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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 14 SEPTEMBER 2022

(Continued from 13/09/2022)

Transcribed by:  
EPIQ

THE CORONER: Yes, Dr Dwyer.

DR DWYER: Thank you, your Honour. Your Honour, Sergeant Jolley's in the witness box and is the first witness to start off this morning. Just a tiny bit of housekeeping if I may, before we start. Might I hand to your Honour a schedule of evidence, to which objection is taken, on behalf of Constable Rolfe?

THE CORONER: Yes.

DR DWYER: This essentially, is said, by my learned friends appearing for Constable Rolfe, to relate to the 13 matters that were taken objection to, four days prior to the start of the inquest. And your Honour, I ask that that be received as an MFI, at this time.

THE CORONER: Sure. So we're up to MFI?

DR DWYER: J.

THE CORONER: J, okay, thank you.

MFI J: List of objections taken by counsel for Constable Rolfe.

MR FRECKELTON AO KC: Your Honour, I apologise for being obtuse. I'm not entirely clear what the – what use is to be made of that. Because your Honour's giving – given a ruling. Just - - -

DR DWYER: I think there are additional matters, perhaps it'll become clear –

MR FRECKELTON: - - - just to (inaudible) - - -

DR DWYER: Dr Freckelton, if I could finish.

MR FRECKELTON: Of course.

DR DWYER: The only purpose in handing it up at this stage, and it's been sent around to my learned friends, is because I was going to do a second opening, once your Honour ruled, as foreshadowed at the beginning. And I just want to explain to those – those listening, that I am not going to do a second opening at this stage. In my respectful submission, it will be appropriate for your Honour to receive this evidence, and then consider ultimately, whether it is relevant to your findings and decision making, under the Act.

But it will be premature to do so at this stage.

THE CORONER: Yes.

DR DWYER: But can I reassure those listening, that rather than doing a second opening, as the emerges, it will be very clear what that evidence is. And with the assistance of our wonderful interpreters, from the Aboriginal Interpreter Service, and the assistance of CAAMA Radio, we are completing a summary of the evidence. And it's being interpreted, very quickly. And sent to – into the community. So we're grateful for that assistance from the Warlpiri interpreters, who have been magnificent, in getting that out very quickly.

And I just want to reassure the community, that there will be every effort made to explain that evidence being called, and to communicate effectively.

THE CORONER: Thank you, Dr Dwyer.

Yes.

DR DWYER: Your Honour, I call Sergeant Annie Jolley.

ANNE JOLLEY, affirmed:

XN BY DR DWYER:

DR DWYER: Sergeant, would you please tell the court your full name?---Anne Marie Jolley.

And your current employment?---NT Police.

And you're the sergeant of the police station at Yuendumu, is that right?---Yes I am.

Sergeant Jolley, you are quite softly spoken - - -?---Oh sorry, do you want me to move closer?

I'll just start by acknowledging statements you've done to assist her Honour. The first one is dated 22 – I withdraw that, 14 April 2020. And that appears at tab 769, and there's a second statement at tab 769A, which is dated 22 May 2022. Have you read those statements recently?---Yes.

I might take you to portions of them, as we go along. In terms of your current position, as the sergeant at Yuendumu, how long have you been back working in that post for?---Just over a year.

So this most recent stint, in Yuendumu – in Yuendumu, as a sergeant, I think started in July 2021, is that right?---Yes, correct.

But you have in fact been in Yuendumu, working as a police officer, on different occasions?---Yes.

I'll take you to each of them. But just to summarise am I right, broadly, it's from 2014 to 2017?---Correct.

And then again, for about six months, from December, 2019, after the death of Kumanjayi?---Correct.

And then most recently, for the last year?---Yes, correct.

I want to start off, Sergeant Jolley, by asking you about your history in the Northern Territory Police Force, more generally. You joined the Territory Police Force, you tell her Honour in one of your statements, on 7 November 2005, about 16 and a half years ago?---Yes I did, correct.

You were I think in your early 40's when you joined the police?---Yes I was.

Can you tell us what – a little bit about your work prior to joining the Northern Territory Police Force?---So before the police force, I was a nurse for around 15 years at Flinders Medical Centre in South Australia. Prior to that, I worked with visually impaired children, at a place called Townsend House, which is also in South Australia, in Brighton. And I did some child care work as well, in-between that, so, pretty much.

And where were you – where did you grow up?---In Adelaide, in South Australia.

When you were working in those jobs that you were telling us about, did you have any experience with Aboriginal people – clients?---In my nursing I did, because I worked in cardiothoracics, and a lot of the Indigenous come over for heart surgery, so, that's probably the most.

I'm going to ask you during the course of your evidence, what you think makes the best police officers in community. But can I ask you generally, what life experiences do you think equipped you to be a police officer?---I think definitely my nursing. And possibly just the way I grew up. My mother was a very passionate and loving woman. Just watching her. Yeah, she was a lovely person, and it just gives you that empathy and compassion for life, and my life experiences just through – just dealing with children and adults, just a whole range of different things I think, gave me a broad scope on life I guess.

So I'm going to get philosophical pretty early then, Sergeant Jolley. Why is it that you think that compassion and empathy are good skills for a police officer?---Because I think – I think everyone wants to be treated with compassion, and empathetic respect, and fairness, I guess. So I think they're important things to have as a police officer.

In terms of your training in the police force, where did you do your early training?---In Darwin.

And what did that involve?---A lot of study, and physical – yeah, a lot of physical fitness and yeah studying law, and also scenario - - -

I'll narrow down on two areas in your training. And I appreciate that your training is ongoing throughout the course - - - ?---Yes.

- - - of the time in the police force. Do you recall now, having any training on cultural competency?---Yeah we did a stint – I mean it's a while ago, but Daly Waters, I think we went out and did a stint in Daly Waters.

And did that involve staying overnight?---Yeah, we stayed overnight and met the local people in Daly Water, and yeah and I can't remember - - -

Sure?---Too much detail, obviously it's a long time ago, but I do remember going to Daly Water and having that overnight experience.

And then, you've obviously – I'll take you shortly to your experience, in community, over many years, but is there also formal training that you've done in the Northern Territory Police Force since, on issues about cultural competency, if I can broadly put it like that?---Yeah I – I – there is – look, I'll be honest, and I can't remember obviously we do do cultural awareness stuff, but I – I can't recall exactly what that is to be perfectly honest.

And if – I want to just ask you about, in terms of your formal training. You understand what I mean by systemic bias, or – or informal bias?---Yes I - - -

Have you done any training about that?---Yeah, well there is a conscious bias that we have done.

Unconscious bias?---Unconscious bias, sorry, yes.

Is that – am I right in – sorry, I didn't want to put words in your mouth?---No, I know that's true.

Okay?---Yep.

And how does that – I'm putting you on the spot, but can you recall exactly what that consisted of?---Not really.

And is a lot of the training delivered by the Northern Territory Police Force these days online training?---Yes.

Do you recall now whether or not the unconscious bias training in online or delivered by a human?---It was delivered, I believe, it was delivered in person and now it's an online training.

I see, okay. I am assure you that we can find that out from management in the Northern Territory Police?---Yep.

But in terms of your reflections on it, I appreciate you bring your own life experiences, but was there anything about the unconscious bias training that you've done that you found useful?---Honestly, I can't – yeah, I can't recall.

Do you – when you hear the term, “unconscious bias”, do you accept that it's right that – or everybody brings to a job a level of understanding about a situation and that they might unconsciously be bias in that scenario?---Everyone – well, everyone can be bias against things, I'm not saying – yeah. But it depends – it depends on, I guess, your upbringing, how you think, sorry. There is people that form opinions just from their experience.

And I'm going to ask you generally about policing out bush, but in your experience, in a general sense, are the people attracted to policing out bush people who are empathetic towards – and interested in cultural issues.

MR FRECKELTON: Your Honour, I'm going to take some exception – objection, your Honour. sorry, that my learned friend took, I think when I was absent when other counsel were asking questions. It's really important they're not leading questions for this witness.

It is important really to actually give her answers without the words being put in her mouth. So, I do object.

DR DWYER: I'll move on.

THE CORONER: Sure.

DR DWYER: But I just make this point. This is a professional witness and I don't think that I'm going to be leading in any way that's going to be influencing her evidence. But to reassure my learned friend, I'll ask a different question.

What – let me go back a step, Sergeant Jolley?---Yep.

What is your experience firstly of policing in towns, Alice Springs and Darwin?---So, I did a couple of years in Alice Springs and in Darwin, I did MPG, that was the Metropolitan Patrol Group, and watchhouse, the Darwin Watchhouse and Nightcliff Social Order.

Nightcliff Social Order. When were you in Alice Springs as a general duties police officer?---That's where I came from college, straight to Alice Springs.

All right. So, that was around 2005?---2006 after I finished college.

2006 until when roughly?---I left for – well, in Alice Springs itself, only a couple of years, because I went out bush from Alice.

Okay?---Yep.

And have you ever been back to Alice Springs Police Station to serve as a police officer?---Yes, because I bounced back and forth out bush. So, I went out bush, did release stints and then I had permanent spots, and then I did come back in and I was attached to the Domestic Violence Unit.

When were you attached to the Domestic Violence Unit?---Around 2012.

Between 2012 and 2019, did you do anything stints effectively as a police officer in Alice?---No.

And you told us that you were at the May it please the court. in Darwin?---MPG.

MPG, Metropolitan - - -?---Patrol Group.

- - - Patrol Group?---Yep.

And when were you serving there?---Around 2012, 2013, I think, from memory.

I am going to ask you to cast your mind back to being a junior officer. In 2006 in Alice Springs, was there a – did you feel that you had a sense of being mentored in the police force in Alice?---Yes.

And how important was that to you as a junior officer?---Very important, because that's me learning my job.

And in terms of the mentoring, where did it come from; not names of course, but what was the structure?---Your senior partner and your sergeant.

Within your training initially in the academy in 2005, did you – do you recall that you were trained in the use of force?---Yes.

And when you talked about scenarios, do you some of those scenarios involve when it would be legally justified to use certain types of force?---Yes.

Including lethal force?---Yes.

And do you receive that training ongoing throughout your time in the police force?---Yes.

And in relation to your training ongoing, is there any difference in terms of the use of force training between metropolitan areas and bush communities?---No, we train the same.

Have you ever been interested, Sergeant Jolley, in joining the TRG or Cordon and Containment Team?---No.

You, as a police officer, are entitled to take out your firearm and use it - - -?---Yes.

- - - if it's legally justified. Correct?---Yes.

You've been a police officer now for 16 and a half years. Have you ever taken out your firearm?---No.

You use a taser – well, I withdraw that. You carry a taser. Is that right?---Yes.

Have you ever had to taser somebody?---No.

Come to your experience in bush communities, in the police – in the statements that you do, you explain that you spent about 10 years in remote locations throughout the Northern Territory, being Kintore, Papunya, Haasts Bluff, Yuendumu, Borroloola and Warruwi, is it?---Warruwi.

Warruwi?---Yeah.

Have you enjoyed those locations?---Yes, I have.

Have you been encouraged to do that work in those communities or have you voluntarily done remote community work?---No, voluntarily.

Why is it?---I went out – I first went out to Papunya in 2007, I think. And I just enjoyed that policing. I enjoyed that community feel and getting to know people. And it was just the policing I liked.

When you first went out to Papunya, what was your grade as a police officer?---I was a probationary.

A probationary constable?---Yep.

And so, do you recall at Papunya how many other police officers were there when you got there?---Derek's there. There was four of us, I believe.

Was there a sergeant at that station?---There was.

And yourself, as probationary constable, Derek as the ACPO?---Correct, yes.

And then a third officer, was that a constable or senior - - -?---Two constables.

Two constables?---Yep.

Okay. Did you receive any additional training to equip you to be a police officer out bush?---No.

When you got to Papunya, was there an induction of any kind?---Not really, but I did work with Derek, so if you want to call that an induction, but I don't think there was – like, there wasn't a package to say, this is what you do.



Was there – did you feel that working with Derek, there was a mentoring process where he was able to teach you some of the ropes?---Certainly, yes.

So, what sort of things did you do with Derek to be able to learn what to do?---So, he introduced me to the community, the people, taught me about different groups; you know, Papunya family groups and just how they police. Like he showed me like a respectful way to police, I guess, for want of a better word, yeah. And it was different, yeah.

In showing you a “respectful way to police”, what sort of things did he explain?---Well, as opposed to, you know, we go out in Alice or anywhere else, you’re going to a job, whereas in a remote station, you’re going out – you’re often just going out to say g’day to people, talk to people. And so, it wasn’t like every day you were going to get someone and putting them in your cell, you’re actually going out to engage with them and get to know them and you know, and also, you know, not – and if we could go to a job, you know, not necessarily if you saw something, maybe that – whose been arrested, but that time wasn’t right. You don’t have to go straight out there and hands on. So I guess it just - and because, you know, obviously Derek knew everyone, you know, is that connection - and language of course, you know, he had that language, so.

That Derek had the language to be able to speak with people?---Yeah. Yeah, yeah.

Did that - going out with Derek help you to build relationships with community?---Yes, certainly.

In your statement in June 2022 you talk about some of the attributes of good community police and you say "Cultural and community understanding and empathy is an integral part of ensuring that police can work effectively within the local context"? And then you go on to say, "This can be achieved through an induction process to ensure police officers develop relationships with local people from the outset and to be able to tailor their approaches to individual situations and circumstances." In terms of teaching it to police officers out bush, you've then gone on yourself to become a sergeant, working in community where you've got to mentor and role model for other police officers, correct?---Correct, yes.

Have you generally been able to do that with young officers who are coming out?---Generally - yes, like with young officers coming out we always put them with someone from - that's obviously been in Yuendumu for a while. Derek - if Derek is available and we send - and they work with, say, Derek or someone from Yuendumu for a couple of weeks where they learn and meet people and learn more of the culture and expectations.

Taking Yuendumu as an example?---Yes.

You've now had an experience of working there over different periods of time. From 2014 to 2017 were you the sergeant there?---Yes.

So then there's three stints at Yuendumu where you've been the sergeant. In terms of receiving new officers into the station does the level of induction sometimes depend on their experiences?---Of course, yes.

So if you get a very young officer, for example, and he hasn't had as much life experience, does it sometimes take a longer period to induct them effectively? ---Sometimes. Not always, but sometimes.

In those circumstances have you enlisted the help of Derek?---Derek would be the one that would do it if he was available.

One of the things that you explain in your statement is that - and I am quoting from you:

"It's vitally important that police members fully understand cultural protocols when they work in community. This includes the hierarchical structure and status of individuals such as traditional owners, senior Elders, emerging leaders and family groups. A large part of remote policing is working collaboratively, to share information or concerns of occurrences within the community and develop locally led strategies to address them."

In terms of developing that understanding, how important is the ACPO to you? ---Derek is very important because he is - obviously he has got that culture, the language, he understands, he knows all the family groups, so he is very important for us for that connection and you know, he's like bridges between us and their culture. So learning from Derek is very important.

Derek, when he gave evidence, said that he worked with you in Kintore and Papunya and Yuendumu?---Yes.

Can you describe your relationship with Derek?---I have a lot of respect form Derek and I've learned a lot from him and when I was at Kintore I worked with his grandfather, Jabaljarri, so yes, I've been - me and Derek have been around for a long time, in fact we were at the college together so we went - he was in the ACPO course and I was in the Coni(?) course, so.

And outside of policing, do you have meals together or anything like that?---On occasions, Derek has come to my house for a meal, or you know, at the station at times we might have a barbecue every now and then.

Can you tell her Honour generally - I know you've had different things at different communities and different times?---Yes.

But what has the workload been like for you as a police officer in community? ---In Yuendumu particularly or - - -

Let's start with Yuendumu?---Yuendumu is reasonably busy and constant, so - the other - look, every bush station is different - remote station - so some are busy, some are not but, you know, it depends how you look at "busy" because you can always engage, so you know, there's no - just because you might not be busy with crime or whatever, you can still be out there, you know, engaging and doing other things, so, yes.

I will come back to Yuendumu specifically. I just want to ask you about cultural protocols. One of the examples you give of the necessity to understand cultural protocols is around funeral or sorry business. Can you explain that in terms of policing?---So, if someone has passed away and they've gone to sorrow - sorry - we won't - we are very respectful and we won't go and arrest anyone in sorry unless it's something that is obviously happening right there and then, we will respectfully not arrest anyone at that point in time. We do go up and show our respect and shake everyone's hand and give our condolences. So it's a respect and, you know, that we form in the community with the Elders and obviously, you know, Derek, with his guidance as well, so.

Drawing on your experience, what do you think would be the implication if you did arrest during a funeral process or a sorry business when there was no immediate threat?---They would find that as very disrespectful.

And does that have ongoing implications in terms of your relationship with the community if you were to do that?---Yes, it could, you know. That would - yeah, it would be highly disrespectful if it wasn't necessary.

Is it also important as a police officer in community, to understand protocols for women's business or men's business and ceremonies and not intruding on them? ---Yes.

And do you learn about that from the ACPOs?---Definitely, yes. There definitely places you can go and places you can't go.

We've heard already about the role of ACPOs and we will hear more about it during the course of the inquest but we understand that there is also a role for an ALO, is that Aboriginal Liaison Officer?---Yes.

What is the difference, from your perspective, between an ACPO and an ALO? ---They both have powers, like police obviously as a police officer and an ALO is a liaison officer, just helps out in the community, they come out and help with language, understanding summonses or talking to them to understand a process they're maybe not quite understanding, so they're just a talk between - for want of a better word - between us and the community.

Have you also found that position of ALO to be effective in assisting with communication and understanding of community?---Yes. Yes.

You note in particular that the role of - you talk about the ACPO is an important link in addressing local issues and you give as an example house-breaking and domestic violence. Can you give an example, without mentioning names, of where an ACPO has been able to assist you to deal with those legal issues?---As in break-ins? Sorry?

For example, taking break-ins, can an ACPO form a bridge to assist you to communicate with a community?---Often - particularly in a break-in, so because he knows the community he will go out and ask who did it and he will find out a lot quicker than, you know, most people will or he will look at the CCTV footage and he will know exactly who that person is. So, yeah, and then he'll bring them together.

You note in - I think it's your first statement at page - just give me a moment. Your second statement at page 3, you say this,

"In the last couple of years on a number of occasions police officers were transferred directly from initial college student studies to remote localities prior to receiving basic experience on the job in metropolitan or regional localities, while the experience is not the key determining factor, developing a skill set o effectively communicate and engage with a vast range of people in sometimes volatile situations is essential. The learning curve is steepest at the commencement of a policing role and skills continue to develop throughout their entire careers."

I just want to break that down. Do you know why it is that in the last couple of years, on a number of occasions, police officers have transferred directly from the College to remote stations?---Some of was because they're having trouble filling the remote locations, so.

And in your view, is it better for new recruits to have some time in metropolitan areas, where they can do that steep learning, initially, rather than do it out bush?---Yeah, I believe they should – and it's just my opinion, that they should go to a regional station, where they've got – there's more people. They've got more support. So they're learning their job, with the support of, and you know, and – yeah, I guess learning to communicate with the people. And just learning the basics of their job, before going somewhere else.

You also say though, that's it's imperative that local people, feel a sense of trust, in the local police, so that they feel comfortable reporting incidents, correct?---Yep, yes.

So when you talk about younger police officers, or new recruits, developing good communication skills, and incident management, it's important, isn't it, that they get good training in respect and – good communication, when they're in metropolitan areas?---Yeah, yes.

And important that they get training, in metropolitan areas, about the importance of respecting hierarchy in the police force?---Yes.

And, including of course, respecting the role of the sergeant?---Yes.

And respecting the role of management?---Yes.

Do you – did you – I withdraw that. Do you currently assume that that happens, in Alice Springs and Darwin? That new recruits are being trained in good communication skills, firstly?---I would presume so.

And would you presume that they're also receiving good training and mentoring in the importance of respecting hierarchy in the police force?---Yes.

In terms of your mentoring of younger officers, in inexperienced officers that come onto community, had you ever had an experience where you are concerned about the mistreatment, or lack of respect of officers towards community members?---I think when they – when anyone that first comes out to our community, we are very conscious of making sure they're with someone that is – like that's one of us, that is in the community, and knows the community. There is always times, because obviously policing is different, so it's just a matter of communicating to that new officer, the – you know, the expectations. But again, being with someone that's from Yuendumu, and getting them to mentor them in their role, when they come out to us, is very important.

Let's take for example, the situation of arrest?---Yes.

When you want to arrest somebody in Yuendumu, you are generally in a position where you'll know most of the local people, is that right?---Yes.

And you'll know their families?---Yes, correct.

And for the most part, you'll have formed some sort of relationship with families, is that right?---Yes, yes.

And families all know you as Sergeant Annie, is that right?---Correct, yep.

So in those circumstances, if you wanted to arrest somebody, what do you generally do, as a starting point?---Starting point, if Derek's around, we'll talk to Derek. And – I mean Derek's not always around, but – and we will go and talk to family. It's very important that the family are involved, so we go down, we talked with the family, and tell them what we need. You know, so we'll say that they need to come down, there's a situation, and ask for their guidance and assistance to help them come down.

Derek has given evidence that when somebody needs to be arrested in the community, the ACPO should be involved. And if the ACPO's not available, it's important to speak to Elders about the best way - - - ?---Yes.

- - - to arrest somebody. Do you agree with that?---Yes. So the elder in that family, and family.

You've given evidence that all arrests require a risk assessment, and a plan - - - ?---Yes.

- - - that facilitates the lowest risk available to resolve the issue?---Yes.

I take it from what you have said already, that in all the time that you have been at the different communities, that you've police, Papunya, Haasts Bluff, Yuendumu, Borroloola, Kintore, Warrawi, you have never had to use either a Taser, or any other weapon in – or I withdraw that, either a Taser or a gun in arresting anybody?---No.

Have you ever had to call in – I withdraw that. Have you ever called in the IRT, or cordon and containment, to assist with an arrest in a community?---Not in community.

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

DR DWYER: Not in community?---Not – not in community.

A PERSON UNKNOWN: Thank you.

THE WITNESS: We did – I can just refer that we did use some for an event at the Granites, but they didn't actually come in – come into Yuendumu. And it was cordon and contain, and it was quite a long time ago. And it was someone that needed to be arrested that had come past Yuendumu, and they – we spoke to them, and they got the person other side of Granites. So it's about the only time we – apart from that, we have not used them.

DR DWYER: You – and you've never called in the IRT or cordon and containment for an arrest in Yuendumu, at all?---Not for one in Yuendumu.

You know that page four of your first – sorry, of your second statement, this, "In an event where a specialised tactical response team may be required, a briefing note should be prepared by the OIC of the station, and reviewed by the relevant divisional superintendent and commander", correct?---Correct.

"The briefing note would be sent out to the OIC of the tactical unit, prior to their departure", correct?---Yes.

And you'd expect that they would read it prior to their departure?---Yes.

And they would disseminate it to the members attending, and provide an initial pre-deployment briefing, correct?---Yes.

So it's your expectation that that – that the briefing note will be read and understood by all the officers before they come into community, correct?---Yeah.

And then you say, "Upon arrival to a remote community, it's imperative that there's a full briefing will all members involved by the OIC of the station, which should be recorded by body-worn video"?---That's my opinion, it should, yeah.

Why do you think it should be recorded by body-worn video?---Just because it's – then you can refer back to it. So it – you know, you can refer back, and if there's any issues, then it can be seen, so.

And if there's any dispute subsequently about what was said, you can go back - - - ?---Yeah, you can see it, so yeah.

But you also note that in that briefing then, people can raise questions or concerns, as well as bring ideas or suggestions?---Yep.

Is that then also a good opportunity for the local sergeant to explain to police from town, how you might do things differently in community?---Part of that will be in the briefing, what – yeah, what the expectation is.

But if its – if it seems to, an officer like you, who was in charge of that briefing - - - ?---Yes.

- - - that there was a lack of understanding, or a pushback from some officers, you could clarify that?---Yes, of course.

And what you make clear in your statement is that the officer in charge of the station, remains in charge of the event, through to its conclusion?---Yes.

So with a cordon and containment team, would it be your understanding, that the officer in charge of Yuendumu, or a remote station, still has the overall authority, or should have the overall authority?---Yeah, definitely.

Before I move on specifically to Yuendumu. One thing that you say in your statement is that officers in the community are not, for the part, not seen as a threat to, or by local people. Obviously that's – that's from your perspective - - - ?---Yes.

- - - sergeant, and we'll hear from local people - - - ?---Yeah, yep.

- - - but you go on to say "Community police are accustomed to seeing police in metropolitan, regional and remote locations, wearing their – their gear" - - - ?---Yes.

- - - "Which includes batons and handcuffs and pepper sprays, and their firearms that are holstered, but they don't carry additional equipment, such as long arm rifles, or shotguns"?---No.

And you say that – "An act like that, would be an unnecessary and aggressive approach"?---Yeah.

And in your opinion, it would frighten the community?---Yes, it would.

Just before I move off a general idea about arrest, have you had an experience in community where, in spite of your best efforts and the best efforts of the ACPO, you haven't been able to get somebody to hand themselves in?---Yes.

And you haven't been able to get somebody to come with you voluntarily when you go to detain them?---Yes.

And so, have you had an experience where some level of force is required to get somebody – to detain somebody?---Yes.

How common is that for you in community?---Not very common.

Okay. And have you ever had an experience where you have decided that, in order to arrest somebody using the minimum force, you would detain – you would go and pick them up very early in the morning when they're asleep?---Yes, often we would.

So, that's a tactic that's used?---Yes.

Is that right?---Yes.

What's the purpose of that or the rationale for it?---The purpose of that is because, generally, people are asleep early in the morning. So, we go in quickly and basically arrest the person before they basically wake up. So, it's pretty quick.

And in terms of doing a risk assessment, is it your view that it minimises risk to do that?---Yes.

You minimise the risk, for example, that they would take a weapon to resist police?---Sorry?

You minimise the risk that they - - -?---Oh yes.

- - - would grab a weapon to use against the police?---Yes.

I just want to talk about another weapon that you told me about when I was asking you questions outside. You once said that you spoke to somebody for an hour and a half before you arrested them?---Yeah.

Can you tell us about the role of talking to somebody in getting them to come with you as part of the arrest?---So, I spoke to that person probably for – yeah, anywhere – around an hour and a half, because they were very uptight. I could see that they were really, really frightened, so I just kept talking to him, talking to him, talking to him. He calmed down, elevate, calm down and elevate his emotions. And after an hour and a half, Trent Berry and myself, it was at Yuelamu, our neighbouring community and he did pick up a frying pan a couple of times and then he put it down, calmed him down. And after yeah a good hour and a half, he walked beside us with our arm either side and got in the car. So, it was very important, because there was



children around, there was family around. So, it was important for us to do the best we could without going hands on in front of anyone, children mainly, to get him in the back of the cage and – yeah.

I'm going to come now specifically to Yuendumu. You first came to Yuendumu, you tell us, in 2014?---Yes.

Can I ask you, did you come alone or with a partner at that time?---With my partner.

And did your partner have a job in the community as well?---Yes, she did.

And what was her job at that time?---She was working for Department of Children and Families and she was their wellbeing social worker on community.

Is – that's Fiona. Is that right?---Correct.

And is it correct that Fiona was doing the outreach work in that role?---Yes, she was.

What did that involve?---So, the outreach role, it was preventative. So, any vulnerable family that may be at risk, she would go around there and sit with them and talk with them and support them and give them any support that she could, or any help that she could to help them in their situation and to make them a stronger family. That was her role, so.

I'm going to direct this first set of questions about Yuendumu to your first stint there of over three years?---Yep.

Did Fiona have that job for most of the time you were there?---No, she was – she had it at the beginning, over a year I think, she was there in that role, maybe longer.

And then, do you know what happened? Can you recall now what happened after that year?---Then someone else took that role, and then that role just kind of petered out, I think, went away.

So, when you first got there, you had somebody in the position of – I can't read my own handwriting, wellbeing and - - -?---Wellbeing, a wellbeing social worker, or DSF, Department of Children and Families' services.

And then somebody took – and Fiona would do outreach in that role?---Yes.

Somebody then took over. Let me start with that year that Fiona was in that role?---Yes.

What impact did that have on your ability with policing?---I suppose - - -

Just let me clarify, having somebody who was stationed in the community?---Yes.

Living there full-time, full-time in a role as a social worker and wellbeing officer with

DCF and doing outreach. Put aside the fact that she was your partner, just having somebody in that role through the year, what impact did it have on your policing?---It was a really good – to me, it was a good role. Like she was working with the – see the children that we were dealing with as well, had concerns with. So, she was working with those families. So, it was important because it supported the families that were struggling with kids that weren't listening. So, it was a really important role and that was coupled with, I think they called it MOS Plus. It was also - that was also through DCF and that role was about trauma. So, whilst Fiona was dealing with people that were at risk, the families that needed support, MOS Plus was dealing with children that were – families that were traumatised, so children with trauma. So, both those roles are very valuable, in my opinion.

Is MOS Plus is – I'm so sorry, I spoke over the top of you, Sergeant?---No, no, all good.

Is MOS Plus still working in Yuendumu now?---No. Both those roles have gone.

So, both those roles were extremely valuable?---Yeah.

Both those roles really assisted police in their work?---Yeah, they certainly - - -

Both those roles have gone?---Yes. There was a lot of communication between MOS Plus, Wellbeing, WYDAC. It was, yeah, it was – all that team was all about supporting young people, so.

THE CORONER: Have they been replaced by anybody else?---No, not really, no.

DR DWYER: Do you know why they – first of all, why those roles “petered out”, I think in your - - -?---I'm not sure. I know that – and I'm not sure when Territory Families, they took over the safehouse, but I'm not sure when that happened. But yeah, I'm not sure.

No doubt, we can gather some evidence about that, your Honour. That sounds important and I think my learned friends agreed with me at the bar table about the importance of understanding that.

MOS Plus, who we will also get some information from, do you recall now the name of any worker or workers through that - - -?---Teagan(?), her name was.

Teagan?---Yeah, I'm not sure of her last name, but Teagan was her first name.

We will track Teagan down?---Yeah, I'm not good with names, so – yeah.

And I'm certainly not trying to be critical of anybody, but I think after Fiona stopped doing the job at Territory Families, your perception, am I right, was that there was not the outreach done by the person who was there?---Not in the same way. Fiona was very involved in the community, so she would be out there all the time sitting in the dirt with the families.

As opposed to waiting for families to come to - - -?---Yes, as opposed to waiting for them to come to her, she would be out there engaging.

So, drawing on your considerable experience there, Sergeant Jolley, how important is that, just as a learning from what happened; to actually be able to do outreach in the community?---It's extremely important. It's extremely important for the community to feel supported and helped through those services. And I think they did.

After Fiona stopped working at the – in that position as a social worker and wellbeing officer, did she then stay in the community working?---Yes, she worked for the Family and Children's Centre.

And is that where she is today?---Yes, yep.

In a general sense, in terms of being in community long-term, was it easier or harder for you having a partner there?---To be honest, easier.

When you first arrived, I think it was January 2014 that you had commenced that gazetted position?---Yes.

How many police were there at that time?---There was myself, Trent Berry, Robyn Schmidt(?) and Derek Williams.

Yourself, Trent Berry, robin Schmidt and Derek, correct?---Yes.

In terms of the team, we have a statement from Robyn Schmidt. Was she somebody who was experienced?---Yes. She was the Acting Sergeant when I took over.

And has she actually returned to the community as well?---At the moment she is in community, yes.

So - and also Trent Berry, what can you tell her Honour about his level of experience?---Trent is a very experienced officer as well.

So was that a good working group, the four of you, in community at that time?---It was a good group, yes.

Did the staffing levels change over that three year period that you were there?---Yes, staff changed. I'm trying to think whether we were increased or not but during my - my period there we did build the new station, so there was three new houses built so our staff did increase once those houses were built and there as an ability to increase our police numbers because some of the problem is housing, so if we don't have enough houses to put police in, we can't Gazette them into positions so they built a new station and we had three new houses, so we did increase.

During that period of time, now I'm about to take you to a list that you did shortly after starting, were you outlined some of the challenges for the community. Before I get there can you tell us about some of the strengths of Yuendumu, for people who haven't had an experience of going into community?---Some of the strengths?

Yes?---So community - the Warlpiri are a very strong - strong culture. They are very passionate people. They all love to go out hunting and gathering and love their football. They're very engaging people. They like to sit and tell you, you know about some - you know, some of their stories back when they were younger and things like that, you know, they're very engaging people and they're very passionate people, they've very passionate about their culture.

And do you feel, Sergeant Jolley, that from that time when you were there in 2014, that you were welcomed into the community?---Yes, I do.

When you were there for a couple of months in May 2014 you created a document which outlined some of the issues for the young people in Yuendumu and - I will just see if I can put that first document on the screen. This is an attachment, it's a three-page attachment to the Sergeant's statement at 769. I will just ask Bec to put the first page on the screen - and only the first page because the second one has the names of - it's at 769 and Maria's put a bundle of documents together. It's three pages from the back. Otherwise I will just read it to the sergeant.

Unfortunately they're not paginated. I think it's three pages from the back.

A PERSON UNKNOWN: Is it Commander TOC?

DR DWYER: That's right. I am grateful to my learned friend. That's it, yes, it's that page. Okay, so here's - and I am just going to put the first page, Sergeant Jolley, here are some of the issues with young people, so unlawful entry, stealing, crime damage, rock-throwing, aggressive behaviour, walking at night, children not attending school, are those issues generally - is it your experience that there are problems for a number of young people in any community that you go to?  
---All communities are different. Obviously you've got many communities and definitely in Yuendumu we have those issues. When I started - because I only started in January and I think that document is May - maybe?

Yes?---So, there was a lot of this behaviour, it was over the Christmas period when obviously school breaks, so they were the concerns then, yes.

Under the causes - in terms of what your opinion was in May 2022 - sorry, I am going to have to move because I can't see it properly.

I will read it to you, Sergeant Jolley, if you like. Just so you can stay near the microphone so we can hear you?---A slight move.

Under (inaudible) you note a "lack of parental boundaries and a sense that parents or some were not able to control the young people". Is that something - was that a

theme that you thought was more evident in 2014 than it had been in previous years?---I hadn't been there before then.

Okay, what about in a general sense in communities, did you feel that in 2014 there was an increasing level of lack of boundaries or people feeling they weren't able to control the young people, compared to, say, prior to the intervention?---I'm not sure to be honest. Definitely when I started in Yuendumu they were major issues, yes.

One of the causes you say that domestic violence was impacting on young people, is that right?---Yes.

Did you notice a number of young people who were being traumatised as a result of the violence that they had experienced?---Yes, well I guess any domestic violence is traumatising and that's why some of the kids were walking around at night.

I'm sorry, Sergeant Jolley?---Sorry - that's why one of the - that's one of the reasons kids walk around at night - if the home life, they feel that it's not safe, so.

Does that underscore the need for safe places in community, for children and victims of domestic violence to go to?---Yes.

If you come then to your recommendations - or sorry, if Bec scrolls down to "Recommendations"? There's a number that you note there, "Parenting programs have been funded for". I will just stop on that. What were the parenting programs - and if you can't recall we can dig into it at a later date?---I'm not sure, yes, but I think they were put on by - it could've even been WYDAC that put them on, I'm not sure.

And then there was looking to incorporate healthy house program - teach people how to cook healthy meals. Who was that being delivered to - or by?---I think that was something we were trying - a suggestion we were trying to get up and running because we believe that a lot of the problem was at school break, so you've got a big - big school break and these children are eating from school, so if you've got a big break in December and people - you know, kids might not necessarily be getting enough food and that was a factor we thought was contributing to unlawful entries into stores.

Did that program ever get up and running?---No. We talked about it but it never got up and running.

Were you seeking funding for that program?---Yes, I think it - we talked to the school about it and it was - I think the issue was funding at the time, from memory.

Is it a program that you still think would be useful today?---Absolutely, yes. Especially over the holidays I think, you know. And just - it's not a bad thing to have year-round really, teaching healthy living.

The BMX track is mentioned there as a possibility, one that you are throwing up as useful for kids. It needs to be build, you say, in an appropriate area within the community to give young people more activities?---Yes.

Did the BMX track ever get built?---It did and apparently it got built in the wrong spot and the person that - I think it was Central Desert - didn't like it so it went - but it did, yes.

So two things flow from what you've just told me. Does that underscore the need for community - real community engagement to find out first from the community what is required and where it should be positioned?---Yes. It needs to be positioned in the right place for the community.

Do you still think, given that you've been there now for a year, it would be useful? ---Yes.

And are there other activities for young people that you hear community talk about as being helpful, that you don't have currently?---Look, I think there's a lot of probably programs that are out there for kids that would benefit them. We haven't really had any structured programs - no, I shouldn't say that because WYDAC do but they're struggling with funding and staff. So, there is – you know, the kids do get bored. And this time when it's too cold for the pool – they've got the pool, but when the pool's closed, then they don't have a lot of other activities to do. So there's probably certain things that they could be doing. I'm not sure, you know, how that looks, but certainly BMX track, a good BMX track, bikes, things they like, exercise.

And do you think it's important to engage the youth, in terms of – before we decide what activities, young people should be asked themselves?---Yeah, what they like. What they want to do.

But from a policing perspective, your point here was, wasn't it, that you need to keep the young people active?---Yeah, yep.

You note there are well-being social worker working with families where children were at risk. We've heard about Fiona's role. At the time though in May 2014, did you think other resources were necessary?---Look, we all work together very well and try to, and WYDAC, Beth Geer(?), so she was very involved in the youth, and she was the like mental health counsellor. So there was – everyone was working together back then. But there's always more that you can put in, you know. Probably a DV worker would have been great out there. A psychologist that deals with trauma and mental health, substance abuse. You know, that would be awesome out there. And a well-being team.

I'm asking you about 2014, but it seems - - - ?---Oh so - - -

- - - that you're suggesting, Sergeant Jolley, that those things are still necessary?--- Yeah, I'm saying that's what would have been necessary out there, and still today, yeah.

THE CORONER: Are the youth issues that you identified in that document similar today, or has that changed?---No we still have unlawful entries happening very regularly. We still have the same issues.

And the causes, are they similar, or have they changed?---Look, they're probably changed slightly. A lot of unlawful entries can be boredom, could be boredom, at the moment. And it is true, that sometimes people – families go away, or they come into Alice, and they're not – they're away for quite a while. And it, you know, older people are the ones that are trying to look after the young ones. And often that's too hard for them. Like they're – they're elderly, and they can't do that, so that becomes an issue, you know, for the kids. They're walking around and so, yeah.

DR DWYER: You –

That can come down now Bec, thanks.

You have mentioned, Sergeant Jolley, the word "trauma" a couple of times now. In the community we hear, is the population fluctuates, but roughly 800 people?---Yep.

Are you able to tell her Honour, firstly, in terms of your understanding of trauma for those people, do you accept, as a serving police officer, that trauma for Aboriginal people generally, in that community, having been dispossessed from their land? The trauma of colonisation?---Yeah, look there's a lot of trauma. Whether it's a Coniston massacre, or – and just the trauma of their rights that we had out in there in 2011/2012. Like, these people are very affected, and very traumatised.

And in terms of policing the community, are there a number of people who are affected currently with substance abuse issues?---Yes.

What are the substance abuse issues?---Mainly – mainly cannabis, and also alcohol.

Do you see a link between the trauma, and the cannabis and alcohol?---I'm no expert in it, but yeah, I believe so, that people do rely on substance when they've come from trauma.

I'll come to Kumanjayi of course, but we know Kumanjayi passed away in November 2019, and you've been back in the community since then. What are your reflections as a police officer, on the trauma, caused by that death?---It's definitely traumatised the community, there's no doubt. Like there's a lot of trauma there. And you know, they are healing, but that takes time.

Do you currently have a trauma counsellor stationed full-time in community?---No.

Do you think you need one?---Yes.

Do you think you need more than one?---Yeah, probably.

The – don't let me put words into your mouth, Sergeant Jolley, but in this document in 2014, you talk about the importance of the Healthy House Program, and it's not funded. The importance of the social worker being – worker, working with families with children at risk. And there was no – that position is not funded. And you've told us about the trauma that was existing at that time. Is it frustrating, seeing those needs for the community, and that they're not being met?---Yeah it is. Like, I really care for the community, so those – those organisations that could be helping the community, the kids, it's disappointing that there's so little resources out there in the community for – for these guys for trauma, and healing, and helping – helping and supporting families.

You have, in your statement, talked about Night Patrol?---Mm mm.

In – from 2014 to 2017, was there Night Patrol working?---Yeah.

And what was the role of Night Patrol?---They used to go out and just try and scoot the kids home through the night, especially as it got late. After WYDAC used to have the basketball court open, and so the kids would go and play basketball, and then Night Patrol would try and scoop them – drop them home about nine – ten o'clock in the evening.

At the time from 2014 to 2017, was there – can you tell us about the basketball that was operating at night?---So it's just a – a – there's a basketball ring in Yuendumu, inside, outside. So they'd just open it all up, and they'd all just go and play basketball, the young kids used to go and play basketball and just around, ride their bikes.

Did you think that that was a helpful intervention to try and keep the kids busy?---Yeah, the kids liked it.

Is that currently operated?---It – it's not operating in the same way, and that's purely because WYDAC are struggling with, and not their fault, they're struggling with funding and staff so, I think they don't have the staff to often have it open.

And I'll come back to your wish list when we finish off your evidence. But it sounds like you – as a police officer, it would make your life easier, if youth services were fully funded to provide the programs that were necessary?---Yeah.

I think you also mentioned a recent program of Junior Night Patrol, is that right?---Yeah, it's something that we're trying to get run – up and running. That's with STK(?), Southern Kurdiji – so they're like mediation, mediation and night patrol. So we are trying to put a positive spin on the young people, the young offenders, by giving them a job as a junior night patroller. So instead of breaking in, they're actually trying to protect their community. And they get their shirt, and yeah, so they're trying to flip it from crime to protection, and give them a bit of a positiveness. They work for four hours, from 6:00 until 10:00. We've had – unfortunately we've



had to stop at the moment, and that's also lacking funding. But that's our goal. Kristyn is running that. She's the manager of the Southern Kuridji.

Is that Kristyn Oxenbridge?---Oxenbridge, yeah.

She's an Aboriginal lady who runs the – who works for the Southern Kuridji, is that right?---She is Indigenous, yes.

So how long has the youth program been up and running for?---So that program I think we – around May, May – June I think, might be wrong, but around May, maybe.

And am I right that you got a small amount of funding for that program?---I'm not sure, because Kristen did all that, but yeah, I know it's running out. I think it runs out this month. But we got one – two really keen, ready to go again, so we're hoping that we get that funded and up and running, so, it's a way of getting their – one, we work together, and one – the first one got his learners licence, so we worked with them to get his learners licence. And he rocked up every day, it's good. And thankfully, he has not offended since.

Well that's a good news story to start with. The young people are paid a small amount of money - - - ?---Yeah.

- - - for their role in that, okay?---Yep.

And so you'll need funding if that program is to be ongoing, correct?---Yeah, correct.

In – so in community generally, I'm still thinking about your three years there from 2014 to 2017, or currently. If you have staff who are on leave, and you run short, is there a way of getting relief staff into the community?---Yeah.

And how do you do that?---So, that comes from town, so they deal with that. We just tell them how many staff we need and if they're able to get them, they'll come in. Generally - - -

So, you make a request. Is that right?---Yeah, me make – yeah.

And then you're reliant on management to have a look at what resources they've - - -?---What's available.

- - - got at available?---Yep, they go to Alice Springs, OIC and all of that, yeah, the superintendent and see what's available and see who can be released, so.

And from time to time then, you have officers coming into Yuendumu who haven't previously spent time there. Is that right?---Yeah, correct, at times, yes.

Okay. And in those circumstances, are you able to give them some sort of induction, either yourself or through the ACPO, if he's available?---Yeah.

One of the things you talk about in terms of the role of the ACPO before I move on from that is that they can assist with truancy at school?---They were at one time, the last time I was here or my first stint, yeah.

So, in terms of – I'll come to Kumanjayi next, but in terms of the different stakeholders in community, from 2014 to 2017, were there regular meetings with stakeholders like police, WYDAC, Family and Children Centre, school, things like that?---Yes.

Are there still those meetings now?---Yes.

THE CORONER: Sorry, I didn't hear that answer?

DR DWYER: Yes?---Yeah, it's still happening.

In terms of the resourcing now, in 2014 to 2017 - - -

THE CORONER: Can I just ask, those regular meetings, did they include the clinic?---Yes.

DR DWYER: Obviously, personalities change within the different organisations?---Yep.

In a general sense, from 2014 to 2017, do you feel you worked well with the WYDAC staff?---Yes.

And can you see that it's important for police to have an ongoing good relationship with WYDAC?---Yeah, absolutely.

In terms of the stakeholder meetings, they're still happening. Are there more resources for Yuendumu now in 2022 than there were in the three years you were there from 2014, or less, or the same?---I think we've got less right now. And I think, you know, that's a staffing issue. Like I said, when I first was there, we had the wellbeing people. We had MOS Plus. And even the remote DV workers that came from town were more regular in Yuendumu and like, they'd come out every fortnight, or once a month, I think. So, back when I was first there, I actually felt like we had more resources than we have now.

Has COVID, in your understanding, impacted on the way in which Yuendumu can be resourced for all the stakeholders?---It did. Definitely, it's taken its toll. Obviously, we did a lot, went to teams and you know, for meetings as well. So, we didn't have so many face to face things and you know, and we didn't have meetings because of COVID originally because, you know, a lot of people were isolating and so, yeah, it took its toll.

And in terms of policing, are you finding it difficult to attract people into the station at Yuendumu?---No, at the moment, I've got two young fellas there that don't want to

come back. So, I think there's some keenness out there. It's about housing. So, it's still just a housing issue, as far as numbers, so.

I'll come back to 2022 in a minute. Can I go to Kumanjayi though? In 2014, you took over from Senior Constable Robyn Schmidt - - -?---Yes.

- - - who was the acting sergeant prior to you getting there. And she passed onto you what some of the challenges were in the community?---Yes.

And you're back working with Officer Schmidt now?---Yes.

She explained to you about those unlawful entries over the Christmas period. And did she also tell you about her concerns about Kumanjayi, who was then 13 years old?---It's a long time ago, but concerns for those children that are named.

All right?---Yes.

So, on your list – and I didn't put that on the screen for obvious reasons, but there's a list of young people who may be adults now but were children at the time. Correct?---Yes.

And they were young people who there was concern for welfare. Is that right?---Yeah, they were the ones that were probably nominated as probably the ringleaders. So, yeah.

And Kumanjayi, his name is on that list. Correct?---Yes, correct.

And he, I think around that time, had been in Juvenile Detention Centre?---Yes.

THE CORONER: And there were only 14 - - -?---Yes.

- - - on that list.

DR DWYER: Yes.

THE CORONER: Is that about the same number now, or has that number changed?---No, it's probably about the same, I think about.

DR DWYER: In 2014, that first year you were there, Kumanjayi was suspected of having been involved in a number of unlawful entries into the store and the health clinic. And he was suspected in terms of the – of a break in the Family and Children Centre. Correct?---Yes.

Do you remember meeting Kumanjayi yourself when he was a young fella, about 13/14?---13, yeah. He was 13, I think, when I first met him.

And how did you come to meet him first?---The break in at the Family and Children Centre and the health centre. I think it was soon after – around that time anyway, I

think. It might have been prior, but - - -

MR FRECKELTON: Sorry, I missed that?

DR DWYER: It might have been prior, around - - -?---Sorry.

MR FRECKELTON: No, the locations, sorry?---I said the health clinic or the - - -

Thank you?--- - - - when that Family and Children Centre and the health clinic.

DR DWYER: Did you have to detain him at that time, Sergeant?---I don't – I can't remember. I can't recall. I do remember that we did have a meeting down for the break in, you know, community meeting. We used to do the old community meeting and the Elders try and speak about how they feel about what's going on, the break ins and that, but yeah, it's a fair while ago, so.

Were the break ins of concern to the community?---Yeah.

And was there an effort from police to ask community or Elders to speak with Kumanjayi?---Yes.

What were the challenges for you, as a police officer, in trying to communicate with Kumanjayi?---He's very shy and it could have been, you know, because we're not Indigenous. So, he's a shy person and there's probably a certain fear if he thought – when he saw us maybe. Apart from Derek, who was family, but – so from my first meetings, he just seemed like a very shy person.

And did that change at all over that three year period where you saw him at different times?---I think he was always quite reserved and obviously, when we've had to lock him up, he was very emotional, got very teary if he was locked up.

I'll take you, just before the break, to one particular incident.

This is folio – for the benefit of my friends, folio 2-30, but I won't ask for it to go onto the screen.

There's a note here of an arrest from 13 February – I'll withdraw that, 13 May 2014 and details of Kumanjayi coming into custody. And I'm about to say something distressing. I will just say that as a warning for anybody whose here. In this note, you write, this is what's called a "Custody Incident or Illness Report"?---Yes.

CIIR?---Yep.

What is that report?---It's any incident that occurs while the person is in custody, whether it's illness of injury.

And is it important to record these types of incidents, so that other police officers are aware of them if somebody comes into custody next time?---Yeah, so they – yeah,

take more care.

You note in here, using Kumanjaya's name, which I won't, "Kumanjaya got upset and was crying. Member Jolley entered the cell and spoke with him briefly and he got up and appeared to be looking towards the door." So, the cell door was shut.

"Kumanjaya then got his top and wrapped it around his neck and was threatening to strangle himself. Member Jolley called out to Constable Berry and Constable Day, we entered the cell", and then it talks about the police officers taking Kumanjaya by either side of his arms, removing the top from around his neck and removing it from the cell as well as the blanket. "Kumanjaya continued to call out, threatening to harm himself if he went to juvenile detention and he hit his head on the wall twice and he punched the wall several times and threatened to poke his eye out and bit his finger." What were your reflections on him as a young person at that time, given that behaviour?---It was concerning behaviour.

Were you concerned for his well-being?---Absolutely. I would have had the medical clinic down there as quick as I could.

So in those circumstances, were you able to call the nurses to come and do an assessment?---Yes.

Was there however, at that time, any, that you can recall, any on-going counsellor for mental health issues, or drug and alcohol based in the clinic, who could do follow-up care for Kumanjaya?---There was a – now you say that, there was a – they did have a position for an alcohol and drug counsellor. I'm not sure if they were there at that time though. I can't recall. But I do know that Beth Geer, from WYDAC, spent a lot of time with Kumanjaya. And she was mental health. So she was awesome. She'd come down, didn't matter what time of day or night. We had a youth in custody, she would be there, supporting them.

And so was – was Beth Geer someone who came down to assist Kumanjaya in those circumstances?---Absolutely, she - - -

Do you recall her there on that time?---I would – I don't recall her being there, but I'm sure she – knowing that – knowing the situation, she would have been one we would have called, as well as the clinic.

Obviously for a young child, 13 or 14, to exhibit that self-harm – level of self-harm behaviour, might speak to a – some sort of significant trauma - - - ?---Yes.

- - - correct?---Yeah.

And you obviously want to be able to address that trauma?---Yes.

And you're saying Beth was - - - ?---Was trained in mental health.

- - - (inaudible) trained in mental health?---Yeah.

So for someone like Kumanjayi then, did he appear to form an attachment to Beth?---Yes.

When Beth then leaves the community, or someone like her leaves the community, do you – are you worried then, about the impact on someone like Kumanjayi?---Yes, because obviously they've built trust and repour with someone, and obviously they're getting that support. So when that person leaves, then got to worry about where the next support's coming from.

Do you know whether or not there were any yapa trained in trauma or mental health counselling around that time?---Not sure, to be honest.

And currently?---I don't know that there's anyone out there at the moment. I know WYDAC have got Rustus(?), who's a counsellor, and he is – does go and talk to the young people, so there's one. I think he's – and Brooke(?) is there. But I'm not sure a 100 percent what sort of mental health experience they have.

Your Honour, is that a convenient time to break? I note that it's just after 11:00.

THE CORONER: Yes, we can break for a 15-minute adjournment.

WITNESS WITHDREW

ADJOURNED

## RESUMED

THE CORONER: Yes, Dr Dwyer.

DR DWYER: Thank you, your Honour.

ANNE JOLLEY:

XN BY DR DWYER:

DR DWYER: Sergeant Jolley, just before the break, I was asking you about your interaction with Kumanjayi when you came to know him in 2014 in the community. And you had told her Honour about different stakeholder meetings. And in your concern for a number of children in the community, there were about 14 at the time. And you raised these concerns with Territory Families. In the brief of evidence, at 2-62, there are various progress notes from Territory Families. And I just want to read to you some – from some of those progress notes?---Yeah.

And ask for your reflections. So the first one is from 8 July in 2014.

It's page 17 of 130, for the benefit of those the Bar table.

In attendance, at that stakeholders meeting is noted to be Bethany Ngeru, N-G-E-R-U, that's the Beth you told us about?---Beth Gia, that's her other name, yes.

Beth?---Gia, I think it's G-I-A. Beth Gia, yeah.

Okay, and – all right, she – her name's spelt here for the benefit of the transcript as N-G-E-R-U, and it's noted she's from Mount Theo. So connected with the WYDAC program?---It's actually WYDAC, that would have been my probably mistake, but yeah.

I – so you're not the author of this - - - ?---Okay, no worries.

- - - so don't blame it - - -

THE CORONER: Also the event date is 1 July, but the note date is 8 July.

DR DWYER: Thank you, your Honour.

So this is noted to be as her Honour said, 1 July, and at 3 pm, a stakeholder meeting?---Okay.

And a number of people are there, including a case worker from DCF known as – I might be mispronouncing that, Tine, or T-I-N-E. Does that sound familiar?---Yep.

Tine Morgartay(?), and then Fiona, Jolley's there, there's someone from Corrections. There's a nurse, and Derek is there, Robyn Schmidt, Anne Jolley, and a number of

others. And I won't read the whole note there, but it states that – Kelly(?) from Corrections says, "Corrections will be coming out to Yuendumu, and other communities, to try and touch base, about the children they are involved with. It was discussed that Kumanjayi may be living in a particular house." And it was noted, that during the meeting, "It was unclear who cares for Kumanjayi. Leanne is who he calls mum, however she's not the biological mother. His father remarried again, and that's when Leanne comes in, she's his step-mother." Beth stated that WYDAC having been talking to his grandmother Jean(?), due to her – their concerns about Kumanjayi and there's a note about concerns in terms of his functioning. "Beth stated she's also spoken to Jean about concerns with Arnold's brain injuries. Beth stated that his mother was known to be a sniffer, as in sniffing solvents, a lot while pregnant. And Kumanjayi will" – sorry, "While pregnant with Kumanjayi and that might have contributed to his brain injury concerns. And Derek informed the group that both of his parents had passed away. There was a note that Kelly said that as a child he was teased a lot at school. The – the group of stakeholders wanted to know if he was attending school, and where he got food from. The school was not able to be contacted because it was school holidays. And Kelly told the stakeholders that he was called crazy at school, and was also in – called that name by – while he's in Corrections, by other children." Does that reflect the level of concern being discussed about Kumanjayi at that time?---Yeah.

All the stakeholders?---Yeah.

There's a note here that the stakeholder discussed that the child needs an assessment around his cognitive and development, due to concerns about Kumanjayi's mental health. Was that something that you thought should happen? An assessment?---Yeah, absolutely.

Do you know whether it did happen around that time, 2014?---I'm not sure, because it would have been a health thing.

If it didn't happen, that's, do you agree, that that is a great shame?---Yes, definitely.

There's another note for example, at page 40, from December 2014, which notes that the Territory Families worker spoke to Fiona Jolley where they were looking for Kumanjayi. They said to – Fiona said to check with WYDAC before attempting to get to Mt Theo, because everybody came into the community because of the storms. And Fiona nominated another person who'd been looking after Kumanjayi, a male person. Territory Families attended Yuendumu Police Station and spoke with Sergeant Annie Jolley. She says the community were angry with Kumanjayi and you were expressed to be relieved that he was returning to BushMob, and boarding school in the new year?---Yep.

Do you recall now any discussion about Kumanjayi going to a boarding school?---No, more so, BushMob than boarding school, yeah.

Can you tell us then about your – how police work with BushMob?---Well BushMob is often something is – the courts rule, as opposed to being in detention, him being in



a program called BushMob. So it's a very structured program, I believe, so – and a lot of the – a lot of the kids do well in it. Young offenders, so.

That was my next question. Have you seen young people do well at BushMob and come back and not offend afterwards?---They often do reoffend, the truth, it's known, but it – it – is – some don't, but a lot do, but it is a very structured program I – from what I know. I don't know the program.

Sure?---But from what I've seen, when the kids back.

If there's a way of diverting young people away from the criminal justice system into BushMob, is that something that you're generally supportive of?---Yeah.

There's another note, I'm just taking you to examples of course?---Okay.

This is at page 48, and it relates to a concern for welfare expressed by police. The date of this one is 22 August 2015. It sets out some of Kumanjaya's history. And then notes

“Police are concerned for the welfare of Kumanjaya who's constantly roaming the Yuendumu Community at all hours of the morning. It is alleged that Kumanjaya was committing offences, however that was not confirmed as yet. Friends of Kumanjaya advised that they were concerned because of his escalating, in terms of his conduct and disturbances within the community. It was of concern that he was throwing rocks onto rooves and running around the community at hours of the night.”

In those – do you recall that being the case in December 2000 – I withdraw that, in August 2015?---No, not so much, no.

Do you – do you recall having concerns about Kumanjaya in 2015 in terms of his mental health and well-being?---There was always concerns, yes.

Do you agree that the need for him to be assessed, in terms of his cognitive function and mental well-being was still present in 2015?---Yes.

And you would have expected that to be done, if the resources were available?---Yes.

In another notation later in the year, and on 3 September 2015, as you say in your statement, at par 14, you submitted a child abuse report, or what you termed to be a child abuse report. Because you watched Kumanjaya deteriorate since his return to community. When he first got back to community, after having been away, he was looking healthy, is that right?---Yes.

And he'd put on some weight, in a good way?---Yes.

And then he deteriorated after that, correct?---Yes.

This worker from Territory Families notes

“I spoke to Annie Jolley and discussed Kumanjayi, and confirmed he was taken into custody last night, on 3 September, for a breach of bail. Annie expressed concern that no one was caring for Kumanjayi and his carer Leanne, at that stage, had moved to Brisbane. Annie expressed further concern that Kumanjayi had lost a lot of weight, and members of the community had found him sleeping in the back of the church in a swag. And Annie advised that she was making another notification to CIT today.”

Firstly, what was CIT, do you recall?---Can't remember, sorry.

In relation to – and in relation to any concerns that you had – and will hear from family of course, as to what was – how much they did care and love the Kumanjayi, and what was available to him. But from your perspective as a police officer, what were your observations in terms of who was – what was available to Kumanjayi?---As far as family?

Yes?---Yeah, so family, and it's often very tricky, because when I went and spoke to family, they've obviously got a lot of other children in their care, and when I spoke to – to family, they said he just wasn't listening. They were trying, but he's not listening to them.

And at that time, in terms of Kumanjayi not listening, did you have that experience with him yourself?---I can't recall. I mean, Derek would probably be the one - - -

Sure?---Because he probably communicated more, but yeah. I think for me, I just – it was more of a watching him physically deteriorate and yeah, was concerns for just his behaviour.

You – back in 2014, there had been a decision of the stakeholders that he needed assessment for his intellectual functioning and mental health?---Yep.

Did you think that his – Kumanjayi's issues, in terms of behaviour, were likely to be related to that?---Yeah, yes.

And as a police officer without the expertise in trauma and mental health, you needed external assistance to tackle it - - - ?---Yes.

- - - to address that? Just a couple more notes to take you to. Page 58, there's a note from 5 October 2015. “On 5 September, someone from the department received a call from” you, “Sergeant Jolley, who said that Kumanjayi needed to come into care, because your perception was that no one was caring for him, and he refusing to go to WYDAC. He was pacing and erratic. And then he didn't currently have access to gunja, meaning cannabis”?---Yeah, correct.

So you knew at that stage he had drug issues with cannabis?---Yes.

And could he – his behaviour deteriorate if he was agitated about getting access to it?---When there was no gunja, yes.

And your perception at that time was that he – Kumanjaya was refusing to reach out to WYDAC or to respond to them?---Engage, yeah.

In spite of their efforts, is that fair?---Yeah.

There's a further note here from, for example, June 2016, page 66, that again, there's contact with police and Northern Territory families in respect of Kumanjaya and concerns. "Police Sergeant Annie Jolley advised that Kumanjaya left the community with the support of service interstate following a particular incident" do you recall that, where Kumanjaya went to Queensland?---Surgeon - surgeon or something?

Yes?---Yeah, yeah.

Do you remember - well Kumanjaya went to SevGen?---SevGen, yeah, that's it.

In June 2016. When Kumanjaya came back from SevGen had you, in fact, left the community at that time?---I think he came back in August and I was on holidays.

Do you recall seeing any improvement in his functioning or behaviour after SevGen? And if you don't recall - - -?---No, because I was on leave and I came back from leave and I don't recall.

And do you recall what month you left the community of Yuendumu?---When I went on leave?

Yes?---It was August I think.

And then you were in community from 2014 through to 2017?---Yes.

When was it in 2017 that you moved on from that post?---August.

In April of that year there's a note - this is the final one I'll take you to, it's at page 80. "On 7 April departmental staff spoke to Sergeant Annie Jolley of Yuendumu Police Station." You advised that "Because of Kumanjaya's behavioural issues there was a perception that he was no longer welcome at Yuendumu community. Sergeant Jolley explained that while Ms Oldfield said she cared for Kumanjaya there had been no responsible adult to look after him and he never received care like a child deserves." That was your perception. Obviously we will hear from family what was their perception?---Yes.

But why was that your view?---I can't remember to be honest.

I will just see if I can refresh your memory in terms of what the other notetaker said?

---Yes.

"Kumanjayi walks around the community, was suspected to break into places, there was concern because of a negative impact on young children". Do you recall that?  
---Yes.

"Sergeant Jolley added that there was a time when Kumanjayi was sleeping on the floor at the church in a dirty swag". And there's a note here, "Ms Jolley added that Kumanjayi is a troubled young man, through no fault of his own". Is that what you thought at the time?---Yes.

Did you feel for him?---I did.

If I suggest to you that there was no full mental health or cognitive assessment done for him until 2017, what do you say about that, in circumstances where stakeholders were asking for in 2014?---It appears to have let him down.

I just want to come to a couple of occasions where you came to arrest Kumanjayi. You not these in one of your statements. I'll just be a moment. For example, in that one I took you to of 2 September 2015?---Yes.

You arrested Kumanjayi alongside Constable Coulson and a Constable Blanchard and ACPO Williams. I am asking you to cast your mind back. But do you recall whether there was any trouble arresting him on that occasion?---Yes, he ran from us.

And what did you do in those circumstances?---Matilda - I think it was Matilda Coulson, she was running after him. I was in the car, I'm not a good runner, so - and Derek - I think Derek must've been with Shane Blanchard because the yare the ones that actually ended up catching him at the Outback Store and arresting him there. Shane got out of the car and gave him a bit of a bear hug and got him into the back of the car.

All right, and so on that occasion he was detained without the use of force other than the bear hug, is that what you - is that right?---Yeah. Yep. I think they - they might've handcuffed him, I'm not sure, but yes, definitely just a bear hug.

THE CORONER: Sorry, which date are we talking about?---September.

DR DWYER: That was September, your Honour, when he was arrested on 2 September.

There was another arrest that you refer to at par 17 of your statement?  
---Yep.

"On return to the community he came to your attention again on the 22nd after a report of unlawful entry and damage to property at the clinic and Kumanjayi had to be detained at that stage. Do you recall any particular - I am asking you to cast your

mind back, but at any stage when you had to detain Kumanjayi do you recall any use of force other than the one that you've described involving the bear hug?---Not that I can recall.

In 2016 Muma came to your attention in relation to an assault on his partner Rakeisha?---Yep.

And did you become concerned about an escalation in his behaviour in 2016 in that regard?---Yes, just - yeah, so.

Did you participate in any meetings involving Rakeisha and Kumanjayi in terms of trying to resolve or help them?---I know I put a report in to the Department of Children's services - that's what - the Territory Families, for both of them because I was concerned for her and for Kumanjayi as well.

In terms of the assistance that you wanted to get from Territory families, you do know that Territory Families workers came to the community and spoke with Kumanjayi - I withdraw that - came to the community in an effort to assist, on different occasions. Did you have anybody in 2016, for example, from Territory Families, based in Yuendumu?---Not that I can recall.

Would that have been of assistance do you think? In dealing with an escalation? ---I think someone based in communities is always a good thing.

At the time of the offending that I just referred to, WYDAC told you that they sent a volatile substance abuse report in relation to Kumanjayi sniffing petrol in community? ---Yes.

With another person known to be a chronic petrol sniffer. You had concerns for Kumanjayi and the affect that had on his mood and behaviour?---Yes.

Was there anything in - anybody in 2016 available full-time in the community, to assist young people with problems with solvent sniffing?---I'm not sure. I mean, they did have drug and alcohol workers but I'm not sure when that came in - anyway - so.

It appears from your statement that you can see the link between the solvent abuse and the offending?---And the - yes, that concerned me that it was - his behaviour was - well, it could have been due to the volatile substance.

So in order to tackle the behaviour you need assistance to help him tackle that substance abuse, is that right?---Yes.

You note in one of your statements that during your time in community over 2014 to 2017, you worked with a number of others, in particular Kerri-Anne Chilvers and Beth Geer who worked with Kumanjayi and as well as others in the community. Did you feel that there was a joining of resources to try and assist Kumanjayi during that time with cooperation?---Yes. Yes, by Beth and Kerri-Anne were both really good with Kumanjayi. They spent a lot of time with him.

Was there in the community at that time, any psychologist or psychiatrist?  
---Kerri-Anne might've been a psychologist.

So in 2017 we know Kerri-Anne was a psychologist at that time?---Yes, yep.

Was she living in Community for a period?----Yes.

You've mentioned during the course of my discussions with you out of court, Rebecca Tome(?) was based in Yuendumu?---Yes, she is.

She works for the National Indigenous Australia Agency? Can you tell the court about her role?---That's like a federal role.

And what sort of services does she provide?---Rebecca has been there for a long time, so funding - she provides funding and that but she's also very much active in the community because she has been there for so long she's - she does a lot of things, yeah. Like it's a funding role.

Is she somebody that assists you as a police officer in your role?---Yes, absolutely.

Including the young people?---Yes, we - yeah we talk a lot and engage in any concerns she'll raise.

Before I come more to - closer to the present time, we mentioned Southern Kurdiji earlier and the median service that is provided by Southern Kurdiji. Between 2014 and 2017 was that a resource for you?---It was different. It was like mediation. It was meant - that was mediation and night patrol - I mean it still is but it was run slightly different back then, from memory, yeah.

Were the – and are the mediation services now still available in the same form?---It's slightly different going back, yeah. It's – they've got a lot of mediators on their - like local mediators on their board. I think like 13-odd people that are mediators right now. Back then, they had mediators, but I don't think they had as many and I think it was run slightly different, so.

Were they, in any way, able to assist in terms of mediating issues with yourself or other police and young people like Kumanjayi, or is that not their role from the police force?---No mediation back when I was there. Mediation, we'd – any concerns with any families, we'd - they'd go out, talk to the family, bring the child in and we – I would come down. WYDAC were involved and we talk about their offending and how it made other people feel, like the victim feel. And then, we'd often go have – at WYDAC like a – have the victim there, restorative justice, for want of a better word, where we had the victim there, and they come in and we get whoever committed the crime to come and talk to that victim and then if it was a teacher – there was one time where one of the teachers actually took one of the young offenders to work alongside her, so that he could actually see how it affected her, her class and some of the family that were in that class. So, we were trying to work – we were working

together in that way back then, so.

THE CORONER: And meaningful interventions?---Yeah. Something that they can actually see, they get – I think it helps because they see it better, and that emotion as well from that victim. So, I think it – it was something that was really helpful and I don't know why it wasn't – it stopped, to be honest, so – but it was something that we did, you know, we did do for a period.

DR DWYER: No doubt, we can hear more about that from others?---Yeah.

But from your perspective as a police officer, given you've just told us about that meaningful intervention, is it something you would like to see come back?---Yes, definitely.

And if funding is the issue, you would like to see it fully resourced?---Yeah.

Were you able at any stage, or did you, I should say, use those services with Kumanjayi?---No, I don't remember using it. Beth would probably know more. I know Beth – Beth was the one that was pretty much the lead in his, you know, speaking with him and she had a lot of interaction and spent a lot of time with him. So, she would be probably a good one to talk to in relation to that.

Okay, thank you. We've got a chronology which sets out Kumanjayi coming and going from the community, including trying different initiatives over that three years. Did you feel that you were able to build any sort of relationship with him over that time?---Look, he was very quiet, so the relationship was probably like any – not as close as other probably children that I've been – know. But that is also probably because he's a lot shyer and a lot quieter some of person. So, yeah, so our relationship was like, we knew each other, say hello, have a chat. Not when I'm driving around but I probably had closer relationships with other kids in the community, so.

Did you ever have any occasion yourself where you had to use force to detain Kumanjayi?---Not from memory, probably the only time was when we went into the cell when he was trying to hurt himself.

And was that use of force to stop him from hurting himself?---Yes.

In terms of what you were asking for with a mental health assessment and a cognitive assessment, if you had got a report back earlier than 2017 and had been able to read it, would you have been – would that have been of value to you, do you think, in your role?---I think, overall, it would have been valuable; obviously for health and for services that maybe could support someone that has cognitive disabilities and the school, because I guess the school has special teachers that can help with those cognitive deficiencies, so.

Am I right, Sergeant Jolley, that your evidence suggests that it takes the whole community - - -?---It does.

- - - to lean in and try and help kids in the positions like Kumanjayi was in?---Yes.

Can I come now to your return to Yuendumu in December 2019. It was only a month after Kumanjayi's tragic death?---Yes.

Why did you return to the community?---I offered to come back, because I cared about the people and I cared about the community, and I came back to support them, so.

And when you came back, your partner also came back. Is that right?---She came back briefly, because she still had a job in Darwin. But she initially came back with me for about six weeks, just to be in the community.

And when you returned to the community, you came back as a sergeant. Is that right?---Yes.

And who were the other officers with you at that time?---Rob Jordan was a senior sergeant, Jonathan Sharpe was there, Sarah Greene, Layla Withers, Lanyon Smith, Atul.

Were they - sorry?---Atul Dogra(?) was there. Sorry, I've got to try and remember them all off the top of my head.

So, an increased number of officers that had been there previously when you were there during 2014 to 2017. Is that right?---Yes.

And can you tell the court when you got there then, what was the mood in the community that you noticed?---I think they're – to be honest, the biggest thing I noticed was that the station was really quiet, and I was used to the station, people coming in like a rotating door, in and out, in and out, phone ringing constantly. That's probably the biggest thing that I noticed when I first went back. No one was ringing us. No one was really coming up. No one was really talking to us, so.

You spoke in your statement about the importance of community having trust in their local police - - -?---Yes.

- - - so they can come to them. Did it worry you that there were no phone calls?---It did bother me that, clearly you know, there was a distrust otherwise they would have been up there, yeah.

Was there a strategy to try and address that?---Rob Jordan and I – and I seen all the other guys out there, but Rob Jordan and myself made sure we went out every single morning and just – we spent our whole morning just engaging, engaging, trying to bring some trust back.

And you already had some existing relationships?---Yes.



Was that helpful to you?---Very helpful, yeah.

And do you feel that you've had – well, this is a six month period that you were out there initially, was there – were you able to build some trust, do you think, over that six months?---Yeah.

From your perspective?---Yes, from my perspective. The community were glad to see me back and welcome me back, so.

Did you have any ACPO at that time for, that six months?---There was – yes, there was an ACPO and that actually was there as well. I'm not sure if he was there when I first got there, but definitely he was there through my period of being there.

What can you tell her Honour about, from your perspective, what was the impact on other service providers like WYDAC and the council?---I think – not from the council so much, I think it was hard for WYDAC and I think, you know, there was probably a bit of distrust in us as well, maybe. I think it was hard for everyone. I think it was hard for all the stakeholders. I think it was – yeah, it was a bit of a solemn time when I first came back.

Yes. And then you've told us you've been back there now for about a year?---Yeah.

Why did you come back again to Yuendumu for another stint?---I really missed – once I went back for that six months, I actually really missed everyone, so – and so did my partner and she was nagging me as well, so we have back.

So, Fiona wanted to be back as well?---Yeah. She didn't want to leave the first time, so, but yes.

And have we got you for a while now in Yuendumu, Sergeant?---Yes.

Okay. When you came back, what was the policing situation like? Over the last year, how many officers have you had?---Right now, we've – there's about eight of us now, including myself.

And do they – are there significant fluctuations in – you're permanent staff. Correct?---Yeah, we've got permanent staff, we've also got relievers out there as well.

And how many permanent staff do you have there at the moment?---Seven.

Okay?---Eight with Derek.

Have you got a - - -?---No, seven with Derek, sorry.

Seven and Derek, okay?---No, sorry, I think, seven with Derek, I think.

All right?---Yeah.

And do you – are you regularly having a situation where you have relieving staff or additional staff coming in from the town?---Yeah, we have of recent, so.

Okay. And in those circumstances, when they come in, do they go through an induction process?---They're always – yeah, they're always matched up with one of my guys that's a permanent member, so they would always go around with them.

And of the people who you've got there who's not permanent, is Robert Schmidt, whose got experience and relationship in the community?---Yes, yeah.

Is that helpful to you?---Very helpful. There's two of them actually, so Danny Beerman's(?) there as well. He's another person that's been in the community before. So they've bought two people back from Darwin who are familiar to the community, the community know, so.

You've talked earlier about the level of trauma for the community because of Kumanjayi's death. Is there currently, to your knowledge, any permanent counsellor there, providing trauma support?---I know WYDAC have counsellors, they've got Rustus. I'm not sure if they've got any other counsellors, but apart from that, no. No psychologist or anything.

And is there any support service based in Yuendumu that police could use to debrief or assist them in their work?---Sorry?

Is there any support service, or counselling service, in Yuendumu, like at the clinic - - ?---Yep.

- - - that police could use, to get any counselling if they need it?---I don't think we have a counsellor at the clinic. I think there used to be one, but I don't believe there's one now.

Do you think there is a role for a counsellor at the clinic?---Yeah, I think there is a role for a counsellor.

In terms of new police coming into the community, have you had an experience where you've participated in the induction, or getting to know those officers?---Most of the officers were on – we kind of know, or we might know, not necessarily won't know. But certainly, if I've got the time, I will take the time to go around with them. If not, I'll have one of my permanent members go around and introduce people. But ideally I would like to do it, if Derek's not there. And if Derek was there, I would send Derek.

Do you get a say in who gets recruited to Yuendumu?---No.

Have you ever had a concern with any officer, that they don't have the right attitude, to be a police officer working with the local community in a constructive way?---You

always get – there's been probably a relievant maybe, or two, but I can tell you the community will soon tell me, very quickly, they don't like them.

And if – so have you had that situation where the community come to you and say we don't like this fellow?---Well that – well, it's not so much as – sorry, I shouldn't say not liked, or they feel that that person is – the way they're speaking, yeah, is too rough, or something like that. And if they're a reliever, I just talk to my boss and see if we can just swap them out.

And have you ever had a situation where you've gone to an officer, whose come in, and had a word to them, that they might not be speaking with community in a respectful way?---There probably has been times. I mean I've been there for a long time. And I would address it if someone's come – if someone's made a complaint about one of my members, I will go to my member and sit down and talk to them about what that's been – what that person felt, or what's been said. So yes, if there's any occasion where community have come to me, and it's one of my permanent members, I certainly would sit down and talk to them about that.

Have you ever heard, while you've been at Yuendumu or any other community, police officers coming in, who express a lack of regard for community police, or bush police?---No, not – not for me, no.

And would that – would it surprise you to hear of an attitude amongst some members of the Alice Springs Police Force, that is disrespectful, or contentious of community police? Would surprise you - - - ?---Would – yeah.

Would it surprise you if some officers held that view in 2019?---Definitely, yeah.

Would you have expected members of the IRT to hold a view that disparaging or lacking in respect of community police?---No.

Would you – have you ever heard, at any stage, police express the view that community police are lazy?---Probably some people would say that. Not directly at me, but - - -

Wouldn't say it to your face?---No, no.

But when you say probably some people would say that, have you actually ever heard police in - - - ?---I've people but I think people have said that from someone said, you know, that community police are lazy, but not directly at me, no.

Well what do you think of that?---I think they haven't been bush. I think that maybe they need to do a stint.

Have you ever had a police officer who you were working with, in town, or out bush, who's used racist terms? Overtly racist terms?---No.

Have you ever heard a police officer you're working with, and I apologise, so I just say this as a warning, because I'm about to use terms that are offensive. Have you ever heard a non-Aboriginal police officer refer to an Aboriginal person as a nigger?---No.

A coon?---No.

A meandicle(?)?---No.

What would you do if you heard a police officer speak about people in those terms?---I'd be pretty horrified, and I'd say something to them. That's pretty offensive, in my opinion.

Would you report that conduct if you heard it?---Yes.

Would you think that that conduct brought the Northern Territory Police Force into disrepute?---Yes.

Would you think that the expression of those words was potentially dangerous, because it reflected attitudes?---Yes.

Would you tolerate that?---No.

Would you expect a police officer who used that language to be disciplined?---Yes.

Would you expect there to be leadership from police, in the Northern Territory, in terms of at a sergeant level, if they heard that language?---That particular language is very offensive.

And you'd expect them to take action, to let a younger officer know that that was absolutely unacceptable?---Absolutely, yes.

I'm going to provide the witness with MFI C.

I'm going to take you a series of text messages and ask for your reflections on them, sergeant, as an experienced officer.

MR EDWARDSON: Your Honour, I object to this line of cross-examination. I've let it go so far. But certainly, (inaudible) generally speaking this officer proffer an opinion as to the inappropriateness or otherwise of terms of (inaudible) so far. But at the moment, the document has not been received into evidence. Secondly, has not been put into context, whatever context that might be. Secondly, they're private communications which involve a number of people I hasten to add quite separate from Zachary Rolfe (inaudible) and deputy representatives. And need to get their own advice about those matters, in so far as they might reflect their interest in this enquiry.

Moreover, the important thing is that this witness was not a party to any of the communications that we're now talking about. And so in terms of her own professional opinion about that they reflect or don't reflect attitudes generally, that's simply not (inaudible).

THE CORONER: Dr Dwyer.

DR DWYER: Your Honour, I press this line of questioning. I think my learned friend was in court yesterday, when we made it clear that the names of the officers who Constable Rolfe was communicating with, are the subject of a non-publication order. So I don't intend to tender this document, so that it goes up on the website, or anything of that nature. But these text messages have been the subject of a ruling by your Honour.

They are going to come out into evidence. And they should be the subject of evidence now, because Sergeant Jolley has very important reflections, as an officer of some 16 and a half years of experience, who's worked in Alice Springs, and in Darwin, and a significant number of communities, where Aboriginal people are. And these text messages reflect attitudes towards police in community. And attitudes – well I withdraw that. And are expressions about Aboriginal people.

In my respectful submission, the context is crystal clear from the text messages themselves. And if my learned friend would like me to show the officer other text messages that put them in a broader context, I'm more than happy to. And it does not prevent, at all, these officers coming to give evidence in this court to your Honour about a broader context, if they wish to provide some explanation. And indeed, in my respectful submission, this court will welcome their explanations.

MR EDWARDSON: Your Honour, the appropriate time for that to happen is after that evidence is (inaudible). In other words, if this witness is to be recalled to proffer, as it were, an opinion, at that point in time, after the relevant witnesses have been cross-examined. But to simply put a document in front of this witness, and she's not a party to either one of those - any of these communications, and the persons who specifically are referred to, in that document, are yet to be identified. Are yet to be represented. And receive the advice that they need to (inaudible) independently from anybody else, in my submission, is utterly inappropriate at this stage.

MR BOE: Your Honour, may I be heard that for the families? We wholly support counsel assisting's approach, not just in terms of content as well as timing. We ask your Honour to consider that Mr Edwardson protects one witness only. That witness is protected by procedural fairness. It's not warrant of Mr Edwardson to be speaking about other people who may be affected. Their interests will be protected. This sort of hold-up is going to beleaguer this whole process continuing and it should be settled now.

MS DWYER: Well, I join my learned friend in his suggestion about that but I don't think this should or will hold up the progress of this inquest. Your Honour has an obligation and I say that with great respect, to ensure that this inquest is - so much

as it is within your Honour's control, is conducted in a way that is efficient, fair and cognisant of the resources that are involved in a significant inquest like this. We cannot afford to recall Sergeant Jolley at the end of these witnesses. She is being called now so that she can get back to work at a station that clearly needs her and your Honour, there has been ample time for these officers to be represented.

Dr Freckelton, a counsel of very significant experience and regard, is at the bar table to represent the interests of the Northern Territory Police Force. The officers who are nominated are being protected in terms of their names because I have been advised that one of the officers at least, is seeking separate legal representation. But that officer has also had ample time to get legal representation and the Northern Territory Police Association is here to assist individual officers, not in terms of their - they don't appear for individual officers but to provide them with advice in the lead-up to this inquest which has been listed since March to ensure there are aren't these sorts of hold-ups.

THE CORONER: Yes. Given the protection provided by the nonpublication order in relation to the names of any persons, in my view is appropriate to receive evidence from this experienced police officer and in my view her knowledge as to whether or not this is the kind of communications that she is aware of or not and what she might do if she became aware of these sorts of communications in my view is relevant to this inquest and I am going to allow the questions.

DR DWYER: May it please the court.

MR EDWARDSON: If your Honour pleases, in those circumstances I would ask my learned friend to identify - without reference to the name of the person who is party to the communication - apart from my client, Zachary Rolfe, who is saying what.

THE CORONER: Sure, sure, whether it is - - -

MR EDWARDSON: Zachary Rolfe's words, "I don't want there to be any confusion."

THE CORONER: Or another person's words.

MR EDWARDSON: I'm certain a number of these matters that have been raised by my learned friend (inaudible) be attributed to Zachary Rolfe.

THE CORONER: Sure.

MR EDWARDSON: They are attributed to other persons who are not yet represented.

MS OZOLINS: Your Honour, I am sorry to jump in late to the objections, I wasn't quick enough before.

THE CORONER: No, no, that's - - -

MS OZOLINS: This goes to the issue that I raised yesterday with at least one of the officers still not having had opportunity to seek leave to be represented in these proceedings and there is some concern about that, and accepting that Dr Freckelton does represent some of the officers who will be spoken about now and I should have perhaps put that earlier that I would join in Mr Edwardson's objection. For that reason, but also the relevance of - with the greatest of respect, an opinion being offered on text messages that Sergeant Jolley wasn't involved in one way or the other.

THE CORONER: Dr Freckelton?

DR FRECKELTON: Thank you, your Honour. I have been slow to rise because I have been wanting to hear what has been said by the various persons at the Bar table. The messages that are to be seen on this spreadsheet are repugnant. They do not represent the values of the Northern Territory Police Force or of most members of that force. To the extent that they are going to be put to this witness to elicit from her whatever response she give, whether that be abhorrence or otherwise, we have no objection.

Our only concern is - our concerns are twofold. One is as to context, so we would ask that our learned friend provide enough of a context so that the witness can appreciate that in whatever commentary she provides and the other issue is that we reiterate the position which we expressed yesterday, this is not an inquiry into whether sectors of a police force have racist attitudes. We do not quibble with the proposition at all, which we understand your Honour to have raised, that such attitudes have the potential to be relevant to actions. But it is that connection which is really important and we ask that that form, the context for any questions that are posed.

We do that because what is being traversed with this witness is sensational. We have confidence in respect of most members of the media that they will be responsible in how they portray this issue. But it is important, your Honour, that a mis-impression not be propagated that this modest number of offensive utterances by text messages be imputed to the whole police force. To do so would run the risk of diminishing the respect in which the force is generally held and the trust that is reposed in them and that - if that occurred it would be a most unfortunate outcome of this inquest.

I reiterate that in respect of the specific instances that our learned friend has referred to already, and that we assume she will refer to already, those are extremely regrettable expressions that have been employed by the officers concerned - and you will not hear any justification or any rationalisation of those from the Northern Territory Police Force and we do represent some of those members and you will hear from them what their views are as to what they have communicated and some of them, at least, will be expressing significant contrition to your Honour, and saying that those kinds of utterances are not reflective of who they are, what their attitudes are or what the attitudes of their supports or their colleagues.

THE CORONER: Yes. Thank you, Dr Freckelton. I am sure that Dr Dwyer has heard your concerns and will take them on board in relation to the manner in which the questions are asked, but I permit the examination.

DR DWYER: May it please the court. And I just add in relation to my learned friend, Ms Ozolins, that I appreciate that we need to make sure that that nonpublication order is respected. But the officers have had ample opportunity, so it's not correct to say that there has been no opportunity. I need to correct that because it's part of my obligation to ensure fairness. This matter has been listed for a long time now and officers have had an opportunity to ensure that they get legal representation.

But I hear your Honour's ruling and I appreciate the concerns expressed by my learned friends. And to date I note that Sergeant Jolley has said that this - that that sort of language is not something that is familiar to her, which may be of considerable relief to your Honour.

Sergeant Jolley, the first message, if you would turn over that document, is one that has already been released into the public. The date is 28 February 2019. The sender of that message was Constable Rolfe and he said in there;

"Fuck I'm jealous, Perth is sick. Alice Springs sucks haha. 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."

Have you ever, yourself, regarded it as one benefit of being a police officer in this jurisdiction is that there's fuck all rules?---Never.

Have you ever head any other police officers express some sort of excitement or pleasure of the fact that there are fewer rules in this jurisdiction?---No.

Does it concern you that young officer might think that there are fewer rules in this jurisdiction?---It is concerning. We live by the rules, so.

Do you think that the rules that govern police officers - - -

THE CORONER: Sorry, I don't think Dr Freckelton heard that answer. It was "We live by the rules"?---Yes, the rules, that's - yeah.

Thank you.

DR DWYER: Do you think that the rules in terms of, well the rules that you live by, are important for police discipline; that is, to make sure that police, firstly in terms of use of force, understand those rules?---Yes.

And respect them?---Yes.

Then next message is a message from Constable Rolfe sent on 10 March 2019 and he says, "I'm out at Borroloola, a random community on the coast, 'cause 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.” Have you ever heard any officers express something like, that they went into a community and “smashed the whole community”?---No, not that I can recall.

What do you think about that text message, Sergeant Jolley, from your position as a police officer in the Territory?---It’s like a bullying really. It’s like a threatening sort of, “we’re coming to smash ya”, like we’re better than you, type of attitude.

Is there any place for that in - - -?---No.

- - - that you can see in remote communities?---No.

Do you think that there’s any – I’ll withdraw that. If you have a look over the page, 9 April 2019, you’ll see a message from somebody else, a female to Constable Rolfe, it says, “I’m sick of Aboriginals tonight.” And then “fuckkkk” with a number of “k”s. And then Constable Rolfe writes back, “Are they being losers?” And then she writes back, this is 9 April at 8:48, “Just had a chick lying the whole time, ‘I don’t know him’. Then her kid has the same last name, ‘oh no relation?’ And then fuckin’ look her up and they’re husband and wife. So, we laid into her and she stuck to it.” I’ll just pause, I note that “laid into her” may well have the context of being either or physical or verbal, so I don’t ask you to draw the conclusion. The next one is that person texting Constable Rolfe, “And I may have been super hangry.” You understand that expression to be a mixture of - - -?---Hungry – when you’re hungry and - - -

And angry?--- - - - getting angry because you’re hungry.

And Constable Rolfe writes back, “Hate that. Oi, if you’re hungry, you’re definitely allowed to towel locals up”, t-o-w-e-l, “towel locals up.” Have you ever heard that expression?---No.

And then she writes back to Constable Rolfe, “If you’re last name rhymes with Olf, you’re allowed to towel up locals.” And he writes back, “I do have a licence to towel locals. I like it.” Do you know what that expression means, “towel locals”?---No. To me, that would mean beat up locals. That’s what that expression means to me. What I would understand it to mean.

Would you be concerned as a sergeant, if you heard somebody express the fact that they had a licence – or thought they had a licence to towel locals?---Yes.

The next one is 25 April 2019 from Constable Rolfe to somebody else, “I’m working dealing with Aboriginal DVs, oh my Lord.” And then the next one, 27 April same day from a serving police officer to Constable Rolfe, “Heard you - - -

MR FRECKELTON: It’s not the same day, sorry, the 25th was the last one, and the next one’s the 27th.

DR DWYER: Thank you, 27 April 2019, from a serving police officer to Constable Rolfe, "Heard you had a rough arvo yessie", as in yesterday, "grubby fucks. Are you running issue duty belt, et cetera. Do you run a comforter?" And Constable Rolfe replies to that officer, "Nah brah, just slightly annoying, ha ha, coons man." Have you ever heard the expressions "coons" that they refer to, to speak about Aboriginal people?---Not in the police force. Not – no.

What do you think about reading a text message like that in terms of the use of that expression by a serving member of the police force?---It's pretty disgraceful, to be honest. It's just, you know, disrespectful.

Do you agree with me, Sergeant, that it is shocking to hear a serving member of the police force, in 2019, use that blatantly racist, disgusting term to refer to an Aboriginal person?---Yes.

The next one is from Constable Rolfe to another person where he says, "Just --", and I won't identify the person, "Just don't get why all that work has got me to the point where it's my job to look after Neanderthals who drink too much alcohol, ha ha." We'll hear from Constable Rolfe about what he was meaning to infer. But if by the use of the term "Neanderthals" he's meaning to refer to anybody who is of Aboriginal descent, do you agree that that is disgusting and disgraceful and wholly unacceptable?---Yeah, it's – yeah, it's disgusting.

Offensive?---Yeah, it's offensive.

Racist?---Yeah.

The next one is from a serving member of the police force to Constable Rolfe. It's dated 22 June 2019 and it's a question, "Who was the silly bitch?" And the response from Constable Rolfe to that officer is, "Fuck knows. Some white bitch who thinks she's Aboriginal." And that next officer replies, "Lying in the dirt -", sorry, Constable Rolfe says, "Fuck knows. Some white bitch who thinks she's Aboriginal." And the officer replies to Constable Rolfe, "Lying in the dirt pissed, doing a fuckin' good impersonation --" - - -

MR FRECKELTON: Impression.

DR DWYER: Thank you, "doing a fuckin' good impression."? What do you think of that?---It's pretty disgraceful, like – yeah, having a go at, yeah, race.

Are you surprised to hear that?---I am surprised, yeah. I'll be honest, I am surprised and shocked.

Is that like anything you've heard in Alice Springs when you were there as a police officer?---No.

And if you heard it as a sergeant?---I would talk to whoever was saying that.

And pull them up on their attitude?---Yes.

Tell them it was racist?---Yeah, absolutely.

Tell them it was unacceptable in the force?---Yep, yeah, speaking like this is.

The next exchange occurs on 90 July 2019. Can I, without identifying the person, indicate to you that this is somebody of the rank of sergeant who is communicating with Constable Rolfe is says at the beginning, "Cool, as long as we got him, had a run, hey." And it's, just to put it in context, an exchange that occurs after an arrest of somebody in a community. And the sergeant says, "Cool, as long as we got him, had a run, hey." And Constable Rolfe writes back to that sergeant, "Yeah, the bush cops would never have been able to get him. Impossible for them." Constable Rolfe then says, "So, it was good we went. The bush cops fucked up as usual. But that just meant we had a run instead of getting him cordoned properly. So, it's all good." And then Constable Rolfe says, "He was fair rapid." And then the sergeant replies, "Good job. I'll let Nobbs know the details. I want to do a lot more of this stuff. That's a couple we've got for Nobbs." There's a Superintendent Nobbs. Is that right, Sergeant Jolley?---Yes.

And then Constable Rolfe writes back to the sergeant, "Yeah, I'm hell keen. It seems he's getting on board." I pause to note that we will hear from Superintendent Nobbs about what he thinks about this. Then the sergeant replies to Constable Rolfe, I'll just pause. Sergeant Jolley, this is the sergeant replying to Constable Rolfe, "Those bush coons aren't used to people going after them." And Constable Rolfe writes, "Yeah, bush cops blow my mind. I'll tell you about these dudes when I see you", and then another text message on a different day. So, I just want to ask you about that exchange?---It's pretty hurtful, It's pretty hurtful to all the bush cops as well.

So, there's two things I wanted to ask you about that exchange, firstly, the fact that a sergeant - - -?---Is encouraging that kind of talk is not good.

Do you agree that that reflects a serious dereliction of duty in terms of a responsibility of a sergeant to mentor a young officer?---Yeah.

And then the attitude towards bush police or community police that's expressed there about bush police, in the expression used by Constable Rolfe, "fucking up or "messaging up as usual", and that bush police would never have been able to arrest someone or catch someone. What do you think about - - - ?---That's pretty hurtful. That's pretty hurtful. We work really hard out there, so that's a hurtful thing to say.

Do you think it also reflects a lack of understanding of the way in which community police interact with community members, that – where they try to minimise the use of force, and – and build relationships?---Yeah, it does. Like that's what we do. You know, we work hard out bush so that we don't have to use force.

Do these messages suggest that there might be – if those attitudes are ongoing a need to explain to police further in – about the role of community police and - - - ?---Yeah, just makes it sound like we're weak, because we don't go in hard, maybe. But that's hurtful.

And the next messages were on 11 July 2019, from Constable Rolfe to a sergeant. "We could just cut a few people and rejig the team, Nobbs should be loving us at the moment." The next one, officer, I wanted to ask you about is from 12 July. It's from Constable Rolfe to another constable in the police force. It says, "Literally 50 percent of the women at our work", and then there's a picture, which I don't need to put on the screen - - - ?---Mm mm.

- - - but it's a picture of somebody who looks overweight and demonic. And the message going next to it is "Girls shaped like this talk the most shit." If I suggest to you that that text message is sexist, do you agree with me?---Yes.

And offensive?---Yeah it is, it's horrible. It's a horrible thing to say.

Have you, in your time at the police force, heard male officers use expressions that are overtly sexist and offensive like that?---No.

Would you pull a police officer up, if they spoke about women like that?---Yes.

Do you think it's important in policing, to have officers show respect for other officers?---Absolutely, yeah. We should be looking after each other. Respecting each other.

Is it important for your sense of comradery and teamwork?---Yeah. We're one unit. We – just because we're bush and – we're all the same.

On the same day, another officer, the same officer who Constable Rolfe sent that message to about women, shaped like that, sends a message to Constable Rolfe saying, "Yeah been a bit hectic, but cops out here have fucked this town." And I apologise, I'm going to say something else offensive, in quote. That constable text Constable Rolfe, "Yeah been a bit hectic. The cops out here have fucked this town. They have been letting the niggas", N-I-G-G-A-S, "drink wherever they want ha ha." And then from Constable Rolfe, back to that officer, "Bush cops are fucking shit house." And then that officer text Constable Rolfe, "Ha ha, just got the photo." And that's the photo of the offensive caricature?---Yeah, mm mm.

And then Constable Rolfe to his colleague, "Girls and bush cops all disgust me, ha ha." Now Constable Rolfe can explain for himself what he meant by that, but what do you feel listening to that?---I think it's disgraceful – disgraceful, because it's not only against (inaudible), but it's against his own colleagues. So to me, it's disgusting, disgraceful.

If it was intended to suggest that girls and bush cops, were somehow weak, what do you say about that?---They need to come out bush, see – see how good we are, you know.

What do you think about the suggestion, if it's made, that to be a strong cop, you need to use force?---No. To be a strong police officer, you need to be fair, honest, transparent, and do the best you can, and treat everyone like you'd like your own family to be treated.

The next text messages is one that has already been released into the public, as a result of the trial. And that's Constable Rolfe texting in July, "We have this small team in Alice, IRT, Immediate Response Team. We're not full-time, just get called up from GD's for high risk jobs. It's a sweet gig. Just get to do cowboy stuff. No rules." At the time in 2019, did you ever have anything – any involvement at all with the IRT?---No.

Would you have thought them to be a team that got to just do cowboy stuff with no rules?---No. Our organisation wouldn't allow that.

So would you have thought the IRT, at that time, if you needed to ring them, you'd be ringing a team that was disciplined?---Yes.

And a team that did not have members that expressed racist views?---Yes.

And would you have expected in 2019, that if you needed to call the IRT, you'd be calling out people who would listen to a female bush – or bush officer, or community officer?---Yes.

In November – I withdraw that. In September 2019, a serving officer texted Constable Rolfe, "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." And Constable Rolfe replies, "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 in the film, ha ha." And the officer text Constable Rolfe, "And the Oscar goes to." And Constable Rolfe says "Ha ha." If the officers there are referring to the fact that there was acting for the body-worn video, does that surprise you?---Yes.

Have you ever heard of police officers acting in a particular way, after they turn their body-worn video on?---No.

If you had any hint that an officer you were supervising was doing that, what would your response be?---I'd be talking to them, or pulling them up on it. It's not – it's not acceptable.

And is it a matter you think that is a – should be subject to discipline, if an officer was found to be doing that?---Doing the wrong thing, yes.

On 22 September 2019, an officer sent a text message to Constable Rolfe, who was disappointed not to be called up to the TRG, and somebody else got into that position. The police officer text Constable Rolfe, "That's their standard line now. Everyone knows people go out bush because they're fucking lazy. Maybe that's who they're looking for now. The order of preference now is blacks, chicks, gays and lazy bastards, then Zach". Do you have a comment on that sergeant?---Wow, that's disgraceful. That's really – yeah. Very racist against all walks.

And homophobic?---And homophobic, yes.

And sexist?---Yes.

And are they views that you encountered in your time, in Alice Springs, or are they completely shocking to you?---No, that's – it's disgraceful. It's – yeah. It's horrible – horrible thing to say.

And then finally, after Kumanjayi passed away, there's an exchange you'll see between a police officer and Constable Rolfe. And the first part of that exchange is about an Assistant Commissioner's press conference, an assistant – this is Assistant Commissioner White's press conference - - - ?---Yep.

- - - which is being critiqued by the constable?---Yep.

And that constable says, it's not Constable Rolfe, it's to Constable Rolfe, says "Fucking woeful. Idiot is just replying to every question with that will be a matter for the Coroner, fucking clown." In terms of that attitude expressed towards an Assistant Commissioner, does it concern you, if that's coming from a constable?---Yeah - - -

Do you think the lack of respect towards management is a concern?---Yes.

Do you think that undermines effective policing in the Northern Territory, or has the potential to?---Yes.

I won't read it all onto the record. But you'll see that the remainder of that exchange - - -

DR FRECKELTON: Your Honour, just before – I wonder if my learned friend might clarify that. It's one person saying one thing. I don't think my learned friend meant to put to the officer, that one person was saying something, so a certain inappropriate, is going to undermine people's attitudes. But I take it what she was asking was whether if that was a prevalent attitude within the force.

THE WITNESS: Yes.

DR FRECKELTON: That would undermine discipline and correct.

DR DWYER: That's correct?---Yeah.

If there were – if there was an attitude amongst more junior officers, that was expression a contempt for Assistant Commissioners or Commissioners. Do you think that has the potential to undermine discipline in the Northern Territory Police Force?---If this was everyone's attitude, but it's not.

I'm so sorry, sergeant. I can't hear you?---This is not the attitude of most police officers, I don't believe so. If this – so not that I've heard people say, so it's not the attitude of the police, I'm saying.

Well, that is likely to be a great relief to many people?---Yes.

THE CORONER: Do you agree – Dr Dwyer, I note that we haven't concluded this line of questioning, but there is some disturbance, so we will just see if it settles down, and we can just finish this line of questioning before lunch.

DR DWYER: Thank you, your Honour.

THE CORONER: But if it continues, I think we need to - - -

DR DWYER: Certainly, your Honour.

THE CORONER: - - - take the break, but we will see how we go. It seems that we might be able to continue.

DR DWYER: That seems to be resolved. And I'm nearly finished Sergeant Jolley.

THE CORONER: Yes, yes.

DR DWYER: You – it's important to get your reflections on whether you think it is more widespread. I take it from your evidence so far that you have not heard expressions from officers you work with that are disrespectful towards the Assistant Commissioner or Commissioner?---No, I mean people all have an opinion, but no one is – this is – you know, this is not the opinion of the Northern Territory Police as a whole, not systematically, no.

And we can all be annoyed with our boss from time to time?---Correct, correct.

But in terms of any consistent attacks on Assistant Commissioners or Commissioners, if you heard expressions from junior members, where they were constantly critical of people at the AsCom(?) or Commissioner level, is that something that you would pick – pull them up on?---Yeah, I would say something to them, like – like, everyone has a bad day and everyone might say something every now and then because we're humans.

Sure?---But I think the – if someone consistently was bagging someone or in a very negative and derogative way, then that's an issue.

Do – if you could just read to yourself the remainder of that text message from a constable to Constable Rolfe?---Yep.

You will see an acronym there that's used. IAMOPI. And I anticipate that I will submit to her Honour that this text message should not have been sent to Constable Rolfe, because it's suggestive as to how evidence might be given, or how the story might be told about what occurred. Do you recognise that acronym, IAMOPI, it's purports to stand for intent, ability, means, opportunity, preclusion - - -?---Yeah, so it's from – yeah.

Do you recognise the acronym?---Yeah.

Do you – or what is it?---It's like – it's talking about, you know, having the intent and the ability to – someone that may be going at you, that has got the intent and the ability to hurt you, and the means to do it. That's the opportunity to use your force. That's how I take that.

So it's a justification for the use of force?---Correct.

You understand that the protocol when you're dealing with a critical incident or a death in custody, is that officers need to be separated so that they can give an account that's not contaminated?---Yes.

Do you agree that that – well, would you understand that to include that you would – if you were involved, heaven forbid, in an incident where somebody was killed and it was declared a critical incident because it was a death in custody?---Yes.

Would you ever text another involved officer with a suggestion about the use of force?---No, it's pretty clear that we're supposed to not communicate with each other while it's being under investigation.

And then you will see there a reference to – under I for intent – and I don't need to read it out, it's too offensive, but you see there a suggestion as to – or a name used for Kumanjayi?---Yes.

The man who has passed away?---Yep.

Are you offended by that?---Yes, very much so.

And then the last message exchanged is from a constable – your Honour, might we take the luncheon adjournment?

THE CORONER: Yes. Sergeant, we will need you to come back after lunch, and I appreciate that this has been a difficult experience?---Yep.

Being confronted with this kind of material?---Thank you, your Honour.



We will see you after lunch?---Thank you.

WITNESS WITHDREW

ADJOURNED

## RESUMED

THE CORONER: Yes, Dr Dwyer.

DR DWYER: Thank you, your Honour, I apologise for keeping the court waiting.

ANNE JOLLEY:

DR DWYER: Sergeant Jolley, you might be relieved to know I'm moving onto a different topic. I wanted to ask you about alcohol in the community. And you've told her Honour before the break, that there are issues in Yuendumu, as in other communities, in terms of some people having a problem with substance abuse?---Yes.

One of those substances is alcohol. Yuendumu has been a dry community for a long time, even prior to the intervention. Is that right?---Yes, correct.

When the intervention came in, there were further alcohol restrictions in Aboriginal communities, and they lasted for 15 years, under the NT Intervention laws, that was from 2007 to 2022. Laws cast by the NT Parliament, meant that restrictions were – were lifted on July the 17th. And without going into too many of the legal details, there's a mechanism for Aboriginal communities, where the intervention enforced alcohol prohibition is now an opt in, if communities would like to remain dry. And communities needed to apply for an interim alcohol protection authority by January – sorry, by January 2023, to keep the restrictions in place. There's applications to fill out. Communities need the consent of traditional owners, etcetera, has the situation for Yuendumu, in terms of being a dry community firstly, changed?---No, it's still a dry community.

Still a dry community?---Yes.

Has the – since July 2022, has there been any change in the availability of alcohol in Yuendumu because of the lifting of restrictions, post-intervention?---The increase in alcohol coming out to the community has definitely gone up.

Do you know why that is?---I think because they can now get the alcohol and say they're going to a town camp. Like Warlpiri, there's a lot of Yuendumu people that stay at Warlpiri Camp and that. But often the – the fact is that they might get it from the – and saying they're going there, and then come back out to community. So it definitely has increased, yep.

So community members – so is it the case that prior to July 2022, for the 15 years, Warlpiri Camp had to be dry?---Correct. The town camps were dry, so.

Town camps are now no longer dry, is that right?---Correct.

And that's effectively, from your perspective, in Yuendumu, increasing the flow of alcohol into the community?---Yes.

What impact have you seen on levels of violence in the community, if any?---  
Probably an increase in the actual violence, DV related, and fighting.

That's obviously a concern to you as a police officer is that right?---Yes.

And a concern to many members of the community as well?---Yeah.

You've told us before the break you're passionate about the community of  
Yuendumu?---Yep.

And you told me when we were speaking just then, that you planned to stay for a  
while, you're not going anywhere - - - ?---No.

- - - until Fiona drags you out of there?---Yeah.

Is that right?---Yep.

So given that you're going to stay for a while, and you care so much about the  
community, I just want to focus now on some suggestions that you have, that may be  
relevant to her Honour's recommendations function?---Yep.

Some of these we've already covered. You would like to see a Department of  
Territory Families worker based permanently in Yuendumu?---Permanent, yeah.

And - - -

THE CORONER: Can I just ask, is that a care and protection type worker, or is that  
a youth worker?---I would like a wellbeing – like we had before when - - -

A wellbeing?--- - - - we had someone that actually was out there just engaging with  
the families and trying to support and help them, like we had before.

Not worrying about silos, just someone there from Territory Families - - -?---Yep, or  
even a wellbeing group - - -

- - - who can assist?--- - - - like that work together.

DR DWYER: So, rather than just one person, a number of people?---Yeah.

In fact, given the cultural sensitivities and considerations, would it be preferable to  
have more than one person?---Yes, yep.

And in terms of the services that you think should be available that are not now,  
trauma counselling is important?---Definitely, yeah.

I think after Kumanjayi passed away, there was a Garma Healing Group that came  
out. Is that right?---Yes.

Can you tell her Honour about that?---Yeah, so Garma Healing, they do trauma counselling and they came out to the community and they took them out to Mission Creek and places like that and did a lot of counselling and healing with the people in community, particularly the Brown family, the Williams family and all that. So, it was – I think the community really appreciated it and found a lot of comfort in that.

After the verdict relating to the trial of Constable Rolfe - - -?---Yes.

- - - regardless of what the verdict was going to be, were you concerned about what impact it might have on community?---Yes.

And was something done in relation to preparing the community?---Yep, Superintendent Prowse and I went around and spoke to the Elders regularly through that trial period, just to, you know, ask them how they were feeling and what would happen, you know – how they thought the community was travelling. And the Elders were reassuring us that they were talking to the young people and, you know, and with the Garma Healing, they were trying to prepare for whatever the result was. So, yeah, I think it was just our – a lot of engagement and preparation prior to that, a lot of building.

And from your perspective, did that feel helpful and effective?---Yes, yep.

You told me earlier about a circle of prayer and barbecue after the verdict?---Yep, we had a circle of prayer prior to it, during the trial. And then the day of the verdict, we – I said we'd all go in the station respectfully for the verdict and then – and we'd let them grieve. No matter what the verdict was, there was no winners or losers. So, we let them grieve and if they wanted us, they could ring me and we'd come out, but until then, unless something happened, we'd stay in the station. And Jean Brown rang me and said, "We're having a barbecue and you're our family. We want you to come down." So, we went down and had a barbecue with the community as they united as one, so.

What did that mean to you as an officer?---It meant a lot to me and my officers, all my guys that were permanent members. It was pretty special for them as well, yeah.

Sergeant Jolley, it sounds from what you've said that the Garma Healing Group was a helpful intervention?---Yes.

Would you like to see other interventions like that, if the community want them - - -?---Yeah.

- - - to be available to community?---Yeah.

In terms of the junior night patrol, you've given us an example of where that's been helpful and effective. You would like to see that continue and expand. Is that right?---Yeah.

In terms of the mediation services that are available through Southern Tanami Kurdiji, you explain that in between 2014 and 2017, that was particularly helpful in terms of offering mediation and restorative justice?---Yep.

While we were discussing it outside of court, you mentioned Melinda Chew and her role?---Yeah.

Could you explain, for example, how that worked at that time?---I think they worked closely – yeah, particularly closely with the families that were having trouble with their children and so, she did bring them in. We did all talk together and I think that style of obviously Melinda and Rhys prior to that had that connection with the community and the kids and could bring them in family. Had the connection with the family, as do they – mediation do now, and just bringing them in and visually showing them a whiteboard of, you know, what their crime was, breaking in and that, and then going and speaking to the victims. I think that's a helpful practice. I mean, it can always improve, but I think something like that, it's about being positive. I think it's about being positive. I think it's about putting positive back in to drive these kids into more of a positive direction, as opposed to it always being negative, you know. Because every time they break in, it's a negative thing. If we don't start putting positives back, we're not going to change. So, I think it's about bringing positive programs and giving the kids some positive input.

And is that restorative justice process, have you seen that take place over the last 12 months, or does it appear to you to - - -?---No, no. And some of that can be the COVID. We've had COVID, you know, it's been a hard year to say the least, so.

That's something that you would like to see come back in the community. Is that right?---Yes, yep.

We heard from Warren Williams, Derek's dad - - -?---Yep.

- - - that one of his many jobs in the community has been to work as a Community Corrections officer sometime back, but that he really enjoyed that job and he found that to be a very positive intervention for adults. Would you like to see a Community Corrections officer based permanently in the community?---Yeah, that would be helpful.

In terms of recruitment incentives for police, I think that currently you're not having any difficulty recruiting police. Is that right?---No. No, not at this point, but obviously with housing, that's more of an issue.

So, in terms of recruitment generally in the community, for clinic staff, teachers, police, housing is an issue. Is that right?---Yes, most organisations.

In terms of providing meaningful employment for Yapa, you mentioned again outside of court that previously WYDAC was resourced to be able to provide certificates and training, so that people could get trades. Can you tell her Honour about that?---Yeah, so WYDAC have a mechanical workshop where they gave them, you

know, certificates in diesel mechanic or petrol mechanic. So, that workshop was great for, you know, upskilling people and employment. But unfortunately, it hasn't run since I've been back anyway. So, that's just possibly a staffing thing or funding, I don't know, but it's a shame, because it was a good program.

And certainly something you would welcome in the future?---Yes.

And that relationship between police and WYDAC, do you regard that as critical going forward?---Yeah, yep.

In terms of the assistance WYDAC have given you previously, again, outside of court, you were able to explain to me that there's a number of different WYDAC workers you've worked with who you've built a really great relationship with over a number of years in terms of being able to work together to help young people. Is that right?---Yes.

Sergeant, finally, I think we hear – there's a proposal where it may be the case that the Northern Territory and other jurisdictions around Australia have raised the age of criminal responsibility, so that children under the age of 12 or possibly under the age of 14 are no longer charged with criminal offences. Have you heard of any additional resources coming into a community like Yuendumu to assist police then to protect and provide for kids - - -?---No.

- - - in the absence of the charging?---No.

Do you think that would be necessary?---I think any resources to aid children, no matter what age, is - got to be positive.

Her Honour is hopeful to come into the community at the invitation of Elders - - -?---Yep.

- - - at some stage over the course of the inquest and all to sit down with stakeholders to listen to community - - -?---Yep.

- - - of all ages, young people and adults, about what they feel will be helpful for the community moving forward and stakeholders about what would help them?---Yep.

Is that something that you'd be prepared to be apart of?---Yeah, yep.

Thank you.

THE CORONER: Thank you.

Mr Boe.

MR BOE: Thank you, your Honour.

XXN BY MR BOE:

MR BOE: Sergeant, as I introduced myself to you outside, I appear for the Walker, Lane and Robertson families?---Yes.

Just for the sake of economy, I'm only going to cover things not covered by counsel assisting, except for some small matters. But can I just clarify some matters that you gave?---Yep.

You were the sergeant at Yuendumu from 2014 to 2017. Did that mean you were also the officer in charge?---Yes.

And when you went back post the death?---Yes.

Did you go back as the officer in charge or were you under the senior sergeant?---I was under – yeah, the senior – I was under the senior sergeant, I was the sergeant.

And now you are the officer in charge?---Yes.

And have been since July last year?---Yes.

Thank you. Just in terms of, you spoke about how you personally undertook arrests, et cetera and you spoke about what you carried and you didn't carry. Just for the record, and if you don't mind, can you just give me an indication of your height?---My height?

Yes?---Five foot one.

And would you accept that you're of slight build?---Yeah, unfortunately.

THE CORONER: Toned.

MR BOE: Just under - - -?---Toned under this - - -

Thank you. The first statutory declaration in 2020 I take it you prepared it to assist investigators of what knowledge you had of Kumanjayi in terms of your dealing with him, correct? In your first statement?---Yes, sorry, yes.

How you dealt with hm and you go through a series of interactions with him which we've heard something about?---Yep.

The second document in April 2022 you provided, if I may say, is like a gold standard of what you think policing should involve in terms of arrests in particular? My words "gold standard" but it's your idea of - - -?---That way I police.

The normal way to undertake arrests?---Yes.

Is that correct? Now, insofar as your dealing with the community and in particular offender to be arrested, we've heard about the relationship building that you undertook. I don't want to cover that?---Yep.

You would also see it as an opportunity to acquire intelligence, like police intelligence, of how to best go and arrest particular people, would that be fair? I'm not saying you're doing it by subterfuge but in fact you were acquiring information. For example, Kumanjayi had a hearing impairment, so you're aware of that?---Yes.

He may have had a cognitive impairment of what ever detail, you became aware of that. He was shy and not very - he didn't speak a lot so you knew those matters, correct?---Yes, correct.

You also knew that he was Derek's nephew?---Yeah.

Is that correct?---Correct.

And you knew that from fairly early on?---Yes.

And bearing in mind the importance of ACPO Williams in terms of assisting in relation to arrests, that particular piece of information, that is he is the nephew, warranted more interest in making sure he was involved if Kumanjayi was needed to be arrested?---Yes, if Derek's available, yes.

Now, just in dealing with when you are the officer-in-charge, or were in '14 and '17, did you have in place a system or a protocol of how police officers in your station were to respond to an arrest alert of an offender or a person wanted who was a member of the community who might be in the community?---So if someone was in the community and we wanted to arrest them, is that what you're saying?

Did you have in place for the station, a protocol - by which I mean, in your second statement you've gone through the sorts of things you thought should be done? ---Yes.

To achieve what - you used the phrase, "A peaceful arrest"?---Yes.

Right, and with respect, it's great to have it all set out but did your station have a protocol in place of what to follow? Or were they reliant on you?---We - to be honest, we all talk together, no matter - before we arrest anyone anyway, so if - that being said, not a written protocol, "This is what we're doing" but my guys, we all know - particularly the ones we've been together for a long time - fairly long time, so if we're going to arrest someone we sit down and plan it and if we were - - -

And - - -?---Sorry?

Sorry, you keep going, sorry?---So if - and if we knew that person or thought that person was in town we'd go and speak to family.



Sergeant I'm not - my questions are not critical, I am just wanting to know what was there, what wasn't there?---Yeah, no, no. Yep.

Why I take you to that is that you were the officer-in-charge as of August 2016?  
---Yes.

There's a statement in the brief by a police officer called Breanna Coney(?) - do you know Breanna?---Yep. Yes, I do.

And she was in the station as a constable at the time you were the officer-in-charge?  
---Yep.

In her statement dated 19 August 2016?---Yep.

She details an arrest situation Kumanjayi. I won't put it up on the board because it's got names everywhere and details which don't matter?---Yep.

But if I can summarise that the result that occurred was when police went into house 511 they saw Kumanjayi - "When Kumanjayi saw us in the doorway of his bedroom he immediately sat up from the bed, was looking around (inaudible) an I as if he were planning to run". Then what follows is that there's an arrest, he is handcuffed?--Yep.

And a number of adults in the house were described as "Walking towards us and asking in aggressive manner, "What are you doing? You can't lock him up."  
I replied, "I will come back and have a chat, just let me get him in the car" and then it follows that here was a degree of tussling, a person on the ground, et cetera?  
---Yep.

It didn't seem to me, from reading that statement, that the arrest attempt followed your idea of what should happen?---Yep.

That is firstly ACPO Williams is not involved, it seems, in the arrest. Secondly the parents or the Elders were, in fact, the ones getting aggressive because of the way in which the arrest was attempted?---Yep.

And thirdly, it's a situation where the arrest seems to have occurred very quickly from what I can see in the statement. I am just trying to contrast that from when you mentioned earlier in an example that Dr Dwyer took you to?---Yes.

That took you and hour and-a-half to (inaudible)?---Yes.

Why I ask the question that I did earlier is that is there a need for there to be a protocol that's not reliant on the availability of ACPO Williams or indeed, your availability because a couple of times you answered questions when about training or mentorship of new people coming in, you often said, "Well, if I was available I would do that?---Yep,

And if ACPO Williams or Derek was available he would do that. My suggestion is that a system that relies on availability is likely to fall foul at times?---Yes.

At the moment we're using that one there as an example.

So would you think that there is a utility in making sure that the substantial trust and knowledge that you acquired is often the charge, particularly about vulnerable arrestees?---Yes.

Should be something that's available for everyone tasked with giving affect to an alert on an arrest team?---Yes, and look, I don't know the whole circumstance around that so you know sometimes it, you know, things happen and I don't know that circumstance but - so I can't really comment too much on that one.

What I might do is remove the issue or urgency for a moment?---Yep, yep.

You said earlier - - -?---Because it does depend on the urgency of the arrest - sorry.

That's what I was going to put to you?---Yeah.

Would you think that you moment you get an arrest alert one of the first things to determine is whether or not the arrest is urgent?---Yes.

And that urgency would be by reference to what you've spoken about in your statement of cultural factors occurring at the time?---Yes.

You use the example that if there is sorry business or a funeral on or soon, you would assess the need to arrest the person before or during the funeral against the problems with taking that course, fair? So one of the things, you get an arrest alert, you look at is the person a present danger in the community or other circumstance of urgency?---Yes.

If not, take into account the cultural factors as of the timing. Third, look at the availability of ACPO Williams?---Yes.

Fourth, look at the availability of parent or Elders who might be able to assist you? ---Yes.

Now, they may seem obviously to me as a lawyer, looking back at staff?---Yes.

And it may be difficult to implement but would you agree that having an optional course is - may lead to problems of the kind that occurred on this occasion?

MR EDWARDSON: I object, your Honour. And I am doing so to signal something to my learned friend. He has now asked to handful of questions which have gone for more than a minute. It's very difficult for a witness to absorb a whole range of subordinate clauses and multiple propositions and different issues which are bearing upon what ultimately becomes a question. I wonder if he could just tighten it a little

bit so that the witness is in a position to answer precise questions, rather than having to recall a variety of propositions which have evolved over a lengthy period of time. Perhaps just break it down into bite size - - -

MR BOES: I am happy to do that and I apologise. I am just being mindful of time.

THE CORONER: Sure.

MR BOES: I am trying to cover stuff that has been given by the witness in her statement, but I will break it down.

If I can preface all of this by saying I am not diminishing the importance of the information you have given about your personal attempts to engage with this community. I really want to focus on what police are doing, should be doing, to promote the likelihood of a peaceful arrest, to use your language, okay?---Okay.

So maybe I might open up in a more open question, rather than me leading to what I think you've already said. Was I correct in summarising before the criteria you say now, certainly as of April 2022, as being the standard approach you would hope would take place when somebody in the position of Kumanjayi Walker was needed to be arrested? You've attempted to cover that in your second statement I take it. I can do it if you want me to. You say at paragraph – second paragraph on the – page three, sorry, go back one. Last paragraph on page two. “With respect to custody matters, a culturally sensitive approach is required to determine how and when to undertake arrests or manage incidents. During times when there is cultural events, such as sorry business, mourning camp, men’s business, or funerals, breaching cultural protocols could be considered highly disrespectful, and can contribute to a break down in relationships with the police, ACPO, ALO’s, are an essential link in being able to provide cultural advice, and ensure information can be provided.” Etcetera, etcetera.

DR DWYER: I just pause to note, I’m just provided with the sergeant with a copy of that document.

MR BOE: Thank you.

Have I read that accurately to you, sergeant?---Yeah, yes

And the next paragraph - - -

THE CORONER: Mr Boe, it’s – we can make this available. So I don’t think we need to have it all read onto the record.

MR BOE: Yes. I don’t particularly want to, I’m just trying to slow it down to the propositions to not offend.

THE CORONER: All right, well I think now that the document is in front of –

Sorry, is it senior sergeant or - - - ?---No, sergeant.

- - - Sergeant Jolley, that you can just probably put the propositions now she's got access to the document.

MR BOE: Thank you.

Please tell me when you've finished reading that next paragraph?---Yeah.

The important words I want to pick up are your words at the top of page – the first word on page three, where you say “Essential link.” I read that as always necessary. Did you mean that, when you say essential?---It's not always possible.

I'm not saying whether it's possible or not, but - - - ?---Yeah - - -

- - - but your idea of what would be - - - ?---Yeah, maybe that's not a good word. Maybe essential's not a good word, but what I'm trying to say there is that – that having an Aboriginal police officer, or liaison officer, well I guess it is pretty much essential in - - -

Yes - - - ?---Sorry, it is an essential to provide cultural advice, because they are the cultural people.

Sergeant, my highlighting it was not to criticise it - - - ?---No, no, I – I've just read it again.

Thank you?---But yep, sorry.

The next paragraph you carefully explain that once you've taken into account some cultural factors, it may well mean that the safest option is to delay arresting until after any significant issue that's occurring in the community, which may get in the way of achieving a peaceful arrest. Is that fair?---Yep.

Now, the question I was trying to ask, badly, before, is that bearing in mind, that's your knowledge and opinion, do you think it's necessary for it to be part of the protocol that every arrest involving a young person, or not necessarily young, but a person from the community, needed to be arrested in the community, should be followed?---It would depend on the circumstance and the urgency.

Yes?---But if there was no urgency to arrest that person, yes then, yes.

Now you mentioned before that you've got a good crew back in 14 – 17, we all just knew it. That doesn't assist in times when you have a relieving officer. Doesn't assist when an ACPO's not available. Do you think, resource aside, right?---Yes.

Governments have huge cheque books these days, resources aside, you would regard, being a sergeant experienced, a culturally sensitive police officer, that it is

essential that an ACPO is utilised in planning an arrest of a community member?---If that person is available - - -

Yes?---Absolutely.

So in terms of resources, you would want to make sure that there's at least one ACPO on duty at any one time. That's one option, correct?---Or sometimes we do have ALO's.

Yes. But secondly, another option is, to defer the planning until such time as the ACPO came on, if there was no urgency?---If – if that was an option.

Yes, well I'm suggesting it is an option - - - ?---Yep.

- - - if it's not urgent - - - ?---Yes.

- - - to wait until the ACPO's available, to access that person's expertise to formulating an arrest plan. Is that fair?---If – yeah, if – if we had that option to wait, yes.

Yes. Now you spoke about – I'll call him Derek, because that's how you call him?---Yep.

But you spoke about Derek being extremely important to you, in your discharge of duties as a police officer. And that importance started almost from the beginning of you meeting him, I take it?---Yes.

You both went to, is it college together or - - - ?---We were at – yeah, we were at the college at the same time, obviously doing courses.

So for the first part of your relationship with him, you were a cadet, is that correct? Probationary officer?---When I first went out to Papunya, yes.

Yes, and then he was already an ACPO?---No, we – he – we both come out of college at the same time.

I'm sorry, I'm sorry?---Yep.

So the point I was really trying to get to is this. He taught you a lot on how to appropriately police in communities, in which he had experience and connection?---How to be culturally sensitive and - - -

Yes?---About the culture, yes.

From there, you've gone on to become a sergeant?---Yeah.

Correct?---Long time after, though.

Yes, long time. But in that whole long time - - - ?---Yes.

- - - he, as an ACPO, has just stayed as an ACPO?---He's a senior ACPO.

Senior – first class I think they call it?---Yes.

- - - or senior, he's a senior - - - ?---Senior ACPO.

Do you think there should be encouragement, for people with his wisdom and knowledge, to go up the ranks, and becomes sergeants themselves?---He can – you can transition over to a constable.

Yes?---From an Aboriginal police officer. We have one in our station at the moment,  
- - -

Yes?---(inaudible).

Derek did speak about that. I won't bore you with the other - - - ?---Yep.

- - - aspects of his concern about that. But leaving that aside. Do other police officers, in your station, regard an ACPO as an equal, or as an add on to help them?--My – all of us are important to each other. We're a team. So we work as a team.

So you wouldn't have any difficulty allocating an arrest job for Derek to lead?---No.

If one of the other pieces of information that – critical to be held by you before you devise an arrest plan, the reason why the person is wanted for arrest?---Sorry, can you say that again?

When you get an arrest alert?---Yep.

Is an essential piece of information for you to formulate an arrest, why that person is needed to be arrested?---Well that alert will tell me, yeah. The alert will tell me why, is that what you're saying? The alert will tell me why.

I'm going to get to that next. But would you regard it as an important piece of information?---That they're – they need to be arrested?

Why they need to be?---Yeah, of course.

There's a huge difference between somebody running around with a machete and attempting to kill people, than somebody breaching a condition of bail, you would see that wouldn't you?---Yeah.

In terms of urgency?---Yes, yes.

And in terms of the approach to be taken?---Of course.

Okay. So you would think it – would you say it's necessary for the arrest alert to say why that person is wanted for arrest?---The alert will say that.

Well you may say so, but I'm suggesting to you, can you just agree with the proposition - - - ?---Yep.

- - - that's a necessary piece of information?---Yes.

And is another part of the necessary information, what should happen to that person, once arrested?---Depends on the circumstances.

That's right. But you would want to know what you were supposed to do with the person you were arresting, wouldn't you?---If we're arresting them, we would be bringing them back to the station.

And taking him to court or something like that?---We go through the watchhouse process and depending on what the offence is of – yeah, what would happen after that.

Why I ask is this, if a person breached a condition of a suspended sentence - - -?---Yes.

- - - that required them to reside in a particular facility like CAAAPU?---Yep.

You would want to know what the consequence of that breach is, would you not?---Yes.

That is that the person is required to be taken into custody for a court to reassess their legal position?---Yeah, so we would want to know they'd breached on the suspended - - -

Yes?---Correct.

And that would also help - - -?---Yes.

- - - in determining urgency, wouldn't it?---Yes.

Yes, thank you?---But you would still do the same process, though. Like, as far as it's a suspended sentence, you would still take them in and put them before a judge.

I understand?---So, despite what the – what they've breached, it still would be – we would still do the same process.

Yes. And just on that, do you see any difference between what you, as a police officer, are required and should do between an arrest alert and you having notification of an arrest warrant?---I don't quite get what you're trying to say.

Well, in this case, the evidence is that an arrest alert was issued when Kumanjayi

was found to have left CAAAPU?---Yep.

And it took maybe seven or eight days, not being precise; that was on 27 October, from memory. And then on 1 November was when an arrest warrant was actually issued by a court?---Yep.

My question is, from your point of view, do the actions that you perceive you should and must take, and can take, differ from an arrest alert to an arrest warrant?---No.

You see them as the same thing, do you?---Well, if there's an arrest alert, we would go and arrest him and if there's a warrant, we'd do the same. Like it's - - -

That's my question. You don't see any difference. His status didn't change - - -?---No.

- - - from arrest alert to arrest warrant, as far as you're concerned?---Yeah.

Okay. Now, I think you said in answer to Dr Dwyer that you had, in terms of the usage of a gun, that you had never used a gun. Is that the word you used?---No, I've never drawn my gun.

Drawn my gun, sorry, thank you; that's what I was trying to clarify. Drawn meaning take it out of your holster?---No, as in use it out in the field. I've never felt the need to draw my firearm in an incident out - - -

I just want to be precise about the physicality. Is it that when you say "drawn", do you mean, take it out of your holster?---Yeah.

Yes. And in the years of experience of which you refer to, the way in which you explain drawing a firearm, did that include when you were confronted with an edged weapon? If – you may have never been confronted with an edged weapon, I don't know. But have there been instances where, during an arrest situation, you were confronted with an edged weapon?---Yes.

And in those circumstances, you did not end up drawing your gun?---No.

Is that fair?---Yep.

There was the example that Dr Dwyer took you to of where you took an hour and a half to settle down the person?---Yep.

In that case, there was a reference to a frying pan in one of your answers. Do you remember?---Yeah, he did pick up a frying pan, or a – yeah, yep.

I just want to get clear about that, you just used a motion, he was not cooking with the frying pan?---No, no.

No?---No, he was holding it up.



He was using the frying pan in the form of a weapon. It that what you're trying to describe?---He was holding it.

Holding it. And you had it over your shoulder? Was he wielding it?---No, no.

I'm not saying he hit you, but - - -?---No, no, he was, yeah, he just had it because he was frightened.

Yes?---He wasn't actually coming towards me or anything.

Yes. He had it in his hands - - -?---Yep.

- - - for use, if he wished to use it - - -?---Yep.

- - - in the confrontation with you. Correct?---Yep.

And in that circumstance, you did not feel the need to draw a firearm?---No, he didn't approach me and I just kept talking to him.

Sorry, my - - -?---So, he didn't approach me and I just kept talking to him, so.

You put a fair bit of stock in your experience in being able to talk to people, don't you, in terms of resolving conflict?---Yes.

Now, when you - - -

THE CORONER: Can I just ask a question?---Yes.

I take it, in those instances, for example, you might have body-worn video sometimes. Maybe this was before body-worn video?---It was before body-worn, yes.

But now, it would involve body-worn?---Yep.

And so, your body-worn video, if there is an example where this works could be used, for example, for training other police officers in this style of approach?---Yep.

MR BOE: Thank you, your Honour.

When you prepared your second statement, were you asked to – were you informed of the circumstances that surrounded the attempted arrest of Kumanjayi Walker on 6 November 2019? Were you made aware of what had happened?---When it happened, are you talking about?

Yes. When you were writing - - -?---Sorry.

- - - what I would call the gold standard statement?---That's my opinion.

The statement of how police should go about things, were you aware of the detail of the events surrounding the arrest attempt on 6 November? I won't call it that. I can call it the axe incident, if that makes you – were you aware of those circumstances?---Yes.

So, using your standard, do you think Constable Smith and Constable Hand ought to have consulted Derek Williams before attempting to arrest Kumanjayi Walker on 6 November?---That's – for me, it's a hard one to answer, because I don't know the whole circumstances prior to that. So, I can't answer about someone else's – what they were doing or - - -

Sure?--- - - - how they managed that.

On your plan, the first thing is to sit down and find out as much as possible about the reasons for arresting him. Correct?---Yep.

And at that time, and others can correct me, there was an arrest alert because he had breached a condition at CAAAPU?---Yep.

There may have been more information at hand, but with that information - - -?---Yep.

- - - you would have wanted to find out about the fact that he was related to the person whose funeral was on that week?---Yes.

As it turned out, it's the same funeral that Derek was going to, a senior member of that family?---Yep.

It would seem logical on your thesis of how to do this properly, is everybody knew Kumanjayi Walker. Lanyon Smith had arrested him before?---Yes.

He may or may not have known about his relationship with Derek?---No, he would know.

He would have known, right?---Yeah.

And very easily could have worked out that there was a funeral on that week?

MR FRECKELTON: I object to this line of questioning, your Honour. It's very difficult and most probably an unfair process to place this witness in the position that she did not hold at the time. She is only privy to a very modest amount of the information that related to either the axe incident or the ultimate incident. And to ask her, step by step, to commentate on the proprietaries - - -

THE CORONER: Look, I don't think it helps me. I think Mr Boe has already made the point that if the purpose for an arrest is an alert and there is no urgency, then, you know, there would be time for a more considered approach.

MR BOE: Yes.

THE CORONER: And if that was the information that was available, as far as I can tell, Sergeant Jolley thinks that there should be a more considered approach. It may be that there were other factors on these police officers' minds that they were also taking into account. I don't know. But I'm certainly accepting of the facts, of the circumstances, Mr Boe, that if there is a low urgency alert in and of itself, I understand that Sergeant Jolley is suggesting a particular approach to that kind of arrest in the community.

MR BOE: I'll move on.

Another part of your second statement sergeant, is – at page three, you talk about the liaison needed to “If a specialised tactical response team may be needed.” Do you see that in your statement?---Whereabouts is that, sorry?

In the last - - - ?---In the event, a specialised - - -

“Specialised tactical response”?---Tactical response team.

Yes, it's another paragraph on page three?---Yes.

Would you like to just read that so I can ask you some questions about that please?---The whole paragraph?

Yes, thank you?---“In an event where a specialised” - - -

No, not out, just to yourself?---I thought you said read it, sorry.

Have you finished sergeant? When you refer to the phrase “Specialist tactical response”, you are in fact referring to what we know as the TRG, is that right?---TRG.

And when you said what you said in that statement, were you expressing your opinions as to how it should be, or were you reflecting your understanding of the SOP's in relation to TRG?---It's a – if we were having someone come out, we are to do a briefing note. So if someone's coming out to our community, we do a briefing note up, and we do an action plan, if someone's coming to our community.

I understand what you are saying. But are you communicating your view of what should happen, or are you summarising your understanding of the standard operation - - - ?---Yeah that's - - -

- - - procedures for TRG?---Yeah, that's standard, that's an operation requirement.

Yes?---Yes.

So when you talk about – and you said it earlier, with respect to really important statement that you made, that an officer in charge of the local station is to remain in charge of the plan, when and how by and whom it should be implemented. You stand by that don't you? That, even if a specialised force - - - ?---Yeah I'm in charge still - - -

- - - you're in charge?---Yes, correct.

And if I may say, is that because you have the most comprehensive ground knowledge of the situation on the ground?---Because I am the officer in charge of the station - - -

That's right - - - ?---So I remain in charge.

- - - (inaudible), sorry?---Yep.

So you say it's a matter of rank?---If I'm the officer in charge of a station, I am in charge of the – the operation, yeah.

And of anybody that comes into that region, whether - - - ?---I was - - -

- - - senior by command or - - - ?---I still stay – yeah, I'll still stay as the officer in charge of the operation.

Unless, and until somebody higher than you and your line of command tells - - - ?---Yeah, possibly if someone comes higher and – yeah, depending on the situation.

Thank you. I imagine you would not be looking for support from a specialised team to help you understand the community better? That's something you've got a good grasp on?---Yes.

Fair? And you would have a good grasp on the, leaving urgency aside, the appropriateness of the timing of any arrest plan that they may be assisting you with?---Sorry?

For example, we've spoken about funerals and sorry business?---Yeah, yeah.

You would be saying to them, we need to get this fellow, but there's a funeral, let's just wait until Sunday - - - ?---Yeah, yeah.

- - - right? You would expect you would have authority to determine the timing of the arrest?---Yes.

And who – and who might go on that arrest?---Yeah.

Is that fair?---Yeah.

And in a usual sense, urgency aside, an ACPO would be an essential member of the plan, or the arrest team?---If he was available.

If not available, wait until he's available, fair?---So we haven't had an ACPO for over two years.

What I meant was, assuming an ACPO - - - ?---So that's what I'm – yeah.

- - - yes?---If one's available, yes. Ideally, yes, that would be great.

Where at cross purposes. I meant, you mean available at the station at all. I mean on that day or the next day - - - ?---Yep.

- - - somebody might be off-duty, you'd wait until they came on duty, wouldn't you?---Or I might give them a call.

I'm sorry?---I might give them a call and have a yarn, yeah.

Well if they can come on duty, that's great. But if you couldn't, you'd wait until they were available?---I might just – well it depends. So I might just give them a call and have a – have a talk to them about it, so it just depends. Like we – like I said, we're a team. So there's nothing stopping me from picking up a phone and having a talk to – if he wasn't on duty, to have a talk to him about what's going on. They – well ask him advice, so.

You're second statement puts a fair bit of emphasis on making sure that the information being used to devise the arrest plan is documented either in writing, or by body-worn cameras?---That's if it's someone's coming in yes.

Yes?---That's just my opinion. You don't have to do it by body-worn, but that's just my opinion.

Well, that's why I asked you before. When you say your opinion, you've got your - - - ?---As far as body-worn I'm talking about.

Sorry, how they recorded - - - ?---Not that – not the actual briefing note, but body-worn, as far as having your body-worn activated, that's a choice.

I understand?---Yep.

But your view is it's got to be recorded – recorded objectively, whether in writing - - - ?---Whether it's in writing or – yes, correct.

If in a situation where a member of your team was injured, or seriously threatened during the course of an attempt arrest, do you consider it a conflict of interest for that person to make a further attempt to arrest? Would you regard it as a conflict of interest if a police officer goes to arrest somebody, there's friction, physical interaction, and the arrest isn't completed, do you see any difficulty with that police

officer attempting an arrest at a later time?---I'm not quite sure where you're going to be honest.

Well in the - - - ?---Like, if – if someone's injured or is that what you're saying?

No, not injured, right, there's conflict?---Conflict, yeah.

Would that mean that you wouldn't think it good for that police officer to attempt another arrest, of the same person?---It'd depend on the – obviously availability of members, but of course you'd send members that that person probably has a relationship with, and probably gels with. Because that's going to make it less likely for anything to occur. But sometimes, you know, you got two-man station sometimes. And sometimes that's not an option, so.

I raise the issue of conflict of interest, and I won't go long on it. Is that one of the issues that is in this inquest - - - ?---Yep.

- - - is that Sergeant Frost felt she needed more people to come, because three of the members were conflicted from making a further attempt arrest, because of the axe incident. Might you just reflect on that, and help us, whether you agree with that assessment, that following an incident like the axe incident, that both the sergeant, constable – Senior Constable Hand, and Constable Lanyon Smith, were said to be precluded from being involved in a further arrest attempt?---I don't really know the whole circumstances around that, so it's hard for me to comment on that. Like - - -

Well we – you know about - - -

THE CORONER: Do – can I just ask this. Do you use the term “conflict of interest” in relation to policing?---We do use it, like there can be conflicts of interests.

What do you understand by the term?---So – and we probably use it for anything that we think – for example, like for someone like Derek, it might be a poison cousin, or something, so there might be conflict of interest there, you know, to go to certain things, there might be a conflict of interest, because – for whatever reason, I don't know, you know, you know I don't know where you're going with the conflict of interest there, but – yeah, we do use the word conflict of interest. Can be, you know.

MR BOE: Now I just briefly approach it this way. That term is not my term. It's a term used by Sergeant Frost - - - ?---Yeah, we do – yeah - - -

- - - okay?---Conflict of interest.

In the sense she used it was because Hand and Smith had had a confrontation with Kumanjaya Walker - - - ?---With – yeah, yep, sure.

- - - which we all know about?---Yeah.

Have you seen the video?---Think I've seen it once.

Yes, so you know the context, okay?---Yep.

And separately, Sergeant Frost was in a relationship with Hand, at the time?---Yep.

Hand. So the – the words used by Sergeant Frost was that she needed additional police to come, because those three, felt they were conflicted from being able to arrest - - - ?---Yep.

- - - Kumanjayi?---Well that's their feelings, so. If that's – that's – I mean, everyone feels differently. So that's how she's – she's perceived that to be. And obviously, she's called in – further resources.

Okay?---She's done it for a reason.

I understand your answer?---All right.

I'm just cutting through pages, your Honour. So – thank you- - -

HER HONOUR: That's fine.

MR BOE: It's better not hearing from me than getting things you don't want to hear. Thank your Honour, no further questions.

HER HONOUR: Yes, Ms Morreau.

XXN BY MS MORREAU:

MS MORREAU: Thank you, your Honour.

Sergeant Jolley, as I introduced myself earlier, I act for the Brown family in these proceedings?---Thank you.

And I apologise in advance, because I will jump from subject to subject so that I'm not doubling up with matters that have already been discussed with you?---Yep.

I want to come back to a thing that you spoke with Dr Dwyer about early on this morning, and that was your training in cross-cultural communications and issues of racism. And I realise that your memory is very poor about the content of that training?---Yes.

Can we take it from that that that doesn't take the form of any recurrent training in terms of either identifying unconscious biases or dealing with them?---That is an online training.

There is an online training?---I think that is a continual online training.

Is that an optional training, or is that a compulsory training?---No, no. It's a – it comes up – I think they come up every so often.

I see?---The training – it will alert you to you need to go and do your training.

I see. So do you remember when – when's the last, most recent time that you would have done an Unconscious Bias Training was?---I can't, sorry.

Okay. If it is coming up online may it be, sort of, every year or every couple of years?---Yeah, yeah.

Is that your sense?---Yeah.

Okay. Now, we've – you've obviously spoken about methods of arrest. I just wanted to take it a step earlier than that an opportunities for diversion from charge and arrest, especially for young people?---Yes.

Of course, in the period that you were dealing with Kumanjaya, he was still a child under law, correct?---13, yes.

Yes. So the *Youth Justice Act* applied to him at that time. And of course, that legislation contains a lot of protections for children in terms of their dealings with police?---Yes.

And one of those is, of course, the requirement to divert someone except in certain circumstances?---Yes.

And there are particular offences, for instance, that exclude that approach, correct?--  
-Yeah.

And there's also the circumstances where if someone has already had the benefit of diversionary approaches or had a criminal offence history which might exclude the application of the requirement to divert – you recall that set out in the Youth Justice Act?---Yeah.

And was it the latter in Mr – in Kumanjaya Walker's case, when you were dealing with him back in 2014?---When – when I came – because I only came in January and he'd committed several offences prior to that.

Yes?---And I think it was a continuation of his offending.

Yes?---But in saying that, the court can do a s 64 where they can still divert them- - -

Indeed- - -?---even if they're not divertible, so.

Indeed. But at the time that you were dealing with him, did you turn your mind to those possibilities?---I can't remember, sorry.



That's all right. Now, of course the importance of diversion – particularly for children – is to try to break, sort of, the cycles- - -?---Cycles.

- - -that can – cycles that can occur?---Yeah.

And obviously, you know these probably many better than many of, but those cycles that we talk about is where, for instance, a person like Kumanjayi might breach a bail condition or a supervisory order of some kind, correct?---Yep.

And that breach process then brings them into contact with police again, of course?---Yes.

And then of course, that increases the risk of some form of conflict, whether it's emotional or physical?---Correct.

And then those types of conflicts can sometimes themselves turn into further charges for someone?---Yes, can do.

Yes. And so a lot of the strategies that you went through with Dr Dwyer this morning, and that you really took on board when you first went into Yuendumu, are strategies really directed at breaking that cycle, aren't they, for these young people who are most at risk of coming back into contact with the system?---Yeah.

Now, you mentioned this morning that you recall early on in the piece there being a public meeting – a public community meeting – in relation to Kumanjayi's offending – property offending in the community?---(No audible response).

It- - -?---Yes.

Sorry, you just have to – instead of nod, speak- - -?---Yep, sorry.

- - -verbally so that it's recorded on the transcript?---Sorry.

Now, is that something that happened only once in your experience, or was that something that occurred for a number of young people in the community?---No, there was community meetings. If break ins or significant incidents happened with the youth- - -

Yes- - -?---often then we'd have a community meeting with the elders.

And how would you organise those meetings? Would you speak- - -?---Go to the elders or mediation.

So through the Kurdiji Group, they might facilitate- - -?---Mediation – they weren't called that then but yeah, mediation or we'd go and – go and start talking to the elders and see if they could get the other elders and then we'd all meet down the, you know, sometimes- - -

Near the front of the store?---Well, sometimes was out the front of the big store, sometimes it was at the Peace Park(?), depends – depends.

Yes?---And they'd set up a microphone and everyone would have their say.

And was part of that process designed so that the child who was subject of the discussion would clearly be there?---Yeah, and it wasn't always one. Could have been, like, four.

Yes. And about how often did – would that have occurred in your time?---Probably a handful of times?

Sorry, a handful?---Probably a handful of times, yeah.

And was that in the earlier period of 2014 to '17?---Yeah.

Or is that something – is it something that still occurs now?---Not since I've been back.

I see?---But like I said before, COVID has stopped a lot of that sort of stuff happening anyway.

I see?---So the year has been pretty hard anyway, so.

And part of the design of that process is to confront the effects of one's offending behaviour, perhaps?---Yeah. Yeah, the elders having their say and telling them how they feel about what they've done.

There's a shaming aspect to it as well?---Yeah, there is a shaming aspect, correct.

And we heard from Derek Williams earlier that in previous years, pre-intervention, there might have even been a public, physical punishment. Were you aware of that?---Look, not – not what I've seen.

Okay. And the point of that is – sorry, I withdraw that. Was it the case that those – now, I know this didn't happen in relation to the meeting about Kumanjayi in April 2014?---Yep.

But is it the case that those sort of processes – some processes were, at times, seen as an alternative to a charge, or would they correlate with a charge?---Yeah, it can – no, it can – depending on the circumstances, you know? If – if it's happened and no one's made a – they're not making a complaint, they just want an action. And that was the action, was to bring them to the, you know, to the elders or – and have the elders talk to them. Well, then often they didn't go any further.

Right?---So it's not always- - -

Because it's quite effective to be talked to by your elders about something where you might have gone awry?---Yeah.

Yes. And in fact, more effective sometimes than getting a warning from a police officer, for instance, in a community like Yuendumu?---Yeah. If their community's cranky and angry with them, yeah. Sometimes it's a good statement.

And so did you see that as a – as a workable or a useful – a positive alternative?---  
Can be.

Yes?---Can be. It – and it, you know, it just depends on a child- - -

Of course- - -?---and how a child takes that. But then at the end of the day, I also believe in positive reinforcement to change people's behaviour as well, so.

Now, of course, even when the Youth Justice Act compulsory diversion does not apply, police officers still have a discretion whether or not to charge someone, don't they, whether they're a child or an adult?---If there's a complaint, but we charge – move on and charge them.

But you have a general discretion for, say, a minor infringement or a technical breach not to charge someone, don't you?---So depending on the circumstances, there's other – there's other means.

Yes?---But if someone's made a complaint and it's crime, then we will put them before the court.

I see. Do – are you saying that you – you would not exercise a discretion not to charge, if for instance, there was a victimless crime or a technical breach of bail?---Oh yeah, if there was – if there was not a victim and – the – yeah, every circumstance is different.

Yes?---And you've got to look at all the circumstances around it. And what's probably in the public's best interest and in the interest of the person, so. It's a hard question to answer, because it is built on practice.

Of course, and experience?---Yeah.

And the individual involved - - - ?---Yeah.

- - - and how they might best be responded to for the type of conduct that they've committed?---Yeah.

They have either, are either suspected of, or have committed, correct?---Yeah.

Another feature that might trigger a discretion not to charge though, would also be someone's mental health condition, or personal features, that might really mitigate

their conduct. Would you agree with that?---Well that would be up to someone that's medically trained to determine that.

All right?---So if someone was – we thought they were mentally unwell, then we'd get an assessment done with the clinic, with a psychiatrist, so. So if I come across – if you're asking, you know, if I come across someone and I thought they were, they've committed a crime, or done something wrong, and they were mentally unstable, obviously we'd sort their mental – you know, have – seek health for their mental - - -

You might see it as a – more in need of a mental health response than a policing – than a criminal justice response?---It still could be that they go to court, but then that's up for the courts to decide - - -

I see?---It's not up for me to decide whether they understood or – or are mentally able to understand what they did, because - - -

All right, so when you were – when you were - - - ?---I'm not medical – you know, I don't have that medical - - -

No, do you – you were asked about what you would do in terms of policing changes, if you were aware of, or had gotten a cognitive assessment of Kumanjaya at an earlier point in time. How would that affect policing decisions around someone like him, if you were aware that he, for instance, had some sort of intellectual disability?---Well it's not really – because that's sort of not really a policing thing, you know.

I see?---If he's got a cognitive impairment, then obviously working together in the community, we would want to help him and support him, and - - -

Can I suggest that perhaps it would affect the way you might communicate with him?---Oh yeah, of course.

And the supports that you might gather around him for the purposes of any interaction?---Look, to be honest, all youth probably need support when they come into any contact with our system.

Indeed?---And that's – we've always used WYDAC. We've always had, if possible, we've always had the support of WYDAC when we've had a youth in custody, or family. We – we encourage that support around them, no matter what.

And that's – there's – there's a base reason for that, and that might be someone's age, and their vulnerability, in that context?---Yeah, or anyone.

But someone like Kumanjaya of course, would have had multiple layers of vulnerability - - - ?---Yes.

- - - in dealings with police. And so some vulnerabilities are – are going to be less hindering of your communications with that person, and some may be more

hindering, of your capacity to have communications with that person, of course?  
Sorry, you have to say yes - - - ?---Yes, sorry.

- - - for the purposes of the record rather than nod. Just to push a little bit further on that. Even if someone doesn't have a diagnosed mental impairment, or – of some sort, if a person has not previously been in trouble with police, and they are responding emotionally to a situation, out of character. That – that may also be a basis to – to exercise a discretion not to charge?---Yeah, correct.

And in fact, that's something that you've done in the community from time to time?---Yes, we also have written warnings - - -

Yes?---And other things that we can do, so.

And other, as we've spoken about, other processes of involving for instance, the Elders - - - ?---Yes.

- - - in addressing an issue?---Yep.

Briefly speaking about some of the matters that Dr Dwyer raised with you in relation to dealings with Territory Families, in relation to Kumanjayi. From your memory of that time, you were aware of course that Leanne Oldfield was his adoptive mother?---Yes.

But in Warlpiri way, of course - - - ?---That is like mother, yes.

- - - I'm sorry?---Like mother.

I'm sorry, what was that?---It's his mother in Warlpiri way, yes.

Yes, indeed?---I understand that, yes.

But I was also going to say that his grandmothers and aunts, that is Leanne's sisters - - - ?---Yes.

- - - her mother, her aunts, are also primary carers for him, in Warlpiri way - - - ?---Yes.

- - - correct?---Yes.

And so at different times, the fact that he might be living with one or the other didn't mean he was being given less care, or less primary care, but depending upon practical situations, there might be one person that's better placed to provide that care at any point, in his upbringing?---Yep.

You'd agree with that?---Yeah.

And of course, the Brown family is a very large family in Yuendumu isn't it?---Yes they are.

And there are multiple, particularly women, but also some men, who over time, took responsibility for Kumanjayi, yes?---I don't know about the men, but I - - -

I see?---There is men that - - -

There is – they're probably primary - - - ?---(Inaudible).

- - - women that - - - ?---The women are the ones I dealt with, the unit - - -

I'm sorry?---Yes.

Yes?---Yes.

Like Jean Brown - - - ?---Yes.

- - - who you mentioned earlier?---Yep.

His grandmother?---Peggy, Margaret.

Peggy, Margaret Megorie(?), Katrina, and sometimes his Aunty Joyce as well?---Yeah.

Was looking after him from time to time. And of course, you knew, and you've already been asked questions about this, that he had Walker family as well - - - ?---Yeah.

- - - in community, in Yuendumu?---Yes.

And the Lane family - - - ?---In Papunya, yep.

- - - in Papunya. And in fact you were involved in some arrangements to – to see whether he could be cared for in Papunya, from time to time as well?---Yes.

And whilst we've spoken about the benefits perhaps in policing of being aware of someone's cognitive impairment, an assessment of his – his cognitive ability was something that his family raised in those meetings with – with yourself, and with Territory Families very early on, isn't it?---Yes.

That they thought he might have some mental condition?---Some cognitive impairment, yes.

Yes. That they had noticed in his growing up. And of course, the benefits perhaps, in hindsight, of having a cognitive assessment is – would also be of assistance to family in developing skills and capacity to care for someone with those kinds of conditions, correct?---Yep.

Yes. You were taken to a particular passage, which was quite distressing to hear, of Kumanjayi becoming so distressed whilst in custody, that he threatened self-harm, or suicide - - - ?---Yeah.

- - - and you took the steps you needed to?---Yep.

Can I press your memory a little bit more, but after you contacted for some medical help - - - ?---Yeah.

- - - you also contacted his family, and a family member came and stayed with him in custody?---I'm pretty sure Jean came down.

Jean came down - - - ?---Yeah.

- - - that's right, isn't it. And that would happen when he was bought into custody, from time to time, when you were there, didn't it?---And when any of the youth are bought into custody, we generally have a responsible adult there. Now they come and go, because obviously they don't want to sit there for all day. So they will come and go.

But they'll ensure that some family member is there with their young person?---Yes.

Yes, because it's really important for that young person's state of mind?---Yeah, to feel supported and - - -

Yes?---And it makes them feel less scared.

Indeed, indeed. But that environment in custody, surrounded by police, can be scary for young people - - - ?---Yes.

- - - in Yuendumu?---Yeah, of course.

And having family can really comfort a person that's in a position - - - ?---We like them to have family - - -

- - - of distress?---We prefer family around for everyone that's in custody, not just the children, but anyone that comes into our custody.

Yes. I wanted to ask you about the use of police dogs to find people. Is that a practise that you're aware happens in the Alice Springs policing district?---Yeah they've got police dogs.

Yes. So for instance, I might think of a police dog as a drug detection dog at an airport, for instance. But the use of police dogs to actually find people, is that something that is commonly used by police to – in your experience?---I've been out bush most of the time, and we don't have a dog out there, but obviously in Alice they would have probably a general duties dog.

Okay?---And a – and a drug detector – detection dog, so there is a couple of different uses for their dogs.

Yes. If I can just focus on the use of dogs to find people and track people down. Are you saying that you've not used one in community?---No.

No. And part of that is, because, as you said in your second statement, in a small community like Yuendumu, you're eventually going to find someone, aren't you?--- We know everyone. So we know where they – generally know where they live - - -

That's right?---And going to be, so.

That's right. And in fact, that's why urgency may not have the same sense in community as it might have in the city?---Yeah.

The process of using dogs for tracking purposes though, obviously has its own risks, in terms of safety risk to the person that is being tracked?---Yeah, and it you know it depends on the circumstance - - -

THE CORONER: I don't know that this officer can give evidence about the use of general duties dogs. She's never used them?---Correct.

MS MORREAU: Thank you, your Honour.

DR FRECKELTON: Your Honour, before my friend starts again, I notice that it's a bit after 3.30 - - -

MS MORREAU: I do - - -

DR FRECKELTON: - - - and the witness has been giving evidence for a long time - - -

MS MORREAU: I – have much - - -

DR FRECKELTON: Pardon the interruption to my friend, I wonder if we can just have a short break.

THE CORONER: Sure.

WITNESS WITHDREW

ADJOURNED



## RESUMED

THE CORONER: Yes, Dr Dwyer.

MS MORREAU: Thank you, your Honour.

XXN BY MS MORREAU:

MS MORREAU: Sergeant, coming to the time when you returned to Yuendumu following Kumanjayi's death, you spoke about the silence in the station and how shocking that was. And as I understand it, one of the ways that you attempted to really, I guess, bridge the gap that had developed between police and this community was to start going back to the Elders that you knew from before and speaking to them again. Is that right?---And their families, yeah.

And the families?---Yep.

Now, as I understand it, there's not a formal community justice group in Yuendumu. Is that right?---Community?

Like a group of Elders that you know you can speak to about matters of justice and policing in the community?---There's Elders, but – and there was, I'm not sure actually.

I see?---There was a group and we do have a group of mediators and all that type of stuff.

Yes?---And they – and I know that there's a leadership group. So, there's certain people, but yeah.

Now, are those people - - -?---I'm not sure if that's actually what any of them are called.

I see?---Sorry.

So, how you access them was because you were aware of the different families and the Elders from your previous time there?---Because I have a relationship with them, yeah.

Yes, that's right?---So, yeah.

So, you knew who to find to speak to?---Yeah.

Because, of course, there are a number of really strong leaders in that community, of course?---Yeah.

Are you saying that you understood that there was a formal grouping of those Elders for justice matters at some point, but you can't remember what it was called?---I think

there was, yeah.

Okay?---But – yeah, since I've been – like I said, since I've been back, it's been pretty crazy with COVID and that, so - - -

Yes. So, not anything functioning at the moment, to your knowledge - - -?---Not that I'm aware of.

- - - on a sort of funded, recognised, formal way?---Yeah, I'm not sure.

Okay. Of course, there are Elders who sit on the board of WYDAC?---Yes.

That are part of the stakeholders that you consult with on justice issues on an issue by issue basis. Is that right?---I would go to Elders, yeah, if I wanted to ask them something or if - - -

Yes?---Is that what you're asking, yeah.

Yes. So, for instance, Jean Brown is on the board of WYDAC?---Yep.

And are they formal regular meetings that you would have or are they just meetings that you'll have when you need to?---As far as talking to these – the Elders?

Yes?---They're not formal so much. To be honest, I'll speak to most of them most days - - -

Most days?--- - - - because I'm cruising around.

So, more informal than formal?---Yeah.

Yes, okay. And you spoke too about the levels of trauma in the community from a number of sources, but particularly post Kumanjayi's death, have you noticed in particular with children and their responses with police in the time that you've been in the community since Kumanjayi's death?---No, I – no issues, if you're talking about the youth that we have.

Okay. Are there particular programs that police invest in with kids, in particular through the school, for instance?---Not at this point in time. Like I said, like COVID has taken away a lot of, you know, what probably the time you might spend in school or doing other things. So, COVID has kind of canned that. And obviously, we've had a bit of unrest, so - - -

Yes?--- - - - there's been certain circumstances, so at this point, no.

Is it something that in the future, you see as a – you know, a positive endeavour to really invest in those relationships with the community, in particular, the young kids coming up?---Yeah.

Growing up?---I mean, don't get me wrong, we've had like the NAIDOC day and things like that, week and things like that where we've engaged in their program – in what they had. So, whilst – yeah, but nothing ongoing at this point in time, but - - -

And of course, you spoke very powerfully in your statement about the importance of police really living in the community and you've spoken about that today?---Yep.

And of course, you personally do that through – whether it be in football games or community events or even paying respect and bringing water to sorry – people in sorry business at times as well?---Yep.

And I think, as you reflected right at the end of your evidence with Dr Dwyer, the bridge that you've been able to build really, at least in respect of the Brown family, was reflected when they invited you to join them in mourning, post the acquittal of Constable Rolfe?---Yep.

Mr Boe, to my left, asked you about, you know, whether you agreed with the benefits in sending out perhaps in some writing form of the arrest protocols that you prefer. You remember that series of questioning?---Yeah.

Can I ask you whether you would also see a benefit in things being recorded in some way in the station, so you know, it's not dependent on speaking to Derek about things such as cultural protocols or even funerals that might be scheduled?---Have it written?

Yes?---Yeah.

Yes, so everyone in the station - - -?---That would be helpful.

- - - knows?---Yeah.

Is that something you do now, or not?---It's not written, but - - -

Okay?--- - - - it's something that we could work on, definitely.

Okay, yes?---I mean, we speak about it and we talk about it together, you know, but certainly - - -

Just so that it's known that there some no-go periods or family - - -?---It might have been written - there may have been written before in my absence but I haven't found it, so - but I can certainly write something up an - with the help of other - - -

And of course cultural protocols like - I'm sorry?---Sorry, I was going to say, with the help of some of the Elders, you know, in case I miss something, so I'm quite happy to write something up and - - -

Yes, so that other officers who might be there for only a short period relieving, would know - - -?---Yes, sure.

- - - that information as well?---Yes.

Sure, and of course, cultural protocols include funerals and sorry business but there are many others that occur in the community as well?---Yes.

That might be less obvious to officers coming in, correct?---Yes.

THE CORONER: You could have some on-line training that people are required to complete before they come out if they are going to relieve. Something like that. "Have you read our - how we do things"?---Mm mm.

MS MOREAU: I mean, I was - thank you, your Honour, that's a very useful suggestion because, of course, you spoke earlier this morning about the - I think in your statement you identified it would be useful to have an induction process of some form and you talked about how that occurs with either you or Derek, remember?---Yes.

There could be an induction package, for instance, or information provided to new police officers who arrive or who are coming in for short periods of time?---Yes.

And in fact there could also be an induction process that involves some of those very Elders that we have been speaking about who could impart their wisdom to these new officers as well?---Sure, yes.

Does that occur now?---When we have someone new we do introduce them to the Elders and the important Elders. We try and let them know if we've got someone new coming to the community just so that they're aware that someone else is coming.

Sure, and is that is sort of dependent on time and personnel being available or is that something - - -?---It can do, I mean, it's something that, you know, of course anyone new coming in the community, we wouldn't let them just go out by themselves or anything like that or with someone that doesn't know the community. Of course we're going to introduce them to everyone and yes, at times its tricky with, you know staffing sometimes, but right at the moment we've got a fairly good staff and that hasn't happened.

Now, you spoke about the fact that you don't have a say over which police officers come into the community. Is that something that you yourself would prefer to have a say on who comes into your station under you?---It's - I mean, it's - people will apply for jobs so - - -

I see?---It's on a - you know that's hard to say because, you know, it could be seen that they're not getting a job on their merit that they feel that they deserve, so that's a hard question I think.

I see?---Some say it would be good but yeah.

You couldn't see that working in a sort of in an institutional sense you're saying?  
---Yeah.

I see. Would you support some form of process, because you've described in your statement of - about the attitudes that you think are really useful for police who work in community?---Yes.

Is there a process that you might support of really trying to identify the people that are suitable for working in community with you - a screening process of some kind?  
---Yeah, I don't know how that would work, but yeah, it's a hard one. Obviously anyone that works out bush wants the best, you know, team, you know, best persons out there for the community's sake, for their own sake, so that's hard - how you screen that, I don't know.

And I suppose then you really - because you don't have control over that you really have to implement it through supervision and education and training when they're there?---Yep.

Is that right?---Yes.

What about the concept of Elders in Yuendumu having a say about police officers coming into the community. What would you say about that?---In what way?

Being able to meet with them and perhaps speak to you about whether or not they think, after getting to know them, they are suitable for the community?---That's as bit of a tough one.

I realise it's a tough question?---Because, look, if there was an issue with one of my members and it was, you know, that they felt that they had done something wrong, sure, but it's, you know, you know, how do you do that, because would you do that for education or would you do that for health, so it's a had one because - - -

Well, it may be that education is the right option in some circumstances, particularly for new police officers.

THE CORONER: I think there is a crossed wire there. Whether the Elders would be consulted on all employment in the community.

MS MOREAU: I see. I withdraw my - that question?---That's a hard one.

Okay?---Certainly we involve the Elders as much as we can.

Yes, and I think you said earlier that you do take on board if there are community concerns raised with you by Elders about your members' work in the community?  
---Yes.

And you were asked about, of course, a series of, you know, abhorrent racist commentary and series of texts, you might recall that period of your questioning and you gave the answer that you would certainly speak to someone and pull them up if you saw or heard of overtly racist commentary or behaviour, that's correct, isn't it?  
---Yes.

And in fact, depending upon the level of seriousness or perhaps repetition, you would see some of that conduct as being - calling for some sort of disciplinary action?---Yes, depending on the circumstances, yeah.

And does that happen by you reporting these matters up the chain of command? Is that how it works?---Yes, in the first instant I'd talk to the person and then obviously - depending on the circumstances, if it hasn't been offensive to any person and then if change didn't occur I would seek further advice from my chain.

I see. Is there - so if you were to report conduct it would go up to your next supervising rank?---Yes.

And who is that? That is the - - -?---Senior Sergeant.

I'm sorry, the?---Senior Sergeant.

Based in Alice?---In Alice Springs, yes.

And is there any sort of external reporting process or particular part of the police service that if you do come across concerning racist behaviour that you can take it up to them, you know, those who have specific, you know, cultural competency and racism responsibilities within the police force?---You know like someone ethical - people.

The Ethical Standards perhaps?---That's the one, yes.

Do they have, to your understanding, that sort of responsibility?---See, I would put it through my chain and then seek guidance so whether that would be - - -

I see - what if nothing happened up the next level though? Is there an alternative approach to ethical standards?---The probably is, I'm not sure to be honest.

Because you haven't done it before obviously?---No, I haven't had the - to be honest, I haven't had the need, so yeah.

But to your knowledge - - -?---There is the ethical standards line, so yes.

I see. You identified that night patrol operates in community and that was both in the 2014-2017 and now?---Yes.

Now, is that - what have been the benefits of night patrol in your experience? The strength of that program?---Well, they - they have got their eyes - I guess they're the

eyes and ears around the community, particularly when we're not on duty so they can feed us information if anything is going on and make us aware of any situations. They also you know, help in getting - keeping an eye on the kids and taking them home or - you know, later on in the day, so.

And does that happen every night do you know?---Night patrols are most days, I think Sundays is off day. I don't think they work on a Sunday.

But in your experience there's been sufficient people available to fulfil that role generally?---Generally, yes.

And it's a reasonably well-funded program?---I'm not sure.

You don't know, that's okay. Now, you've remarked on the importance of Derek Williams. I know that his name has been spoken of a lot. And really, the value that someone like he brings to the community, as you said, his language and local knowledge both in Yuendumu and Papunya as well, you notice this, correct?---Yes.

Would you agree that there is a heightened benefit that APCOs come from the community themselves or at least the language group or nation involved, i.e. the Warlpiri nation in this case?---Yeah.

Yes?---Yep.

Because it is Warlpiri specific cultural knowledge, isn't it?---Yes.

And protocols of respect that fall within the Warlpiri nation?---Within the community.

Yes. And you know, Derek is a respected Warlpiri man, so.

Yes. So, when – and so do you have APCOs that come in that are not Warlpiri?---  
We have had - - -

Yes?--- - - - APCO there, just relieving.

Okay. And whilst they may have greater familiarity with some of the aspects of cultural life in Yuendumu - - -?---Yep.

- - - it's important for them too to learn from local Elders - - -?---Of course.

- - - and APCOs who are within community?---Yeah.

Would you agree?---I mean, I think they understand the kinship and the structure, but they don't necessarily understand the language. So, yeah, so it's important to have someone from the community, but you know, if we don't and we're having some – a different APCO, they still understand that kinship and that – you know the way the Aboriginal culture works generally.

Are you aware or alert to the idea that even though they may be Aboriginal, that if they're not from community, there may be some learnings for them too though when they arrive in a community?---Of course, yeah, of course.

And finally, you spoke about the – in your view, in your second statement - - -?---  
Yep.

- - - the wearing of obvious large weaponry, being provocative and scary, four people in your room?---It would frighten them, yes.

Frightening. But you considered that your usual accoutrements don't give that same level of fear. Is that right?---Yeah, correct.

Can I ask whether it's the case that you personally have sort of reduced the visibility of firearms, even the Glocks in the community, or not?---No, we wear our Glocks the same.

I see?---Yeah.

What do you say about the viability of an approach that leaves the Glocks in the station and doesn't carry them around the community?---No, I don't agree with that. We wear our Glock, it's part of our accoutrements.

I see. Even though you've not needed to draw one in your - - -?---It doesn't mean I might not.

- - - years of community - - -?---There might be a – if I get into a situation and I don't have it and I can't protect my community and my colleagues or myself. That would be a major issue.

All right.

Thank you, your Honour.

Thank you, Sergeant.

THE CORONER: Mr Boulten.

MR BOULTEN: Thank you.

XXN BY MR BOULTEN:

MR BOULTEN: Sergeant, my name is Philip Boulten and I appear for NAAJA in the inquest. Your second statement makes it plain that there are special skills for police in Aboriginal communities. We've got that picture?---Yep.

Well and truly. May I ask you though, is there really two strains of policing, in your experience, in the Northern Territory? One that is quite different in communities



compared to the way people police their communities in Darwin, Alice Springs, Tennant Creek, urban centres?---Yes, well when you're out remote, you know everyone, you know. You form a relationship with everyone. So, whilst when I've worked in Darwin and Alice, I don't know the people that I'm going to engage with. But I do know the people that I'm going to engage with in my community. So, whilst, you know, our still – you know, crimes are everything are the same, the policies and that, the way that we police because of our knowledge of the people within the community. It's different from being in Alice Springs or Darwin, where I would not necessarily know the people. For me, you know, if I know where these people are, I know where they live, I engage with them every day.

Well, I might say with utmost respect, do you think it's worth trying to find out who your community is, if you're policing in a community wherever it might be.

It might be harder to a huge big community, but somewhere like our small communities, you know.

Sure?---It's easy. It's like a country town where everyone knows each other.

And what about the re-adaptive skill set involved in diplomacy? Do you think that's a skill that's worthy of town policing?---It can be, yeah. I guess we adapt ourselves to the situation and so - - -

And the ability to be able to effectively communicate?---Yes, that's for everybody.

And likewise, to be able to negotiate?---That's everyone, yes.

And likewise, even in Alice Springs?---Correct.

The idea of cultural competency is important, is it not?---It's still important, absolutely.

There are people who are mobile who come to Alice Springs from the surrounding areas all the time, spending time living here, right?---Yes.

So, do you think that it would be worthy for all police in the Northern Territory to develop the same skills that you have so obviously developed in your career?---Well, yeah, I think that's a difficult one to answer because whilst in community when you know everyone and you know exactly where they live, if you're saying to adopt the way we police out bush, can – is slightly different because, you know, whilst it – you know, where you might leave someone where we've looked at the risks and everything - - -

Yes?--- - - - and we know that there – we know where they are.

Yeah?---As opposed to people who are in the city that don't. So, it still is a different sort of policing.

Yes?---But as far as empathy and compassion, negotiation and communication, that's right across policing.

Transportable everywhere?---Everywhere, correct. And being culturally sensitive is everywhere.

Yes?---I agree with that. That's – but policing is different because of our knowledge and, you know, the way we engage with the people in remote. So, negotiation and communication and whilst I put that, it is important in somewhere in a remote station is because we don't have the privilege of backup like you do in an urban setting, regional setting. So, our nearest backup might be two hours away, three hours away, you know. So, I just want to express, I mean, communication is important for everyone and negotiation. And you know, having all the things that you should have anyway, empathy and compassion, that just makes you being fair, being transparent, being that person that would treat anyone like they're your family, you know, like your family would one to be treated. That should be what everyone does.

Not just police?---Not just police, everybody.

(inaudible)?---Yes, we should treat each one the same.

Can I ask you just a couple of questions about arrest processes in a community like Yuendumu?---Yes.

There are clear advantages in the respectful communication you've described. There is no doubt about that?---Yes.

And would that be so, irrespective of what the reason for the arrest might be?---So, every situation, you assess the risks in the whole situation, so – and your knowledge of that person. So – and if there was no risk to the community or anyone else, you would obviously do that in a way that would be respectful and try and get the family to bring him down, or you might even go and talk to them and say, calm down.

So, even when the arrest is because of perhaps quite serious offending, including violent offending where there are risks involved, so much greater is the advantage in convincing someone to hand themselves in. Do you agree?---There is an advantage if they hand themselves in. Do you agree?---It's an advantage if they hand themselves in, of course. If they are willing to hand themselves in, that's a good thing.

And if you could put that in training, so much the better, right?---Yep. And to be honest, when they know us, they often will come up and hand themselves in, if they know they've done the wrong thing and we're looking for them. They'll say, oh someone told me you were looking for me, and we're like yeah, and they come in. But that's the relationship that you build.

You talked about the advantage of arresting somebody at 5 o'clock in the morning?---Yep.

There are other practical advantages to that too, aren't there? If you arrest somebody late in the afternoon, or in the night time - - - ?---Yes.

- - - that creates pressures on the ability to be able to detain, house them at the watchhouse - - - ?---Well it just means that they're going to be a lot longer.

Yes?---Correct.

It's resources that you have to put into that job too, isn't it?---Yes.

And that's, as it happens, expensive for the community too, right?---Not only that, it, you know, fatigue, and the person won't necessarily have someone to support them overnight, because people want to go home and go to sleep.

And over time is a cost, is what I was getting at?---Yeah, overtime's a cost as well, yeah.

Are you aware of any police that arrest to maximise their overtime?---Not – not in Yuendumu.

What about other - - - ?---I don't know - - -

- - - (Inaudible)?---I don't know. Don't know about anyone else, but yeah.

Sorry?---I don't know – I don't know of anyone else – others community, I can only talk to – for my own community - - -

Yes?---For Yuendumu and, no, that's not how we operate.

Can I ask about one of the cultural norms in Warlpiri society. Boundaries for Ngururu Camp(?), home, place. It's important to be invited, is it not, normally?---Yes, of course.

That's very important isn't it?---It's respectful, yes.

And if an arrest is to take place without such an invitation, that would be only when necessary, surely?---If – yes, when necessary to go in, and depending on their situation like it – every situation's different. But we would respectfully knock, of course, when we go to arrest anyone. We knock on the door. And people in the house, I can't think of any time that I haven't – they haven't let me come in. But if the circumstances was you know, the person needed our assistance straight away, of course we would go straight in, and deal with that, whether they invited us or not, but of course we try and be respectful, and my guys try and be very respectful. And of course, knock and but, you know, like I said, my team - - -

(Inaudible) - - - ?---Are respectful.

- - - I'm sorry, go on?---And yeah, it would be not normal for them not to allow us in, you know, they're quite, you know.

You would need to know that protocol, that understanding, to value it as you do though, wouldn't you?---Yeah and what – and yeah of – and my team do.

But people coming in the – I'll stop – one step backwards. So if I understand what you've said to the court earlier, the only time that you have ever had cause to -

Shall I continue?

THE CORONER: I think just wait a minute - - -

MR BOULTEN: Yes.

THE CORONER: - - - Mr Boulten, hopefully they'll assist.

MR BOULTEN: Yes, probably won't take – I've got about 10 minutes.

DR DWYER: We have to come back tomorrow anyway, your Honour, it's plain, I just make that observation. It's a matter for your Honour.

THE CORONER: Do you want to continue Mr Boulten, people - - -

MR BOULTEN: Well I think it's probably better in all the circumstances.

THE CORONER: Sure. I mean people do get upset around - - -

MR BOULTEN: There are more people going to ask questions.

THE CORONER: Sure.

All right. Sergeant, thank you for being patient with us today. You have so much experience and expertise to offer. And I apologise that we're asking you to come back tomorrow, if you're able to. Can that be accommodated?---Yes, your Honour.

All right, well I thank you very much, and we'll see you tomorrow at 9.30?---Thank you.

WITNESS WITHDREW

ADJOURNED 4.24 PM TO THURSDAY 15 SEPTEMBER 2022