

Zachary Rolfe denies making up parts of his story of the shooting of Kumanjayi Walker

'You knew you had been too gung ho', the prosecution put to Rolfe, who responded 'incorrect'



Zachary Rolfe (centre) arrives at the Northern Territory supreme court in Darwin, Friday, 4 March 4, 2022.

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A Northern Territory police officer charged with murder has denied making up aspects of his account of the shooting, including that the Aboriginal man he shot dead had his hand on his gun and that he believed he had seen the man stabbing his colleague.

Constable Zachary Rolfe repeatedly disagreed with prosecutor Philip Strickland SC in the NT supreme court on Friday when asked whether he had made up parts of his story or rehearsed answers. Rolfe disputed Strickland's suggestion that he knew he had "gone too far" and been "gung ho" when he shot dead Kumanjayi Walker.

The court has heard Rolfe shot Walker three times while trying to arrest him on 9 November 2019 in the remote community of Yuendumu, about 300km from Alice Springs.

Walker, a 19-year-old Warlpiri man, stabbed Rolfe with a pair of scissors shortly before the first shot was fired. Rolfe is not charged in relation to this shot.

He is charged in relation to the second and third shots fired at Walker. He has pleaded not guilty, and his lawyers have argued his actions on the day were justified in light of the risk that Walker posed to him and a colleague, the then-constable Adam Eberl.

In his evidence on Thursday, Rolfe told the court that shortly after he was stabbed by Walker he placed his right hand on his Glock handgun, and noticed Walker's left hand was already on it.

He also said that he had seen Walker stabbing Eberl around the chest and neck area during the struggle, although he also clarified that was his impression or perception as he had not seen the scissors coming into contact with Eberl.

The court has previously heard Eberl was found to have a small scratch under his left shoulder several days after the incident, but he has given evidence that he could not recall this injury having occurred during his struggle with Walker.

On Friday, Strickland asked Rolfe to recount the shooting while showing him body-worn camera footage frame-by-frame. Rolfe agreed that the footage did not show Walker's hand being on his gun and that he did not "think" it showed him stabbing Eberl.

Edwardson has previously told the court to be mindful about the limitations of relying on body-worn camera footage to accurately show what an officer wearing that camera could actually see.

Strickland asked Rolfe whether he had made up that Walker touched his gun, that he believed he saw Eberl being stabbed, and that he believed Eberl's life was in danger when he fired the final two shots, with Rolfe denying each suggestion. He did clarify that at the time the second and third shots were fired he no longer felt there was a risk posed to himself by Walker.

Strickland asked why, if Walker had touched his gun, Rolfe had not shouted a verbal warning to Eberl, or tell him immediately after the incident. Rolfe said it was not mentioned as it was the "least serious" thing that had happened, and agreed he also never told any other officer. He said he did not issue verbal warnings either about the gun or about Walker having a weapon because there had been no time to do so.

Immediately after the shooting, Eberl asked Rolfe "did you, fuck", which Rolfe has told the court he understood to be a query about whether he had shot Walker.

Rolfe told the court on Thursday that he responded "it's all good, he had scissors in his hand, he was stabbing me, he was stabbing you" because he believed Eberl was in a "heightened state" and "suffering from auditory exclusion" which meant he had not heard the shots.

Strickland asked Rolfe on Friday whether he really had those thoughts at that time.

"You're making that up too aren't you?" Strickland said.

“No I’m not,” Rolfe responded.

Strickland put it to Rolfe that he had answered Eberl in that way to justify what he had done, knowing the shooting had been captured on body-worn cameras.

“Because constable, you knew you had gone too far?” he said.

“Incorrect,” Rolfe answered.

“You knew you had been too gung ho,” Strickland said.

“Incorrect,” Rolfe said.

Strickland asked Rolfe why he twice said “it’s all good” after the shooting, asking him “how was the situation all good”?

“A violent offender was trying to murder two police officers and he no longer was,” Rolfe responded.

Rolfe earlier told the court that during a 10-month break between a stint in the army and applying to join the NT police he spent four to five weeks training in the US state of Arkansas with Trojan Securities International. He said he paid for the private training himself, which included hostage rescue, counter ambush driving, and weapons familiarisation courses, to “upskill” himself.

He was also asked multiple questions by Strickland about his training and the planning leading up to the shooting, which Strickland has previously described as important context to understanding the shooting itself.

Rolfe confirmed he had not made any action plan regarding the decision to search a Yuendumu property known as House 511 before he entered, and agreed that he had been trained about the need for such a plan.

He also agreed that he should have noticed Walker’s hand was in his pocket after he and Eberl entered the house. The court has heard that is where Walker is believed to have hidden the scissors.

Rolfe denied suggestions put to him by Strickland that he had become obsessed or fixated with an incident three days before the shooting when Walker threatened two Yuendumu police officers with an axe.

Strickland put to Rolfe that the reason he did not discuss any plan to arrest Walker with his colleagues was because he had already formed a clear plan in his mind to shoot Walker if he resisted arrest or presented a weapon to police.

“Incorrect,” Rolfe said.

Rolfe completed his evidence on Friday, but the defence plan to call a final witness when the trial resumes on Tuesday