

# Australian police officer found not guilty over fatal shooting of indigenous teenager

Richard Phillips  
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Last Friday, the Northern Territory (NT) Supreme Court in Darwin, after a five-week trial, found police officer Zachary Rolfe not guilty of all charges arising from the shooting death of 19-year-old Kumanjaji Walker on November 9, 2019 in Yuendumu in central Australia.

Rolfe, 30, a former Australian Defence Force (ADF) soldier who had served in Afghanistan, was charged with murder, manslaughter and committing a violent act causing death while attempting to arrest Walker inside his grandmother's home in Yuendumu. The poverty-stricken remote community of about 800 people is located some 300 kilometres northwest of Alice Springs.

Rolfe fired three bullets into Walker's body a few minutes after entering the house just after 7 p.m. The first shot was fired after Walker came at Rolfe with a small pair of surgical scissors, causing a minor flesh wound on his shoulder. He was charged over the second and third shots, which were fired at close range and ultimately killed Walker, with the prosecution arguing that they were unnecessary, unlawful and amounted to murder.

Rolfe was part of an Immediate Response Team (IRT) dispatched from Alice Springs to arrest Walker. The teenager, who was on a suspended sentence, absconded from an alcohol rehabilitation facility in Alice Springs on October 29, removed an electronic monitoring bracelet, and travelled to Yuendumu to attend a family member's funeral.

On November 6, three days earlier, two Yuendumu police officers unsuccessfully attempted to arrest Walker inside the home of his girlfriend's grandmother. He allegedly threatened the police with a tomahawk, before dropping it and escaping into the desert scrub.

Following the failed attempt to arrest Walker, Alice Springs Police Superintendent Jody Nobbs and Sergeant Julie Frost, the officer in charge of Yuendumu police, developed a plan to capture the teenager.

Two others in the four-member team—James Kirstenfeldt and Adam Eberl—were also former ADF personnel. Rolfe revealed during the trial that he joined the army in 2010 and left five years later, after returning from Afghanistan. He then travelled to the US where he paid for five weeks of specialised weapons training with Arkansas-based Trojan Securities International.

These courses, Rolfe told the Supreme Court, were to “upskill” himself before applying to join the NT Police. On becoming a police officer, he attempted to become a member of the elite Territory Response Group, and in 2018 applied to join the ADF's Special Air Service.

IRT members were directed on November 9 to conduct “high-visibility” policing in Yuendumu that evening and arrest Walker in an early morning raid the following day at 5 a.m.

In the days prior to the IMT's arrival, Derek Williams, a local Senior Aboriginal Community Police Officer, had convinced Walker to voluntarily hand himself into police. Williams was Walker's uncle and had arrested the troubled teenager on several previous occasions.

The IMT arrived at Yuendumu police station in the late afternoon and began patrolling the community after 6.45 p.m. They visited the house

where the previous encounter with Walker had occurred and were told that the teenager was probably at another property.

Rolfe and Eberl immediately went to that house and confronted Walker. A scuffle ensued after they tried to handcuff him. Rolfe fired the first shot from his Glock pistol into Walker's lower back.

The next shot happened 2.6 seconds later, and the third—a split second after that—when Walker was already on the ground and effectively immobilised by Eberl, a martial arts expert.

One of the bullets passed through Walker's liver, spleen and kidney, blowing a hole in his right lung. The two shots, or “double tap” as it is brutally referred to by military and police officers, is designed to kill or fully incapacitate.

Police took Walker to Yuendumu police station where he bled to death at 8.30p.m. without receiving any emergency care by health professionals. The seriously under-resourced local health clinic was not open at the time, NT health authorities having ordered medical staff to leave the area a day before because of recent burglaries.

About 200 residents gathered outside the police station demanding two family members be allowed in to find out what was happening to the teenager.

The police refused and did not issue a press release confirming Walker's death until 6:53 the next morning. Meanwhile, 40 members of the Territory Response Group, armed with high-power rifles and other semi-automatic weapons, were flown into Yuendumu the next day to intimidate the distraught community.

Rolfe was charged three days later, granted bail on full pay, and allowed to return to his parents' home in Canberra, a right rarely granted to Aborigines accused of even minor crimes (see video: Rolfe and other police officers discussing his injured shoulder in Yuendumu police station ).

Prosecution witnesses testifying during the Supreme Court trial included Yuendumu residents, medical experts and senior police officers.

Rolfe declared during the trial that Walker had put his hand on his Glock pistol during the struggle. Prosecutor Philip Strickland SC rejected this claim, pointing out that this had not been mentioned to any other police officer in Yuendumu that evening, or vindicated by body camera footage of the incident.

Detective Senior Sergeant Andrew Barram, a senior weapons and tactics instructor who examined the body-worn camera footage of the shooting and wrote four reports, identified six operational mistakes made by Rolfe and Eberl. He told the court that the fatal 2nd and 3rd shots fired by Rolfe were neither “reasonable” nor “necessary.”

Forensic pathologist Dr Maryanne Tiemensma, in a report for the director of public prosecutions, stated that the scissors Walker used against Rolfe were unlikely “to cause a penetrating injury” and that the teenager had been restrained almost immediately by Eberl who restricted his movements. “I don't think in these circumstances, with these scissors, it could've caused significantly penetrating injuries,” she told the court.

Defence barrister David Edwardson QC denounced Barram as an “armchair expert” whose evidence was “neither credible nor reliable.”

Edwardson then focused on Walker’s lengthy criminal record and the tomahawk incident, declaring that the teenager was “the author of his own misfortune.”

### **Victim-blaming denounced**

Following the jury’s not guilty verdict, shocked Yuendumu residents appealed once again for the removal of armed police from indigenous communities. Questions were raised about why there were only white people on the jury, given that almost 30 percent of NT’s population is indigenous.

Addressing a crowd outside the court, Samara Fernandez-Brown, Walker’s cousin, said the teenager had been depicted as a “violent and dangerous individual” throughout the trial. “He has been criticised and picked apart by people who did not know him, they saw only his flaws and wished to put him on trial for his own death,” she said.

Walpiri elder, Ned Jampijinpa Hargraves, called for police not to be armed. Ned Jampijinpa Hargraves said police had to put down their guns and preferably not have a military background. “I don’t want to see another young man or young girl be shot,” he said. “If you’re gonna come to my community—put your guns down. We don’t want guns in our community.”

In November 2019, Kumanjaya Walker was the 420th Aboriginal person to have died in police custody since the Hawke Labor government’s “Royal Commission into Aboriginal Deaths in Custody” in 1991. While the commission’s recommendations were supposed to end the killings, the fatalities have continued unabated.

The total number of indigenous people who have died since the commission has since risen to 500. Not a single police officer has been successfully prosecuted over any of these deaths.

Responding to last Friday’s verdict, the NT Police Association president Paul McCue publicly denounced NT Chief Minister Michael Gunner and Police Commissioner Jamie Chalker for the arrest and trial of Rolfe. McCue released a 14-page statement to the media early this week accusing Gunner of “political interference” and calling for an investigation into Rolfe’s arrest. Rolfe’s father called for the immediate removal of Chalker as police commissioner.

For its part, the *Australian* newspaper and all the Murdoch-owned state-based tabloids, along with right-wing radio shock-jocks, praised Rolfe, while demonising Walker and accusing him of being responsible for his own death.

This foul “victim-blaming” is a desperate attempt to divert attention from the government policies and social attacks that have produced this tragedy. Walker’s cruel and painful death is an end-product of generational poverty, decades of escalating state repression of Aboriginal communities and deepening government social spending cuts.

Born in October 2000 into extreme poverty and suffering constant social dislocation, Walker was raised at different times by his mother’s friend Leanne Oldfield and her partner, and his biological mother’s and father’s relatives. He lived variously at an Alice Springs town camp, Yuendumu and in Adelaide during his short life.

Walker’s biological mother was a heavy drinker and the child had fetal alcohol syndrome, which can be associated with lifelong neurological impairments including impulsiveness, hyperactivity and poor judgment.

By September 2002, the infant was suffering from ear and chest infections, nits and scabies. Aged 11, he began petrol sniffing and other substance abuse, and was involved in several petty crimes. Health authorities said his cognitive functions were limited, with poor impulse control and inability to control his emotions as a result of prolonged exposure to domestic violence.

At the age of 13, Walker was essentially homeless, drinking alcohol and smoking cannabis regularly, while still involved in petrol sniffing. Over

the next six years he had numerous brushes with the law and prosecutions over burglaries, vandalism, stealing cars and assaults.

Walker and other indigenous youth of his generation in the Northern Territory are the victims of a sustained anti-democratic social assault—first by the Howard federal Liberal-National Coalition government’s “Intervention” in 2007 and then the Rudd and Gillard Labor government’s “Stronger Futures” measures. These programs, purportedly to address domestic violence and protect children in Aboriginal communities, destroyed thousands of jobs, worsened the soul-destroying poverty and imposed wide-ranging and repressive social control laws.

In Yuendumu, where, according to recent figures, 52 percent of the working-age population is unemployed, residents suffer substandard and overcrowded housing, poorly-resourced schools, and inadequate social facilities.

Indigenous children, as the most defenceless members of the oppressed section of the working class, have suffered the most in these horrendous conditions and under the impact of some of the most repressive laws in the world.

In Australia, the age of criminal responsibility is just 10 years, one of the lowest in the world. As Amnesty International states, Australian police have the power to arrest, strip-search and imprison children in years 3 or 4 at primary school.

According to recent data, indigenous children are locked up at 17 times the rate of non-indigenous children, despite making up just 6 percent of the Australian population aged 10–17. Of all children under 14 imprisoned between 2017–2021, 65 percent were indigenous and 68 percent had not even been convicted of any crime.

These horrendous figures will worsen under new bail laws passed last year by the NT Labor government. Children accused of reoffending or committing serious breaches while on bail in the NT will be automatically placed on remand. Police can also immediately place electronic monitoring on alleged offenders, and breath test children, without an adult guardian present.

In addition, there is no longer any presumption in favour of bail if a young person is arrested for unlawful entry, unlawful use of a motor vehicle, or assaulting police. As NT Chief Minister Gunner declared last year when announcing these reactionary laws, “bail is a privilege, not a right.”

These measures, and the desperate and worsening poverty afflicting indigenous communities and other oppressed sections of the working class, guarantee that Kumanjaya Walker’s tragic death will be followed by those of other youth of his generation.



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