



NORTHERN TERRITORY POLICE
STATUTORY DECLARATION



PROMIS No.:	IJIS Case:	Date: 11/03/2020
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STATEMENT OF:					
Name of Witness:	Virginia Read				
Date of birth:	██████████	Place of birth:	Uganda	Age:	52
Occupation:	Police Officer				
Home address:					
	Phone:		Mobile:		Fax:
	Email:				
Postal address:					
Work address:	██				
	Phone:	██████████	Mobile:	██████████	Fax:
	Email:	██			
Subject of statement:	Constable Zachary Rolfe				

POLICE OFFICER TAKING STATEMENT:					
Name of Police officer:	Glenn Leafe	Rank:	D A/Supt	Reg. No.:	2386
Station:	PSC	Phone:	██████████		

SUMMARY OF EVIDENCE:
Oversight of complaints against police involving Constable Rolfe - identification of possible pattern of behaviour.

DATES UNAVAILABLE:
1 - 30 April 2020


THE NORTHERN TERRITORY OF AUSTRALIA

OATHS, AFFIDAVITS AND DECLARATIONS ACT

STATUTORY DECLARATION

I, Virginia Read, of an address known to police, do solemnly and sincerely declare that:

1. My full name is Virginia Elizabeth Read; I am a member of the Northern Territory Police Force and currently hold the rank of Detective Acting Commander. My work unit is within Professional Standards Command.
2. During the relevant time, I was the Divisional Superintendent for the Ethics and Integrity Division, having oversight of investigations into complaints against police investigations.
3. In early June 2018, a complaint against police made by the North Australian Aboriginal Justice Agency (NAAJA) and acting on behalf of Mr Malcolm Ryder was made to the Office of the Ombudsman, NT (OO) and subsequently forwarded to our office for investigation. CAP2018-186 refers.
4. The allegations made, pertained to the use of excessive force and unlawful arrest. Mr Ryder suffered a head injury that required suturing at the Alice Springs Hospital, the officer allegedly responsible was Constable Zachary Rolfe.
5. Soon after receiving the complaint, I review the only body worn camera (BWC) footage; however, it did not capture the moment when Mr Ryder was taken to the ground by Rolfe, the officer with the BWC being in another room at the time. I further reviewed the PROMIS case and the statements attached to the same. I found concerns with the use of force – ASR spray by one of the officers and issues pertaining to the statements prepared by Rolfe and Constable Xhenita Zendli. The statements contained a version of events that appeared to have been collaborated upon as they were very similar and did not reflect what was conveyed in the BWC footage.
6. The investigation was assigned to Sergeant Dion Roche and I advised him of my concerns. He completed the investigation on 3 October 2018, however I had not reviewed the final version when it was finalised by then Assistant Commissioner Peter Gallagher as I was away from the office on recreation leave. Sergeant Rolfe's investigation found that the police actions were reasonable.

This  statutory declaration of Virginia Read.

Dec _____

Commissioner  (T) _____

7. On 12 June 2019, I met with the Assistant Ombudsman, Ms Roxene Cahill following her return from maternity leave. Then Acting Commander Janelle Tonkin was also present. One of the topics that arose were concerns raised by NAAJA pertaining to the outcomes of the Ryder investigation and the findings of the Criminal Court as to the truthfulness of the officers' evidence. She further raised another matter, relating to a complaint against police, where again, the use of force was the allegation and the subject officer was Constable Rolfe – CAP2019-116: NAAJA on behalf of Master Cleveland Walker refers.
8. As a result of this conversation I reviewed a number of investigations including those referred to above. The Ryder matter I referred to the Internal Investigation Division to investigate officers' misconduct. It was then referred to an officer from Special References Unit (SRU) to investigate.
9. Upon reviewing the Walker file, I noted some similarities in Constable Rolfe's behaviour, i.e. BWC not used or turned off early, head injuries suffered by the complainant and Rolfe being the only police officer present when the injuries had occurred.
10. It was about this time that I spoke to Commander Currie and Superintendent Vicary during a Command Management Team (CMT) meeting and advised them that I was reviewing a number of complaints referred to me from the OO where NAAJA had raised concerns with the complaint outcomes and that it was likely that they would be re-categorised and further investigated. I further conveyed that I was concerned about Constable Rolfe's non-adherence to the BWV policy and that this was the third occasion that I had become aware of people fleeing from him and injuries occurring when apprehended.
11. On Wednesday 17 July 2019, I was in Alice Springs with Commander Bacon. During the visit, we discussed with Acting Commander Jody Nobbs and Acting Superintendent Peter Dash PSC concerns relating to the excessive use of force and officers not activating their BWC, noting that this was something we had specifically identified as an issue in Alice Springs. To highlight these concerns, I raised the complaints of Ryder and Walker whereby the same subject officer was accused of similar actions by separate complainants and there was some evidence to substantiate those claims. The subject officer Constable Rolfe, continually failed to activate his BWC and there was no evidence to negate the allegations.
12. In mid-October 2019 I again raised with the Commander Southern that we had received yet another complaint from NAAJA. The complaint was made on behalf a Mr Luke Madrill (CAP2019-342) whereby Constable Rolfe was the subject officer, had chased Madrill through rocky country, had caught up to him and by the time the other

atory declaration of Virginia Read.

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officers arrived, Madrill had suffered injury that required medical attention. Once again, the BWC provided to Rolfe had not been activated. This matter remains under investigation.

13. Since that time a further complaint from NAAJA on behalf of Mr Antonio Woods has been received and is currently being investigated. The allegations and circumstances are similar to the previous complaints and all involve Constable Rolfe where the complainant runs from police, is captured by Constable Rolfe, is injured before other officers arrive and there is no body worn camera footage. This matter is still under investigation with findings yet to be determined.

This is the statutory declaration of Virginia Read.

Dec

Commissioner (T)

I will be available to give evidence in Darwin when required. I will be unavailable for 1 - 30 April 2020. I understand that the contents of this statement may be disclosed for defence purposes.

and I further declare that:

- (a) (i) I have attained the age of 18 years;
- (iii) I have not attained the age of 18 years but have attained the age of 52;

AND

- (b) (i) I have read this statement before signing it;
- (ii) I have had this statement read to me before signing it.
The statement was read to me because of the following reason/disability:

and I make this solemn declaration by virtue of the OATHS, AFFIDAVITS AND DECLARATIONS ACT, conscientiously believing the statements contained in this declaration to be true. I acknowledge that a person who wilfully makes a false statement in any material particular is guilty of a crime and liable to imprisonment for 3 years, (*section 119 Criminal Code*). Furthermore, a person who does anything to a Statutory Declaration that results in it becoming false or misleading, is liable to a penalty of a fine or imprisonment, or both (*section 27 Oaths, Affidavits and Declarations Act*).

Maximum penalty: 400 penalty units or imprisonment for 4 years.

DECLARED AT DARWIN THIS 11 DAY OF MARCH, 2020

BEFORE ME

Glenn Leare

NAME

PSC - Martha L3

TELEPHONE

04 [REDACTED]

COMMISSIONER FOR OATHS (NT)