territory Police Force, as opposed to just telling Sykes?---No. And I think the –

I wouldn't have trusted the NT Police Force to be a place that I could go to for welfare support.

Okay, why not?---I hadn't really had any dealings with any welfare – I know it's – I know it's there. You can call and talk to a psych if you want to. But it was hard to trust them, that what you said to the – either the psych or the welfare people wouldn't get back to the organisation. It didn't feel like a – it didn't feel like a safe space to go to. But I think there was only – there's obviously some welfare officers and there's some psychs. But that's – that's it.

How did you find out about the welfare officers or the psychs?---We had a – we had a welfare officer who was basically on duty most day shifts in Alice Springs station. The psychs we were made aware of in Police School. I guess it's always a standard response. Someone will always say, if you need help, call – the police have psychs. So it's a throwaway line, it seems, but it's – there's psychs there. But I wouldn't say they're completely trusted by the police force. I – yeah. If that's a – not – not for them personally. As humans, they're good to go. I think it's the fact that the police could – the actual executive, for example, could know – for example, my – I spoke to a psych and the police attempted to subpoena those notes, the police psych. Stuff like that, not the actual trust issues with the psychologist.

Do - you mean after Kumanjaya passed away you spoke to a psych or before him?---After. So I was in - I - yeah, I had to.

But in terms of your level of trust, at the time - - - ?---Mm mm.

- - - we're talking about October 2019?---Yeah.

Do you - is it your evidence that you understood that to be a generally held view amongst officers in Alice Springs, that you didn't talk to the psych's or welfare?---I wasn't aware of anyone who did.

Okay?---Oh well the welfare person, everyone talked to, but I'm not sure if anyone talked to her in regard to - - -

Sure?---Welfare.

Okay?---You know what I'm saying.

What - and was there general chat about not trusting these people, as in to keep the confidential nature of the - - - ?---I think the conversations in regard to mental health in the police force, were very much cliché. And the same - the same views that I've shown in my regard to how I dealt with my issues of burnout, were probably how similar ways in which other people dealt with various burnout in outlets or ways that were - could have been a lot more healthy. For example, alcohol use, or - or potential drug use. I'm talking about prescription drugs, medication, that are - I'd say there's a lot more police officers on antidepressants or the like, than goes reported.

So there's a lot officers on - I would say on that. Just trying to maintain their own - they're trying to do it themselves, like I was trying to do. Yeah.

Are you able to share with us any reflections on how that could be done better, apart from what you've already told us about?---I - honestly, because I've obviously left the police force haven't thought about that in regard to policing. In my - in myself over the last four years, obviously the last four years have been extremely stressful, even more so than the job. And I don't really want to talk about my personal stuff now, but I can say that I'm not on medication, and I have got healthier outlets. That will - probably would have come about anyway in regard to maturing and with age. And so on a personal sense, obviously I know better outlets. For example, I think back then at the time, one of the worst things I was doing, which was just a lack of education was, due to the lack of sleep, I would over train, and now with more education, I know that that's going to cause me to sleep less. So I was doing more damage to myself in - outside of work. I haven't given it much thought now in regard to the policing, except for what I've said before, because I'm not there anymore.

What about self-medicating with alcohol, was that something you were doing, due to stress?---No not - no, alcohol's never been the big - a big thing. I don't drink too much.

Okay, what about other drugs?---In - whilst in the police force, on a - on a handful of occasions, I used marihuana, in edible form. And that would - sometimes that would be to - a couple of times it's just for fun. But that would be - I would chase that for a chance to sleep as well.

So a way of dealing with the stress of the job, is that part of it?---I guess - I guess I never delved into it enough to - because I didn't see the psych and stuff, the issues with sleeping - what no, yes, you're right. Because the issues of sleeping were compounded by night shift, for example, shift work. So yes, it is.

Did you get any advice from anybody in the NT Police about how to deal with that sleeplessness from night shift?---I don't think anyone was figuring that out.

When you spoke to CV, he was a sergeant with considerable years of experience in the NT Police?---I don't think so.

I see, he was an officer, or - - - ?---Senior Conny.

Senior Constable, okay?---I believe.

Senior to you obviously?---Yes.

And he talked to you about your - what was going on in his head, and you reciprocated. I'm just going to suggest to you again, that was an exchange of messages between yourself and him, as someone you trusted about emotional stress (inaudible)?---Yes.

Did he ever suggest to you to go to help - to get help within the police force (inaudible)?---I don't think so.

Did you ever - when you were talking to Kirkby, Sergeant Kirkby, in September, and he was saying to you, "Thanks for helping me sort that" - whatever had happened, did he ever suggest to you that he was reaching out for help in the NT Force to deal with his stress?---He - see, I - because of timelines, I think - I know he has now, but I don't know when that started. It's like - I would - I would accept, and again, I would rather the question go to him. Because I know he has told me, but that could have occurred after, but he may not have sought help beforehand.

Was there any sergeant, or senior sergeant, who was role modelling for you, how to deal with the stress or pressures of the job, in a healthy way?---I honestly think everyone was just trying to figure it out themselves.

You had, as we know from looking at the brief of evidence, come to the attention of Professional Standards by this time, in October 2019, for a number of issues. Did you realise that you had come to the attention of Professional Standards? Seven-111?---Honest answer, I don't know, because after - shortly after the - a lot of these things came up afterwards, which could have been started before.

All right, well I'll just see if I can refresh your memory. I have already asked you about the body-worn video issues?---Obviously body-worn video, yes.

Obviously that came up?---Yes.

But in relation to the use of force, we have a statement on the brief of evidence, which is at 7-115, from Virginia Read, who you knew about. You've - you've already given some evidence in relation to her. You understand that she came to work for Professional Standards Command?---Yes.

She, in her statement, explains, par 10, "That after the Ryder matter", she says "It was about this time I spoke to Commander Currie and Superintendent Vickery, during a Command Management Team meeting, and advised them that I was reviewing a number of complaints referred to me from the Ombudsman Office, where NAAJA had raised concerns with the complaint outcomes, and that it was likely they would be re-categorised and further investigated. I further conveyed that I was concerned about Constable Rolfe's non-adherence to the body-worn video policy, and that this was the third occasion I had become aware of, people fleeing from him, and injuries occurring when apprehended." If you can accept from me, leading this - reading this, this was around June, after the Ryder decision had come out in 2019?--  
-Yes.

Was there a further warning to you about body-worn video around that time?---I just had two. And I don't know the timings of them.

All right. Was there a warning to you, at any time around then, that you had been red flagged, effectively, for excessive use of force?---No.

And what about that there were any concerns about people being apprehended by you, and suffering injuries?---No. I had - there's only one recollection of a meeting I had, which could have been in a - in an form I guess, potentially corrected measures chat with Pauline Vickery and Alistair Gall.

Okay?---And again, this job could easily - I'm not going to say the dates right, because - but this job could be searched up. And I don't know what - I haven't recall if Pauline Vickery said she did speak to me, but there was a moment where she did speak to me in the office. And this was because I had conducted a 36-hour straight shift, which culminated in - I ended up in Tennant Creek, from Alice, after 36 hours. And we had to - we got a plane back with a prisoner, who had to go to hospital. And he was in a coma, not from me, from himself. And as I was walking off the runway, there was a sergeant, I'm happy to give you his name on a piece of paper and get it shared around, but for his (inaudible) first. I believe I said to him, as I was walking away I said, "The dickhead's coming off the plane now." Just in his near side. And then I was pulled aside for calling the - I guess the issue was me calling the client the dickhead.

Okay, calling the (inaudible) a dickhead?---Yes.

And Vickery spoke to you about that?---That's the only time I remember - - -

Okay?---In the - like about any kind of like corrective measures.

All right, because sort of goes on, I'm not contradicting you, I just want to give you an opportunity to - - - ?---Yeah, I could be wrong, yeah.

In 17 July 2019, Superintendent Read says that she was in Alice Springs (inaudible) and during that visit, she recalls discussing that with Commander Nobbs and Acting Superintendent Peter Dash. The PSC concerns relating to excessive use of force, and officers not activating their body-worn video. Was there any conversation that you recall with Commander Bacon, or Superintendent Nobbs, or Superintendent Dash?---No, the first time I met Commander Bacon, I believe was after I was arrested, in the cells, I believe. The only time I ever recall having a conversation with - obviously, I had multiple conversations with Senior Sergeant Dash, as he was on - at some points, the OIC. So he was on our floor. In regard to Jody Nobbs, the only conversation that I can ever remember - the only time I was ever in his office was for a - for prepping a IRT deployment.

When was that?---Where?

When? When, roughly?---It would be - I can't - I can't remember if it was Barrow Creek, which I think has been mentioned.

Okay?---It's been mentioned, the job.



All right. We can look that up. But you don't recall any conversation with him about use of force?---No.

Concerns around that?---No.

And then you just gave some evidence in relation to – was it Officer Dash?---Yes.

You did have – you did see him on a pretty regular basis?---I saw him around the station on a regular basis. I've never – I don't believe I've ever had a meeting with him.

Okay. And did he ever take you aside and have a discussion with you about use of force?---No, never.

And that includes, does it, the period following the Ryder decision? When everybody was talking about it?---Yes, that includes that.

Was he talking about it? Officer Dash?---Not – not to me that I can recall, at all.

Do you recall him talking about it at all in the station?---Not in my presence, no.

And then finally, in mid-October, Superintendent Read says, "I again with the Commander Southern that we had received yet another complaint from NAAJA." And that one was in relation to Luke Madril. So at no stage after that did Commander Currie talk to you about use of force?---No. There may have been emails from PSC asking me to give a more detailed response for some of those jobs, but no discussions from rank in regard to it.

Would you have been open to a discussion about the use of force and things that you might have done differently?---Yes, most definitely.

Who do you think, in the station, you would have been receptive to in terms of receiving advice about how to be a better police officer (inaudible)?---Honestly, I would be open to anyone giving me advice, if it can be portrayed in a way that's, I guess, good advice. I'm open to good advice. There's a specialist training area in – a training office for a, I guess, an OST instructor role in Alice Springs. They could potentially be the person to provide advice on that.

What sort of instructor, sorry?---OST.

OST?---Yeah, a normal instructor that we have, operational safety tactics. There is a role in Alice Springs, I believe – they generally take up the firearm trainer role. So they – they would be good for that advice. But I did – I'd be open to advice from anyone.

Do you think that it would be helpful – you talked about the resentment that a number of police officers had towards PSC and the reasons why, and that there was a culture of resentment towards PSC. Is that a fair way to put it?---Yes, definitely.

And that obviously affected you as a young police officer, starting out in Alice Springs?---Yes.

In that you picked up that culture as well?---Yes.

So do you think it would be helpful for officers to understand that if they want to be open about a job they're concerned about where somebody got injured or they worried that they went too far or they used force in a way that might not be justified, they can go and, effectively, disclose it and be comfortable doing so and getting some assistance?---Yes. I think the greatest issue that the officers have with Professional Standards Command would be the fact that, as you've seen through discussions here, remedial advice is – can be an email or it can be a quick discussion from someone. I think it's been described as an energetic – energetic discussion. What a large portion of the police that I've worked with view that as – and myself included – remedial advice is merely seen as a tick in the box from Professional Standards Commands to say that they have conducted an interview – an investigation and they can tick the box saying, "We found some wrongdoing, but it's not to the level of discipline, but still, we've completed an investigation." It's seen as a tick in the box. I think a lot of officers on the ground would be – every officer that I know would actually be open to remedial – some form of remedial training. Every officer that I've talked to would be willing to be trained better, but remedial advice seems to be more for Professional Standards Command to tick their own boxes and go, "Ha ha, we got our investigation," rather than – it doesn't really seem to assist police officers. Or it can be done in a way that is – I can tell you, for example, for me, I've – I've received a number of remedial advice sessions post when I returned to work in Darwin. And I sat in an office with one of the PSC officers and just – she just basically sat there and watched me read out her documents, which constituted a number of the remedial advice. I just sat there and read a document for 10 minutes. Remedial advice done. That did not make me a better police officer. Does that make sense? Because I – all the officers I know are open to that.

But have you ever seen anything like that, or did you ever see anything like that?---I have never seen retraining in regard to an incident occurred, where – there's a number of incidents where they use, for example, body-worn video of an incident and they might use that in the defensive – the yearly defensive re-qual, for example.

MR ABBOTT: Sorry, what's that? Could you say that again?---So the yearly defensive tactics re-qual. During the requalification, sorry. During part of that there is an opportunity, depending on the instructor, to play videos and talk about scenarios. So I've seen it occur where videos are utilised as, for example, bad examples – dangerous examples of what not to do. Yet, those police officers involved – who you would deem – would – should probably get retraining in something, do not receive it. So I haven't seen in productive retraining. Not to say that it hasn't happened, I just haven't seen it.

DR DWYER: And at the same time, what you've told us about the PSC system is that there was – if somebody was asked to explain their conduct to the PSC, there was a resentment about doing that. Immediately, there was – a thought wasn't there that, "this is going to be a punishment, I'm not going to be – I'm not going to get anything out of this that's productive"?---Were they asking for – yeah, I don't think anyone ever thought that they were going to get anything productive from talking to PSC, yes.

Have a look, if you don't mind – just before we finish up – but perhaps text 533. This is one of your bosses, in effect, isn't it? A sergeant who has been – who is in your patrol group?---Yes, yes.

Someone who is responsible for reviewing use of force incidents that you're involved in?---Yes.

And what he messages you there, on 17 October, is: "Well, fuck me. I'm having to answer more questions about an incident over a year ago. Some turd claimed I knocked him off his pushbike with 301 and then roughed him up. Only person to get roughed up was me, as I got dragged on my face as he was trying to run away. All seems well, but now they have a hard-on over the fact I used 301 to try to block him in. They're now asking a fourth lot of questions. I think they pick someone and then just pick on them, finding my breaking point maybe." And you respond, "Over a year ago? Fuck, they're gay cunts. Yeah, they just find a name and go for you, hey, over and over. Fuck them. Just let them waste time. And then if they ever have enough evidence, just stress leave until they let it go. Seems to be what everyone else does." To be fair on you, it's the sergeant initially complaining to you about the PSC, correct?---Yes.

But what you reply to him is – you join in, don't you, in complaining about the system and say the way to deal with that is that whenever a complaint comes, if they've got enough evidence, just go on stress leave?---Yes, correct. Because that came from idea that I – that I passed on, came from the information that we in Alice Springs were given from the – that job that made national headlines, the rape of a toddler in Tennant Creek. And the detectives involved arrested the wrong individual. The information we received was that the individual that they arrested was – they gave an alibi and it – and I could be getting it wrong, it's just we get – what we got told in Alice Springs. The word that was spread. Basically, they messed up, arrested someone that they fairly obviously shouldn't have and then when it was found out and when the punishments were starting to come, all detectives involved took stress leave for a number of months. It went away, they came back to work. No issues. This is – that's where that came from. So that's a specific incident that caused that thought in my head.

So in – it's a thought in your head that you're expressing to your sergeant after he's complaining about the system?---Yes.

It sounds like you're expressing a view that was wider than just you and Sergeant Kirkby in Alice Springs Police Station at that time in terms of the abuse of

the court system (inaudible)?---Definitely, yes. I wouldn't say - again I can't speak how widespread, but definitely not just us two.

It's completely unacceptable, isn't it, in a police force, not just - this is not just a criticism of you - but it's completely unacceptable in a police force to have police officers encourage each other and accept abuse of the stress leave system?---Yes, I accept that and yes, there's a number of things that are unacceptable, yes, including that.

Including the text message, you mean?---Yes, yes.

What else do you want to say about that?---All I was saying is that it would be better to go on stress leave than break for him, when he says "finding my breaking point", but in regard to using stress leave to I guess fudge the system, yes, unacceptable.

Because what you say to him is referencing the job you just told us about?---Yes.

"Just let them waste time and if they ever have enough evidence, just stress leave until they let it go. It seems to be the way everyone else does."?---Yes.

And you know that there's been officers in the Northern Territory who are off on stress leave for years?---I believe someone's been on for five years and got a degree in that time.

That abuse of the system has to stop, doesn't it?---Yeah, the abuse of the system, yes.

Because it makes it so much more stressful for other officers on the ground that have got to deal with the rest of the work?---Yes.

Just before we leave, I just want to take you to a couple of text messages to see if you can help explain them, so that we can move on to 7 November and the lead up to the incident tomorrow?---Yes.

You've already frankly acknowledged that, while you were a police officer, you engaged in some illicit drug use in terms of cannabis, mostly cookies. Is that right?--  
-Yes.

And that was a part of a way of de-stressing?---Sometimes, yes.

And sometimes, to help with sleep?---Yes.

And sometimes for - - ?---Just recreational.

Recreational?---Yes. But again a handful.

There's a text message at 484 from you to Constable Kirstenfeldt, 26 September 2019, you phoned him the night before, "I missed your call." Sorry, you phoned him earlier, "Missed your call."?---Yes.

And then he asked you what was up and you said, "Nothing brother, I was just wondering if there was an RBT last night. I was on the beers. Got onto Mitch. How was yesterday? Saw the crime scene and the hospital guard (inaudible)." You were a group of young officers who were close and had each other's backs in the force. Did that include telling each other when there was an RBT so you could avoid getting picked up drink driving?---It seems that - yes, in would our two telling each other about the RBT, but no, I don't drink drive.

What was that text about?---I can't recall. I honestly can't recall the engagement in that text.

There's a text message at 316, if you don't mind having a look at that, to a friend whose name starts with "R"?---Yep.

Telling you not to text while driving. Do you remember this one?---I've read this one.

Okay. Just have a read of it?---Yes.

And she says, "Also, don't text and drive." And you reply to her, "I'm a cop, remember, above the law."?---Yes.

Do you mean that literally?---No, I do not.

There were, weren't there, a number of occasions where you and other officers - I'll withdraw that. I'll start again. There were a number of rules that you and other officers in Alice Springs didn't comply with. You've conceded that throughout the course of your evidence, body-worn video is one of them?---Yes.

Was there a situation in Alice Springs at that time where you decided for yourself what rules were legitimate in obeying and what rules were free?---What laws?

What laws?---Laws? No, I've texted and driven before. There's a minor one, I think most people in this room would have done that.

Well, also the use of illicit drugs is against the law. You're a serving police officer. Whether it's cannabis or not, you're breaking the law?---Yes.

And you made a decision to make the law?---Yes.

And that's because you thought it was no big deal. Is that right?---Yes.

And were there other laws that you and other officers were happy to break because you thought they were no big deal?---None that I can think of, unless you've got any up your sleeve.

What about rules in terms of rules set by command. Rules about body-worn video are one that you've told us about? Any other rules that you were happy to - - -?---Not that I can think of.

Your Honour, might we leave it there for the day, rather than sit until 5:00 today. Before my learned friend rises, I raise this with the witness. These are long days and I was asked by the witness what time we were going to sit to. I'm happy to press on, if necessary. But in my respectful submission, the witness should be asked whether or not that's his preference, before Mr Abbott advises (inaudible).

MR ABBOTT: I ask the witness with respect to the (inaudible).

DR DWYER: I think, your Honour - - -

THE CORONER: You can answer?---Yeah, honestly, I'm happy to continue as long as - I guess my preference is to finish Friday. So if we can get that done, yes well I'm happy to sit on, yeah.

DR DWYER: Can I come then to 7 November 2019?---Yes.

On that date, you found out about a warrant for the arrest of Kumanjayi Walker. Is that right?---Yes, yes.

You saw that, did you, as another thing that you could be proactive about in your policing?---I think I was tasked to look into it.

You gave evidence about this at trial. Do you recall that?---I recall the majority of it, but again, it was a long time ago.

So when you gave evidence at the trial, you explained that you have a daily intel sheet. This is at transcript 1037?---Yes.

In March 2022. That creates - that sets out the jobs for the past 24 hours including active arrest targets and any significant jobs that have occurred in the last 24 hours. Correct?---Yes.

And there something that captured your attention there. You saw an active arrest target, Kumanjayi. Correct?---Yes, this - yeah, this reminds me, yes.

The active arrest target was for breach of parole and assaulting police?---Yes.

And having identified him in that context, you then looked up the PROMIS job, the police reference number that was attached to the assault. Correct?---Yes.

Did you also then have access to Kumanjayi's history, as in his criminal history?---Yes.

And Mr Coleridge will bring that up, the PROMIS job and what it showed you. What was attached to the job was the body-worn video footage of the event?---Correct.

Now, at that stage, just explain for us, if you don't mind, the daily intel sheet, what did that give you in terms of an overview of the jobs?---I believe - again a long time - I believe in an overview of the job, all it was really was the mug shot and the offences.

Okay?---There could have been further details for specific incidents. But often there was just a number of mug shots and the offences.

And you were working at that time in a patrol group. Correct?---Correct.

So you were sitting there on your computer. You logged on and you were being proactive about the jobs to follow up on, on that day?---Correct.

Was that something that you were encouraged to do by your sergeant or something that you did of your own initiative?---I think it was encouraged by most sergeants.

So when you got in and you checked your computer, you logged on and you watched the body-worn video yourself. Is that right?---First off, I read the PROMIS report. I read the description given by the officer who wrote the PROMIS report which I couldn't make sense of at the time.

Who was the officer who wrote the PROMIS report?---I believe it was written by Chris Hand. And so I mentioned this at trial. That PROMIS report can be updated and unless you're an IT guru within the system, you can't tell when it's been edited. So the PROMIS report that I was shown at the trial was not the PROMIS report that I'd seen on the day. So I saw the PROMIS report and it didn't - I couldn't understand how the incident had occurred. Then I went into the case log and looked at the body-worn footage.

All right. When you looked at the body-worn footage, you saw the incident that had occurred on 6 November involving Kumanjayi Walker and an attempted arrest of him by Senior Constable Hand and Officer Lanyon Smith. Correct?---Correct.

At that time, you didn't know either of those officers well?---Not well.

I think you gave evidence that you had done some training exercise with Senior Constable Hand?---Yeah, the yearly defensive tactics equal, he was often on my - my group.

But he was not someone who was one of your mates?---No.

And he's not someone who you'd had much conversation with at all?---No.

And you didn't know Officer Hand at all?---No, the reverse.

I beg your pardon, you didn't know Officer Smith at all?---I don't think I'd ever met him. I might have seen him, but no.

And how many times did you watch the body-worn on this occasion?---I can't give you a number. But the - the times that the body-worn video has been watched on my account, wasn't all - wasn't all me. For example, there was - talking back to the fear of Professional Standards Command, there was a fear of getting in trouble for watching body-worn video. But as we've seen, you are able to watch body-worn video for a number of lawful reasons, in regard to the job. But despite that, there are still a number of officers who are too scared to watch it on their accounts, but wanted to watch it. I was willing to let them watch it on my account. That'll address some of the high numbers of it being watched. But I don't know how many times.

I asked you before about rules being broken and what rules you were comfortable breaking, you and other officers. One of the rules you were comfortable breaking was sending body-worn video to family members, and civilians, and other police officers, correct?---Yes.

And filming body-worn video on your camera, so that you can - on your phone, so that it could be showed back later?---Yes.

Including shown back for a laugh, in a way that you conceded is in appropriate?---Yes.

So you say, some officers were too scared to watch body-worn video legitimately, as part of the job. And other officers, including you, were - felt comfortable actively breaking the rule and - - - ?---No, no, no. So I'm saying that the - it's not a rule - as part of that memo that you showed me before, there was a number of reasons of why you are able to watch someone else's body-worn video. For example, I believe it was training, intel gathering, or for example, for your own awareness of self-safety. So watching this body-worn video I believed - and I believe, falls into that category. Despite it falling into that category, officers amongst the station were still - still scared of being tracked of watching other body-worn video, in case they got in trouble.

So you took leadership on this issue, and showed the body-worn video yourself, correct?---I showed it to my sergeant, Evan - - -

I'll - - - ?---Kelly, and I don't - I just allowed people to watch it on my body - I mean on my camera, not my camera, my computer, if it was there.

Are you saying that people deliberately used your computer to watch it because they were too scared to open it themselves?---Some did, yes.

Why would they be scared of getting in trouble, when it was on the intel sheet, and it was nominated as a job to be followed up on?---I don't think it - I don't think - so the intel sheet definitely doesn't say, here's an offender wanted for something, feel free to watch this person's body-worn video. If it was that obvious, I'm sure everyone would be happy to watch the body-worn video on their computer. I think it just goes



into what I've said before, about that fear of Professional Standards Command, putting the pressure on you, and as Paul Kirkby says, trying to find - nearly trying to find your breaking point. Police are - police are scared of that pressure. There's a level of fear just from your own organisation in the NT Police.

You didn't have any of that fear though did you?---Well I was confident that I was within the rules in that regard. And I was confident in explaining how I was in the rules, if PSC approached me with a please explain.

But even putting aside this particular incident, you, even in circumstances where a judicial officer in the Northern Territory, had suggested that you had assaulted somebody, and lied in court, you'd didn't think there'd be any ramifications for you?---In instances where I had done no wrong, yes.

And nobody had spoken to you about excessive use of force at that stage?---Not that I can recall.

And there were a number of occasions where you had been given advice about wearing your body-worn video, and how important it was, that you subsequently ignored, correct? That's the thrust of your evidence.

MR ABBOTT: Well that's about the 15th time that's been put to him. I think we've had enough of that really, your Honour. It goes on and on and on.

DR DWYER: Well I don't know, and I press the question because it's leading up to another.

MR ABBOTT: Well I - - -

THE CORONER: Sure, I think that's conceded, so - - -

DR DWYER: Is that conceded, Mr Rolfe?---Yes.

And - but today you say that there was officers who were concerned that they would get in trouble, for watching body-worn video of an incident where a - where police officers had allegedly been assaulted by somebody with an - who was wielding an axe, or a small machete?---Yes.

Have you ever given that explanation before, at any time, when you were in the trial?---I - I think I have. If it's not in the transcript, that's been my evidence the complete time. If it didn't get asked in the trial, then it didn't get asked.

And you sent a text - well you were proactive, I think you just went on to say, in showing that body-worn video footage to your sergeant, Sergeant McCormack?---No, Evan Kelly I believe.

I see. What conversation did you have with Evan Kelly, after you showed him the video?---My evidence would be a lot more. I - it's the same evidence that I gave in

the trial. This is - these are the same answers I've given, but my recollection is worse now. Am I able to utilise my trial evidence?

I'm sure you can do that overnight. But just sitting there, just tell us, what is the state of your memory now about any conversation you've had with Sergeant Kelly?---I - - -

I'm not trying to trick you up - trip you up. I just wanted to ask you if you've got a memory of it?---I believe I informed Sergeant Kelly that there was a job that I think he should watch. And that there was a job that seemed to be - it was necessary for it to be passed up the chain of command. And it seemed like it, at the time, was being down played, or swept under the rug.

Who was down playing it, or sweeping it under the rug, that you were concerned about?---So I think there's been a mistake in thinking that I thought this job was being down played, or swept under the rug, purely from in the opening statement it was said, by watching the body-worn footage so many times. That's never been my - my evidence. The evidence was, when I put the version of events that was given in the PROMIS report, which was written by the officer who was there. So he gives a version of events of what occurs. He writes a short statement. Not a police statement, but he writes a short statement about what occurred. Reading that statement, which is the first thing and the main thing you'll see in the PROMIS job, versus watching the body-worn video, which is at the back of the job, not the forefront, comparing the two, I thought that that was - and the fact that I could not see from that job, usually you - at the bottom of your statement you'll see what's been done, what's going to be done. There was nothing like that. There was no police statements had been taken. At that point, no police statements had been taken as far as I was aware. In fact, Chris Hand's wasn't taken until Friday. So it seemed - it was a - it was a extremely high job, and by that point, the next day, I don't think even police statements had been taken. There was no what - actions on it what was occurring. What was going to occur. So when comparing the two pieces of evidence together, the front of the job being the report, the back of the job being where the evidence would be, like body-worn video and statements, if they're uploaded, I compared the two. And that's where I deemed my assessment from.

The evidence you gave at trial was to this effect, that "Generally when someone assaults a police" - - -

MR ABBOTT: Sorry, what page are you reading from?

DR DWYER: One zero three eight.

"Generally when someone assaults a police officer, it's signalled through the station in a specific email, but this wasn't." And you thought it should have been, and you were critical of that, is that right?---I would agree with that, yes.

You then logged into PROMIS, the police database, and accessed the job number to investigate further what happened?---Yes, I would have - yes, so that's what I just

talked about. Like I (inaudible) this was a bit difficult with the - I'm not - like I obviously can't remember what I said, everything at the trial.

There were no statements, but you could see the body-worn video of Officers Hand and Smith, and you watched it. You thought to yourself, didn't you, this was obviously a dangerous and volatile situation?---Yes.

That needed follow-up. You didn't have a version from Officers Hand and Smith, because there were no statements yet?---That's incorrect. As I said, you write on the PROMIS, so I'm sure the police can provide a number of PROMIS jobs that shows the front page, you have to write, to - to fill out that box. You have to write a - what looks a short statement. So there is a version of events of what occurred. Generally, it'll be a short version. It'll be members this and this attended this location, this is what occurred, the offender this, did this. But - so there is a version of events that's given. There was a version of events given, albeit short. So not as detailed as a police statement would end up being.

Okay. In relation to the two officers, you obviously - well I withdraw that. I'll just you this. Did you speak to either of those officers about what their experience was?---No.

So you have some version of events - or a short version to go on?---Yes.

And you could watch the body-worn video for yourself?---Yes.

And you gave evidence at trial that you formed a view of what they had done?---Yes.

And you said from your observations, "I saw it was a perfect example of a human fear-based reaction. A perfect example of freeze and flight." That's transcript 1039, is that right?---Yes.

And you still think that today?---Yes.

You had no worked with either of those officers directly, correct?---No.

You had no idea of their service history, correct?---Correct.

You had no idea of their strengths or the or their capacity in Aboriginal community at that time?---Correct.

You had no idea of their relationships with the community or the reasons why they had responded in the way that they did?--Correct.

But you were critical of those officers in the way that they responded?---Mm mm. I would say I was - - -

MR ABBOTT: I - - -

DR DWYER: He is about to answer, Mr Abbott?

MR ABBOTT: Well, I'm reading this - I've got the transcript in front of me. You've already put to him what he said at trial - - -

MR ABBOTT: I object to my friend doing this and I ask that the witness be allowed to answer the question.

THE CORONER: Yes. I think it's a reasonable question and people would know what the meaning of "critical" is.

MR ABBOTT: Your Honour, this is unfair. My client should have the trial transcript in front of him. If he is going to be asked questions about it he ought to be allowed to refer to it. This is not a memory test as to what you said in the trial.

DR DWYER: Yes, I think we might take a break then. Would your Honour mind if we adjourned for day and then we can come back tomorrow and then he can have access to the transcript.

MR ABBOTT: I hadn't finished my submission.

THE CORONER: Sure.

MR ABBOTT: I would ask, with respect, your Honour, that he be allowed to have the trial transcript in front of him and that he be allowed to refer and my learned friend point to it when she is asking questions. And I am concerned that without the transcript he is going to be asked questions and then is going to be taken and said, "Oh, you said this at the trial". This is unfair. The trial was back in March 2022. To be now asked over a year - over two years later what he said, is unfair.

THE CORONER: He is not being asked what he said, he is being asked if was critical of those officers.

MR ABBOTT: Yes, but let's assume that the answer is he was. If it's not in the trial transcript is then going to be asked, "Well, where did you say this at trial. So, you know, he can't win. Whatever answer he gives, he can't win. And it's unfair.

THE CORONER: Well, that's the number of the - - -

DR DWYER: Well, that's the number at page - - -

THE CORONER: Well, it appears that the evidence that he gave at trial was in response to questions asked at trial.

MR ABBOTT: Sure.

THE CORONER: So, just pointing out that he did not give this evidence at the trial is not going to be of any assistance and I am not going to attach any weight to it because if he wasn't asked a question then he wasn't - didn't have an opportunity to provide - - -

MR ABBOTT: Sure, well he shouldn't be asked it now.

THE CORONER: Well, he can be asked different questions now that weren't asked at the trial.

MR ABBOTT: But this is not an investigation, it is evidence at trial. This is - - -

THE CORONER: No. He is being asked now to reflect on whether or not he was critical of those police officers at that time.

MR ABBOTT: But it's all with reference to this trial evidence and if it's to be reference to his - - -

THE CORONER: No. It's moving on, that's a platform to jump from. You've given certain evidence and now we've got another question.

MR ABBOTT: Well - - -

THE CORONER: Were you critical of those police officers.

MR ABBOTT: Well, providing it's not tied to this trial evidence and he is now asked to remember what his views were back in 2019, which is what the cross-examination is all about - then - and not with reference to the trial transcript, then obviously he doesn't need the trial transcript. But if it's going to be tied in to, "This is what you say today, now where did you say this at trial? And you said this at the trial and not that - not that - and the difference between new evidence now and the evidence at trial - this is not an appropriate forum for that to happen.

THE CORONER: It may or may not be, depending on the questions that are asked, but I didn't see an difficulty with the question that counsel assisting asked in relation to whether or not Mr Rolfe was critical of the conduct of the officers on that incident, based on the information that was available to him at that time.

MR ABBOTT: At 2019?

THE CORONER: Yes.

MR ABBOTT: Okay, I will accept that question, your honour.

DR DWYER: Are you sure you're finished, Mr Abbott?

MR ABBOTT: Yes.

DR DWYER: Mr Rolfe, you watched that body-worn video yourself and I put to you a number of questions in relation to officers Hand and Smith. You've acknowledged you didn't know them, you didn't know about their work history and you didn't know about their engagement with the Aboriginal community, but you formed a view of them, didn't you, in terms of the way they - I withdraw that - formed a view of the way they responded to that incident?---Yes.

And it was - you were critical of the way they responded to that?---I would say I was critical but very understanding.

Why were you very understanding?---With all the training that I've done - I've done a lot more training than a regular police officer in regard to - and I've had a lot of experience in stressful situations. In my experience I believe most peoples reactions to the same event would be the same as those two officers, either flight or fear - it's a very understandable reaction to a life or death event, so from a purely policing non-human setting at all critical on their actions because it - for other reasons, but as far as their reactions as humans, I completely understand it. I believe their - - -

Sorry, just one - - -?---Sorry, I just believe that that shows - that's not so much a "them" issue, that's more of a training or conditioning issue from the police force because I think it's a - I think I've said it before, we have an extremely - our training is too small - one day or two days - they may have changed it to three days a year now, that is not enough to - for a person to change their natural response - because people may have a natural response for flight or fear. One - or a few days a year will not change that to a different condition.

You were critical of those officers for not shooting Kumanjayi on that instance, is that right?---No.

What did you think they should've done different?---There is a number of things that they could've done differently.

Like use lethal force is one?---Lethal force, they would've been likely justified - they would've been justified I believe.

And that's what you thought they should have done, is that right?---Well, it depends on the - it depends on what they believed at the time. For example, there's been multiple evidence from both parties that said that Kumanjayi raised the axe, but they didn't believe he was going to hit them with it - correct?

You didn't know that at the time, did you?---But then there's multiple - so if I'm looking at it and go, "If they're in fear for their life - in they're in fear for their partner's life - if that fear passed through them and that person that they are involved with has the means to - if they believe that person wants to kill them and has the ability to kill them, ie with a lethal weapon, their training does say that they can - can use up to and including lethal force.

You made a judgement of those two officers that they had, in fact, been in a freeze and flight mode and you were critical of them for that, weren't you?---As I said before, critical but understanding. That is not an effective reaction to have in - that is generally not an effective action to have - I would say never - in order to affect an arrest.

What did you think that they should have done differently, if you were critical of them?---I believe they should have arrested Kumanjaya Walker or subdued - neutralised the threat.

How did you think that they could have neutralised the threat at that time?---They could have used their weapons and then if you look at all the actions on - obviously if I'm sitting there going, "What could have happened?" if they believed - without me knowing it - if they believed that they were in a situation where the weapon was just used to bluff and they believed that then I do not see why they couldn't have gone hands on. If they believed that he wasn't going to use the weapon - which has been said - I don't see any issue with going hands on because then the weapon may as well be non-existent. If they believed the weapon wasn't going to be used against them unless they did something that Kumanjaya didn't want them to do, then that changes the situation again. There's endless scenarios that they could have gone. But either way, we're never trained to - I know it's been called a "tactical retreat," many times. I'm not a use of force expert. But if you go to any - any - police school in Australia - I believe, this is my honest belief - and if you video tape a use of force instructor teaching a recruit school or a recruit academy how to conduct a tactical retreat, you are not going to see anything like what you saw on the Axon body-worn footage.

And you were - that's why you were critical of them, because you didn't think they should have done a tactical retreat. You thought that they should have gone hands-on and used a weapon. And by weapon, you mean a gun, don't you?---Well, they definitely could have done a tactical retreat. What I saw - and this is my evidence, and I know it's not agreed with - this is my evidence and my belief - and I'm not going to change it, but this is my - that is not a tactical retreat. If you can show me a use of force instructor who can - is conducting current police training in regard to tactical retreats, and show me something that looks similar, I am open to changing my evidence. My evidence is that that is not a tactical retreat. I've never been trained that that is a tactical retreat. A tactical retreat would have been a good potential option. There's nothing tactical about what occurred in that video.

Do you have your text messages there?---Yes.

Could you have a look at 547, please?---Yes.

There's a text exchange between yourself and Paddy McCormack?---Yes.

He was a sergeant who was - the Acting Sergeant of the IRT on 9 November, wasn't he?---Pardon?

Was he the Acting Sergeant – Acting OIC of the IRT on 9 November?---I don't know what his specific role was. I know he was the point of contact. I know there's differing - - -

Did you ever - did you think that he was the Acting OIC of the IRT?---I would never have thought of that in my head, in my words. Using that language.

He was a sergeant who you worked with often in Alice Springs, is that right?---It's – sometimes, yes.

Was he one of your mentors?---Yes.

And did you alert him to this job, as well as Evan Kelly?---I can't recall.

It's 3:37 pm that you text him. Did you start the shift at 3 pm?---He think he texts me.

Sure. But you start – do you remember what time you started the shift on 7 November?---No, I don't.

He texts you saying, "I'm sorry I watched that, fuck me." And he's referring to the body-worn video.

MR ABBOTT: Sorry, "I fucking watched that, fuck me."

THE WITNESS: Yes.

DR DWYER: "I'm sorry I fucking watched that, fuck me"?---Yes.

And he's referring to the body-worn video footage?---Yes.

And is he – he's referring to that, isn't he, because you drew it to his attention?---I can't – I can't recall. That's – I can't concede that. I'm not sure.

You replied, "Yeah, hey." And then his response is, "You imagine if that other cop got killed and he stood there and watched it with his fucking hands up? What the fuck have we become?" And you reply, "I know, hey. Fuck my whole life." So you're engaging in an exchange with that sergeant where you're both being critical of at least one of the police officers there on the ground, correct?---Correct.

And critical because they didn't use the tactical response which involved lethal force?---No, that's not the evidence. Critical, because he froze and left – put his own life and the life of his partner in someone else's hands.

You gave evidence before that you were critical but understanding of these police officers who hadn't had as much tactical training as you, is that right?---Yes. I would say tactical training, and also conditioning. Which is – would be slightly different, but it's the same. It's – yes. Enough training in regard to scenario-based training.



I suggest to you that this text exchange with Sergeant McCormack doesn't sound very understanding. It just sounds critical and mocking of the two officers on the ground in that. What do you say about that?---I can – I can accept that.

Is that a convenient time to finish, your Honour?

THE CORONER: Yes. Tomorrow at 9:30?---Thank you, your Honour.

We'll adjourn till 9:30.

WITNESS WITHDREW

ADJOURNED