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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 23 FEBRUARY 2024

(Continued from 22/02/2024)

Transcribed by:
EPIQ

THE CORONER: Yes, Ms Walz, are you just letting us know who is on the live stream?

MS WALZ: Yes, your Honour. Mr Coleridge should be joining us presently via Teams link, but watching on - - -

MR COLERIDGE: I am here, your Honour.

MS WALZ: Watching a live stream - following a live stream, Mr Boe and Ms Prue Boe for the Walker, Lane Robertson family, Ms Morreau for the Brown family and Ms Baunch for Constable Kirstenfeldt and Sergeant Nankevill are all following proceedings on the live steam.

THE CORONER: Yes.

MS WALZ: And Sergeant Bauwens, back in Court.

LEE BAUWENS:

XXN BY MR DERRIG:

THE CORONER: Thanks, Sergeant. Good morning.

Mr Derrig?

MR DERRIG: Yes, thank you.

Sergeant, my name is Mr Derrig. I am here on behalf of NAAJA. Before you became the OIC of the IRT, who held that position before you?---I believe the person who originally assumed control of it was Constable Gary Joy(?). And before him, I think Henry Sattler. Sergeant Henry Sattler.

Do you know who the OIC was when they started the process of talking on that more high-risk capability?---From memory it would've been about maybe 2012-13. It may have been Henry Sattler at that stage. I can't confirm the exact time - or 11.

And in 2014 when you took over as OIC, was the IRT just operating in the Alice Springs region at that stage?---The cordon - when I started it was called the Cordon and Containment Team, yes, it was for the Alice Springs region, incorporating all the remote stations and up to Tennant Creek, Borroloola.

So Borroloola was part of the region at that stage?---Yes, we did attend Borroloola.

Now, your evidence yesterday was that one of the core functions of the IRT was doing things like the Immediate Emergency Action responses and things like that? ---Yes, that's - that's one of the core functions of a siege management strategy but there were several moving parts to the siege management strategy which is containing a high-risk situation. It's just one of the plans. The first plan is a

containment plan, a surrender plan and the IEA plan and all those things work together to contain a situation and manage it.

And so could these kinds of enhanced capabilities, these were so that you could respond to a - say a stronghold situation or a siege situation if there was an emergency. Is that right?---That's correct. It would be to manage the situation until the arrival of TOG from Darwin.

And you mentioned siege management strategy a moment ago. Was that developed by the National Counterterrorism Committee as it was known then?---Yes, that was - it went from ANZCTC and now I think it's been developed into the ANZPAA now.

And other than that, did the IRT - other than borrowing from that strategy, did the IRT have any other interaction with the National Counterterrorism Committee?---No, I believe that was their only role.

You can take it from me that I have reviewed the Committee's plan that provides the ADF provides specialist capabilities to civilian authorities as part of that plan. My question to you is, to your knowledge, did the ADF ever provide capabilities directly to the IRT?---No.

You also mention in your evidence that the IRT shooting training - you referred to it as the "NCTC cold shoot". Does this mean that the IRT's shooting training came from the National Counterterrorism Committee as well?---It was - the cold shoot that I referred to was a qualification shoot which TRG conduct and it does form part of the NCTC qualification shoot for participants if they want to travel interstate to do - to participate in police tactical group training. We adapted that and just reduced the target size, considering we trained a lot less, but it was basically the same scenario - same training.

And this upskilling of the IRT, part of the way you did that was by seeking training from TRG members, is that right?---Yes, that's correct.

And seeing that the IRT might have been responding to a - say - siege situation, you guys - the IRT needed the same skills in that respect as the TRG. Is that right? ---Yes, that's correct. It was the same skill set.

And that's why in your evidence I believe you refer to the IRT high-risk response is basically the same as the TRG response?---The tactics used to facilitate the - some of the orders, are exactly the same.

And seeing that you're doing maybe similar things in this particular emergency role, this is why you picked up some of the old TRG equipment, is that right?---When - that is correct. When I first arrived in 2015, the equipment was - well, it was unserviceable and it was very old, so I was lucky that I used my influence to be able to obtain equipment from TRG which was no longer used, or just being phased out and at not cost to the Southern Command, so it was a good - lucky situation.

And your evidence refers to the things you were able to pick up were things like helmets, ballistic vests, weapon accessories, scopes, things like that?---Yes, that's correct.

I might take you to some text messages. It's text message starting from line 111 up until 116. If you wouldn't mind just having a quick look. So that's 111 and down to 116?---To 16 was it sorry?

116, that's correct, yes?---Yes.

So it seems from that exchange that there were some extra things that you had to pick up and in this case it refers to 2000 operational rounds that was in contemplation of being bought. So there was some extra things like that that you had to pick up?---Yeah. That was referred to 2000 rounds of ammunition.

And from the texts it seems that that would have cost about \$40,000?---No. There's two topics in that text.

Okay?---Zac and I worked together on a business case for providing new over vests, ballistic plates, helmets to replace the ones which were outdated and unserviceable. Ballistic plates only last for five years.

So the \$40,000 figure, that was the entirety of that quote?---That was for the business case to replace all of the equipment. The ammunition was separate. That comes from police armoury in Darwin.

So those 2000 operational rounds though, do you remember what weapon that might have been for?---That would have been just for the AR and the Glock.

And presumably at that stage you had the view that you seeking that 2000 operational rounds there would be a need for that many rounds. Is that correct?---For training courses and continued training, correct.

Now, in your evidence you note that the TRG is a full-time role whereas the IRT is on a part-time basis in a sense that deployments and training would happen on top of the members cover general duties. Is that right?---That's correct, yes.

Now, and you've previously been in the TRG itself. Given the TRG did not have those other general duties to perform what would they do outside of the time that they weren't working?---They would obviously spend a lot more time training. They would also have, they had a broader scope of duties as well with search and rescue but they also fell under the general support role. And they would fill the gap whenever needed whether it be the performance city safe operations back then or just evidence search or warrants. Anything really. High risk was actually probably one of their smaller roles.

Even amongst the training though wouldn't they want to have prioritised high-risk responses while they're doing their training?---That form the major part of their training.

And would it be fair to say then the TRG had more ability to train on those things than the IRT?---They had more ability. They had more time.

Now, in your first interview with the police in November 2019 you provide that the IRT had not been on an official high-risk job. So to clarify is it the case that at that point in time of the interview that at that stage the IRT had not been on an officially designated high-risk job?---Yeah. I remember, I think I gave the same evidence in the Supreme Court. What I probably meant by that as in the official sort of process of a high-risk job like a house siege from having TRG, we cordon and having TRG arrive in the classic process of the job. But there has been at least two jobs where I would classify as high-risk, that became high-risk that we attended. Whether they were actually declared high-risk because the situation was fluent and I'm not 100 per cent sure but, yeah, I could probably tell you one of the examples if you like.

That's okay. I suppose my question is was the IRT deployed to a stronghold or a seize situation?---Not as in a high-risk deployment as far as my knowledge, no.

And just going back then, was there ever a stronghold or a seize situation in the southern region that led to the enhancement of the IRT?---I do not recall a specific incident.

There is some evidence in your first interview, sorry, your second interview with the police where I might read it out to you but if you have it in front of you it's page 9 of document 7007. So I'll just read it out for the court's benefit and it's highlighted there you can see. For the court's benefit you say, "Yeah, it went through. I had to fight for it. Initially got (inaudible) approved and denied but we got it through to (inaudible). It was approved at Darwin level at assistant commissioner." Just to check, what approval were you talking about at that point?---I don't really know. Hang on, I might have to put it in context and read the rest of it.

Sure?---So the first part of the question was, "Were there any formal agreement from the Commander to have the change in transition from TRG delivering the training to you guys?" So my response would be – so they're talking about TRG delivering the training to us. Now, I'm not 100 percent sure if that refers to the initial training from when we first started in 2015. I don't think we had to apply for that. It may refer to in 2018, late, when we became self-trained which meant myself and I think it was, I can't remember now at that stage, were able to conduct their own internal forces without having to have TRG come down and run the courses. So I think that's what that refers to, yeah.

From the passage read, and I've got it highlighted there, it sounds like at this stage that approval was denied. Do you remember why it was denied?---No. I can't remember any specific hurdles regarding that. It may have been just a process that we had to be assessed which did happen. So from then that process being

assessed then we were approved. So it may have been just a to and fro. I'd probably have to read the whole rest of the document to make any context.

I'll move on. I might take you back to some text messages since they're still up there. If you could go to line 117 and then I'll ask you to read down to 124?---This one here?

Yes, that's the one?---Yep, 117.

Yes, down to 124?---No worries. Yes.

Okay. So the text messages refer to a possible deployment to Katherine?---Yes.

At that stage, is it the case that the IRT was operating across the Northern Territory at that stage, rather than just say located to the Southern command?---The - I'm just trying to think of the context where that might be. The only time that I recall an incident in Katherine was - it was - I'm only going from my memory, because Katherine's not our area. I think it was some escapees who we tried to contact in Tennant Creek and we requested that a cordon was set up or a roadblock just so we could monitor who left and stayed in town. And when we got to Tennant Creek, we found out that the cordon or the roadblock had been removed, so we had no idea. So it was a possibility that we may go to Katherine to assist. I think TRG were up there.

Okay?---That would be the only thing. I think it loosely fits in with the timeframe as well.

Okay. Now, do you recall, and it also refers to a deployment to Borroloola, do you recall actually going out to either of those deployments yourself?---To Borroloola, yeah, we went there lots of times in around 2018/19 mark.

Okay. And in that series of text messages, you refer to needing the money. If you got deployed on these jobs, would you have gotten overtime or some sort of penalty rate going out to those sorts of things?---Yes, yep.

And so that was overtime. Was that a specific penalty?---You get overtime and you also get TA, travel allowance, for staying at -for camping overnight.

Okay. Now, having a look at those text messages between yourself and Mr Rolfe, it's fair to say, isn't it, that at least part of the motivating factor to be deployed might be about these extra pays. Is that fair to say?---I think everybody likes money.

Yes. Do you remember having conversations with other IRT members about penalty rates and - - -?---I think I speak to nearly every police officer about penalty rates and money. It's - yeah, it's just the nature of what we do and yeah.

Okay. You ask in that text message to Mr Rolfe if he had a drug habit. Now, did you have any reason to think that he might use illicit drugs?---No.

So it was just randomly something that you asked of him?---Yeah, it was just a joke between blokes.

Now, you spoke yesterday about the different between processes recruitment to the IRT and the TRG and how they were different?---Yep.

With the TRG, would there be a panel approving the successful recruits?---TRG, yes.

And who would sit on that panel?---I was never part of that process, but it would be a couple of executive officers, the OIC of TRG.

Okay. Now, we've spoke a little bit yesterday about the key attributes you were looking for in IRT members, and in the statements that you made to the police, a couple of those attributes were looking for new recruits who didn't have preconceived ideas about things. That was something that was seen as an attribute that was favoured?---Really, it's to learn new things.

Yes. A work ethic?---Yes.

Yes. And had military experience?---It was - yeah, not desirable, but we looked at people with previous military experience.

Okay. I think yesterday though you said it was a positive, because you know they had - - -?---They had certain things to offer, yes.

Now, when you're looking at someone's work ethic, how would you actually judge that work ethic of an applicant? What would you look for? What would you look?---Yeah, for sure. Well, as in any job, there's different kinds of people that perform roles. There's police officers who just turn up every day and don't - you know, who just do the bare minimum or - and then there's other police officers who take an active role in their work and are a bit more proactive and show a bit more enthusiasm to the role. So - but they were the kind of people that we wanted.

So to tangently identify those things, would you look at say records of arrest rates and things like that?---We didn't look at any specific arrest rates. We didn't go into the detail, but it was just probably yeah from our experience, from what we knew of the people.

Okay. All right then. You mentioned people being proactive, what does that mean in that particular context. What would a police officer do to show that they're proactive?---Proactive would be - well doing overtime is one aspect that shows that their willing to commit more time to the policing and to perform a role. Arrests is also a factor. We're aware of the people that were, you know, actively looking for arrests. We - in every patrol group, we always had certain people that would have a higher arrest rate than others. If they were on a quiet time or a - back then, which doesn't happen now - they would grab a warrant list which is, you know, is encouraged for

management and they would look at warrant lists and try and find some warrants, make arrests to clear the backlog.

Okay. Was overzealousness every an issue in recruits?---Overzealousness, the issue in?

With applicants. Did you ever consider someone to be seemingly overzealous and therefore less desirable?---No, overzealous wasn't really a - wasn't something that was spoken about, or addressed, or noticed, no.

In retrospect, do you think it's something that should be kept an eye out for?---I think it's a fine line between overzealous and someone who is enthusiastic. I don't now what defines those two.

So in a sense, you wouldn't have a metric to suggest who is overzealous and who is just otherwise hardworking?---It would just come down to our assessment of who that person is and what was in front of us.

Okay. There is some evidence in the brief that some of the IRT members were considering future positions at the TRG. Was the IRT being a stepping stone to the TRG something that you were aware you?---It wasn't anything officially, but it was something that I encouraged and I thought it would be a good thing. It would be good for the Alice Springs station and for people to want to come there and utilise the IRT to move their - progress their careers in that area, if that's what they wanted to do. I couldn't see any negatives in that area, if that was suggested.

Is it possible that IRT recruits might have wanted to, say, try and impress while they're in the IRT role, if they might have gone to the TRG, by showing higher levels of arrests and things like that?---Well, policing, everybody wants to try and impress people I think to move forward, whether it be GD's crime or anything. It's not in the police force, but I guess there wasn't that many opportunities to do that in IRT because, well our arrest rate is quite low, so what they probably - if you wanted to demonstrate that you - you could use the term TRG material if you want to - would be during training. You'd go, yep, you'd can recognise as having very good skills. So that would probably be the main avenue, I would say.

Is it possible that the IRT members might feel incentivised to use their enhanced techniques that they learned in the IRT to try and do an efficient and effective arrest? ---No, they're two totally different - two different things.

Now, with respect to the valuing of recruits that you can teach new things to, work out their military experience, were these the kinds of traits that made Mr Rolfe a successful candidate to the IRT?---Zach was a - what made Zach a successful candidate was he - as I explained - he showed a good, enthusiastic work ethic. He had an outstanding record from college. Prior to that he had demonstrated he was willing to put his life on the line to save someone else's life, which I held that in high regard. He was - had good reports from the supervisors and some more - everything - information I had, he was a very good candidate.

With former military applicants who had served overseas, was there any consideration of the potential trauma that they might have been experiencing when recruiting to the IRT?---Recognising prior trauma through the military?

Yes?---It's something that I wouldn't be able to assess unless it was told to me or, you know, provided, but I have no way of assessing that. It all depends where they served and what they did.

Sure?---And we have psyche tests for the police, that's a very good - rigorous.

So I might just break down that a little bit. Should - you mention you didn't have that information given to you, should that information have been given to you, as the OIC?---Yes, not at that level. It's - the people that are presented to me have gone through all those hoops, if you like. So I don't need to explore those options.

And you mentioned a moment ago the psyche tests that you do when you first come into the police force. Given that your - the IRT was working occasionally or possibly high-risk situations and maybe potentially more intense work, wouldn't it be prudent to maybe seek a further evaluation on officers going into that line of work?---No, I don't think so. I know that the TRG don't do it, and for a part - predominantly part-time section at that time, I didn't think that was worthwhile.

When you were recruiting recruits - or looking at recruits, would you look at their use of force records when considering their applications?---I can't recall if that was something we looked at, but the Commander was on the board and I'm sure he would have a knowledge of that and would offer some advice or recommendations regarding that aspect.

I am going to ask about two different forms of records and it may be the answers are the same, but would yourself or the Commander look at things like disciplinary records?---All those things are taken into account, yes.

Would it also include complaints lodged against those officers?---Those things would be taken into account.

But it sounds like potentially you weren't privy to that, it was more maybe the Commander, is that right?---Yes, at our level I - we - I don't have a whole lot of information what is on an individual people. If they've been investigated it's not common knowledge of doing it.

In retrospect, as the OIC, when you're recruiting, should you have been given that information so you've got a holistic view of that recruit?---Well, the higher ranking officer at the time, and he has that information. That's why he's there.

In your evidence yesterday you were talking a little - or there was talk about people's reputations and things like that and whether or not to be stood down and all those kind of things. At one stage you said, "We have reps for people who have higher

arrest rates than others and it go hand in hand quite often. So is it your view that the more an officer - the more arrests an officer does, the more complaints they will have?---Yes, that's a - it's an interesting scenario or subject and from what I have seen, with my role the - and it goes against us, I suppose, that what I said before about there's some people who - they have a lower arrest rate and do the bare minimum to the people that go out and look for arrests. And, for instance, if you are looking at going after people on those arrest warrants - they're generally people that don't want to be arrested - that's why they're on a warrant. So any use of force - that's likely to increase on those particular instances.

And that, by logic you would agree, or you're implying that that would mean complaints would follow that. Is that right?---Yes, it's - complaints would follow and it's an unfortunate situation that it also could be detrimental to their career or their future promotions because they would say, "Look at all these use of forces you've got." You go, "Well, he's a diligent guy who is doing his job and someone else has nothing" and that has happened. I've had it on my people - my patrol group - outstanding people who try their hardest to achieve basically what the parliament wants but at the end of the day they can get criticised for it.

Appreciating what you're saying, is it though - you'd agree though, sometimes lots of complaints might mean that an officer is actually doing something in the wrong way or - - -?---You'd have to look at the case. Like the example I just gave, a perfect example. You'd have to look at it, case by case, and each use of force is different.

Yes?---And, you know, yes, it's definitely a case by case.

And so in your role of the OIC, if you saw someone with a lot of complaints would you look at a case by case? Would you do a case by case breakdown if you saw someone with a lot of complaints?---I wouldn't really have knowledge of a lot of the complaints, because my understanding of the process is they - sort of it's a process where you're told you're not meant to discuss it - unless the outcome finds - is the findings are told. That's - yes, we only find out about it if there's a punishment - an issue, then you go, "Oh well, that was from that."

Appreciating that it is confidential, do you think though, in retrospect, with people who are actually in the team as opposed to future potential applicants, do you think, though, that information about the complaints would be beneficial if the OIC saw that?---All information - or most of it, you can get, is always going to be beneficial, but whether it's relevant or not, to that position is another thing.

You mentioned yesterday in your evidence that you would look at - when recruiting you would look at the officer personally and you would see they're positive qualities and then choose on that basis. Did you ever actively consider negative traits - like think about some negative traits that might count to that positive?---A negative trait?

Yes?---I guess with any applicant you'd look at positives and negatives. That's how we assess them. Did you want me to explain something about the negatives?

I suppose, yes, what would you look at as a negative aspect?---A negative would be a member who was - just did the bare minimum and didn't really show much interest in what they were applying for and just - - -

So essentially you were looking for the opposite of the positive attributes?---The opposite to - - -

No, well you were saying before that people being proactive and putting their hands up it's a positive, so you would - a negative would be - - -?---Yes, to someone who was displaying, you know, a minimalistic approach to policing and didn't seem to be like that as what they - enthusiastic to that area or they - in previous jobs they had demonstrated qualities which probably - we didn't seem desirable.

I'll go to the training of the IRT. Now, it's something that's come up a bit in this inquest so far is the mantra edged-weapon equals gun. Do you know what I mean by that?---Yes.

And just so we're on the same page, would you agree that it means the following, that there is a need to draw a weapon, inciting an edged-weapon because the response time is compromised. Is that your understanding of what that phrase really means?---It's not that simple. Time and distance, for instance, if someone an edged-weapon at the door over there I've got a lot of opportunities ahead of me. But if someone's close to me then you needed to use your tactical options very quickly.

That phrase edged-weapon eagles gun, was that something that you ever received in your own personal training when you were a police officer?---That was the - that was I was training basically but it was, that was a phrase but it was also developed in tactical training as well.

Is that something that your IRT training touched on?---The defensive tactics was something that they are all trained in general policing. That was a known skill. We didn't develop any more than that.

So it was already with?---It was already dealt with.

Now, yesterday you mentioned that there was some techniques that Mr Rolfe was able to show you, like some close quarter tactics something to that effect. Those kinds of things that he was able to show you for training purposes and things like that, just to close the loop, would you then go on and use that and train the other IRT members in what Mr Rolfe was showing you?---No. That didn't change from what our doctrine or what we taught because those skills are transferred from TRG and that's what we get tested in.

So what Mr Rolfe showed you was more for your own information, is that right, rather than tactics?---It was just exploring different ideas which is just out there and just showing what other ways to do it and just brainstorm I guess or just exploring different things.

In that brainstorming though was the rest of the IRT members involved in that?---There was about probably – I'm only referring to one instance that I can remember and I think there was about five of us there or something. Really it was a very small demonstration and it really wasn't noteworthy.

I'm going to talk to you a little bit, just very briefly, about that Malcolm Ryder incident that we were talking about yesterday. So that was the incident with the - - -?---In the domestic - - -

Yes. And your evidence of your understanding of that incident at the time. Correct me if I'm wrong but you understood at the time that the incident involved an aggressive man. There was a phone thrown as in the context of the domestic violence issue and people got pepper sprayed. Is that basically what you understood of the incident at that point in time?---Yeah. It was just a chaotic sort of situation that developed pretty quickly I think from memory.

And so you mentioned that you did speak to Mr Rolfe at some stage about that. Do you recall ever speaking to any other officers about that same incident?---Not really. No I don't think I did.

So was it just Mr Rolfe that - - -?---I'm just trying to think who was actually there. There was – I don't think I spoke to the others. I didn't have a chance to.

So your source of your understanding of that particular incident, was it solely Mr Rolfe?---At that stage it was. I think there was another member I think I spoke to that gave a similar version of events.

Reasonably consistent with what Mr Rolfe had told you?---Yeah.

Now, yesterday you were talking a little bit about standing officers down and your evidence was that standing someone down would be really the decision of a higher-ranking officer. Is that right?---It would in consultation with, yep, a higher ranking officer.

It seems like, from what was put to you yesterday, it seems like you might be somewhat reluctant to stand someone down on your own initiative or solely. Is there really a serious downside from stepping an officer from IRT duties?

MR BOE: Your Honour, just before that question is answered perhaps it should be asked of this witness whether he even has the power to stand someone down.

THE CORONER: Sure.

MR DERRIG: Isn't it the case under the standing operating procedures that you have the power to do so?---I'd have to refer to that.

In any case, when you were in consultation with a commanding officer or a higher ranking officer obviously you would be putting in reviews to that Commander. What

is the actual downside of standing someone down?---The downside to the member involved, general thing?

In any way?---I guess the downside to anybody if they're stood down from anything as a feeling of failure or sadness but I, yeah, it's something I probably couldn't explain in too much detail.

Fair enough in your answer. But ultimately if there's some serious allegations even though they are allegations surely there would be a time where it would be prudent to stand someone down for the benefit of the safety of the community?---I think, if I can just raise things again, probably where my authority would probably come into it is if we were on a job and I was watching an officer and his tactics and he wasn't performing to that role that was where I'd probably say, come on we need to have a talk. Pack your gear up and we'll speak to the boss. So it was probably more of a performance orientated thing than any of the external situations which really are part of like a - - -

Okay?---More like the performance I guess within the section. That's probably where I would come into it but - - -

That's how you might have come into it/?---Yep.

But if a Commander said to you and said, "we've got a number of allegations against this officer" and you were asked your opinion about in that situation in that consultation process surely the risk, if the allegations are showing some level of risk to the community, surely there's a point where you would have to say it's easy enough to stand someone down isn't it?---Sure. If the Commander came up to me and said this presented some things he probably wouldn't be asking me. He'd be telling me what's going to happen. And they ask me does this seem true or do you think this is, you know, what's your opinion on this depending on the nature of it. It might be a minor thing. It may be a serious thing but at the end of the day I'm the sergeant.

What would you consider something serious enough, just an allegation, to make you think yes actually this person should be stood down while this is investigated?

MR BOE: Your Honour, that's just a question of examples.

THE CORONER: It is. I don't think it's helpful really.

MR DERRIG: Okay.

THE CORONER: He's never been in that situation.

MR DERRIG: Going to yesterday you gave some evidence about the IRT being deployed in remote communities. You mentioned that there were a lot of deployment to remote communities, is that correct?---Yes, that's correct.

Do you have a sense of what the percentage of the deployments might have been to remote communities?---Our general response, yeah. Basically I'd say a very large portion to, yeah, very large portion. There were some which were search and rescues. We did some, for instance, yeah, search and rescues. There was - when we arrested a murderer at Ti-Tree, it wasn't an Aboriginal-related thing. And then there was the detention centre in Alice Springs which we contained. So there were certain other things, but predominately they were Indigenous communities.

Okay. So it predominately was in Aboriginal communities. Yesterday, you spoke about bias training. Is that something that all officers undertake?---Yeah, I believe it was a standard thing a couple of years ago.

And is that the same thing as the cultural awareness training that officers do?---I really couldn't answer that. I can't recall.

Okay. But those officers at least would - I suppose the bias training - that would be open to all officers, regardless of whether or not they're stationed in an urban setting or a remote setting, would undertake that training. Is that correct?---Yeah, it was an across the board training. It was mandatory training.

All right. And seeing that the IRT was going to go to communities so often though, wouldn't it stand to reason that IRT officers might require additional and more specific cultural training and knowledge?---General duties go on communities probably more often than we go to.

But you mentioned yesterday, a deployment out at Docker, where you're finding a target in the community?---Yep.

Surely, cultural knowledge and understanding might assist in developing ways to better communicate with the community and maybe help try and track someone down?---I agree. Any form of training for everybody is important and better. IRT, in that role going to the communities, was actually quite less than your average duty as a police officer.

Okay. But they did ultimately go out there to remote communities (inaudible). Given this and the fact that it was on top of their full-time roles and it necessarily involved maybe travel and overnight stays and things like that, what did you do to ensure that officers wouldn't become fatigued, exhausted, burnt out?---They basically - I think there's even conversations where they would give me a running sheet or an update on the hours they'd perform. But they were - they'd self-regulate a lot. I think there's an example in Borroloola where, you know, they work some extremely long hours. They hit the ground running and they manage their own fatigue breaks. They said, "Right, we're going to have a rest for an hour and come back out and do some more patrols. So they were - and that was the beauty of the section. They were self-reliant and make their own decisions regarding fatigue.

Okay. So generally, they're self-reporting. Did you ever actively enquire with officers about their level of exhaustion?---Yeah, they would report back to me basically.

They would report to you, but would you specifically go to someone and say, hey you seem exhausted?---On one-on-one? No, not generally. It's - I think we'll - I'll keep preparing IRT in Alice Springs to jump duties if, you know, the fatigue levels and the shiftwork that needs to be done is at an extreme level. It's not uncommon for 14/15 shifts straight and doing overtime. So it's an issue for the whole police force. So it's also an issue, we did do some long hours and we try to manage that fatigue ourselves.

Would you agree that the level of exhaustion but increase the risk of injury and compromised decision?---I think it's a fact, isn't it.

And in which case, I know you're mentioning that it's an issue for the whole police force, but given that the IRT is potentially going into some high-risk situations and maybe potentially doing more intensive work, isn't there sort of a greater need to make sure that these officers weren't exhausted or things like that?---They were - generally when we sent them out, they were not exhausted. They were ready to go and fresh. So - and each shift job is up to the individual, so it's a pretty hard comment to - - -

Were you ever worried that someone might under-report or be under pressure to under-report to keep up with the rest of the team?---That's a bit hard that we know what they were doing. We don't know how long they're going to be out there and you know, I know when they went out there, I know when they came back.

So definitely, you can see their hours, but the personal toll it's taking on them, you won't - - -?---I can't see that from where I am. I did travel with them on most of the jobs. So I saw how they operated and like I said, they're general response police officers in their normal time and fatigue management was something they could address there, and was addressed within the police force.

Okay. In your first interview with the police, there's talk about the use of the blue uniform and you said that on an IRT deployment, it's about basically half and half. Does that mean the other half of the time was in camouflaged gear. Is that right?---Some of the jobs were camouflaged gear. I know it's a contentious issue with the camouflaged uniform. I - in my opinion, I liked wearing the camouflaged - having the IRT wearing the camouflaged uniform. I know lots of people don't agree with that. But I can offer some reasons why, if you want me to.

That's okay. Just in your previous evidence, you can say it was basically half of the time, the IRT was deployed for use?---It was very job-dependent. If it was needed to - for concealment and it's part of the tactics, camouflaged uniforms have been used. Other than that, it wasn't, because during the briefing process with the superintendent or senior sergeant who was requesting us, and they would put limitations on what we would wear and what equipment we would take.

Okay. Fair enough that it is job-dependent and that officers might tell you want to do and things like that, but would it be fair overall to say that, given that, as it turns out, half the time it was camouflaged, half time (inaudible)?---No, it was probably more blues than - - -

Would it be different specifically in the context of remote communities, as in like would the proportion grow?---It's - we've worn camouflage at remote communities, like I said, when it was specific to the task. Generally, it was blues.

Yes, okay?---It was just a - it was a request of the - through the briefing that we were assigned to.

Okay. But my question, I suppose is, in remote communities was it more likely than say an urban setting that you would use camouflage kits?---Yeah, well there's two scenarios. If we had to do a cordon in an urban scenario, we definitely would wear camouflage, because of the level of risk. Mainly because these things - you shine a torch on it, you're going to get seen. And obviously, camouflage uniforms in remote communities, they are in a bush environment, travel 20 metres and you're in the bush, that's when your (inaudible) comes in.

Okay. Now, you've given evidence to say that when IRTs are in remote communities, they definitely should take their full kit, and that would presumably include the AR 15s and things like that. Is that correct?---It wasn't just specifically Aboriginal communities, it was everywhere.

Okay. In which case, fair enough. Then in which case, if the officers were taking the AR 15s out with them in deployment, does that mean that they would actually have them in the field as well?---It was a decision they would make. At that stage and I can be corrected, the AR 15 was a general duties' weapon, as was the shotgun.

Yes?---And it wasn't uncommon for general duties to take them out on shifts.

Okay?---Mainly the shotgun.

Yes?---So - - -

And it was up to the officers' own discretion about whether or not they'd be carrying around - - -?---At that stage, correct.

Okay?---As in the GDs?

Well, I'm probably more talking about IRT?---In my training, obviously I always train them to be prepared for any situation. This is part of the - I guess my tactical background and to be prepared for a situation which may occur, yep.

So that might include situations where you'd have an AR 15 in the field with you?---On some occasions.

Okay. And there was no particular rule about that. It was all discretionary?---It was risk-dependant on the situation. It wasn't that common that we walked around with - -

Okay?---We did it in Alice Springs as well on certain jobs.

No worries. I'm almost finished. I'll just take you back to the text messages. If you would turn to line 337, is a text message that we went to yesterday. 337. So it's one we spent time on yesterday?---Yes.

Appreciating that you don't recall sending that text message, do you know why you might have sent - used that language with Mr Rolfe?---No. I have no - I have no knowledge. It's - it's been conflicting with me since I was told back in '22 just before the trial. That was when I was first noted it. It's conflicting on - because it's language I don't use. I actually - I don't like the word. I don't use it and I would never use it to a junior member. I have to accept that it's there but I can't give any - -

When you found out - well, when it was brought to your attention in 2022, did you undertake any further training or anything like that, given that you were made aware of this?---No. I hadn't - the message was sent in July 2019. I was advised like, and it was - I think it was discovered six months or halfway through 2020. I hadn't been advised anything about that decision until 2022.

Yes?---So I hadn't received anything. I hadn't been advised. The first person that told me about it was Dr Freckelton.

Other than Dr Freckelton, did anyone in the police hierarchy bring this to your attention in this stage - then or after?---No. Sorry, I received a - over the phone just brief remedial advice or, you know.

And a part of that were you asked to attend any training or take any steps to rectify the situation or, you know, make sure it doesn't happen again?---No.

All right. Now, you say that this - you know, if you're surprised to see this, but are you suggesting that this is the first time that you've used this kind of language with another officer?---Yes. I - yes.

If you couldn't remember sending that to Mr Rolfe isn't it possible that you might have used this word with other officers - - -

MR SUTTNER: Your Honour, I object to that question. How long is a piece of string?

THE CORONER: Well, he has said it's the first time that he has used that language. I guess (inaudible) he can be asked, if he's forgotten this time it's possible that he's forgotten other times.

MR DERRIG: Yes. Is that - - -?---Yes, I - it's not words I say. It's a part of language I really don't like and I - and that's - yes, that's all I can say is I don't use that language.

Okay. Now, in that same text message - focussing more on the latter half of that text, you used the phrase, "Go after" - sorry, I'm just getting that up so I don't misquote it. You say, "Those people aren't used to going after them".

THE CORONER: "To people going after them".

MR DERRIG: Yes, it's "people going after them" there - sorry, I'm just getting this correct?---Yes, yes.

What did you mean by that part, "going after them"?---I've tried to bring my mind back to this conversation more times than I'd like to admit. It's - I've tried to make sense of it with - they were talking about bush cops who wouldn't have been able to chase them. That's - that's how I thought we were - the conversation was going from that "bush cops" not being able to chase indigenous - that's why that conversation - that line - does not make any sense to me.

Yes. Well, could it now be possible that "going after them" keynotes a real sense of a real pursuit then, of those persons?---That definitely could be perceived from that, yes.

Beyond what they would receive from regular community station police?---Yes.

And wouldn't that suggest that the IRT might be more forceful in their pursuit of targets?---Not forceful. It calls in line with what my primary tactics are for the section, which were covert and overt. It falls within the overt category there and it can demonstrate from a job we did in Borrooloola, and I think that was the one where we engaged the community in which conducted constant interaction with the community, door knocks, trying to find an offender and it's - there was an overt patrol and it's designed to flush out the offender, and it's designed for two things - for the person to give themselves up or the family to give them up - which in this case the family helped us considerably and the other option is if they run, because IRT are - we were fit and - well, Zach was an extremely good runner.

Would you suggest then given the fitness and what-not, IRT might be bit more relentless in their pursuit?---We would chase them, yes.

Last line of questioning. Yesterday when counsel assisting, Mr Coleridge, was talking to you about the possibility of standing Mr Rolfe down and you mentioned six allegations - or four allegations and two findings that were - are now known, against Mr Rolfe. In your answer to the question about whether or not he should have been set down you said, "I dare say if we did the same thing to every person in the police force, they may even be in a similar position." Did you mean that there would be a lot of other police officers in the force with similar allegations against them?---What

I was probably referring to is if the level of scrutiny is applied to other people in the police force in very similar situations - they'd be in the same situations with information being presented to them.

So there was potentially nothing particularly unique about Mr Rolfe's situation?
---The only thing unique about it is the extent that everything has been stacked up in one big pile.

Right. That is all my questions, thank you very much?---Thank you.

THE CORONER: Yes. Mr McMahon, are you ready to proceed or do you want to have a short break?

MR MCMAHON: I am in your hands, your Honour.

THE CORONER: I am happy to continue for another 20 minutes if that is okay, and then we will take the morning break.

XXN BY MR MCMAHON:

MR MCMAHON: Sergeant, my name is McMahon and I appear for the Parumpurru Committee of Yuendumu, Justice Committee of Yuendumu. Have you heard of that (inaudible) client (inaudible)?---Not before now.

Just some quick questions about camouflage for a moment. It's obvious some jobs require camouflage even when police wear them or IRT wear them?---Correct.

And however you said a minute ago - and you've also said it in your statements - that some people find the question of wearing camouflage gear contentious?---Yes.

You were about to offer an explanation for that. What do you mean by "some people finding it contentious" putting aside the obvious where you're doing a bush job and you have to use camouflage to do the job?---Yes. It's - I guess it goes along the lines of perceived military section. And my reasons for the camouflage uniform is, it just expands our opportunities to respond to different situations and being working in a bush environment, which most the communities are, if for instance, we're looking for somebody and that person then runs completely in a bush then we will be in a position straight away to react and cordon and/or locate that person without being seen, the blue uniforms are.

So it's simply that it makes you more adaptable in those situations?---Yeah, that's a much better way to put it.

On the other hand you recognise that it's a valid argument that people who seek camouflage officers do perceive that to be a military kind of impression that comes at them when they see men walking around in camouflage gear?---It's an impression which can be perceived but it's something that we would really hope that we will change.

And you would agree that if people carrying, for instance, AR15s that would be (inaudible) impressions?---In conjunction with wearing that uniform?

Yes?---That would be impressionable.

Now, yesterday you spoke of the fact that in IRT recruitment previous military experience is desirable because some of those people use the same weapons and some of the same tactics?---Yes.

Now, one of the factors that you mentioned apart from using cam paint which is painting the face, correct, camouflage paint, painting the face. That's what you're talking about there?---I don't know if I mentioned the paint face but - - -

You didn't use the word paint but you talk about cam and I took you to mean cam paint?---Camouflage apparel.

But in terms of bush craft you also means camouflage paint on the face don't you?---That can inform it or you can use it or you cannot or you sometimes have a cloth that you can put over your face because your face is a shiny object and stands out.

You spoke of foot craft (sic). Can you explain what foot craft?

THE CORONER: Foot craft or bush craft?---Bush craft.

MR BOULTEN: Pardon me, I thought you said foot craft?---No, bush craft.

And in terms of other military tactics that you find useful in terms of the critic of the IRT can you identify any other military tactics?---Well, military tactics are quite different from policing and they're rules of engagement are different and they're tactics, as I mentioned, are different because I have been exposed to slight military. Those things are obviously not what are needed but the side tactics or the side skills obviously with the can and concealment, the career of weapon handling, the confidence, the discipline and being able to retain calmness in situations. So, you know, that's what I've seen from people in the military and I've had a fair bit of experience in my 23 years people come to the military and they do seem to be level-headed individuals.

You've spoken in a number of contexts both in the statements that you've made and yesterday's evidence about having a lot of responsibilities when you were back and running the IRT as well as being, as I understood, a sergeant at all relevant times at the station?---Yeah. At any time I was either a sergeant or senior sergeant.

So you were a senior sergeant?---No.

You were a senior sergeant but you're not one now?---I was acting in the role as senior sergeant. I would act between shift sergeant and then Watch Commander which is a senior sergeant role.

And you spoke about doing a whole lot of extra work such as working on training or IRT rosters, weapons acquisitions and so on?---Correct.

And personally you do a lot of the training of the IRT members?---Yes, correct.

Now, just incidentally a lot of that, as I understood, you said was working on your own time?---There was a lot of my own time.

So when you say that do you mean that you were being unpaid. Is that voluntary work?---Yeah. I would stay back after the shift or come in and do some extra work.

So you were doing a lot of, apart from a full-time job as a sergeant and we've had a lot of evidence in this court about what that means and the responsibilities you carry, and yesterday you in fact said it was pretty much centre of police force. One of the most important jobs (inaudible). You agree with that obviously? Yes?---Yes.

And on top of that you were doing all of this IRT voluntary work after hours, all the preparation work?---Not all of it after hours. I would incorporate it into my shift as well as much as I could. But in some cases I stayed back unpaid and stayed longer to do.

Not being critical but the impression you gave that was apart from your shift and apart from what you could do within the shift you also had a lot of extra time, you also spent a lot of extra time doing this IRT work?---Yeah because there was a lot of extra time. I can't put an hour basis on it but every day you would stay longer and do paperwork or you would go through the kit and weapon inspections and things like that.

And one of the affects of that, what you said yesterday about by 2019 you were getting tired?---I was getting tired of the, how it was continuously being operated and, yeah, I think at that stage I'd hurt my arm and I was just actually enjoying the break away from - - -

Well, you were operating it. What do you mean by you were getting tired of how it was being continuing?---Being part-time and the restraints of having to do everything at a part-time basis.

I'll come to this in a moment but that whole notion of being part-time for such serious work is really just a fundamental clash isn't it?---Clash in?

The idea that one can be trained and maintain sufficient skill levels to IEA work for instance on a part-time basis?---It's challenging.

It's completely unsatisfactory isn't it?---Yeah. It's definitely challenging because our whole training was for that our primary function, core function was to respond to high-risk incidents. And like I said it was a thing that happened but we still had to train for it.

In the last couple of years before the killing of Kumanjaya Walker you didn't actually have to respond to any high-risk incidents. Is that correct?---Well, I would say that's incorrect. We did respond to a couple of jobs which, if assessed correctly, would have been high-risk.

When you were sent to the jobs had they been classified as high-risk at the moment you were sent to them?---When I first got the call on one of them we arrested Mr Filenski(?) for murder.

So to cut it short there was a little bit of that. At most there was a little bit of a thing called high-risk jobs?---As I explained earlier not in the classic role of a high-risk job where you have a tactical Commander, you have the siege, you have the cordon. Tactical jobs can be anything and, for instance, the one example I gave you he was a murderer on the loose in the Ti Tree area, non-Aboriginal. So it was totally a different scenario which is what the section was there for.

You spoke about, yesterday you spoke about running some memos to, which on the face of it, were requesting things. Just let me get to the point. On the face of it requesting things such as extra gear and so on?---Correct.

But you said there was another purpose for some of these memos and you said they were also to open a line of communication with the executive to tell them who we are, what we are, what we do and what they can expect of us because quite often it was a case where they wouldn't know?---That's correct.

You gave that evidence yesterday. You said, "I tried to get them involved in this section which those memos talked." That's correct.

So to strip that back a bit you were saying that you were worried command, your superiors, didn't really know enough about the IRT. That's what you're saying?---Some of them and some of them didn't, yes, correct.

I appreciate that's a strange sounding state of affairs that a unit commissioned to do the kind of dangerous work that IRT was meant to be able to do such as a high-risk corporation could be operating out the Alice Springs Police Station and yet as the officer in charge of that unit are aware that some of your superiors simply don't know enough about what you do in your capacity and who you are. That must have been worrying for you?---Yes. That's why I was trying to inform the best I could on what's going on.

I just want to quickly contrast the - and draw together various strands of evidence that have been given about the training - is there something wrong?---Sorry?

Is there something wrong?---No, no, sorry.

Just talk about the training between TRG and IRT for a moment. You've been asked numerous questions about it so I am just trying to consolidate it. It's clear that the TRG training is quite intense and at one point you mentioned that it goes for perhaps six months or so of training and it's reinforced on a weekly to daily basis?---Yes. When you first joint TRG you've got to do your core groups - core training, which incorporates CUT which I think it's a six-week course, then you've got the patrol course, which is your bush tactics, something like four weeks, so when - - -

So we've got some evidence - sorry to cut you off. We've got some evidence from other witnesses about some of that TRG training?---Yes. It's a whole six months.

And the point I am really extracting from you is that whether it's five or six months I'm not interested, but the point is it's a lot of months and it's a lot of intensive training, right?---Correct.

And prior to doing that training, is there an arduous selection course in the way that, or instance, there is with some other elite units? Or the - - -?---Yes, there is. The course has changed over the years. When I did it, it was three-day course - a three day sort of - quite intense course. I think it has been filtered down a bit to one or two days, only because it nearly killed a couple of people.

Only because what?---It nearly killed a couple of people.

It nearly killed or did kill?---Nearly - well, I got into an induced coma from my three days.

Yes, so it's hard work then?---Yes, it's very heat intensive.

And you would know that from other units around Australia, sometimes in the training program, officers died during the training?---Yes. In the army - especially in the Territory.

Yes. And the fact that the training is so intense for five to six months, I take it from that that part of the ongoing assessment is built into that training. That is to say people who don't measure up on, say six weeks of cross - of close contact training or four weeks of something else, they get weeded out of the unit?---They're constantly being assessed. I know the situation is a little bit different now but that was back - how it was back then.

And that's not unique to TRG as part of the way elite units operate generally, is it? ---It's - yes, being under extreme - yes.

Constant assessment?---Yes.

Under high-pressure and people being weeded out for various reasons. Correct? ---Yes, correct.

It seems obvious that that wasn't really the way the IRT operated?---We conducted a two week course which taught the basic skills, at a lower level from TRG because our requirements are lower. Even though the skill set is the same, we are not performing that role constantly, as they are.

But when you say, "the skill set is the same" that can't actually be right, can it? What you mean is the kinds of skills that were being developed belong to the same group of skills, but a week of green training in IRT level obviously is not the same level of skill as six weeks of green training at a TRG level?---Probably what I should - meant to say that it's learning the same things, but we're not at the higher - their skill set.

Just not learning them as well?---Yes. They are a higher trained officers.

And yet at the same time, you're being asked - and making yourself available to do intensely difficult tasks, such as high-risk incidents or (inaudible) - - -?---On the occasion if a high-risk incident occurred, correctly, that's what - we would perform that role.

But, in fact, with far less training?---Yes. But far more training than a general duties officer.

Sure. Well, when you say "far more training" that's not accurate either is it? I mean, you've got a two week course. One week in green skill - that's bush, right?
---Correct.

And one week in black, which is essentially building - skill - around buildings?---Yes, and siege management.

So that's - when you say "one week" do you mean five days or seven day?---It's five days.

Yes. So it's five days extra training in each of those areas?---Mm mm.

And then on a rostered basis, I understood you to say that the roster is a 35-day roster - five weeks?---Yes.

So it's one day every 35 days?---Correct.

Extra training?---Yes.

So of those one days extra 35 days, that's if they turned up on that day of training, correct?---That's correct.

The fact is they didn't all turn up for various reasons - rostering or other reasons?
---Correct.

So it's a little bit more training than general duties but you'd agree that it's far less training than TRG?---Correct. But with a little more than GDs but the things which we were taught were essential to perform that role and you can't - could not be replaced by a general duties officer or - not safely replaced anyway.

We are not going to it, but one could debate whether having a little bit of extra knowledge on close quarter combat training and thinking you can go into a siege situation and bust it open makes it more dangerous than not going in at all? That's a reality isn't it?---It's - - -

Or to put it another way - being under-trained for a dangerous job is not a good situation?---Correct. And - well, and that we as the whole reason for the IEA because the process before that was just general duties to deal with it, and yes, it's - that was identified as a huge risk to the members and the Department and - - -

Conceptionally it make sense, doesn't it, to train people up - a specialist unit to do those dangerous tasks?---Correct.

So they've got more skills than other people. But conceptionally you'd agree that it also presents a real danger to the police having community people who aren't sufficiently trained to do those dangerous tasks?---At that core function.

Yes?---We're talking about a - our whole training is for our core function, which is a one per cent core function.

Yes?---It doesn't apply to any other policing that we do.

Yes. You have made that clear.

THE CORONER: We might just take the morning tea adjournment, if that is okay, Mr Boulten?

MR BOULTEN: Yes, your Honour.

WITNESS WITHDREW

ADJOURNED

RESUMED

THE CORONER: Mr McMahan.

MR MCMAHON: Thank you, your Honour.

XXN BY MR MCMAHON:

MR MCMAHON: Sergeant, just looking at this question of recruitment for a moment to the IRT, as I understand it, you have a process where you put out an invitation by email and people respond by email?---?---That's correct.

And then there was a review application of the - pardon me, there was a review of the applications which came to you?---That's correct.

You with another person, probably Commander Currie?---Yes, that's correct.

Were there also personal interviews?---There was a - I don't believe there was a personal interview, no.

It's done on the papers, correct?---Correct.

All right. And then you said about this process that in your first interview on page 9, you said that you were looking at things like personality and work ethic, professionalism, keenness and you said, "That's how we make our decisions. I think it gives us a bit of an edge on TRG. We're a bit more personal on who we choose."?---Yeah, that's correct.

I'm going to suggest to you that's a bit of nonsense really. Do you want to change that answer before I go through that process?---No, I can explain it, you want.

All right, you - - -?---Sorry?

Do you appreciate that there's a body of knowledge built up by experts over years as to how to properly select people for elite units and dangerous tasks?---I'm sure there is.

And you were part of that when you were - you spent 10 years in the TRG?---Correct.

And you were part of that process of observing people and weeding them out over months of arduous training, weren't you?---I was - we would report back on people's performance, but it was always the high ranking officers who would decide what's going on. But it's a process with any organisation, I'd say, but yes.

I mean, wouldn't you agree that when you're asking me to go and do these highly dangerous tasks, they have to work as a team together, right? They have to trust each other completely. They're lives are in the hands of their colleagues,

right?---Yes.

And so the reason you have these careful selection processes is so that you can weed out people who won't cope under pressure, right?---I would suggest that's normal every day policing, a patrol group or anything. We work in a team and we rely on each other for our lives every day.

Let's not get distracted with irrelevant answers, all right?---If I could just - - -

We're talking about elite units, specialist units, IRT, TRG, that kind of work, right?---I do - - -

And you very well know that's what we're talking about, right?---Yeah, all I'm saying is that the similarities between that and the police who are general duties is very similar, but yes, I agree with you.

All right, I'm not going to debate you about that. I would simply point out that you may be aware or you may not be aware that some of the parties in this inquest would be making submissions to the coroner about the abject failure of the police force to deal with such problems within in, such as people who are either racist or who are violent or failed to make good decisions. Do you understand?---Yes, I understand.

Okay. So we're not talking about general duties and what goes with that, we're talking about specialist training for specialist jobs?---Yes.

Such as high-risk incidents?---Yes.

Where lots of lives would be at risk?---Yes, yep.

And in the process of selecting people for that kind of work, you want to weed out people who don't cope with the dangerous situations. It just obvious, isn't it?---Correct.

You want to weed out people who will panic under pressure. Correct?---Correct.

You sound hesitant. Do you want to be next to somebody in a dangerous situation who is going to panic under pressure?---No, I'm not hesitant, I'm just thinking about your answers - correct.

You want to weed out people who will over-react, react badly when they're under pressure. Correct?---They're all considerations, yep.

They're more than considerations, aren't they? If you've got a person in a team doing extremely dangerous jobs which most people are not trained for and you identify them as someone who panics under pressure, who makes bad decisions under pressure, who over-reacts under pressure, that's not just a consideration, is it? They're going to be removed from the task; removed from the team?---Yes, that's correct.

People who shoot when they shouldn't shoot. Agree? If someone is shooting when they shouldn't be shooting, that's not the sort of person you want on your team?---Well, anywhere, that's correct.

Yes. And it's for that reason that units such as the TRG, which is the one we're focussed on, but other units as well which you would know of like SAS and so on have this long, arduous selection courses and/or training processes over the next few months upon entry into the unit to weed out those people?---Yeah, they have certain criteria that they address, they will look for that will determine if they are suitable for the section. Some of those include what you say and some don't. But yeah, they all are being assessed during that time.

Sure.

THE CORONER: What are the ones that Mr McMahon has suggested that don't apply?---My memory's not that good, your Honour, I'm sorry. Just the specifics. They look - part of the process and why it's so long in TRG unit is we use - is just to - one of the main ones is to find the character of the person to see if they are going to give up and they are willing to see a situation through and not walk away and go, I've had enough of this. I guess that's one of the main - that's why it goes on for so long. Obviously, there's lots of things that you've stated as well.

In addition, I haven't named the more, by any means, but - I haven't named all the factors by any means?---No.

But none of the factors I've named you disagree with, do you?---All those are considerations, definitely.

Yes. Endurance is one you're referring to now?---Yeah.

And capacity to endure?---Yep. And even then, people that was going to be committed.

And you spoke about character and that includes the capacity to endure, to keep going when things get very tough?---Correct.

It also refers to having people around you who you can trust?---Yeah.

You're shaking your shoulders. I mean are you in doubt about that?---No, it's - no I said yes.

It's an essential quality, isn't it, for this kind of thing?---Trust and working together in a relationship - in a team is - yeah, sure.

In your first interview when you were asked about the training that IRT does, you spoke about some of the shooting training that you do, weapons training, you might

call it, or shooting training. And you spoke about how you had to do - and it seemed to be related to the National counter-terrorism kind of training?---Yep.

So this is shooting, for instance, targets at 12 metres and so on. I want to ask you about that kind of - that shooting training, do you follow?---Yeah, sure.

Now, as I understand, it's not the training that is done by general duties police?---No, it's not.

So you spoke about practising to shoot shots, 15 shots at a 12 metre target?---Yes, you're utilising two different weapons. It's a - I can explain the drill if you like.

I'm going to ask you in a moment. So you spoke about 15 shots primary and six shots secondary?---Correct.

And this is part of the training that IRT went through?---That was - formed part of the weapons' training. It was the qualification to shoot which TRG utilised and this was adapted from that.

Adapted by whom?---TRG and me. It was basically, the target area was just a little bit smaller - bigger, my correction.

You said "smaller" before, but you meant bigger, didn't you. Earlier today, you said "smaller"?---Did I?

You meant bigger?---So I must have meant bigger.

You meant that the target that the officer is shooting at, we take it that's a human dummy kind of target?---No, it's a bit of paper on a wooden board.

Okay. But it's bigger than when you were in the TRG?---Yeah, it was only for the Glock. The TRG requirement, you had to shoot within a circle. We'd - - -

You're holding your hands up?---About that size.

For the record, you're making a circle about 10 or 15 centimetres across?---I believe so from memory.

And there's a cluster of shots you'd need to get most of them or all of them inside the circle?---You'd have to - - -

All in?---Yeah, TRG - sorry, the IRT one, we just incorporated the A4 paper.

Okay, so for people not watching or not quite understanding what you're talking about, in IRT training with a Glock, you had to get all your shots onto the size of an A4 paper at a certain amount of metres?---Yeah. There was two A4 pieces of paper - - -

Yes?--- - - - with - side by side, and the top piece of paper was for the primary weapon which was the M4 and you had your Glock down below.

So the Glock is a handheld pistol?---Correct.

With a magazine of what 16 rounds?---Fifteen.

Fifteen rounds, plus one in the chamber?---Correct.

So 16 all together?---Yes.

And you only had to fire six of those rounds for the training?---For one sequence, yes. We do several.

Well, the M4, is that another name for a rifle?---Yes, that's the AR platform.

Is it an AR-15 or something different?---It's - the guns we used were an M&P-15, which is - they're basically the same guns, they're all different manufacturers. They all copy each other.

And do they use 5.56 millimetre rounds?---That's correct.

And you're firing that at 12 metres, are you - in this training?---Yes, correct.

And how large is the target? A4 sheet of paper?---Smaller. The target would be - you'll have to excuse me for not remembering - memory - it's - the target would be about that size - the circle - it's quite a small circle because they're a more accurate firearm.

The size of a human heart, roughly?---Well - yes, I guess.

THE CORONER: I don't know if he knows the (inaudible) anatomy.

MR MCMAHON: Yes, yes.

So the target shooting with the rifle at 12 metres, is that - are you expected to bring your rifle up to the eye and shoot along the - using a sighting mechanism on the rifle?---Yes.

So it would be hard to miss at 12 metres, wouldn't it - anyway, we don't need to go there. So you've got - how many rounds - 15 rounds is it?---Correct. Three magazines of 5.

On the rifle?---The rifle.

And within a short period of time?---Yes. Not a short period, it's - I can explain the process if you want to?

We don't need too much detail - we've probably got enough detail?---It involves - - -

Unless her Honour wants more detail?---It's not just the static shoot, it's a walking shoot, so you're walking.

Yes?---And on the command to shoot - pull up - you stop walking and you take an aim shot with your primary weapon.

Yes?---And you do that sequence until you have a stoppage - which means you run out of ammunition on that one, so we only have five rounds in the magazine.

Yes?---And when you run out of ammunition you go to the secondary firearm, which is your Glock, and you put one round in the - each of the A4 paper, then you go back and you rectify the stoppage of the primary weapon.

Is it fair to simply the type of shooting as saying it's - when you're shooting at targets of that size you're shooting to kill, right? That's the practice that you're doing? ---Again, it's permanently incapacitate - that's the - of the - - -

Yes. So either massive trauma or kill them? And I'm not being critical?---No, I'm just saying, well, it's a likely consequence of being shot, yes.

Yes, likely consequence of being shot at 12 metres with an AR-15 or similar rifle with a number of rounds is death, isn't it?---Yes.

When you're doing that - so just to go back a step. Is it part of the training in the - you spoke about a one week group training, one week flat training. Is it part of that selection process - that course?---Yes, that's part of the - the firearm component was part of the - I've got the manual, I'd have to check, but it incorporates part of the black role but it also incorporates the green role, but it's one of the major factors of the test of the two week course is weapons training. It may flow through the whole two weeks.

Was it common for people sitting the IRT courses - that doing the black for two weeks to be told - or asked the IRT - that they weren't up to scratch?---No.

Did that happen to anyone that you remember?---No.

With this shooting training, perhaps not right to call it training, is it, it's more like testing?---It's reinforcing weapon handling skills.

Yes, okay. Was - - -?---(Inaudible).

When the officers are doing the shooting, is any part of the training that they do either in the course we've just described or any other part of their training, is any of that shooting, which is known as "double tap shooting"?---No.

Do you know what "double tap" shooting is?---Yes.

Can you just explain it for the record?---It's just two shots in short sequence. Trigger pressure. I think you relieve the first trigger pressure and it's just two quick shots.

Two very quick shots - at the same target?---Yes, presumably. Well, it would be as you haven't got chance to - - -

I mean, you say "presumably" but yes - the answer is yes?---Yes, well the nature of two quick shots, you're not going to have a chance to go to another target.

The idea is to shoot two shots very rapidly at the same target?---Correct.

That's why it's called the "double tap"?---Yes. Yes.

And is that part of police training at all?---I believe it's part of the firearm - I'd have to be tested on that. I'm not 100 percent sure, but it might be part of the firearm recall(?). The yearly recall or testing. But - - -

For all police or for specialist units?---All police, yes. It wasn't something that we taught in IRT.

It wasn't?---I don't believe so - not that specific target. Sometimes we did rapid fire with the Glock to - we did extra - that test that we're talking about, we also during other training we did do Glock training and accuracy training and Glock exercises. So yes, and it incorporated lots of things.

Yes, so what do you mean by "rapid fire"?---Just firing a sequence of shots at a faster rate - to simulate different situations.

At the same target?---Generally, yes.

And how is that different - - -

THE CORONER: How long have you been in the police force?---23 years.

And you have requalified every year?---Correct.

So do you know whether this "double tap" is part of the requalification?---It's a very good question. I cannot remember if it's a - we have - it has changed recently, your Honour. We have since - - -

At any time?---We have learned about the trigger pressure and taking a shot from the second trigger pressure, so I'd say yes, I think we have. But I know that the training has changed last time I did it and it incorporated rapid fire with the - on the trigger pressure, which is different from what I normally have done, so.

MR MCMAHON: Is rapid fire confined to firing two shots or does it mean more than two shots as well?---I don't think there's a limit at - that double-tap as you mentioned was two shots. Rapid fire is rapid fire, it could be a number of shots.

A number of shots. In very quick succession?---Yes.

Are you familiar with the expression of "a controlled pair" - shooting a controlled pair?---No.

You haven't heard that expression?---No.

Didn't teach it on the IRT course?---No.

If the IT are sent out to do a task, not a high-risk incident but more of a general duties task of one kind or another?---Yes.

You spoke yesterday about some tasks might not need a team leader and some might have a team leader?---Correct.

And correct me if I'm wrong, but I understood if you didn't have a team leader appointed would be because the nature of the task was so low key that it wasn't necessary to have a team?---The role of a team leader would be of a lesser need than certain other taskings. Though we generally find I would put - if I was allocating people I would put a person who was - a - permitted to do that role.

That was your general practice?---Yes.

Because you were the officer-in-charge you'd often send a team out to do a task?---Correct.

And that was your general practice, correct?---Yes.

And it seems obvious, but just to confirm, if the task was likely to be a more difficult task or a more dangerous task, then much more likely that you would appoint a team leader?---Definitely, yes.

That's obvious, isn't it?---Yes.

So for a difficult task it seems obvious to say that it's an essential part of how you plan an execute a difficult task, that there would be a team leader. You'd agree with that?---Correct.

And if you were sending a team to a remote community, one of the purposes of having a team leader, an essential purpose, so that there's good wider communication between your team and the local police?---Correct.

Between your team and the Commander at the local police station?---Correct.

To make sure there was a proper flow of information?---Correct.

And one of the important results of having a team leader - a clear chain of command like that - it would avoid confusion as to who was meant to do what task?---Correct.

Because when there's a failure of knowledge within a group of officers doing a job as to know who is to do what task that's a significant operational failure isn't it?---Either all the communication has not been passed or everybody's not on the same with information, yes it's a breakdown.

Do you understand that IRT team which went to Yuendumu in November 2019 didn't have a team leader?---They didn't. My plan in response to me not being there was for Sergeant McCormack to be taking that responsibility.

Of appointing a team leader?---Well, being my replacement so he was the sergeant.

But just to be clear, so as sergeant on the day he's meant to appoint a team leader. Is that what you're saying?---He is the team leader.

But the team leader had the sight of the tasking hundreds of kilometres from Alice Springs?---Sergeant McCormack should have been part of the team at Yuendumu. That's his role.

You mean he should have left Alice Springs and gone to Yuendumu?---Yeah. His role as the sergeant to manage the team was my understanding as a team leader.

So if you were there on the day – you were on sick leave or something like that, correct?---Correct.

I'm not interested in worrying about sick leave. I wish it were that simple. Broken arm?---Yes.

Broken arm?---No.

Not much use bringing a shotgun if you've got a broken arm. So if you had been healthy on that day and team leader you would have gone to Yuendumu and been the team leader at the location?---Very likely, yes.

And that's what you would expect, your 2IC gun?---Yes. Unless somebody a situation who was – yep – no, that's it.

And it's obvious isn't it that if there was a reason why you couldn't go – you're shrugging your shoulders. And for the benefit of people who aren't watching you you're conveying the impression, well, maybe there was a reason you couldn't go and you haven't been able to identify that?---I was thinking about if it was a similarly experienced officer that could have achieved that role but that sergeant, the sergeant he was performing that role.

Yes. Just to finalise that and I know it's obvious, but if your sergeant replacing you couldn't go then it's clearly his job to delegate the leadership, team leadership role to somebody else?---That would be probably one of his roles, correct.

And, in fact, yesterday you were asked something about this and you spoke that when there was an arrest target you would need to up the ante to high levels of planning?---Correct. You have the concept of ops of what your role is and what you want to want to achieve and achieve the role would be to arrest someone and you obtain as much information from relevant sources and formulate how we or IRT can perform that role and a plan amongst those people. And that would have to be approved because there are multiple ways to achieve that.

I'm not really asking you about all of that detail. We're focusing on the question of having a team leader in those situations?---Correct.

And the effect of your answer yesterday was, well, compared to some tasks when you've got a more difficult task like a target to arrest in circumstances where we all know what we're talking about you would do on that day?---Yes.

You would want a team leader?---Correct.

Yesterday you were asked about jumping fences - - -

THE CORONER: And clearly a team leader of some experience. We're talking Sergeant Bauwens experience or McCormack's experience.

MR MCMAHON: Well, you've heard her Honour's question to me. I've made the assumption that when you send a team out to a task such as the one at Yuendumu but any similar task in a remote community, given that you've selected and trained the IRT team you would expect that within any group of them there's at least one or more people with adequate experience to be the lead?---Yes.

Yesterday you were asked a question about jumping fences and this is one of the things that had happened at Yuendumu on the day. I'm not asking you to comment on what happened at Yuendumu on the day because I appreciate that you weren't there. And even though you've seen some information no doubt we all know that you haven't seen a vast amount of information so I'm not asking you about that. But jumping fences is an issue that's come up in this inquest. You follow?---Yes, I do.

Now, you said you saw no problem with that but that's something you reckon happens all the time in Alice Springs?---Yep. Obviously if the fence is 6 foot tall it's not going to happen but if it's a low-lying fence and some instruction, yep.

Can I suggest to you that when there's no need to jump a fence – so I'll go back a step. In a certain moment in a difficult execution of a plan there may be a need to jump a fence. There may be a need to smash through a window or smash through a door. All of those things we know are realities that may occur. Follow?---Correct.

But where there's no need to do those things, including no need to jump a fence, can I suggest to you that it's very poor policing practice to jump fences of people's homes?---As you highlighted it's a situation dependant and where you are. It's not - -

We appreciate that?---It's not uncommon to jump fences within the community environments. It just seems a simpler way of getting from point A to point B.

When you say community environments do you mean remote communities or do you mean community including Alice Springs?---Alice Springs is one.

What I'm putting to you that it's not necessary to do that it's very poor police practice. Do you agree with that or not?---I wouldn't say it's poor practice. If you look at a house a fence is 20 metres away or something way on the other side of the house and the fence is low I really don't, in my opinion, I don't think it's that offensive and just to jump the fence to just get over there. I've never been told never jump the fence. I'm only going off my past experience.

Well, there may be reasons that no one's ever taken you up on it. We don't need to explore that. But I'm suggesting to you that when police jump fences when there's no need to do so going into people's homes, that it's an unnecessary exercise of power. That it's intimidating to people. That it's showing police domination that they have the right just to walk up to your place and jump the fence rather than doing the courteous thing of going through the gate. What do you say to that?---No, I don't think so. I think it was backed up. I don't want to talk the specifics but, no.

Is that what you teach your recruits down at Alice Springs Station that if you're just wondering around the suburbs and you need to go into a place just jump the fence, no problem no issue?---I don't teach them to go and jump fences and go into people's yards. The situation is dependent. If they have to go over into a yard - - -

Sure, I'm not arguing about if you have to. That's not the issue. You teach respect to be respectful?---Of course.

To be courteous and you accept that jumping fences is not a respectful or courteous if it's not necessary to do so?---I don't think in this instance they were demonstrating disrespect or - - -

I'm not talking about this incident at Yuendumu?---Well, any incident. Look, I've said it was situation dependant and if they did do it they would have been rightly told not to do it if someone was offended.

In your second interview which was in 3 December 2020 you were asked about different IRT roles and the nature of an IEA, nature of a coordination containment solely. General discussion about what the IRT is. And you were asked about a scenario where an offender goes into a building and what choices the IRT will have. Perhaps whether to stay outside, to go in, stay outside and engage and negotiate

and arrest and so on. Now, that's all broad picture of what you were being asked and I won't repeat all of that?---Yeah, they're tactics for a situation.

I'm just laying a foundation for a question I'm about to ask you?---Correct.

When you were asked about, well, what should the IRT do, should it go in and engage or stay outside and negotiate and arrest. You said, quite sensibly I might add, "Well, the offender forces your hand." Do you remember that saying that?---I don't remember it, but - - -

But you know the concept, don't you?---Yep. We're relying on what we see and what's presented in front of us.

Yes. And to take an extreme example, if the IRT were disposed to a cordon and contain response to a situation which they knew about, if they thought that that's what they should do. But then they hear a woman or a child screaming inside, help I'm being murdered, everything changes because, as you say, "the offender forces your hand"?---That's correct.

And in that scenario, obviously assuming the officers felt they were able to, they'd rush in and try to save the person you think that - - -?---It's a pretty approved plan that's been written and formulated and approved by our forward Commander.

But in situations where someone is inside a house and the house is the subject to cordon and containment and there's no screaming and there's no apparent emergency and there's no apparent rush, what are the factors that then lead to you staying outside the house and negotiating an arrest, as opposed to going into the house?---Well, it depends what the incident is and if the cordon and containment is part of - if you're talking about a high-risk incident, or you're just talking about general - - -

General duties?---General duties? Well, we don't - if we were cordoning and containing a house in general duties, then a significant incident has occurred.

Then you'd go in?---Well, it all depends.

Sure. If there was no significance in it and you were cordoning and containing a house and there's an arrest suspect in the house, and there was no incident happening that made you feel, this is desperate, this is urgent, we must rush in now, the overall strategy would be to stay outside and negotiate an arrest or wait to a development which led to a safe arrest?---If the incident is a confirmed incident and you had information of - that you - an offender was in the house and then you can take different tactics from that point. If you don't know an offender is in the house and you don't know, then you're talking to nobody.

Would you agree that when you are arresting a person - when the police are arresting a person, I'll be more specific, when the IRT are arresting a person, if the

arrest - no I'll withdraw that question. I want to ask you about a couple more topics, if I may. I'm taking a bit longer than I obtained, your Honour, if I may go a bit longer.

THE CORONER: Yes, we have some extra time, but I'm sure it will get used up quickly.

MR MCMAHON: Yes, but I don't want to rip my colleagues, but I don't think there's a lot to come up from whatever my friends who are representing Sergeant Bauwens.

THE CORONER: There's enough time, Mr McMahon.

MR MCMAHON: I want to ask you very quickly about the weapons that you're using, just so that we have a sense of the capabilities of the IRT, in terms of the (inaudible)?---Sure.

No, you've already been asked by my learned friend from NAAJA about IRT essentially not having much gear when you arrived in about 2015. It might not have been (inaudible) achievement?---Correct.

The cordon and containment didn't have much gear?---That's correct.

And you used your influence to get a whole lot of, as I understood it, second-hand gear coming out of TRG?---That's correct.

So it appeared that they'd probably be replaced with more modern gear or completely untouched gear?---Correct.

All right. Now, I just want to understand the difference between IRT gear and general policing gear for some of these matters which you previously listed in one of your statements about the sort of things you've got. You spoke about getting four end scopes?---Four end-scopes, yeah.

So just explain what they are?---Well, when I arrived, the guns were already at Alice Springs Police Station. There were about 13 rifles which were basically new, unused. They were just - - -

Were they AR 15s?---They were the M&P-15 that we were - that's our common rep (?). They weren't utilised. So they were just a bare gun. So you have to accessorise them to make them fit the purpose. And the four end, which I think you referred to, was a rail - I changed the four end so that it enabled us to put a torch on the gun and it also - - -

You mean rifle?---Rifle, sorry.

Yes?---Yeah. And also a hand grip so we could hold it differently. It was just making them more fit for purpose, and also we incorporated some old scopes.

So in terms of the hand grip and the torch, what you're explaining there is making it more fit for close combat purpose such as clearing buildings?---It's - yeah, it fits the purpose and obviously using it at night.

Yes. The ballistic vest, you spoke about getting extra ballistic vests. I take it they're different from general duties' ballistic vests?---Yeah, well they're - tactically, they're a different colour for a start.

I'm only interested in capability?---Well, that is their capability, to perform cam and concealment.

Okay?---So, they had pouches specific for the weapons that we would have. They had a higher rating of ballistic protection.

Okay. That's enough there. I'm just getting a general idea, trying to understand the increased capacity?---Yeah.

It's a better vest?---Yes, it's designed for - - -

Beanbag shotgun, just explain briefly what a beanbag shotgun is?---Yeah, sure. A beanbag shotgun is basically a conventional shotgun, but it fires a different round. It's called an "impact round", that's another wording for it. It's basically - it looks like a shotgun shell, but inside that shotgun shell is a fabric covered device which contains lead - little lead balls. So that's what the round looks like. It's designed to be utilised at a distance between two to 23 metres. So it shoots at the individual, but at the extremities; arms, legs, buttocks, things like that.

When you say "the extremities" that's because the - what's within the cartridge spread out over a - - -?---No, it stays as a target - as a - - -

So the shooter is meant to aim at the extremities?---Correct, yeah, stomach. There's primary and secondary areas. You do not shoot the heart or anywhere in the fact, because it can be lethal. That's why it's called, "less lethal".

It's called "less lethal", is it able - when you say you don't shoot at the heart of the head, is that because of the impact it may do, rather than the fact that it would penetrate the human body?---Both.

Both. So it can penetrate the body?---Close enough. It generally shouldn't. Close - well, I'll correct myself. It doesn't normally impact, no. But those - obviously those areas contain vital organs.

You said it doesn't normally "impact", you mean it doesn't normally "penetrate"?---Correct.

Yes?---Sorry, correction.

Now, as I understood a minute ago, it's the same as an ordinary shotgun, just a different cartridge?---Correct.

But the way that the IRT work, presumably is that those shotguns reserved for beanbag cartridges were never utilised as ordinary shotguns?---No, they were marked - - -

Is that correct?---Correct, they're were marked differently.

They had some markings or colourings of them to show - - -?---Yeah, you don't want to get those two mixed up.

Yes, and we don't need to know the details of that, but people in your unit would say, well that's one of the beanbags and that's not one of the beanbags?---Most definitely.

Were they pump action or - - -?---Yeah, pump action.

And how many cartridges, five or how many?---I think from memory, I think it's about four and the one in the chamber.

Okay. Now, you also had shotguns which, I understand, were not beanbag shotguns. Is that right?---Yes.

Were they also pump action?---Correct.

With four cartridges about the - - -?---The same.

And what's their purpose, obviously to kill animals in some situations. When is that, officer, you tell me? What's their purpose?---Well, we never use them. They're a GDs, sorry a general duties' support weapon. At that stage they were, so it was part of the armoury. I had a couple in the armoury. We didn't use them. We never used a shotgun. We just - - -

Did you take them out on jobs?---No.

So you never took - IRT never took shotguns out?---Didn't take the - from my knowledge, we never took the live loaded shotgun out.

Only the beanbag?---Only the beanbag.

But you regularly typically take out the beanbag shotgun?---Yep.

You spoke about a 223-78(?) semi-automatic rifle?---Yeah, that's the AR or the MP.

That's the same rifle?---Yeah, the 223.

And 308 rifles with scopes?---Yeah, they were again a general duties policing one. But I'd obtained two from TRG which were sniper training rifles which I was part of.

I was just trying to develop another capability in this section so I got military rifles and small scopes and they were utilised. We never took them out but it was just something that I utilised as I was sniper so I trained for those.

Were you a qualified sniper in TRG?---Correct, yes.

Presumably you know that in the Army to be a qualified sniper is extremely arduous training and qualification?---Yes.

Is it similar in TRG?---Yes. It's a, I can't remember how week long the course was but, yeah, I completed that. And that was more core function within the section so whatever training we would do we'd concentrate on that. I've also trained overseas in New Zealand as well - - -

As a sniper?---Yep, and I'm a nationally accredited marksman team leader.

And you were trying to introduce this skill into IRT?---It was a capability that would have been good to have for all situations. To have the ability to engage a target or an offender at far greater distance because you have to appreciate that you're in an area where some people have very high powered rifles and we have to provide a capability for that.

Can I go back to where I started with you today? You were talking about, I was asking you questions about command, you wanting command to know who you are, what you are, what you do at IRT?---Correct.

Did command know that you were developing a capacity within IRT for snipers?---I'm not 100 percent sure. They would have, on the asset transfer, all that paperwork is recorded. I may have mentioned it. I didn't write it in the memos I don't believe. I'll be stand corrected but it wasn't a secret.

It wasn't a secret you say but it may not have been known to command?---I probably told them because it was something that I was something that I was keen to explore. And as I said to you before the offer was for them to come to our armoury and our training constantly.

Well, it's a rare and lethal skill to have within a team isn't it, to be a qualified sniper?--
-Well, anything to do with firearms is considered lethal but it's a skill which is, it's a unique skill but it's a very good skill to have especially within the modern day policing. You have active shooters and terrorists and things and I think it's well to be equipped for that than not to have it.

So I've just taken you through a number of different weapons. Some of them I had image, obviously like the Glock but can you just identify the difference between that range of training and general duties training? For instance, the 223 is the 5.56 ml rifle?---Correct.

That's now part of general duties I understand it?---Yeah, that's been reformed as a patrol rifle.

A shotgun, you said, was part of general duties?---It was. That's been phased out I believe and been replaced by patrol rifle.

Is a patrol rifle different from a ME4?---No, basically the same thing.

So they've got the rifle. Now they no longer have a shotgun. That's general duties?--Correct.

So what's the difference in the weaponry that IRT have compared to general duties?--Our rifles are the same. We just had extra accessories on it and - - -

Rip handle at the front?---Yeah if you wanted that. You didn't have to have that.

Torch?---Torch and - - -

Telescopes?---Telescope.

So much more lethal?---Well, it's more accurate.

Yes?---And you can use it at night which is - - -

Did you have night scopes?---No, we had white light.

From the torch?---Yep.

Did you have laser scopes?---No.

You know the red dot laser scopes?---Yeah. No we didn't. We were trying to, that was part of my next purchase was to try and get some kind of night vision for the section because quite a lot of things happen at night.

So finally on this issue, you had a lot of training with shooting you've said in your various statements. Not so much in evidence in court but it's clear from your statements there was a lot of training and shooting and regular re-training on the (inaudible)?---Where - the handling's important, yes.

And I suppose it's easier enough to train to shoot to kill. What about specialist training on defusing the situation using non-lethal weapons such as tasers? Did you do specialist training in your rostered days of training for the IRT to become better than the typical general duties police officer at defusing a violent situation?---Yeah, for sure. Part of our tactics we used shield tactics where you would have lethal and less lethal cover on either side of the shield so it gives you more options if the situation develops. We also do hostile vehicle apprehensions.

Hostile?---Hostile vehicle.

Yes?---So we'd incorporate vehicles into our training because - - -

I don't want to get distracted. I want to talk about - - -?---And that would incorporate people surrendering from the vehicle and moving back and teaching the guys how to deal with an offender.

So just to be clear, in the training, either the two weeks, one week green, one week black covered by the regular rostered training, within that training there was extra special training for IRT members on defusing lethal situations?---Yeah. We would do training specific to situations which could occur. It wasn't just a set thing. We would mix it up a bit and try and utilise tactics which were relevant to policing. I mean, the first week I came down here I had to do a hostile vehicle apprehension without firearms.

I appreciate in general duties that might come up but you were doing – what I'm trying to make clear is that you were doing extra training in those areas of defusing situations?---Yeah.

Including a close combat situation?---Yeah. It formed part of our training in the close resolution in the buildings, for sure.

Yesterday you were asked various questions about the findings of Judge Borchers in a matter known as the *Ryder* matter?---Yep.

And your answers really were to the effect that you didn't know much about what had happened in that hearing?---I didn't have a high knowledge of it, no.

I just point out to you that Judge Borchers, you may already know this from what was said yesterday, but Judge Borchers found that Mr Rolfe, or Constable Rolfe as he was then, lied under oath, lied in his statement, statutory declaration. You follow?---Yep.

And that he was lying in the context about how he had unlawfully assaulted Mr Ryder when he was in Mr Ryder's own home. Follow?---From what you're saying, yes.

And that decision was 9 May 2019. And the judge found that Mr Rolfe or Constable Rolfe's evidence was a pure fabrication. Follow?---Yes.

Now, he was a friend and close colleague of yours as you've already said, Constable Rolfe. Are you saying to the court he didn't tell you anything about those findings?---He didn't go into those specifics which you told me just then.

But did he tell you about the judge's findings?---I can't recall of any specific incident, any conversation about that, no.

So there was no conversation about it, is that what you're saying?---No I can't recall a specific conversation regarding those primate details.

Well, assuming for the purpose of these questions that Mr Rolfe knew about those findings against himself, even so the way you were questioned yesterday and the answers you gave was that your position was that he wasn't obliged to tell you about those findings assuming he knew about them?---We have pretty strict processes in place. If he was going to be charged with something or found guilty of something then I would be informed that way.

That's not my question?---He didn't tell me and he probably didn't feel the need to tell me.

He probably didn't what?---I'm not answering for him. I don't know. He didn't tell me. I don't think he needed to tell me in that regard in my duties as OIC sergeant.

Did you say he wasn't obliged to tell you, I think, in answer to a question and today you're saying he wouldn't need to tell you. It's the same thing isn't it?---Yeah.

And you gave evidence really to the effect that you didn't see how it affected his role on the job. You said that you didn't think he was obliged to tell because it was not performance related to your IRT section. And you said that the judge's comments, "I would not see it as a performance indicator as part of the section."?---The comments were comments and no further had been taken.. If disciplinary action had been taken then that's where I would become involved. There was no disciplinary action taken as far as I know it was comments. I really don't know much - that was about the gist.

I just want to pursue this question for a moment with you on the question of whether he should have told you and whether you should have been keen to find out more.

MR SUTTNER: Your Honour, I object to this. Before this round of hearings, submissions were circulated between the parties and one of the things that appeared to be agreed by everybody was that we were not going to have repetitive questions.

Yesterday this question was done to death. It is now being repeated. I object to it.

THE CORONER: Are you going somewhere new, Mr McMahon?

MR MCMAHON: Yes, your Honour. I am. I am going to ask this witness about the nature of the contract between the communities and police on the questions of honesty and violence and it's new from what was asked yesterday and this is - - -

THE CORONER: Sure. As long as it's (inaudible) Mr McMahon - it's not repetition.

MR SUTTNER: Well, just to clarify, I have no objection to new questions. Our objection is to repetition of old ones.

THE CORONER: Sure. I think it was a launching pad - - -

MR MCMAHON: It's a setting context, thank you, your Honour.

The critical point is assuming you didn't know and assuming Mr Rolfe did know, for the purpose of these questions, you were not bothered by the fact that he didn't tell you, about the findings?---No.

I want to suggest to you that that's - that's a serious problem with how the IRT would have been controlled. The - could I suggest to you that the question of unlawful violence is a critical issue in policing. You'd agree with that? The question of whether lawful violence or unlawful violence is done by police was a critical issue? ---Yes, I agree.

You shrug your shoulders?---No. I said yes, I agree and I confirmed with my - with my - - -

And you'd agree that the question of whether police tell the truth about violence is a critical issue in policing?---Correct.

That's because the sad reality is that violence is sometimes necessary in policing. You agree with that? Sometimes it's necessary?---Correct.

And it imposes a huge responsibility on police who are, on occasions, (inaudible) to be violent against citizens. The very fact that that is allowed to happen puts a huge responsibility on them, doesn't it?---Correct.

And what they say about violence - what police say about violence, it poses a huge responsibility on them because it might lead to people being gaoled and having their freedom removed from them - being removed from society?---Correct.

So those questions of whether a policeman engaging unlawful violence firstly, and secondly, whether a policeman lied about it, on oath, they are core matters for policing, aren't they?---They're - of course.

Because, if a policeman lies in court about belting a man - in this case an Aboriginal man, and that man is wrongly charged or gaoled, that would be a grave injustice, wouldn't it?---In that example, yes.

Yes. And if a judge has found those two things - that a policeman lied about the violence that he inflicted - that he inflicted unlawful violence and he lied about it, I suggest that you shouldn't, for a moment, tolerate having a person who does those things and behaves in that way in an elite unit like the IRT. Do you agree with that? ---I suggest he'd be charged and then he wouldn't be in the unit - - -

Just focus on my questions.

MR SUTTNER: He is focussed on the question. He's giving an answer. It doesn't have to be exactly the answer of yes or not that Mr McMahon wants. It's proper answers he gave.

MR MCMAHON: I'm asking about whether he is charged or not charged?---That was how - - -

I suggest to you - - -?--- - - - that was how I would judge the seriousness of the matter. He was charged internally and that's when I would take action.

If it came to your attention that the judge made these findings, prior to anyone being charged - prior to that officer being charged - because you never know whether you might be or might no be - you still wouldn't want that person in a unit of the kind the IRT?---I am not going to make a call on - a comment that I really don't know much about. (Inaudible) the process is there. The process I follow is an internal discipline and charging.

Do you accept that working alongside a person in an elite unit doing such as the IRT who a judge has found to have lied about inflicting violence and lied about what happened do - - -

MR SUTTNER: Your Honour, I object to this. We're going over the same ground. Firstly, it was covered yesterday but secondly, Mr McMahon has covered this. He's got answers. There's questions of relevance, not just repetition and relevance loses any focus once it's been repeated.

MR MCMAHON: I am nearly done, your Honour. You can tell me if I need to press the question of relevance, police culture is central to. The submissions would make - - -

THE CORONER: Sure. But I don't know what more you want from this particular witness.

MR MCMAHON: All right, your Honour.

MR SUTTNER: As it please.

MR MCMAHON: I just want to make sure I understand some evidence you gave about the overt and covert work that your unit does?---Sure.

You spoke about overt work yesterday, which you gave some examples of patrolling, high visibility patrols, letting people know where police were there, door-knocking, relentless presence and so on. That's over - you have those examples?---Yes, it's an extension of basically what we do in general duties.

But of course - all right - and one of the things you said was that the desired result of that kind of work might be that if a person then ran, because of the relentless door-

knocking and so on then they would tire very quickly and then be able to be caught quickly. They would do 100 metre dash I think you said?---Yes, that's correct.

So in the way you were talking about that yesterday, do I understand you to be saying that allowing an offender to do a dash, to run from a house where there is a high patrolling numbers of police patrolling and the high visibility and in your case, well-trained IRT people around that house or in that zone, has benefits in terms of process - that is to say by watching the person run, (inaudible) someone like Zach Rolfe just chases them down. So is that a desired result?---It's one of the - It's one of the options which - or actions on which could - which could occur and it's - it's a tactic that we are in a position to deal with, so it's - in my opinion, it's not a bad thing. It's a - it's the offender has identified themselves and then when you take utilise another tactic, which is a cordon or an apprehend, that's fine, so - - -

And your expectation would be knowing what you do of the people on the IRT team, your expectation would be that if someone is doing a dash like that, presumably beating the cordon around the house or some similar scenario, you expect to be able to chase them down promptly?---We - their presence becomes known to us and then we can formulate a response, which the court could - yes, chasing them or moving forward to another area, cutting them off, defeating their area where they were going. It's just opens up a good - further plans for us because the offender has been identified - and just the - just our presence in the community sometimes, you know.

All right.

Thank you, your Honour.

THE CORONER: Yes. Mr Officer.

MR OFFICER: Yes, your Honour. I have about 15 minutes.

THE CORONER: Thank you.

MR OFFICER: Try and get this witness home early.

XXN BY MR OFFICER:

MR OFFICER: Security guard, my name is Luke Officer, and I act for Mr Rolfe. Yesterday, you gave some evidence that Mr Rolfe was professional, dedicated and efficient. Recall that?---Yes, I do.

And also in your evidence yesterday, that the way in which the IRT was conceptualised was you wanted people who were motivated and who were prepared to do additional work when needed, such as on weekends?---Correct.

And you were taken to a text exchange by Mr Boe at line 346 through to 349. Do you have those in front of you?---Yes. 34 - sorry, 346, did you say?

346 to 349?---Yes.

And what you are conversing about with Mr Rolfe there was a member of the IRT who, effectively, wasn't pulling his weight?---(Inaudible) yes.

And I don't use that in a derogatory setting, your Honour.

And then a discussion by Mr Rolfe about how "He may not hang around in the job. Perhaps we can rejig the team and running," effectively. I'm paraphrasing, but that's the theme of the text, isn't it?---That's correct.

And this is a small team, I think about five members?---The team, at that stage, may have had about 15.

Right. Fifteen members, all right.

And on occasion, it wasn't unusual for Mr Rolfe to, in the course of an IRT deployment, in any way, shape or form, prepare an arrest plan, for example?---He has provided a concept and a plan for approval, yes.

Yes. Barrow Creek is one example?---Definitely.

And that was an operation that was otherwise successful and commended by the senior executives?---That's correct.

But he himself wasn't actually involved in the deployment and the arrest. He simply designed the plan, and the other members of the IRT went about executing them?---He designed one aspect of the plan presented it to, I think it was the superintendent. And yes.

So, in effect, there's no issues with a junior officer playing an instrumental hand in what he thinks or how he thinks the IRT could be effective, for example?---No. It's stepping up and showing bit of initiative and - - -

Yes. Gaining experience?---Desirable.

Yes. Up-skilling?---Correct.

So what I want to suggest is that text conversation between you and he, where he's suggesting "perhaps we need to rejig the team," is perfectly proper for a junior officer to be engaging in that discussion with you as a senior officer?---Correct.

In fact, should be encouraged so that they can develop the skills to become better police officers?---Yeah, that's correct. And it wasn't unique to Zach other people did comment as well.

Those will be your next question, exactly. And that actually better serves the community, if junior officers can gain experience and skills by engaging in these

sorts of discussions with senior officers?---It's taking a bit of ownership of the team. Yes.

Just on the text messages, counsel assisting to you to one yesterday. I'm not sure if this was put in front of you at the time. And it's at line 24 and 25 of that document. This is about being burnt out?---Correct.

Did you actually read those two text messages yesterday?---No.

No. And you'll see what counsel assisting didn't put to you was that, "Hey brother. Sorry I've been slack lately. I'm burnt out as fuck. Got three days off from tomorrow. After that, I'll be recharged, ready for anything." You reply, "Not a worry. Too much time on the nest, you lucky bastard. All good. Rest up. I'm a bit the same." Are they sorts of texts messages you've had with a number of police officers?---Yes.

And nothing improper about saying, "I'm a bit knackered. I just need a bit of time off and I'll be better after that"?---Correct.

And in fact, he's letting you know, "I'm just going to take some time off. In three days' time, I'll be good to go"?---Yeah. Nature of policing is sometimes you can work many, many days straight.

Yes. It's a tough job?---Definitely.

In fact, it is a tough job, because you're frequently engaged in a significant amount of jobs that you have to attend to on a particular shift, and I think it's accepted by all here that, frequently, those jobs, unfortunately, the vast majority of them involve apprehending Indigenous offenders or engaging with Indigenous people. You'd accept that?---Yeah. And protecting Indigenous.

And protecting them. Exactly. And invariably, such as the nature of the job, that complaints come from those that you're apprehending?---Definitely.

And a police officer might have any number of complaints, one or two a week to one or two a year?---That's correct.

And you're a very experienced police officer. You've seen a number of police officers in your time subjected to complaints?---As I said before, I've seen lots of people have sustained complaints just for performing their role in achieving arrests as desirable.

Yes?---But as a side consequence, they do get complaints.

And a PROMIS job creates a number that when there's a task, you have to attend to. And that PROMIS job can be anything from responding to a domestic violence incident to simply going and checking on the welfare of someone?---Correct.

So if someone's involved in 3176 PROMIS jobs in their four-year career, thereabouts, and they have 48 use of force case note entries, is that a high number of use of force entries?---No.

No. What about someone who has about five or six complaints as a result of use of force incidents?---No.

You seen higher?---No.

Have you seen anyone higher with - - -?---Yes. It's - yes, definitely.

And does it surprise you Mr Rolfe doesn't even feature in the top 20 of police officers with use of force?---No. There's - that's - like I said, use of force is - what justifies a use of force in a complaint these days can be frivolous and has to be investigated, but they do mount up and lots of (inaudible) complaints.

Yes. And I think one of the questions that was put to you by Mr Derrig from NAAJA was "What's a disadvantage to standing someone down when there's a complaint." And I suggest to you that the way in which the complaints operate is they can go through the PSC of the Ombudsman?---Yep.

You understand me?---Yes. Correct.

They're assessed and categorised. And then it's the responsibility of either of those organisations, be it the ombudsman or the professional standards to then investigate that complaint?---That's correct.

So if we stood down every single police officer because of the fact of a complaint, it wouldn't be very efficient at all, would it?---No. Wouldn't have much of a police force, no.

I just want to turn to the IRT, and as I understand it, the way in which they operate is quite fluid and flexible. By that, I mean, you've got cordon and contain duties, possible?---Correct.

Such as a siege situation, but you otherwise observe the place and just see what happens and wait till the TRG arrive?---Yeah, and - and declared high-risk incident, we manage the scene until the arrival of TRG.

Yes. You've then got IEA, so immediate emergency action. That is if something's actually going to come to fruition, where someone's life is in danger, you have the authority to respond straight away?---Correct.

You then have overt and covert operations. Overt is you're seen, you're heard, everything you do that a community can watch?---Correct.

Covert is secret squirrels. Hopefully, no one knows what we're doing and maybe we can effect what we need to do secretly?---Correct.

And then you've got general duties deployment as the IRT as well, don't you?---Yeah.

So for example, if someone needs additional resources on a weekend because the IRT have volunteered their time to work on the weekends; so volunteered in saying they're happy to do it, you might be deployed as the IRT but in a general duties capacity?---Yeah. That's correct.

And in fact, your evidence at trial for Mr Rolfe in the criminal trial was on 9 November, this was a general duties deployment?---Yeah.

Now, in any of those examples, there is some fluid and flexibility as to how you might approach a particular task, isn't there?---Correct.

So for example, you might change from a covert operation to overt, because intelligence changes?---Yeah, that's right. And some - some operations are a mixture of both.

Yes. And what could otherwise be cordon and contain waiting for TRG to arrive, you get intelligence in one way or another, something's about to happen, putting someone's life in jeopardy. "We're going to change the plan and go into an IEA situation"?---That's in a declared high-risk situation, yes.

Yes. All right?---They're all formulated plans.

How often in the IRT's experience or as an organisation did a remote station sergeant request the IRT to be deployed there?---Quite regularly.

Quite regularly?---Yep.

And is it my understanding that the remote sergeant who requests IRT would otherwise be the forward Commander, for lack of a better expression?---They would take up that role as forward Commander. Or - yeah, if they weren't capable - would be higher.

Yes. But the IRT would have knowledge of who was going to be the Forward Commander?---Correct.

You'd expect that?---Yep.

Do you expect your Forward Commander on the deployment of an IRT to go home once the IRT arrives?---No.

Do you expect a Forward Commander to hand the phone to someone else so they can go and get some rest?---No.

What should have happened in that situation?---Forward Commander assumes control of the asset that they've requested and they have to maintain control, communication. They have to prove all and any operations or any actions and they can either brief up themselves to a higher-ranking officer or superintendent. But basically, whatever they say, they are in charge of that situation.

And you gave some evidence earlier, I think – I can't remember to who – but it was along the lines of that what is helpful to the IRT in deployment in communities is someone to go with them who knows the area well, know the people well and maybe even knows the target their after?---Correct.

So if the IRT requested the Forward Commander to utilise – and I'll use the word an asset – such as a local police officer to go out with them and that was refused, do you think that's appropriate?---Not at all.

What should have happened in that situation?---Well, the Forward Commander should have seen the benefit of a local member to go with the IRT and probably respect the IRT's request if that's what they need to perform that role, then it should have been adhered to.

On this particular occasion, 9 November 2019, were you aware that an arrest plan was created?---I was away when that situation – I didn't know an arrest plan – I remember seeing an email when I got back, of the paperwork.

So you've seen an email of – you say an email of paperwork. What - - -?---Sorry, the referred plan. I was on the email chain.

Right. So you've seen the email that I think Sergeant Frost sent to the members of the IRT?---Correct.

About what was intended for 9 November?---Correct.

Is that what you'd call an arrest plan or was it something different?---That wasn't an arrest plan. That was basically a concept of a guide of what she had in mind. But it wasn't a – constitute it as a plan.

All right. I want to ask you a few questions about that and if you need it in front of you, I'm happy for you to. But if you take it from me, when we're talking about flexibility in plans and deployments. If the plan says 11 pm you're out – to go out and conduct high visibility patrols, that's an overt operation, isn't it? Or it's an overt occurrence?---Yeah, definitely.

But if the IRT are there and shortly before the Forward Commander goes home, authorises them to go out at 7 pm, well, that's a change in the plan, isn't it?---Sorry?

That's a change in the plan, isn't it, or the strategy?---Yes, sorry.

So what level of flexibility do the IRT have when they're deployed for high visibility patrols, we know that the whole concept from Sergeant Frost was to apprehend Kumanjaya Walker, what flexibility do the IRT have when the Forward Commander goes home and they stumble into intelligence that they're hot on his tail, for example?---Yeah. Well, they act as – the target is there to locate or tail a given offender and they act on the information they see in front of them.

And is intelligence, he might be over at this house here, for example?---Yep.

And if you have intelligence that he might be over at a house a short distance away, is it proper to act on that intelligence?---It fell within the guidelines of the Forward Commander, as stated.

You were asked about jumping fences or otherwise unlawful entries. There's a number of powers available to police to access premises, isn't there?---That's correct.

They don't change just because you go from general duties to IRT or to some other operation. Your police powers are your police powers?---Yeah, that's correct.

One of those is s 126 of the *Police Administration Act*?---Yep.

Can you say to her Honour, off the top of your head, what that says, or - - -?---If you believe on reasonable grounds that the defendant is there, has committed an offence, over six months.

And you might be slightly different. Section 126 deals with entry and arrest with a warrant?---Right.

I want to read to you - - -?---Yeah, or - - -

It's not a memory test. "Power to enter and arrest under warrant. For the purposes of arresting a person, a member of the police force may enter a place if the member has the power to arrest the person under a warrant and the member believes on reasonable grounds that the person is at the place." Is that familiar?---That's correct.

Are you aware in this case that a local court judge, his Honour, Judge Birch, had issued a warrant for the apprehension of Kumanjaya Walker?---Yeah, I am now. Yes.

So entry into a place, when you've got intelligence that someone might be at that place, under a warrant, might meet the criteria of s 126?---Correct.

In that situation, do you need permission of the occupier?---If you've got reasonable grounds to believe.

And a warrant?---And a warrant.

You don't need permission?---No.

In fact, you can even enter a premises without a warrant?---Correct.

So you could jump the fence if you had reasonable grounds to believe someone was at a particular place?---Correct.

I want to talk about what you – I think you characterised as the email from Sergeant Frost being a Forward Commander's guidelines, to that effect. I think you said in your evidence to Mr Coleridge, "We don't kick down doors and we don't do 5 am arrests."?---Correct.

Why don't you do 5 am arrests?---That's – that idea or concept is – I think it's been demonstrated, it's – it's a basic old concept of just going into someone's house at 5 am in the morning and waking them up and it's been explained, I think, dragging them out of bed or whatever. That's – it's a dangerous concept and it's been replaced. I'm sure it still gets used. But – and I believe CRG don't even use that method anymore. It's entering someone's house is a very dangerous situation, because it can lead to further situations. You can enter into a barricade or a siege situation. You don't know who's in the house at that time. If there are weapons within the house. There are people that you don't know that are in the house. And it's also, at that particular time it's 5 o'clock in the morning and it's dark and you have no visibility whatsoever.

Yes. And I suggest there's two further problems with that. One, if you don't know where someone is, you have to try and gather intelligence to find out where they are?---Correct.

At 5 am that's difficult?---Communication at 5 o'clock is not the best.

And there's a second problem, going back to s 126. You might have a warrant, but if you don't know where they are, you can't just go into a house unless you have a reasonable apprehension that they're there?---That's correct. You have to have reasonable grounds to believe that they are there.

Yes. What about if a Forward Commander tells you before going home, you can go out at 7 o'clock and if you come across the target, absolutely arrest him?---That becomes their new plan.

And if you get intelligence that someone is only a short distance away at a particular house, you don't just go back to the police station and wait until 5 am to see if that intelligence comes good, do you?---No. Intelligence doesn't last that long.

No. What's the danger in just going back and waiting?---Well, he won't be there in the morning.

They'll tip him off?---Yeah. I think I demonstrated before another example, that the communication between the community is very (inaudible) and the extents you have to go to, to create a surprise arrest is sometimes extreme.

Yesterday you gave some evidence and it's sort of been touched on today, that the IRT was hard to manage. And you referred to members of the Senior Executive, a lot go through without exposure or experience to tactical stuff?---Yeah, that's correct.

Do I take that to mean that those in senior executive positions might never themselves have ever been in a frontline operational situation or involved in a tactical response at all?---Yeah, tactical response or Forward Commander or things like that, for sure.

You were in the TRG for a considerable period of time?---That's correct.

You're aware in this case with Kumanjaya Walker, he attacked two police officers with an axe on 6 November, three days before he stabbed Mr Rolfe?---That's correct.

Are you aware of an expert called Mr Ben McDevitt?---Yes.

He gave evidence in the criminal trial and in his statements and repeated in this inquest that after the 6th of November 2019 when Mr Kumanjaya Walker attacked Officers Smith and Hand, but it should have been marked, "Management significant" which means senior executive members would know about it and movement should have been afoot to deploy the TRG and not the IRT. Would you agree with that?---It - the situation definitely should have been noted and recorded and an appropriate response coordinated, whether it be IRT or TRG.

He went so far as to say it was a failure on the part of the senior executive of the Northern Territory Police by not giving more attention to this situation. Would you agree with that?---Yes, I do agree with that.

I have no further questions, your Honour.

THE CORONER: Yes, Dr Freckelton?

DR FRECKELTON: No questions, thank you, your Honour.

THE CORONER: Yes, Mr Suttner. I note the time. Are you happy to start now?

MR SUTTNER: If your Honour will give me a little leeway, I am happy to finish now as well.

THE CORONER: Okay.

MR SUTTNER: I expect, having gone to the other questions, to finish somewhere between quarter to 1:00 and 1:00, if you can give me that leeway.

XXN BY MR SUTTNER:

MR SUTTNER: Sergeant Bauwens, just to state the obvious, whether the operation is overt or covert, it's designed to arrest an offender?---Yes.

For the protection of society?---Correct.

Which is the job of the police?---Correct.

Now, you've been examined by several of my colleagues about the June interviews that you had and the comments you made in those interviews?---Yes, correct.

Can we accept that you - when you gave those interviews - you told the truth?
---Yes, I did.

Now, the TRG, doesn't it operate throughout the Northern Territory?---Yes, it does.

And it operates from Darwin, as we know?---Correct.

Why did - and do you see - the need for an operation like the IRT when the TRG has jurisdiction throughout the Territory?---Logistically the response times for TRG are excessive, by vehicle, it's 1500 kilometres from - sorry - anyway it's 1500 kilometres from Alice to Darwin, in a vehicle that's 12 - 15 hours, in a plane it's going to be a five or six hour response. In the planes you can have very limited equipment you can take with you - an persons - and people, so their response is not adequate to deal with a situation which occurs in the southern region and the surrounding communities. It just takes too long.

Well, we're talking about circumstances where you have an emergency in place?
---Correct.

Yes, so obviously that doesn't work. Mr Officer asked you certain questions about the role of a forwarding Commander at the police station where IRT has been summonsed?---Forward command. Yes.

Forward command. Do you contemplate that in principle, when the IRT arrives they are to get a briefing from the forward Commander?---Yes.

And what would that briefing consist of?---The briefing would consist of what they wanted to achieve and what the intentions of the forward Commander was. It would contain a bulk of relevant information regarding the task in hand, offender, location, any other information which could help our team effect a safe arrest. Mental attitudes, demeanour, previous history, previous arrests. I mean, it's - it can be exhausted but - - -

Ease or difficulty of communication?---Sorry?

Ease or difficulty of communication?---Definitely. Prior experience in dealing with them. Any communications they've had with the community regarding his arrest.

Any arrangements made about when he would be arrested?---Definitely.

Because you wouldn't want to - if you had a (inaudible) you could contact to have contact (inaudible) by precipitous action?---No. If you'd made an arrangement with a community for an offender to - to hand himself in to the station, for instance, that would be a vital piece of information.

MR SUTTNER: Your Honour, I have been better than I thought. I have finished.

THE CORONER: Thank you, Mr Suttner. Do we have any - does that complete the examination? Is there any re-examination?

A PERSON UNKNOWN: Mr Coleridge s there, but yes, there is. Thank you.

THE CORONER: Mr Coleridge, it is 20 past 12:00. We did start early. Do you want to commence re-examination now or would you like to do it after lunch?

MR COLERIDGE: I expect that I will be probably just 30 minutes, your Honour, but - - -

THE CORONER: I am looking around - if anyone - - -

MR BOE: Let's finish.

THE CORONER: Everyone would like to continue. That is being indicated, so if you are ready to proceed, Mr Coleridge. I actually didn't think of you, Sergeant? ---I'm okay.

Okay.

MR COLERIDGE: Your Honour, the only thing I would ask for is 10 seconds away from the virtual bar table to grab a glass of water.

THE CORONER: Sure.

MR COLERIDGE: Thank you, your Honour.

THE CORONER: Do you want me to adjourn for a few minutes?

A PERSON UNKNOWN: He's gone. I think he's (inaudible).

THE CORONER: Why don't we - given that we look like we're going to finish, why don't we take a five-to-seven-minute adjournment and then we will start and we will sit through even if it goes a little bit after one.

WITNESS WITHDREW

ADJOURNED

RESUMED

THE CORONER: Mr Coleridge.

XXN BY MR COLERIDGE:

MR COLERIDGE: Thank you, your Honour.

Sergeant Bauwens, I could see you over the video link rubbing your eyes. I take it that you're tired. I'll try to be as quick as I can?---That's fine.

I've got a couple of mop-up questions from the last day and a half. Could I just quickly ask you about police accoutrements, firearms, tasers, equipment, stuff like that? I take it that all of that is supplied to the officers by the Northern Territory Police Force?---That's correct.

Okay. And the same goes for the IRT?---That's correct.

And do officers customise or optimise their accoutrements, like their weapons?---In general duties, you might find a knife pouch or a Leatherman pouch and things like that. People add to their accoutrements. In IRT, it may be they just another pouch for a personal thing on their equipment. But basically, it was all supplied.

But they wouldn't be adding things like tactical sights or tactical flashlights to their firearms?---No.

Okay. I just want to ask you quickly about the events of 9 November. Before I do that, you'll recall that I asked you your views of Mitchell King(?) yesterday. You'd agree that he is widely respected?---Definitely.

He is respected by you?---Yes.

And he's possibly the most senior tactical officer in the Northern Territory?---Yes.

Now, you were asked – in fairness to you – to watch two videos overnight, is that right?---Yes.

Now, the first video – for the record, your Honour – is at 4.1 of the brief. It is the first of four clips of Zach Rolfe's body-worn footage. And the second video was clip 2 of 4.

Sergeant Bauwens, you'd agree that the first video depicted Constable Rolfe's arrival at House 577 in Yuendumu community?---Yes.

And it depicts him walking through the fence or over the fence, I can't remember which, up to an individual, asking where Kumanjaya Walker was, going through the house, so on and so forth?---Yes, that's right.

Okay, and the second clip depicts the first four minute – or at least, you were asked to watch the first four minutes, which depict his arrival at House 511 and his entry into it?---Correct.

Okay. I want to – just quickly, and in fairness to you – read to you Mitchell King's evidence about whether or not this constituted intelligence-gathering. He was asked how he characterised what he saw on the video at House 577 and his answer was, "that wasn't intelligence-gathering." He said that if you were trying to gather intelligence, you wouldn't do it that way because it is highly unlikely that he would be at that location the next day because he would know you had already been there. He said, "Intelligence-gathering would be to drive past House 577 and get an understanding of where the doors are, how to get through the gate, but not to actually attend the residence and make enquiries, I wouldn't think." He was asked, "Well, they attended the residence at House 577 and said, 'We're here to grab Kumanjaya. Is that intelligence-gathering.'" And his answer was, "That's not intelligence-gathering." He said, "It's not intelligence-gathering. They're actually searching and looking to apprehend Kumanjaya at that point in time." His opinion was that none of this was intelligence-gathering. Instead, it was the search and apprehension phase. Do you agree or disagree with Mitchell King?---I – a bit of both. Intelligence-gathering, I think you said that if they went there he would give the game away or something and they wouldn't be there the next day. Intelligence-gathering is – in this instance, would be just assuming he's at a house. They could have spoke to the first member and said, "No, Kumanjaya's gone back to Alice Springs. I saw him this afternoon." And then that would have changed the whole course of the next tactics. So they were – they were gathering intelligence. They were trying to find out where he was. It may – it wasn't just restricted to – to houses. So in that regard, I think the broader sense of intelligence-gathering is – should be looked at and not just confined to two houses. He's – he mentions just driving past a house. That was probably not intelligence-gathering. It's probably more of a reccie – what we call a reconnaissance, to see what the house looks like if you had to go into the house. That's for a pre-planned entry into a house. It's what we call a reconnaissance. So – and as I stated before, driving past a house – especially with police officers which aren't from Alice Springs – or from Yuendumu – just going to give the game away anyway. So my opinion does differ I guess on his opinion a little bit in that case.

Should her Honour be concerned that a group, the IRT who was otherwise modelled on the TRG is being led by someone who holds opinions who are so starkly in conflict with the most senior tactical officer in the Northern Territory? How is it that on such a simple matter the definition of intelligence gathering you can be in such significant disagreement (sic)?---Well, everybody has different opinions and if you look at the definition of what constitutes a high-risk deployment the first line it says, "This can be often difficult to assess." So nothing's written in black and white. Everything's open to perception and – yeah. I can tell you there are often lots of different opinions in the tactical world.

I want to quickly ask you about your evidence regarding team leaders and Sergeant McCormack's role. Your evidence was effectively that he was second in charge while you were in hospital with a broken arm. Is that correct?---Yes.

And your expectation was that he would deploy as team leader if he was able to in the circumstances. Is that correct?---That would be a role that I would think he would do, yes, sergeant.

How did you communicate that to him?---I don't recall any exact communication but it was a process when if I wasn't there he would do it and I can't produce any exact confirmation or written documentation to you.

And is the reason you can't recall those things that you never communicated that expectation to Sergeant McCormack?---No. Communication was otherwise they wouldn't call Sergeant McCormack. They wouldn't call me. They knew he was the point of call.

I know that they knew he was the point of call but your evidence was that he was effectively the 2IC and would be expected to deploy with the IRT if he was able to?---Yeah, that would be my understanding, yes. I don't know if I mentioned the 2IC but he's the next level down or next ranking officer, sorry.

Does it surprise you that he saw his role as effectively being a rolodex(?)? He was calling people up he might deploy but he didn't see himself as occupying a tactical responsibility at all?---That's what he said. Yeah, I can't comment on it too much but I thought he would take a more active role or participate in the job.

Your understanding was that he knew that in your absence he was, at least in practice, the second in charge. Is that right?---He was the point of contact as well as second in charge. I guess you could say that.

Would it surprise you in that context to learn that when asked whether he was second in charge he thought that he wasn't second in charge and that another officer, possibly Jason Lock was second in charge?---No I'm not aware of that.

In fact, when asked about the 2IC and the team leader positions under the SOPs his evidence was that until Walker's death he hadn't even read the documents. Would that surprise you?---No.

It wouldn't surprise you?---No.

Is that because when truth is told there was actually no structured communication about leadership within the IRT between you, McCormack or any other person?---Structured leadership? We definitely didn't - - -

Structured conversations about leadership?---The arrangement was made that Sergeant McCormack was next point of call if I was not there. He was the sergeant so he assumes the sergeant's duties.

Can we turn to another topic which is your evidence of how you wanted the IRT to be perceived? Do you remember that I asked you some questions about that yesterday?---Yes I do.

And you felt that there was some unfair perceptions of the IRT in the community and possibly also within the broader police force?---Yes, yes.

You said that, look the IRT was and you wanted it to be a disciplined organisation?---Yes.

That was there to help the community?---Help the community, help the members.

And that it was absolutely not about, you know, gung-ho police action or smashing down doors?---That's correct.

And you gave an example about how important it was to, for example, keep a low profile in a remote profile in a community. Do you remember that?---That was one tactic we employed, yes.

You gave a specific example of a trip Borroloola where everyone flew under the radar, camped out outside the community and no one would have known you were there?---I think that was by the river but the scenario was, yes.

But that was the general philosophy?---Yeah. If tactics dictated had the ability and the means and the instructions to perform those roles and it was an effective way of apprehension of offenders.

At message 93, Zachary Role sent a message to Deborah Rolfe on 10 March 2019 saying that, "It was good to be in Borroloola. This is the community we smashed up last time. Came up here. They're behaving nicely now." Would it concern you to know that one of the IRT was communicating to a member of the public in those terms about the work of the IRT?

MR OFFICER: Your Honour, this is not a matter proper for re-examination. Mr Coleridge has had these messages. When he led this witness through his evidence-in-chief it should have been raised then.

MR COLERIDGE: If Mr Officer wants to re-examine because there's some unfairness then he should be given that opportunity, your Honour.

THE CORONER: Sure. We've got time today so I'll allow that question and you'll have the opportunity to examine further if you wish to do so.

MR OFFICER: Thank you, your Honour.

MR COLERIDGE: Would it concern you to know, to learn, that Zach Rolfe was communicating with the public in those terms, the general public?.

MR OFFICER: I think you've got to look at it with his mother not the public.

MR COLERIDGE: Well, she's not a member of the police force.

THE WITNESS: You've got to look at the term smashing and I think I can refer to the job we went to because when we arrived there at 1 o'clock and we didn't leave till 4:00 in the morning and we were relentless in our patrols and our surveillance and our enquiry into the community. So that would be the context he was using as smashing the community. Smashing does not mean an act of violence and I don't think it means it in that respect because if it did surely there'd be charges of violence against him. Smashing is a term which is to be used as the hard work that you put into that thing. For instance, if you smash out 50 push-ups. That's the context he used that I'm sure.

MR COLERIDGE: So he's not, for example, to your mind describing some overt type of policing where shows of force are used to get the community to behave?---No, and I can show you a glowing report from the OIC that demonstrates community engagement, involvement from our team with his officers in that particular job.

MR BOE: Your Honour, before this case hits I may say what is happening here is I understand Sergeant Bauwens being asked to comment on text messages that he sent or received. But he's being asked to comment and to construe text messages that he never knew about before Constable Rolfe's cell phone was taken away from him because of a murder trial.

These matters, he's communicating with his mother. He's communicating with other people. It's absolutely ridiculous to ask Sergeant Bauwens to make any comment about these text messages.

THE CORONER: It might be impossible for him to make comment about some text messages that he was not a party to. But he's provided some context around the work that was done in Borroloola that helps us understand what might be the context of that text message. But I wouldn't want him to just provide opinions on what might be the meaning of other text messages that he's not directly involved in really.

MR OFFICER: As it pleases.

THE CORONER: Unless you can bring some expert meaning or experience to understand it.

MR COLERIDGE: As I understand your evidence, Sergeant Bauwens, what you're saying is that that deployment to Borroloola involved effectively buy in from the community positive community engagement and as a result, the issues were resolved?---Yeah, it was a positive experience.

Okay. Also on 10 March, this is item 94, he described the deployment in these matters, "I'm out at Borroloola. A random community (inaudible) hiding. But we

came up last time. They did this and smashed the whole community, so this time, as soon as they started it, we arrived, they starting behaving.” That doesn’t sound at all like he’s describing community engagement. It sounds like he’s describing overt acts of policing which resulted in compliance by the community of Borroloola.

MR OFFICER: Your Honour, I object to that question. That can be put to Mr Rolfe to give his opinion of what he meant in context. This witness is not a party to it. And the question is unfair and shouldn’t be asked.

MR COLERIDGE: I’m not asking - - -

MR OFFICER: He’s already given a definition of what “smashed” is.

THE CORONER: Sergeant, were you at Borroloola?---Sorry, your Honour. I’m just trying to - I was there.

This is March 2019?---Yeah, I’ll take a minute just to look at a document. We did go there quite a few times. We went there for liquor disturbances. Sorry, where are we up to.

And while you’re looking, maybe you can answer this at the same time. Just remind me, when did Zach Rolfe join the IRT?

Or you can tell me, Mr Officer, if you know it. I’m sure it’s in the evidence.

MR OFFICER: Very good question. That’s probably the one thing I don’t actually recall about this matter.

THE CORONER: Okay. Sorry to put you on the spot.

MR OFFICER: That’s all right.

THE CORONER: Just while we’re chatting, you asked me a question yesterday about what we would assume Mr Rolfe might or might not have known about the Ryder decision and I’ve refreshed my memory in relation to these text messages. And there appears to be photographs of the decision in these text messages, so I’m comfortable that he was well aware of the decision.

MR OFFICER: Your Honour’s right about that, yes?---Criminal records - forgive me, your Honour. Here we go, that was in response to a riot. I’ve got here I haven’t got any information.

THE CORONER: About whether or not you were there?---Yeah. I don’t think I was there on that particular occasion. I’ll have to find out some more. But at this stage, I don’t think I was.

And do you know when Mr Rolfe joined the IRT?---He completed his course in, I think, 2017.

2017.

MR COLERIDGE: Your Honour, I won't labour the point?---Sorry, what was that question again?

Sorry, I won't labour the point. What I'm really asking you is not to interpret these messages, it's to ask you whether that sentiment is consistent with the ethos you described earlier today and yesterday, which is one of a disciplined professional force that is there to help the community?---Well, the term "smashing", I think has obviously used in here, has it - sorry, yeah. It's obviously unique that they went to Yuendumu in response to a riot and they conducted their duties as they were tasked to do by the OIC. It was all - it would be all documented somewhere. I'm failing to find it at this stage. So "smashing" means they achieved their goal. They went there, upheld the law which they are required to do. It may have required alcohol abuse and I recall on one of the situations, they - it re-instituted - reinstated the posse or they managed the alcohol supply within the community. So if you're going there and you're high presence policing, you're doing your job and you're enforcing the law, it could be conceived as, yeah we smashed the community, as in got them to stop rioting or - I guess. That's all I - if that means anything. It's just the terminology and I really - I think it's - it doesn't constitute any degree of violence, otherwise that would be pretty well documented, I would say.

Yesterday, I asked you some questions about the attributes of an IRT member and in summary, you said that they were someone who was competent. Do you agree?---Yes.

Professional?---Yes.

Disciplined?---Yes.

Motivated?---Yes.

And all of those attributes are required, not just because it's hard work, but because it's work that comes with a significant degree of responsibility. Do you agree?---Yes.

And you were asked by Mr Officer a little earlier today whether Mr Rolfe had all of those attributes and you agreed. Do you remember that?---Yes, I do.

Can the witness please be shown MFI XX?

DR DWYER: Your Honour, can I just assist and explain. I'm not able to show it over the court system, because it will then disconnect Mr Coleridge. But it is a video that is available under the SharePoint (inaudible).

MR OFFICER: Sure. Which video was it?

MR COLERIDGE: For the record, your Honour, this is the video of Mr Rolfe watching footage of his interaction with the two men at Araluen Park.

MR OFFICER: Your Honour, I object to this. This is not a matter for re-examination and Mr Coleridge has all of this evidence when he leads this witness in chief, some of which are the answers he gave Mr Coleridge, which Mr Coleridge never took the opportunity to expand upon in this sort of fashion. I didn't ask Mr Bauwens anything different other than what he had already said in evidence yesterday about his views of Constable Rolfe. It was a matter of relevance.

But this witness should be limited to those questions he has been asked and answered. This is not an opportunity to go back through everything that he had an opportunity to do in chief. So I object, your Honour, in the strongest of terms.

MR COLERIDGE: Your Honour, if there is an issue of fairness that arises, it can be remedied by allowing Mr Officer the opportunity to cross-examine on the point. There seems to me to be no other reason why it would be at all prejudicial to Mr Officer's client.

MR OFFICER: Your Honour, the fairness is that this has been deployed in re-examination when it should have been done in chief. This witness has given his reports about what he thought about Constable Rolfe, that was the opportune time. It's not just good enough to say, I'll give Mr Officer another chance to re-examine at the end of my re-examination. It's unfair and it should be asked of Mr Rolfe when that comes the time, if it comes the time.

THE CORONER: I do perceive any unfairness in the sense that if there was any need to further examine, it would be granted to any of the parties that wish to re-examine on the material that is now being referenced.

MR COLERIDGE: Officer, have you watched that footage?---I haven't, no.

No. Could I ask you to do that now?

DR DWYER Sorry, Mr Coleridge, I'll play it. There is just one thing, your Honour. It is available - the video is available on the inquest website for anybody here who is following the live-stream.

MR SUTTNER: Your Honour, I put the problem that is has been put to my client. I was told that certain videos would be put to him and we'd watch them. I don't have it in front of me. I don't know what is being put to my client. And whatever you say about fairness, I don't know how I'm going to deal with it. I also haven't heard an explanation from Mr Coleridge as to why he is doing what he is doing and that is leading evidence as opposed to re-examining. But I can't deal with this. And there's no Wi-Fi in the court.

THE CORONER: Mr Coleridge do you want to give the parties an opportunity to have a look at the MFI before you proceed?

MR COLERIDGE: I think that's sensible and fair your Honour.

THE CORONER: Will we come back then at 2 o'clock.

MR COLERIDGE: If it pleases.

THE CORONER: We'll adjourn until 2:00.

ADJOURNED

RESUMED

THE CORONER: Mr Officer, you're standing.

MR OFFICER: I am, your Honour. In answer to your question earlier about 17 (?) May 2017, Mr Rolfe commencing the IRT. That was his evidence in trial. Secondly, on this line of questioning, I wish to renew my objection on the basis of relevance.

The previous objection was on the basis of unfairness, but your Honour, in my respectful submission, this officer's interpretation or opinion or otherwise what's depicted on a video of a video is of no assistance to your Honour. So make of it what you will of the video yourself and any evidence that Mr Rolfe may give about it in cross-examination. It's not for this witness to comment on you to the extent that it would assist your inquiry. If your Honour pleases.

THE CORONER: I took the opportunity to have a look at the material over the lunchbreak. In my view, I would be assisted by this witness having a look at the material and providing what evidence he can in relation to the material that is depicted and the IRT and membership of the IRT so I am going to allow (inaudible) questions.

MR OFFICER: If your Honour pleases.

XXN BY MR COLERIDGE:

MR COLERIDGE: Sergeant Bauwens, can you hear me?---Yes, I can.

Over the lunch break, you had an opportunity to watch that footage?---Yeah, yes I did.

And I asked you some questions about the professionalism and discipline of the IRT and in particular, Mr Rolfe. Do you recall that?---Yes.

You'd agree that the footage you watched depicted an interaction with two men in a park in Alice Springs?---Yes, it was.

And did Constable Rolfe's conduct in that video demonstrate the degree of professionalism and discipline that you expected of the IRT?---Firstly, when you're looking at a snippet of a video it's hard to make a full assumptions. For instance, obviously I would like to have a lot more information at hand. Was it - did they just arrive at that scene? Was there a report? What was the report that was made to police? There could have been - the report could have instigated that there was weapons involved or these people had done previous violent offences or, in fact, as we seen, they could've been two drunk indigenous engaging a fight. So it there was very little background to go on in a 10 second video. I can make a very limited response of what I see and from what I could see, there would be - there could've

been a better way to deal with that situation but that's only based on that limited information that I've got.

Let's move away from what is actually depicted in the footage and let me ask you this. You agree that the video you watched is a video of a computer on which that body-worn video footage is being depicted?---Yes, that appears so.

And you would agree that - well, assume - that the person watching the footage, Constable Rolfe, is filming the body-worn video as they review it. You'd agree that they laugh as they watch the footage?---Yes, they did.

And does that display the professionalism and discipline that you expected of the IRT?---It's inappropriate and it's not just IRT - it's probably for the police force in general, but a higher level of professionalism in regarding - in that manner is inappropriate.

Are you aware - or do you agree - that body-worn footage is protected information under Northern Territory law?---Yes.

That isn't to be used inappropriately or recorded and disseminated further without - well, save in certain circumstances?---Yes. It has - I mean, it does get copied on phones quite a lot to ID offenders and to assist investigations, so whether it's illegal or not, it happens, but - - -

Does it get copies onto phones frequently for the apparent amusement of officers? --Sorry? Go again, sorry?

Does it get copied onto telephones regularly for the apparent amusement of police officers?---Not that I can see, no.

Would that be appropriate - leave to one side whether or not it is lawful, would that be appropriate?---It's not appropriate behaviour, no.

Would it display the professionalism and discipline that you expected of the IRT? ---I would expect better.

The last thing I wanted to ask you about was a question that you were asked by Mr Officer about the number of use of force incidents. Mr Officer put to you that there had been 46 by Mr Rolfe between 2016 and 2019. Do you recall being asked that question?---Yes.

And do you recall Mr Officer put to you that Mr Rolfe was not in the top 20 officers for use of force involvements between 2016 and 2019?---Yes.

Take it from me that that is a Territory-wide survey. Could I ask that you be provided with pages 30 and 31 of document 11 on the brief, which is two pages from the report - the final report of Mr Officer(?)?---One minute.

Before you look at that can I just ask you this question, Sergeant. What were you comparing the 46 use of force incidents - the number you were given by Mr Officer, to?---Was I comparing it to? Just my experience in dealing with front line policing and the number of complaints certain people get.

So, if 46 use of force incidents between 2016 and 2019 isn't many, what would a large number of use of force incidents be?---I wouldn't know. But if you average it out over three years what are we talking about? Ten or 11 a year or something like that - or once a month, for an arrest rate - and that's use of force involvement. That's just putting in a use of force, like, you know, ground stabilising or a minor use of force, so it's - it's nothing that I would deem out of the ordinary.

Okay. May I ask you to have a look at the table at the bottom of page 30. Take it from me that this table plots the use of force involvements by police officers who graduated with Mr Rolfe from Squad 129 in 2016. You agree that Mr Rolfe's name is at the far left-most column on that table?---Yes, correct.

And that in other words, when plotted against a random sample of the police officers with whom he graduated?---Mm mm.

No other police officer had a higher rate of uses of force than Mr Rolfe?---Yes, I can see that, but it's based on very limited information and so - I've no idea where these other people are - what positions they were, whether they were front line, whether they went into investigative or whether they were sick or anything, so - so it's a graph that - and provides me with not as much information as I like to know and - - -

So if you were presented with a graph like this in your capacity as IRT in 2019, would what is depicted there concern you at all? Would it have concerned you at all?---I'd have to put it in context and as other members here have also done the same and location - based on location. There's a lot of factors. It's not something we looked at when we brought people in for - to decide on their suitability for IRT. What was - what was - - -

I just want to be clear about that?--- - - - was current investigations and the current situation. If a person was deemed to be, as you said, a violent person or somebody of a violent nature, then that would be known and he wouldn't have been given the opportunity to become part of IRT. But that information - it wasn't - it didn't exist and it wasn't - Mr Rolfe wasn't considered a violent person or -

So I want to be absolutely clear about this. Rates of involvement by police officer in use of force incidents was not something you looked at when assessing their suitability for the IRT, correct?---I did not look at their record and how many use of forces the had had. That wasn't part of the criteria that we looked at.

There is nothing further, your Honour.

THE CORONER: Is there anything arising?

REXN BY MR OFFICER:

MR OFFICER: Your Honour, just one topic.

THE CORONER: Sure.

MR OFFICER: I don't think it was covered and if it was, I stand corrected.

Sergeant, the two messages that you were taken to about Borroloola, I think we landed on you not being sure how many of those Borroloola tours or deployments you were with Mr Rolfe, is that right?---Yes, that's correct.

But there were a number of them between 2017 when he jointed the IRT and 2019? ---Yes, between '18 and '19 we attended Borroloola quite a few times.

You and Mr Rolfe?---I think on at least two occasions we would be there together.

And on those two occasions did you see any inappropriate conduct by Mr Rolfe towards members of the community that he was there policing in the course of his duties?---No.

Thank you, your Honour.

MR MCMAHON: I have two questions (inaudible).

THE CORONER: Yes.

REXN BY MR MCMAHON:

MR MCMAHON: Sergeant, Mr Coleridge asked you about the video that you looked at was that the level of professional involvement you would expect and you answered you "Want to know more - for instance were there weapons involved"? ---Sorry? Yes, that video we just said - sorry, yes, I'm catching up.

You're not seriously suggesting to this court, are you, that pushing over those two men on the ground was an appropriate response if there was information that weapons were involved?---I'm saying that every situation, you've got to assess and all the information that you have makes you arrive at a formed decision. I wasn't there at that time. It's pretty hard - - -

Just the one you saw, are you suggesting to this court that walking up to two men who appear to be drunk and fighting in a pathetic way, that pushing them over is an appropriate response?---It's - as I stated, it was a decision which - it's a response which could have been dealt better, but if you've ever been hit by an intoxicated male in the head, it doesn't feel nice.

Just answer the question. Are you saying - - -?---I just did.

- - - that pushing over - - -?---| - - -

- - - was an appropriate response?---It's - I said it was - I think my term was, "It could have been handled better", but - - -

Yes, you keep saying that. Is there any circumstance from the video that you saw that it would be appropriate just to walk up a man, who might be armed with weapons, on what you said, and just push them over?---Depending on the situation and by the time. That could have been - I wasn't there. I'm going from a small snippet of information. I repeated that it handled - the situation could have been handled better, especially in retrospect with the information we have.

All right, thank you.

THE CORONER: Mr Sutton?

MR SUTTON: No, thank you, your Honour.

THE CORONER: Thank you.

Thanks for coming along and giving evidence over the last couple of days.

And we will adjourn until 9:30 on Monday.

MR COLERIDGE: Your Honour, there's one matter of housekeeping after the witness has been excused.

THE CORONER: Okay, thanks, Mr Coleridge.

Officer, you're excused, and there's another matter that we need to talk about. Thank you?---Thanks very much, your Honour.

THE CORONER: Yes, Mr Coleridge?

Yes, you can step down and take anything there that's yours.

WITNESS WITHDREW

MR COLERIDGE: Your Honour, it's not at all controversial, but we've been referring to the document and text messages in the document. I thought that it had been marked for identification, but it hasn't. So I just ask that that be marked with MFI MMM.

THE CORONER: And that's the aide-memoire that sets out the number of entries, three I think or four. Well, it's 115 pages, we'll put it that way.

MR COLERIDGE: Yes, your Honour.

THE CORONER: Yes, that will be MFI MMM. We can - - -

MFI MMM: Aide-memoire.

MR MCMAHON: And your Honour, I understand that - sorry, messages that are only published are those that have been read on the record in evidence before and now the - of the messages that are put to Mr Rolfe, for example, which we might take objection. The whole document is not being displayed, I understand.

THE CORONER: It's just an MFI at this stage.

MR MCMAHON: That's right. Just yesterday, what messages were read went up online, which is fine, because they were read into evidence.

THE CORONER: Sure.

MR MCMAHON: I just wanted to make sure the whole document wasn't going up because there's some objections.

THE CORONER: Sure. So anything that's been expressed in court with witnesses is no longer the subject of a non-publication order and anything that has not yet been addressed remains under the order that's (inaudible).

MR MCMAHON: Thank you, your Honour.

THE CORONER: Thank you. All right, we'll adjourn until 9:30 on Monday.

ADJOURNED