



NORTHERN TERRITORY POLICE

STATUTORY DECLARATION



PROMIS No.:	IJIS Case:	Date:
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STATEMENT OF:					
Name of Witness:	Nicholas Andrew Anticich				
Date of birth:	██████████	Place of birth:	Australia	Age:	60
Occupation:	Police Officer				
Home address:					
	Phone:		Mobile:	Fax:	
	Email:				
Postal address:					
Work address:	██████████	Darwin			
	Phone:	08 ██████████	Mobile:	██████████	Fax:
	Email:	██████████			
Subject of statement:	Operation Charwell - Coronial Investigation				

POLICE OFFICER TAKING STATEMENT:					
Name of Police officer:		Rank:		Reg. No.:	
Station:		Phone:			

SUMMARY OF EVIDENCE:

DATES UNAVAILABLE:

THE NORTHERN TERRITORY OF AUSTRALIA

OATHS, AFFIDAVITS AND DECLARATIONS ACT

STATUTORY DECLARATION

I, Nicholas Andrew Anticich, of an address known to police, do solemnly and sincerely declare the following, in response to the questions put before me in memorandum 04:D20:33259:

1. I am a sworn member of the Northern Territory Police Force (NTPF) and hold the position of Assistant Commissioner Crime, Intelligence and Capability. I have responsibility for Forensic Services, Crime and Organised Crime, Intelligence and Capability. Relevant to this matter under the Crime Command I oversee Major Crime Investigations such as homicide, Serious Crimes and Coronial Investigations.
2. At 2049hrs on Saturday 9 November Acting Deputy Commissioner Michael White Declared a Major Crime Investigation into the circumstances surrounding the police shooting of [REDACTED] @ [REDACTED] Walker. That declaration was made in accordance with the NTPF Major Crime, Major Investigations and Critical Incident Response Instruction. Its primary function was to investigate the circumstances of the shooting. (Attachment)
3. In accordance with NTPF Major Crime, Major Investigations and Critical Incident Response Instruction a Joint Management Committee (JMC) was formed of which I assumed the role of Chair. The role of the JMC is ensure and appropriate response and leadership in assigning responsibilities and ownership, command and control, financial accountability, oversight governance, manage risks and meet public expectation. (Attachment)
4. The JMC instituted regularised meetings that were minuted and documented. These tabled relevant document such as briefing notes and recorded critical decisions in writing. (Attachment Briefing notes 1-13, JMC Minutes 1 -~~9~~10) [REDACTED]
5. In my role as Assistant Commissioner Crime and Chair of the JMC I also had to consider the NTPF Coronial Investigations and Inquests General Order and the Deaths

T [REDACTED] of Nicholas Andrew Anticich.


D


Commi [REDACTED] r for Oaths (NT)

in Custody, and Investigation of Serious and/or Fatal Incidents Resulting from Police Contact with the Public General Order that both had application in relation to this incident. (Attachment)

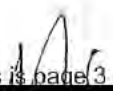
6. During the course of this matter a significant volume of correspondence was generated that included emails, correspondence, reports and other things. (Attachment 6 x lever arch folders)
7. Superintendent Pollock, by way of memo dated 2 June 2020, posed a number of specific questions to which I provide the following response.
8. Based on early assessment, the actions of Zac Rolfe (ROLFE) were questionable and possibly criminal. It was decided, in accordance with normal practice that the investigation of possible criminal acts would take precedent. Matters concerning discipline or misconduct were not forgotten but rather deferred until the criminal investigation could establish any criminality. A disciplinary interview is compelled, the officer must answer questions put to him or face disciplinary sanction. Nationally we have seen police officers refuse to answer questions in compelled interviews on the basis of incrimination in criminal conduct. This has resulted in the practice of criminal investigations taking primacy, and/or disciplinary matters being considered later or separately, depending on the jurisdiction. Criminal interviews need to occur where the suspect is under no coercion and makes it of their own free will.
9. At the time not all the facts were known and other examinations, including that of the victim, crime scene, clothing of the officers and other things had not been completed. The investigating, or interviewing officers needed to have an appreciation of the known facts prior to interview. It was quite probable that there would be only one interview which made the reason for gathering facts all the more important. Delaying the interview was done for this reason, not for the advantage of ROLFE.
10. I do not recall discussing the 'use of force' documentation. I do not believe that was a responsibility of the investigating team but rather one the subject officer was obliged to complete under the management of his local team. It could be seen that the compulsion of such a report that may be incriminating could breach his right to silence in relation to a criminal prosecution. There is some advice from PSC that supports it would be impractical to direct a 'use of force' report from ROLFE if he is facing a criminal charge in relation to the force he used.

This is page 2 of the statutory declaration of Nicholas Andrew Anticich.



Declarant


Commissioner for Oaths (NT)

11. At no time were any decisions made to favour ROLFE. We were cautious of that very fact to avoid any perception he was being treated differently because he was a serving police officer.
12. I do not recall knowing about the social gathering at ROLFE'S place of residence on the Monday following the shooting.
13. The criminal investigation team had no involvement in the decision to move ROLFE from Alice Springs to Darwin. I can recall a specific directive not to be involved in any such decision. That action I believe was a combination of the officer's intent and quite possibly that of the organisation in relation to his security and personal choice. My recollection is on the day ROLFE flew up from Alice Springs, we were advised by the DPP that a charge of murder was appropriate. We were made aware of ROLFE'S Intent to fly to Canberra the next day. The decision was made to arrest him while he was in this jurisdiction, while he was here like any person suspected of murder. I believed to have allowed him to leave the Territory knowing what we did, would have smacked of him being dealt with differently as he was a police officer.


This is page 3 of the statutory declaration of Nicholas Andrew Anticich.


Declarant


Commissioner for Oaths (NT)

I will be available to give evidence in court when required. I will be unavailable for dates known to police. 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;
- (ii) ~~I have not attained the age of 18 years but have attained the age of 60;~~

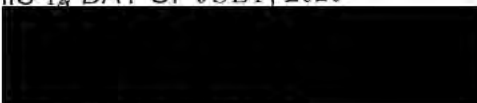
AND

- (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 15 DAY OF JULY, 2020



Nicholas Andrew Anticich

BEFORE ME 

NAME NICHOLAS ANDREW ANTICICH

TELEPHONE _____

COMMISSIONER FOR OATHS (NT)