

### **Statement of Sgt Lee Bauwens**

I submit this statement at the request of the Coroner due to new evidence being submitted by Mr Rolfe during his evidence in the Yuendumu Coronial inquest.

I am currently a serving member of the Northern Territory Police Force holding the rank of Sgt.

I joined the Police force in January 2000, initially serving 4.5 years in Alice Springs general duties before being accepted into the TRG in August 2004.

While gazetted to TRG I was promoted to the rank of Sgt. In this role I was in charge of the Marksman section responsible for cordon and containment as well as Police sniper response.

In October 2014 I left TRG by my own choice to continue my career performing front line general duties in Alice Springs. It is during this period that I took carriage of the cordon and containment team. It was my aim to utilise my experience and TRG contacts to provide a trained and equipped tactical response to the Alice Springs Community, giving them a similar Police response that was afforded to Darwin Northern Command.

The cordon and containment team on my arrival to Alice Springs was basically non operational at that stage, with no serviceable equipment, insufficient members and no formal or regulated training.

By 2019 as OIC of the team I turned the Cordon team now named the IRT into a 15 member part time section with new equipment, formulated training and standard operation procedures.

The section was trained and equipped to respond to high risk taskings in the Alice Springs and Southern Command area, including all community locations.

The team had performed all previous tasks successfully to a high standard, from tracking and arresting violent offenders and murderers to suppressing a youth riot at the detention centre.

The majority of IRT callouts were general support, assisting with arrest targets, community unrest or as a force multiplier providing support to stations. As stated in my evidence the IRT utilised overt and covert tactics to perform these tasks and arrests. As a result the section gained a reputation as being professional and disciplined who that could be counted on to attend and assist when needed. On most taskings receiving emails from superiors praising our performance.

Since November 2019 the IRT no longer existed as a tactical or general support response for the Alice Springs area by order of the executive.

I have performed my duty as a Northern Territory police officer for 23 years, either as front line or tactical response. Working with and for all members of the community.

Evidence by Mr Rolfe implied that racist language by NT Police officers was normal and accepted. Mr Rolfe implied that it was not restricted to the 6 or so members that been presented to the Coroner by the NT Police legal team headed by Dr Freckleton.

The case made by Dr Freckleton and the NT Police focussed primarily on a select group of NT Police officers, I am also included in this group. This occurred despite my requests through my lawyers that a broader investigation needed to occur before institutional racism could be determined. Despite this request all efforts concentrated the blame on a small group of officers.

This group was engaged in private text messages which came to light after Mr Rolfe's Phone was seized by detectives investigating murder charges against him.

My one word text that was sent to Zach Rolfe in June 2019 was discovered in late 2020 by detectives. This text was first presented to me by the NT Police Lawyer Dr Freckleton about 2 years later in late 2022 who explained to me it would be used as evidence in the impending coronial.

Under the previous Commissioner Jamie Chalker I was denied all due process to address this matter. The issue of the racist remark was kept secret from me for 2 years and not acted on as they should have been, especially if in fact addressing racism within the force was a priority as stated by the then commissioner.

The current issues now presented to the Coroner could have been addressed 4 years ago and rectified.

Constable Rolfe was found not guilty of all charges. No phone messages or texts were determined as worthy of evidence by the Supreme Court judge during the murder trial.

To address the now new evidence presented to the Coroner I will answer matters raised by the Coroner under sections (a) to (d):

- (a) Knowledge of use of racist language by officers and former officers in the NT Police.*
- (b) Knowledge of racist behaviour by officers and former officers in the NT Police including but not limited to use of the terms "half-caste", "quarter caste", "coon", "sand nigger", "gin jockey".*

The terms half cast and quarter cast are terms I have heard and used before. They were terms used early in my career when first stationed in Alice Springs and were probably used across the NT Police at that time, other terms included full blood.

The terms were used predominantly to obtain a description of an offender from a victim for a statement.

The term now used is part aboriginal or light skin colour or dark skin colour to obtain an accurate description of an offender who was identified as of aboriginal appearance.

These terms were often used by Indigenous persons themselves at the time so at that time it was kind of accepted. But as police force we move forward and individuals changed terminology from a period nearly 20 years ago.

The term “coon” or “sand nigger” are terms that are not used by front line members. As a General duties Sgt for 8 years from 2014 to 2022 those terms or words were not used to my knowledge.

You should appreciate that the Police Station in Alice Springs is very busy with a large number of Police officers present at any one time. These officers include a diverse group of people who have chosen a career to serve and protect the community. The vast majority of all police duties pertain to assisting the indigenous community.

The officers in the station at any time could include a cross section of multicultural Australia, including and not limited to police officers of Asian, African and Indian descent. As well as New Zealand, Irish, English and of course Aboriginal members.

To suggest that language such as mentioned was common in a muster room or police station environment in Alice Springs is not completely correct. I'd suggest anyone openly using such language may find he or she defending themselves more than verbally.

I have heard “Sand Nigger” previously in an American war movie to describe their enemy in the middle east. It is not a term I have heard in the NT Police.

The term “Gin Jockey” is a very old term I have heard in the NT Police. I remember it being used many years ago when I first started. It is not a term I have heard for a while. I have many friends outside and within the Police force that are part of a mixed culture family situation. Again it would not be tolerated.

The term “Coon” is not a work used by frontline NT Police members in my experience. It is very offensive and would make any officers ears prick up so to speak if used in the muster room. Especially, as mentioned with a large cross section of cultures including indigenous members.

*(c) Knowledge of TRG awards including “Noogada”, “Sooty”, “Bismark”, and / or “Eaton” Awards, and / or recipient being dressed up in a toga and being given a wooden club.*

I was a member of the TRG from 2004 to 2014. During this period the section celebrated the end of each year with a Christmas party. There were three parties actually, a family, wives and members' party.

The TRG members party was held at the TRG office where food and alcohol were consumed. At the office awards were given to certain members for acts that were done during the year that were comical in nature.

The awards from memory were as listed.

- **Sooty** - A vehicle or car orientated award named after a TRG member who when using an exhaust jack released the wrong valve causing black diesel fumes to cover his body. Hence the term and reference to Soot.
- **Ayrton** – Also a vehicle award more about the driving aspect named after the racecar driver Ayrton Senna. Mostly involved crashing or damaging a car.
- **Bismark** – Any comical action occurring on a boat – hence Bismark a German battleship that sunk.
- **Noogada** - This award started in 2006 after a member displayed very poor hygiene during a search and rescue deployment. The award was a Club and names of winners added to club.

The award initially had racial links to it even though it was named after a TRG member. Back in 2006 and for a couple of years after that it was unofficially referred and described as the “the most coon like behaviour” while nothing was printed it was a term that was used to describe the award within the section.

This was back in 2006, so 18 years ago. The reference as stated continued for several years but the racist term was replaced with “outstanding lack of excellence” which was printed on the award.

In 2012 I received two awards, I may have also received another award being the Bismark for falling (jumping) off the Police boat “Beagle Gulf” and rapidly being taken away by the tide as I started to sink.

### **Sooty Award - 2012**

This award was presented to me after a mishap during a high-risk deployment. On this occasion I was part of the vehicle entry team that was making an expedient entry to a rural location. I was standing (hanging on to the side of the bearcat armoured vehicle) as it drove into the property. The bearcat is very wide, even wider with me on the side. As we approached the front gate at speed I could tell the driver did not factor that I was protruding even further from the vehicle. As we approached, I had to jump off the bearcat to stop being taken out by the steel gate. I then had to run the last 100 meters or so to the house. I had

to announce my situation via radio to the cordon team to avoid being challenged at gun point.

The award had a picture of a bearcat and a body of Olympic sprinter Usain BOLT running behind it. BOLT is Jamaican and dark skinned but he, as I interpreted it, was used as he was the 2012 Olympic gold medal winner and hence the fastest person in the world at that time winning the gold in 100 and 200 meters. It was an exaggerated comparison as I was definitely not a fast runner.

The award in my opinion was not racist and had no racial implications.

### **Noogada Award - 2012**

This award was presented to me as a result of a TRG deployment away from home causing me to stay at a motel. It was the last night and a large amount of alcohol was consumed by myself and others at the completion of the task. I went back to the motel and started to cook some sausages. Due to my intoxicated state I must have fallen asleep during the process and was woken up by a motel staff member. No smoke alarms were activated and it was all pretty harmless and embellished as most awards were.

This award was for “outstanding lack of excellence in cooking sausages” I did not link this award to any racial or racist acts. This individual award made reference and comparisons to Jamie Oliver, a well-known chef, who of course is not indigenous.

These two awards are in possession of the Coroner.

The Noogada award had its origins or links with unacceptable racial references to describe the award within the section. The award was poking fun at the recipient, they were private and not public. This does not make this particular award any less inappropriate.

From my memory the Noogada was presented at the same time as the other awards, there was no toga or special ceremony for this award. The dress up of members did occur most years. Generally, a secret theme was organised by a TRG member and costumes were given out for all members to dress up as during night activities. The activities would generally start at the TRG office then move onto another venue or pub, pubs.

Some dress themes included, stupid or loud shirts, tennis player uniforms, super heroes and animal outfits etc. They were fun nights designed to de stress and relax from what was normally a very busy stressful and physical year. We were laughing at ourselves and any act that would offend an indigenous person was not the aim or intended.

The Noogada award presented on the Aboriginal flag in 2013 definitely has links to indigenous Australians. I cannot remember if I was present during those particular awards but if I was, I don't remember any details of the presentation

as it was 11 years ago. That particular award from what I now know fell well short of the standards of the awards that had previously been issued.

*(d) Knowledge if any of the term “Katherine pinata” or a “black diary” relevant to the issue of racism in the NT Police.*

What is being referred to here I think is what we called the “book of truths”. It was a book that contained small stories of situations that were comical against a TRG member. It would record funny stories or situations that involved TRG members. Apparently, I used to trip over a bit so I was a “frequent flyer” and often referenced in the book.

As for the term “Katherine piñata” I believe that was referring to a statement made when a team of TRG members drove into Katherine and at the time there were a very large number of intoxicated indigenous peoples walking the streets.

Comment made like a piñata had broken containing all the indigenous persons, I was not on the job and have no first-hand knowledge of it.

The TRG are not a racist section, and the members are not racist, as the IRT are not racist. As OIC of IRT I did not start or continue any TRG type annual awards to my members. It was part of TRG and I had moved on. TRG itself had also moved on from the early awards.

By defending the TRG and IRT members I am not condoning their or my actions. To fully appreciate the situation, you have to consider the environment that NT Police officers operate in. It is accepted that 99% of all work is associated with indigenous Australians. That is the vast majority of all interactions. During these many interactions police are subjected to many and numerous negative situations. Positive interactions as first responders are definitely in the minority. Police often cope with horrendous acts that generally don't reach the public eye.

NT Police are abused often racially, physically assaulted and or attempts made on their lives. I have no doubt that derogatory comments are made in private to describe or talk about what has occurred with individual police members as first responders. Whether these conversations have racial references or not, that cannot be determined as they are generally private.

But when your whole working life is focussed on a single group it falls within human nature that certain things will be said in private. This does not reflect on the officers' actions at the time or how they treat people or do their job.

I am not condoning the limited example of unacceptable behaviour accredited to TRG and IRT members but attempting to explain contributing circumstances, something that has been deemed unacceptable to address.

To further address (b) Knowledge of racist behaviour by officers and former Police officers in the NT I am compelled to make reference to a situation. This

example is not one of words said it is of actions taken, actions that were considered and intentional.

This example demonstrates previous executive decisions that were made which had a directly impact on the safety of victims when they called upon police to help them when they needed them the most.

The decision made by the former executive led by Jamie Chalker to disband the IRT without any consultation, communication, review or viable alternative directly impacted on the safety of the community.

The decision ignored the vital role IRT performed within the community, proven by their deployment history. It ignored numerous previous reports and reviews recommending a tactical response for Alice Springs and Southern Command. The current Coronial has also reiterated the need for a tactical response.

The decision made did not consider the safety of victims that rely on police to protect them. It is my opinion the decision to cancel this capability would not have been made in any other city of Australia. But even worse it is evident it was made because it was only relevant to and affected the Alice Springs community, out of sight out of mind.

This example occurred 2 years after the demise of IRT, removing a capability does not remove the reasons for its inception or the need for it. And it definitely does not affect anybody in Darwin.

### **Ti Tree – Firearm / Domestic incident 11/01/2022**

At 1.00am an Indigenous male and female became involved in a violent domestic incident at an Aboriginal community 190 km north of Alice Springs. During this violent domestic incident, the offending male discharged a high-powered rifle in his possession, hitting the victim's vehicle. The terrified victim escaped the possible attempt on her life and called 000 seeking police protection as she rightly felt her life was in serious danger.

Local Police were called out to conduct enquiries with nil success. Members were directed by the Darwin Duty Superintendent not to attend the nearby community in case they aggravated the situation. They were told to stand down at 3.00am and go to bed. This was against their wishes and desire to provide assistance to the victim, it was decided by the Superintendent that everyone had probably gone to sleep and to check in the morning.

This should and would have been an IRT call out. With no trained and equipped response available to attend the Darwin Superintendent was forced to make a decision that placed the victim in danger. I believe a scared victim in the NT deserves the same police response that is afforded to similar victims in advantaged areas as Melbourne or even Darwin. Can you even imagine a similar police response occurring anywhere else in Australia?

The victim's safety was finally secured at 3.00pm, some 14hrs later, she stated to police her partner was trying to kill her.

The offender was arrested at 7.00pm the same day in what can only be described as a rushed tactical disaster placing police consisting of remote station members and three Alice Springs members sent to assist in absolute danger and therefore also placing the offender in danger.

The risk those brave and unfortunate officers were placed in is the exact reason I worked hard to make the IRT a viable tactical response. The fear the domestic violence victim must have felt cannot be measured. She was at risk and called the NT Police for help that night, just as a woman in suburban Melbourne may have done. Unfortunately, that's where the similarities end.

She was treated according to her race and location that is plainly evident.

In fact isn't that the essence of racism, treating or responding to people differently because of their race or background? This occurred as a direct result of decisions made by Mr Chalker and the level of Police response he provided to the people of Alice Springs and surrounding communities.

TRG were not tasked to attend and did not arrive as was and still is the contingency plan since the demise of the IRT. Due to distance, resourcing and costs, TRG have never been a viable response to Alice Springs.

I had the opportunity at a public meeting to address this with then Deputy Commissioner Smallpage. He responded stating that TRG should have attended in their vehicle. Driving 1200km to an emergency response is completely unfeasible and this was proven during a violent riot at Ali Curung that IRT responded to.

In 2016 the Ali Curung the community were rioting as a result of two family groups fighting. One family group consisting of over 50 people were taking refuge at the safe house next to the police station. 2 IRT members were called out and attended. IRT provided overwatch and security to the community members seeking refuge and protection. The two IRT members located and challenged a group of 70 armed persons making their way to harm the protected family group.

The group when challenged were close enough to start breaching the police compound. The presence only of the IRT members stopped the advancement and caused the retreat of the violent armed group. The OIC of the station at the time was adamant that lives could have been lost if not for IRT. TRG were tasked to attend by road and arrived several hours later in their vehicle.

IRT members placing themselves in harms way to protect the community is hardly the behaviour of a racist section, this is just one of many examples.

Denying future victims of the same response gives cause to judge people by their actions and not words.

I am not mentioning this as a form of payback for decisions made against me or my team and its members. Or the way the dedicated hard-working members of the Alice Springs Police Station have been treated and prejudiced against by the executive for just working at the station in 2019.

I raise this so police and the people we swear an oath to serve and protect are provided with the best trained and equipped response available to them. After all these years seeing situations continue to occur that place Police and victims in danger is a hard pill for me to swallow.

As a Police Force we need to move forward from accepted responses, behaviours and procedures. This is what I attempted to do with the IRT.

Another example is I am amazed as others are that NT Police still transfer remanded prisoners in general duties police cages. During a Tenant Creek prisoner conveyance to Alice Springs prisoners are placed in a police cage and driven for 500km in all and any weather conditions. While cages are suitable for local conveyances a more professional safer and humane system needs to be adopted. Some procedures have been accepted over time as normal but are far from it and are unique to our clients.

The saying its how we do things in the Territory I believe has been used recently in the coronial inquest. This does not justify or warrant unsuitable, unsafe responses or practices. But it does highlight that things need to change.

I am very proud of NT Police front line members, they perform a role and serve the community at a level that no other Australian Police Force can replicate. They function in extreme conditions working exhaustive hours to provide the best service to the NT community they can. At the end of the day, we are only people we make mistakes as everyone does, the mistakes we made in this matter were many years ago and as Police force and individuals we have moved forward from those actions.

As with any organisation we also need to assess and reassess and make changes when needed. I believe under Commissioner Murphy, who also recently has dealt with issues in his past, we are now heading in the right direction. The NT Police and the community we serve need to heal and come together, there are no sides in this situation, just our community and our people.

Sgt Lee Bauwens  
26 April 2024