

'It's not him.'

Rebuilding trust after ACT
Policing's mistaken arrest of
a teenager

Own Motion Investigation

August 2026

CONTENT WARNING

This report contains material that can be confronting and disturbing. Sometimes words can cause sadness or distress, or trigger traumatic memories for people, particularly survivors of past abuse, violence or childhood trauma.

For some people, these responses can be overwhelming. If you need to talk to someone, support is available through redress support services.

The following services are available 24 hours a day:

- [13YARN](#): 13 92 76
- [Brother to Brother](#): 1800 435 799
- [Lifeline](#): 13 11 14
- [beyondblue](#): 1300 224 636
- [1800RESPECT](#): 1800 737 732
- [MensLine Australia](#): 1300 789 978
- [Suicide Call Back Service](#): 1300 659 467

Terminology in report

Throughout our report, we use language and terminology that is in common use and well understood within ACT Policing but may be less familiar to members of the public. Where we consider this may impact understanding we have explained the term in a footnote.



Acknowledgement of Country

The Office of the ACT Ombudsman acknowledges the Traditional Custodians of Country throughout the ACT.

We recognise and respect their cultural heritage, beliefs and relationship with the land, waters and community. We pay our respects to Elders past and present, for they hold the memories and traditions of the oldest living culture.



Contents

Executive summary.....	7
Recommendations.....	14
ACT Policing members	16
Timeline	17
Part 1. Setting the context	18
ACT Policing's relationship with First Nations people	18
Reactions to the incident	19
Part 2. 11 November 2025.....	22
Searching for an armed offender.....	22
Stopping the bus.....	24
On the bus.....	25
The arrest.....	26
The realisation.....	27
The search	28
Part 3. Command and control.....	31
Incident Command and Control System.....	31
Who had command?.....	33
Who should have had command?	36
Part 4. Stopping the bus	39
Initial threat assessment.....	39
Who stopped the bus?.....	40
Missed opportunities.....	43
Part 5. Uses of force	46
A note on our assessment of use of force.....	46
Policy framework.....	46



Use of guns.....	50
Use of taser	52
Takedown	53
Handcuffing	55
Part 6. The search.....	57
Powers to search.....	57
Confusion about the powers used	59
Lawfulness of a search under ss 223 or 224.....	59
Lawfulness of a search under s 193	62
Impact of leadership and communication	65
Part 7. Impact of race.....	67
Relevance of race.....	67
Defining racial profiling	68
Proving racial profiling	71
Use of race in identification	72
The impact of race in the uses of force.....	74
The impact of race in the search.....	74
The impact of race in Jay's aftercare.....	74
Part 8. Responding to their mistake.....	75
Impact of the mistaken identity.....	75
Initial responses to the mistake	77
Apologies to Jay	78
Responsibilities towards a young Aboriginal person	79
People on the bus.....	82
Part 9. Aftercare	85
Impact of the response.....	85
How the family found out.....	86
Trying to inform the family.....	86



Making assumptions.....	88
Seeking contact details	89
Meeting in person.....	91
Justifications.....	94
Part 10. First Nations Liaison team	96
Role and structure of the First Nations Liaison team	96
Contact with the First Nations Liaison team	98
Advice given by the team	98
Expectations on the team	100
Part 11. A matter of trust	102
Defensive posture.....	102
Learning from mistakes	104
Rebuilding trust.....	104
Appendix A. Statement from Jay’s family.....	107
Appendix B. AFP Commissioner’s response	109
Appendix C. Chief Police Officer’s response.....	111
Appendix D. AFP and ACT Policing’s response to recommendations.....	113



Executive summary

In the early evening of 11 November 2025, Jay¹, a 17-year-old Aboriginal youth, boarded a bus in Woden heading towards Tuggeranong and took a seat at the very back. The bus left the interchange with more than 20 passengers on board, including other younger teenagers.

A few minutes later, ACT Policing stopped the bus. Three police officers entered with guns drawn and instructed Jay to get off. He complied, walking towards officers and putting his hands on his head as directed. Once off the bus, he was brought to the ground, handcuffed and arrested. Less than 90 seconds later the police realised they had made a mistake: Jay was not the person of interest they were looking for. Jay was released, apologised to, searched and then put back on the bus to continue his journey. Police did not ask for his name, did not confirm his age, nor ask for details to contact a family member.

Altogether, the incident lasted just under 4 minutes. But it, and its aftermath, have had serious repercussions for Jay and his family and on the already fragile relationship between ACT Policing and the ACT's Aboriginal and Torres Strait Islander communities.

Our investigation

As the Commonwealth and ACT Ombudsman, I considered the incident, together with ACT Policing's response to it, raised serious questions. While the Australian Federal Police's (AFP) Professional Standards (PRS) opened an investigation into the conduct of officers involved, the focus of a PRS investigation is on advising the AFP about any conduct issues involving its officers, not on providing an explanation for the community. I felt there would be benefit in an independent and objective investigation to consider the entirety of the bus incident² with a focus on systems, practice improvements and

¹ Each person has been given a pseudonym to protect their privacy, unless they have already been publicly identified. The ranks used for the AFP appointees are the ranks of the appointee at the time of the incident. As there are a number of individuals of the same rank, we have chosen to use names rather than letters to help with readability and as a reminder that this report is about people.

² Our investigation focused on ACT Policing stopping the bus and Jay's mistaken arrest. We have not undertaken a detailed review of ACT Policing's overall response to the offending that triggered the search for the person of interest. We are aware the alleged offender was apprehended later that same evening, and criminal proceedings are ongoing.



lessons that could be learned. It was with that in mind that I opened the own motion investigation.

I wanted to report to the ACT community to provide assurance that the issues were being given serious consideration and to help explain what had happened. I also wanted to ensure that the voices of those impacted could be heard and considered, with a view to systemic improvement. Through our investigation, we have aimed to bring transparency and provide answers to the questions that have been posed by Jay, his family, Members of the Legislative Assembly and the ACT community.

I have been mindful of not compromising the PRS investigation, minimising duplication of effort and reducing trauma for people telling their stories. There is significant complexity in what occurred, and it has taken time to understand the intent behind actions, how all the elements came together on the day and what followed.

This report considers several questions in turn.

[Part 1](#) sets the context.

[Part 2](#) sets out a detailed factual description of what occurred in the lead up to Jay's arrest, his arrest and being put back on the bus.

[Part 3](#) explores the role of leadership, command and control in what happened.

[Part 4](#) considers the appropriateness of the decision to stop the bus.

[Part 5](#) looks at the uses of force that followed.

[Part 6](#) considers the lawfulness of the search.

[Part 7](#) focuses on the impact of race on the incident.

[Part 8](#) looks at the initial response by ACT Policing members at the scene, once they discovered their mistake.

[Part 9](#) looks at how police responded in the days after.

[Part 10](#) considers the important role of the First Nations Liaison team.

[Part 11](#) considers how to rebuild trust between ACT Policing and First Nations communities.



Evidence

During the investigation, we met with Jay and his family. We received and reviewed all the footage of PRS interviews³ (more than 40 hours), as well as body-worn camera and CCTV footage from relevant incidents (more than 7 hours), and audio recordings of police transmissions and phone calls (over 1 hour 35 minutes). We reviewed expert analyses prepared on use of force and command and control, and we interviewed subject matter experts. We also reviewed the records and documentation from relevant incidents and considered ACT Policing's policies, procedures and training related to uses of force, command and control, and engagement with children and young people and First Nations people (together amounting to more than 1,150 pages of evidence).

Across the evidence we reviewed, accounts differed. People had varied recollections of what happened, based on their perspectives, focuses, viewpoints and actions. Written records also varied in contemporaneity and reliability. This is not unexpected given the nature of human memory and limitations in record-keeping. Where there was conflicting information about actions, what was said and the timing of these, we have put greater weight on body-worn camera and CCTV footage over testimony. We also put greater weight on contemporaneous records over records created some time after the incident. Where this is relevant to our findings we have explained why.

Procedural fairness

The full proposed report was provided to the Australian Federal Police and ACT Policing. Further, in accordance with the Ombudsman Acts,⁴ all individuals who are expressly or impliedly criticised in the report were provided with relevant excerpts of the report and

³ The PRS interviews were conducted under Part V of the *Australian Federal Police Act 1979* (Cth). They were directed interviews, which compelled the individual appointee to answer and were not voluntary in nature. Our Office decided not to separately interview appointees, but instead to draw on information from PRS interviews to avoid duplication of investigatory effort and to minimise any potential for (re)traumatisation of individuals involved.

⁴ My own motion investigation was carried out under s 5(1)(b) of both the *Ombudsman Act 1976* (Cth) and the *Ombudsman Act 1989* (ACT). Section 8(5) of the *Ombudsman Act 1976* (Cth) and s 9(6) of the *Ombudsman Act 1989* (ACT) require me to afford procedural fairness to an agency or person who are expressly or impliedly criticised in the report.



given an opportunity to provide a submission. I have carefully considered all responses and, where I deemed it appropriate, I have made amendments.

Aspects of the proposed report were also provided to Jay and his family to ensure accuracy of their evidence. I have included at **Appendix A** a statement from Jay's family.

The procedural fairness process was complex and extended, given the concurrent PRS investigation and the number of individuals involved. While there were several exchanges of correspondence between myself and the AFP Commissioner during this process, I have included her final response at **Appendix B**. The Chief Police Officer also provided his own response and that is at **Appendix C**.

Findings

Ultimately, the story of what happened carries many layers. The evidence shows that on 11 November 2025, ACT Policing were responding quickly to a dynamic, complex, dangerous and evolving situation. In the worst-case scenarios, incidents in Australia and across the world have demonstrated how quickly an offender with a bladed weapon can injure or kill innocent bystanders. Police needed to be ready to act decisively in case such a situation could be developing. More than two dozen ACT Policing members, sworn and unsworn, were involved in decisions, information sharing or actions that resulted in stopping the bus and removing Jay at gunpoint.

Jay was an innocent youth who was simply sitting on a bus. Being removed from the bus at gunpoint and the events that followed have had a significant ongoing negative impact on Jay's wellbeing and his mental health ([Finding 15](#)).

During the incident there was a lack of communication about who had command of the incident ([Finding 1](#)). Cumulative delays and misinformation meant that officers were more certain that the person of interest was on the bus than they otherwise may have been, given that ACT Policing collectively did hold information that left room for some doubt ([Finding 2](#)).

There were alternatives to stopping the bus that were not explored ([Finding 4](#)) and the lack of clear command and failures in communication meant the decision to stop the bus was not well coordinated ([Finding 3](#)).



There were missed opportunities to get an earlier identification of the actual offender ([Finding 5](#)). However, for anyone who had not seen the photo of the alleged offender, due to his similar clothing and bag, Jay was the passenger who most closely appeared to match the description of the alleged offender ([Finding 13](#)).

Ultimately, once the bus had been stopped, given the circumstances as understood by the officers, the decision to use guns, the use of a taser and the use of handcuffs were consistent with AFP policies on use of force and AFP training ([Finding 6](#), [Finding 7](#) and [Finding 9](#)). It was appropriate for officers to take the suspected offender to the ground as quickly as practicable, but it is unclear whether the takedown technique complied with current AFP approved methods ([Finding 8](#)). We found no evidence to support the view that race led to increased, heightened or more extreme uses of force ([Finding 14](#)).

Great credit is due to Jay for how he responded in what would have been a terrifying and totally confusing situation: he was completely compliant with all police instructions, despite having no understanding of why he was being arrested at gunpoint. In my view, his behaviour in response ensured that there was no further escalation, noting that police had firearms drawn in a confined space containing many people.

I consider the search of Jay, after he had been released from arrest, inappropriate as well as seemingly contrary to law ([Finding 10](#)). I believe that officers who assisted with or watched the search failed to inform themselves, resulting in the seemingly unlawful search going unchallenged ([Finding 11](#)).

Once ACT Policing had recognised their mistake that Jay was not the person they were looking for, I consider that officers failed in their responsibilities to Jay as a young Aboriginal person who had just been through a traumatic experience at their hands ([Finding 16](#)). Shaken and scared, Jay only told his family what had happened days after the incident ([Finding 18](#)).

The First Nations Liaison team was informed as soon as practicable after the incident given its current structure and resourcing ([Finding 22](#)). However, at the scene no one took or confirmed Jay's contact details and there was an unacceptable lack of effective follow-up systems and processes for contacting his family ([Finding 19](#)). Officers also did not provide passengers with a way to seek further information or support if they had concerns about the incident on the bus ([Finding 17](#)).

I consider that unconscious bias may have led to incorrect assumptions, after Jay had been released from arrest, about Jay's living situation ([Finding 20](#)).



I hold concerns that the AFP had no clearly understood definition of 'racial profiling' and, for the purposes of its PRS investigations, initially adopted a definition that may have been inconsistent with its obligations under the *Racial Discrimination Act 1975* (Cth) ([Finding 12](#)).

Finally, I am of the view that public statements by the Chief Police Officer soon after the issue became public placed emphasis on support for police in a way that, albeit unintentionally, undermined the confidence of the ACT's Aboriginal and Torres Strait Islander communities in subsequent police investigative processes ([Finding 21](#)).

Other matters

During the investigation, we reviewed incidents that were related. There are aspects of those incidents about which I have serious concerns. I have separately referred those concerns to the AFP Commissioner for her consideration and possible investigation by PRS.

Recommendations

Multiple reviews have made recommendations on how ACT Policing can improve its relationship with the ACT's First Nations communities. My Office has previously reported that senior leadership in ACT Policing has taken concrete steps to address how ACT Policing can do better.⁵ However, this incident and the community reaction to it suggest there is still a long road to travel, and much work for ACT Policing to do.

I have made **8 recommendations** that aim to assist ACT Policing to both rebuild its relationship with the ACT First Nations communities and to improve its response to dynamic situations. The AFP and ACT Policing accepted 5 recommendations in full and accepted 3 recommendations in principle.

A table setting out the AFP and ACT Policing's response to the recommendations is at **Appendix D**.

⁵ Commonwealth and ACT Ombudsman, [Actions Speak ACT Policing implementation of recommendations from our March 2021 report ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Island Community](#), 2025.



With thanks

I acknowledge the courage shown by Jay through these events, and I thank Jay and his family for trusting us with their stories.

Generations of trauma to our First Nations people and many experiences of investigations not resulting in positive change mean that trusting any government agency can be incredibly challenging.

We hope our report answers your questions, provides transparency on what happened to Jay, ensures there are learnings for ACT Policing for their ongoing engagement with First Nations community members, and may, in some small way, help with the healing.

I also thank the officers of the Australian Federal Police and ACT Policing who assisted during our investigation.

I acknowledge their members do a challenging and dangerous job protecting the Canberra community.

Iain Anderson

Commonwealth and ACT Ombudsman



Recommendations

We have made the following 8 recommendations.



Recommendation 1

ACT Policing develop clearer guidance to support officers performing the role of Alpha 8 to decide when and how to take command of a significant incident. Elements that should be covered, include:

- how the role interacts with other on-shift Inspectors
- the nature of the incident
- whether the existing Police Forward Commander (PFC) can be reasonably expected to manage the span of control
- the experience of the first responder PFC
- when to issue a Commander's Intent
- how to ensure effective communication and command clarity - both when assuming command and when exercising the discretion not to take command when attending an incident.



Recommendation 2

The AFP establish a clearly understood definition of 'racial profiling' aligned with the objectives of the *Racial Discrimination Act 1975* (Cth) and include the definition within sufficiently high level and binding governance materials, such as the *AFP Commissioner's Order 2 on Professional Standards*.



Recommendation 3

ACT Policing review its use of race as a proxy to describe a person's physical traits with a view to adopting objective descriptors.





Recommendation 4

ACT Policing develop and implement, as a priority, training with a focus on recognising and responding to trauma-based behaviours and trauma-informed policing practices.



Recommendation 5

ACT Policing establish information-sharing protocols with the Office of the Aboriginal and Torres Strait Islander Children and Young People Commissioner and other appropriate First Nations led entities. If necessary, ACT Policing liaise with the ACT Government for legislative changes to allow this information sharing.



Recommendation 6

ACT Policing continue to develop the effectiveness of the First Nations Liaison team by fostering greater internal collaboration and building the team's authority to consistently inform operational decisions.



Recommendation 7

ACT Policing consider additional resourcing for the First Nations Liaison team, in particular to facilitate after hours support.



Recommendation 8

The AFP, in particular ACT Policing and PRS, work together to develop a reporting framework that will allow for greater transparency on the handling and outcomes of complaints against ACT Policing members.

ACT Policing members

Key ACT Policing members who played a role in the incident of 11 November 2025, either during the incident or as part of its follow up, are set out in [Figure 1](#) .

We have changed their names.

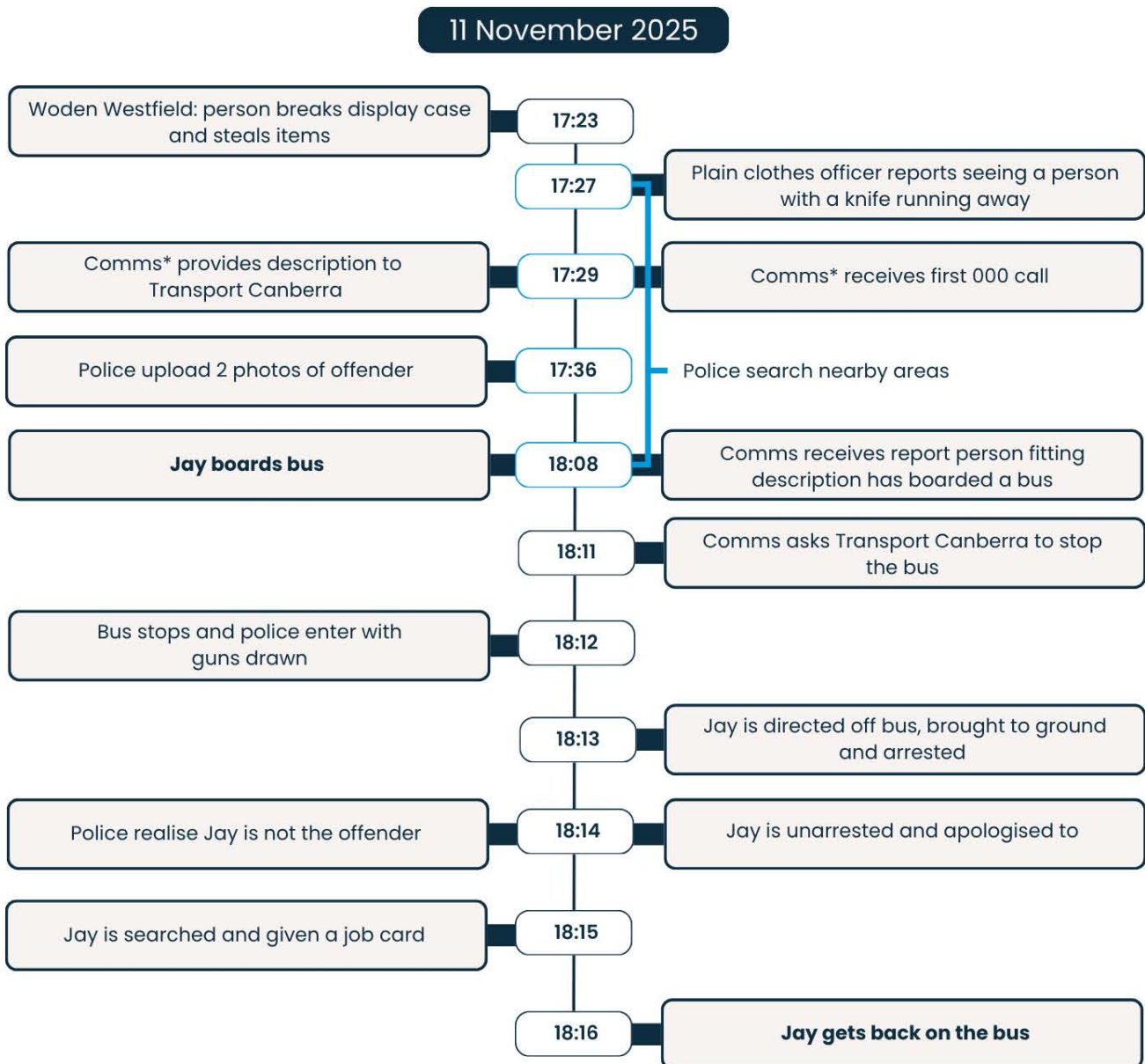
We have chosen to use pseudonyms rather than letters (for example, Inspector A, Sergeant B) to help with readability and as a reminder that this report is about people.



Figure 1 Pseudonyms used in this report for ACT Policing members involved in the incident of 11 November 2025

Timeline

Below (Figure 2) sets out a timeline for some of the key events on 11 November 2025.



*Comms is the Communication Centre

Figure 2 Timeline of the key events on 11 November 2025



Part 1. Setting the context

ACT Policing's relationship with First Nations people

ACT Policing's relationship with the ACT's First Nations communities is fragile. Over many years, multiple reports and inquiries have commented on the deep, ingrained and long history of distrust between the two and made a variety of recommendations to build a more mutually respectful relationship.⁶

In recent years, ACT Policing has been working to overcome this divide. The Chief Police Officer for the ACT states in ACT Policing's *Strategy for Engagement with First Nations People and Communities*:

*ACT Policing acknowledges the long history of poor engagement between First Nations people and police agencies – including our own. We recognise the intergenerational trauma and resulting fatigue felt by First Nations people who continue to advocate for self-determination and for a higher level of cultural literacy from a range of government bodies.*⁷

ACT Policing has also introduced a number of initiatives, including an expansion of its First Nations Liaison team, implementation of a mandatory face-to-face cultural literacy training program,⁸ a Chief Police Officer Advisory Board, and a First Nations Working Group.⁹

Nonetheless, the challenges run deep. The majority of First Nations people in Australia have had no personal engagement with the criminal justice system. However, First

⁶ See for example Commonwealth and ACT Ombudsman, [ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community](#), 2021 and Jumbunna Institute for Indigenous Education and Research, [Independent Review into the Overrepresentation of First Nations People in the ACT Criminal Justice System: Strategies and Recommendations for Reducing Aboriginal and Torres Strait Islander Over-Representation in the ACT Criminal Justice System](#), Sydney, 2025.

⁷ ACT Policing, [Strategy for Engagement with First Nations People and Communities 2023–2028](#), 2024, p 2.

⁸ ACT Ombudsman, [Actions Speak: ACT Policing implementation of recommendations from our March 2021 report ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Island Community](#), 2025, p 13.

⁹ [ACT Policing Annual Report 2024–25](#), pp 64–65.



Nations people experience contact with the criminal justice system – as both offenders and victims – at much higher rates than non-Indigenous Australians.¹⁰

In the ACT, First Nations people are over-represented in the ACT criminal justice system,¹¹ while targets to 'Close the Gap' in the justice sector remain 'not on track'.¹² Three of the 5 deaths in ACT custody in 2024–25 were First Nations people.¹³

The July 2025 independent review by the Jumbunna Institute for Indigenous Education and Research¹⁴ highlights the ongoing perceptions from the ACT's Aboriginal and Torres Strait Islander communities that First Nations people are targeted by ACT Policing and experience excessive uses of force.¹⁵

The report also raised concerns about ACT Policing's perceived lack of accountability and transparency, finding that First Nations community members are unlikely to lodge official complaints against ACT Policing because of the perception that complaints against police will 'either not be addressed and/or may potentially lead to retaliatory actions'.¹⁶

Reactions to the incident

It is against this backdrop that, on 11 November 2025, in the search for an armed offender, ACT Policing members stopped a bus and at gunpoint arrested an innocent Aboriginal young person, Jay.

¹⁰ [2.11 Contact with the Criminal Justice System, Aboriginal and Torres Strait Islander Health Performance Framework](#), Australian Institute of Health and Welfare.

¹¹ Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), July 2025.

¹² [ACT Aboriginal and Torres Strait Islander Agreement 2019–2028 Annual Impact Statement 2024–25](#), Targets 21 and 22, pp 87–91.

¹³ [Indigenous deaths in custody reach 'horrific' high | The Canberra Times | Canberra, ACT](#), December 2025; Australian Institute of Criminology, [Deaths in custody in Australia 2024–25](#), Canberra, 2025.

¹⁴ Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), July 2025.

¹⁵ Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), July 2025, p liii.

¹⁶ Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), July 2025, p liii.



When the story broke on 20 November 2025 about what happened to Jay, Jay's family and supporters stood outside the Legislative Assembly and spoke to their experience:

What happened ... was not a mistake. It was not a misunderstanding. It was a gross violation of a child's human rights.

Your officers pointed a gun at him. Your officers dragged him off a bus. Your officers slammed him onto the ground. Your officers pinned him down with their knees.

And even after realising they had the wrong boy, they still searched him – a terrified child who kept saying, 'I didn't do anything' ...

That is not policing. That is abuse.

That same day, the Chief Police Officer (CPO), standing next to the Minister for Police, Fire and Emergency Services, also spoke:

I want to make an apology to the young person ... for the misidentification, the trauma ... it has caused this young person, the impact on the young person ... his family and the broader community ...

ACT Policing officers responded to reports of an active armed offender, in possession of a knife ... who had allegedly committed an aggravated robbery ... At the same time, police ... receiv[ed] reports ... [of] a young person ... threatening members of the public with a knife ...

During the response, information was received ... that a young person matching the physical and clothing description of the alleged offender was on a bus. That bus was stopped and a young person was detained for a short period until it was confirmed he was not the alleged offender ...

I want to be clear that I have reviewed the body-worn camera of this matter from the bus. And based on that ... and the briefings I have received, I support the actions of our members in responding to a dynamic violent incident where their primary concern was the safety of the community.¹⁷

¹⁷ [Police pulling Aboriginal teenager from bus at gunpoint was 'racial profiling' family alleges](#), ABC News, 20 November 2025, embedded video.



The Minister said:

I want to acknowledge the distress experienced by the young person who was incorrectly identified as an offender during a recent police operation.

I express my sincere apologies to the young person and his family on behalf of the ACT Government.

I want to provide assurance ... that I have full confidence in ACT Policing.

*Continuing to work to build trust and relationship with parts of our community that feel vulnerable in their interactions with police is a priority for myself as Minister and for this government.*¹⁸

The CPO and Minister appeared that afternoon before the Standing Committee of Legal Affairs in its Annual Report Hearings, with questions going to the incident details, the use of race in the misidentification of Jay, the appropriateness of the uses of force, as well as systemic racism within ACT Policing.¹⁹

We opened our investigation the next morning. We wanted to understand what had happened, when it had happened and why, and to help answer the questions posed by Jay, his family, Members of the Legislative Assembly and the ACT Community.

Our focus was on systems and practice improvements that could be made, as well as lessons that could be learned.

¹⁸ [Police pulling Aboriginal teenager from bus at gunpoint was 'racial profiling' family alleges](#), ABC News, 20 November 2025, embedded video.

¹⁹ Standing Committee on Legal Affairs, Inquiry into Annual and Financial Reports 2024–25, [Transcript](#), 20 November 2025, pp 107–118 and pp 130–135.



Part 2. 11 November 2025

Searching for an armed offender

About 17:23²⁰ on Tuesday 11 November 2025, at a shop in Westfield Woden, a person broke a glass display case, grabbed items and ran away. Not long after this, Leading Senior Constable (LSC) Gum, a plain clothes officer, saw the person threatening a member of the public with a knife and attempting to steal her car.

LSC Gum took chase. He was able to provide information to one of his plain clothes colleagues, LSC Fir, and at 17:27, Fir contacted the ACT Policing Communications Centre²¹ over the radio advising 'Urgent!...We've got a [sic] Aboriginal male with a knife, black hoodie and backpack running towards the bus interchange'. A case was opened on ACT Policing's Computer Aided Dispatch system (CAD)²² and Acting Sergeant Cedar called in to attach herself to the case, as did Constables Huon and Ironwood.

At 17:29, LSC Gum radioed the Communications Centre himself and gave a more detailed description, which was captured in CAD as 'ABORIGINAL MALE, CURLY HAIR, BLACK KNIFE, BLACK NIKE BAG, ALL BLACK CLOTHING'. Also at 17:29, the Communications Centre called Transport Canberra to ask them to keep an eye out for the person of interest who had been reported last seen running towards the Woden bus interchange.

²⁰ We have compiled this chronology from the available data. We have clear timestamps for body-worn camera and CCTV footage, and for the telephone calls between the Communications Centre and third parties. We do not have timestamps for the radio transmissions between officers. CAD entries are timestamped but rely on someone entering the data, so there may be a lag between the event and the entry being made in CAD.

²¹ The ACT Policing Communications Centre is the central hub where communications in and out of ACT Policing is coordinated. The Duty Operations Manager has responsibility for smooth running of the Communications Centre. They are assisted during their shift by a Sergeant Operations. Radio dispatchers will monitor radio transmissions from members on patrol, and will dispatch jobs. Call takers receive calls from 000, 13 14 44 and Crimestoppers.

²² Computer Aided Dispatch (CAD) is the system used by ACT Policing to assist with the logging and monitoring of jobs. Members in the Communications Centre will add information into the job log. Members on patrol, if they are assigned to the job, can also access CAD through 'Mobile responder' and if need be, upload information into CAD. CAD does not allow users to edit what they have written. Due to the fast-paced environment call takers and radio dispatchers work in, the priority is to get entries logged. Shorthand or abbreviations may be used. Sometimes spelling or grammatical errors may occur.



The description ACT Policing gave to Transport Canberra was **'Aboriginal male, knife, had a hoodie and a backpack'** (our emphasis).

Triple-0 calls and descriptions from witnesses started to come into the Communications Centre. By 17:32, ACT Policing was aware of a carjacking attempt, the aggravated burglary in Westfield, that the person of interest had a knife and that ACT Ambulance Services had received a call about a potential stabbing. CAD was updated at 17:33 with the description: 'MALE IS WEARING DARL [sic] HOODIE – DARK GRAY – BLACK DARK PANTS'.

At 17:34, the injured victim of the attempted carjacking arrived at the front office of Woden Police Station. CAD captured this as 'HAD A MEMBER OF THE PUBLIC PRESENT TO THE FO²³ THAT HAS BEEN STABBED IN THE HAND BY POI²⁴'. The front office was locked down to protect members of the public who had arrived as victims or witnesses. At this time, it was unclear if police were dealing with an active armed offender²⁵ situation. An Inspector, who was off shift and about to go home, heard the radio calls and came to assist. Officers from the front office updated over the radio that the person of interest was carrying a knife at least 10 inches long, was a young male, wearing a black hoodie with a white North Face logo on the front. Two photos of the offender were uploaded to CAD at 17:36.

Multiple uniformed and plain clothes officers were assigned to the incident (up to 12 units at one point). They collected information from witnesses and searched the immediate area for the person of interest. Police talked to several members of the public, some of whom matched the description. More descriptions were circulated on CAD of the person of interest including 'NAVY BLUE HOODIE WITH WHITE WRITING [sic] BLACK SCHOOL PANTS AND SNEAKERS / AFRICAN 15-17 YEARS' and 'BLACK BACKPACK [sic] WITH WHITE STRIPE ALSO / BUZZ CUT SHORT STYLE HAIR / MAYBE 6FT'.

²³ Front office.

²⁴ Person of interest.

²⁵ The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) defines 'active armed offender' as 'an armed offender who is actively engaged in killing or attempting to kill people, and who demonstrated their intention to continue to do so while having access to additional potential victims', ANZCTC, [Active Armed Offender Guidelines for Crowded Places](#), 2026, p 4.



That evening, Acting Inspector Aspen, rostered as Alpha 8,²⁶ was in City Police Station. He became aware of the evolving incident and, at 17:39, he radioed to say that he was on his way to Woden. By this time, just 14 minutes into the incident, there were more than 120 entries in CAD, indicating the rapidly evolving situation.

While Alpha 8 was on his way to Woden, uniformed and plain clothes officers from Woden and Tuggeranong Police Stations continued to search for the person of interest, clearing nearby parks and checking the broader area. More victims of the attempted carjackings arrived at Woden Police Station and an ambulance also arrived to help the injured victim. With more information, police started coordinating crime scenes, requesting forensics and taking statements. Throughout all of this, Acting Sergeant Cedar allocated tasks and took a leadership role.

At 17:56, Alpha 8 asked if the photo could be provided to the Intelligence Response Team for possible identification of the person of interest. Not long after, Alpha 8 arrived at Woden Police Station. At 17:59, the Communications Centre called Intel about identifying the photo. At 18:05, Intel called back with a possible ID on the photo, and this information was entered into CAD at 18:11.

Stopping the bus

At 18:08, Transport Canberra (also known as ACTION) called the Communications Centre with news that 'apparently, ... transport officers ... had seen someone that fits that person's description that had boarded a bus'. This was captured in CAD as:

ACTION – BOARDED A BUS 732 – ROUTE 4 TOWARDS TUGGERANONG JUST LEFT INTERCHANGE – BLUE RIGID BUS.

At 18:09, the Communications Centre relayed the message by radio to all units attached to the job: 'Had a call from ACTION buses, stating that the POI²⁷ has boarded a bus 732 towards Tuggeranong – a blue rigid bus.'

At 18:10, Acting Sergeant Cedar asked for units to attend and, 'Can we please stop that bus?' Alpha 8 responded that he would 'head that way. And can I get other units

²⁶ The role of 'Alpha 8' is assigned to an on-duty Inspector. The role has responsibility for the strategic overview of the policing resources across Canberra and is discussed in detail in [Part 3](#).

²⁷ Person of Interest.



nominated? And I will go to Commander's Intent in a second.' This comment was not captured in CAD. Constables Huon and Ironwood were nearby and nominated themselves to attend.

At 18:11, Alpha 8 radioed the Communications Centre and asked, 'Can you just keep on the phone with ACTION? I don't want that bus to stop. I'll need 2 or 3 units with me. The POI is erratic and has a knife.' Acting Sergeant Cedar replied that she was on her way. Constables Jarrah and Karri attached themselves to the job, and LSCs Gum and Fir confirmed that they were both nearby and could assist.

Meanwhile, within the Communications Centre, one of the call takers called Transport Canberra at 18:11, and asked, 'Are we able to get the bus stopped?' The Transport Canberra official confirmed they could and relayed to the driver, 'Please stop the bus on Callum Street. Hazard lights on. Police want to stop and board your bus.' The bus slowed down and stopped at 18:12, just as Acting Sergeant Cedar advised over the radio that she was 'pulling the bus over'.

On the bus

A few minutes earlier, at 18:08, Jay, a slight 17-year-old Aboriginal youth, had boarded a bus at Woden interchange to go to Tuggeranong. He was wearing a black hoodie, black pants, white shoes, and was carrying a black Nike bag. He had waited a few minutes at the interchange and was on his way to his Aunt's house. He went straight to the back and took a seat in the corner. More than twenty other passengers also boarded the bus, varying in ages from young teenagers to seniors.

The bus left the interchange, and its route happened to loop in around the back of the Woden Police Station. As the bus was going past the station, Acting Sergeant Cedar was leaving the station and saw the bus. At that time, the driver was on the radio and was being asked to pull over.

The bus stopped at 18:12. Acting Sergeant Cedar pulled her vehicle to a stop in front of the bus, blocking it in. Separately, LSCs Fir and Gum had been following the bus and pulled their vehicles in directly behind it. Both were wearing AFP badges around their necks to identify themselves as police officers.

Acting Sergeant Cedar left her car and entered the bus from the front door, with her hand on her gun but not drawn. LSC Fir ran to the back door of the bus with his gun drawn pointing towards the ground. LSC Gum was just behind LSC Fir, also with his gun



drawn and pointing towards the ground. Acting Sergeant Cedar started moving down the bus, and yelled to the driver, 'Can you open the second door? Open the door!' Passengers on the bus appear on the body-worn camera and bus CCTV footage to be anxious and confused.

The back door opened and LSC Fir got on with his gun drawn and raised at shoulder height in both hands, which resulted in the gun being pointed at several passengers as he turned. LSC Gum stepped on the bus, also with his gun drawn, but pointed down. LSC Fir identified Jay as the person they were looking for and yelled, 'Come on mate.'

By this time, Acting Sergeant Cedar was also at the back door and started to walk past LSC Fir, towards Jay. Acting Sergeant Cedar yelled, 'Everyone behind me get off the bus.' None of the passengers moved. Their faces showed concern and confusion. At the same time, LSC Fir instructed Acting Sergeant Cedar to step back—with the intent of having Jay walk towards them. Acting Sergeant Cedar gestured with her left hand to Jay to exit the bus and said, 'Get off!' She also drew her gun while stepping back. She started to raise the gun then lowered it as LSC Fir stepped in front of her.

Jay can be seen in the footage standing up and walking towards the officers. LSC Fir aimed his gun at Jay's torso and instructed Jay to put his hands on his head, which Jay did. LSC Gum got off the bus, followed by Jay in front of LSC Fir, who held the top of Jay's jumper at the right shoulder. As Jay stepped off the bus, LSC Fir was behind him and then tripped Jay, who fell face-forward to the ground, but was able to get his hands in front of himself to break his fall. LSC Fir placed his knee on Jay's back. Acting Sergeant Cedar holstered her gun as she got off the bus and moved to assist in the arrest.

The arrest

Meanwhile, Alpha 8 and Constables Huon and Ironwood had arrived at the scene. As Jay and LSC Fir were stepping off the bus, Alpha 8 was near the back door of the bus. He was next to LSC Fir, when Jay was taken to the ground. Constable Huon had drawn her taser and was standing back.

Acting Sergeant Cedar knelt beside Jay and moved Jay's left arm behind his back. LSC Fir stood up and stepped away from Jay. LSCs Fir and Gum both holstered their weapons. Jay asked, 'What did I do?' and Acting Sergeant Cedar said, 'You are currently under arrest for aggravated robbery.'



Constable Huon took Jay's right arm and placed it behind his back, her knee was on his buttock and upper thigh. Constable Ironwood held his legs. Acting Sergeant Cedar started putting handcuffs on Jay, while Constable Huon stated 'Our body-worn cameras are on. You do not have to say or do anything, but anything you say or do may be used in evidence. Do you understand?'

Jay was still face down on the ground and replied, 'I've done nothing.' Constable Huon continued, 'You have the right to a friend, and a lawyer at the watch house. Do you have any knives on you?' Jay replied, 'No, I'm just going to my Aunty's house.' Constable Huon asked again, 'Do you have a knife on you?' and Jay replied, 'No, I don't. You can search me.' Acting Sergeant Cedar took Jay's bag off him and threw it to the side.

The realisation

While Acting Sergeant Cedar, and Constables Huon and Ironwood were arresting and handcuffing Jay, Constables Jarrah and Karri arrived at the scene. They paused for a moment, near the arrest, then walked towards the rear doors of the bus. They entered the bus and Constable Jarrah briefly checked with passengers: 'Everyone all good on the bus? All good? Has anyone been assaulted or had a knife pointed at them? No?' When the passengers indicated they had not, Constables Jarrah and Karri exited the bus and stood a bit back from where Jay was on the ground.

After LSC Gum holstered his gun, he turned back towards Jay, who was still being held on his stomach on the ground. He quickly realised that something was not quite right. Of the officers at the scene, he was the only one who had seen the offender in person. Jay's hood was over his head, and his face was not visible. LSC Gum asked that the hood be lifted, which Alpha 8 did. LSCs Gum and Fir had a quick discussion, then LSC Fir walked back towards where Jay was still on the ground and said to the other officers, 'Help him up, help him up.' Acting Sergeant Cedar and Constable Huon helped Jay to roll, as Acting Sergeant Cedar told Jay, 'We're gonna stand you up and give you a search. Do you understand?' Jay agreed. Acting Sergeant Cedar and Constable Huon helped Jay to his feet.

LSC Gum and Alpha 8 walked further away and checked the photo that had been uploaded into CAD earlier and confirmed it was not Jay. They had the wrong person.

Alpha 8 walked back towards Acting Sergeant Cedar, who was standing next to Jay. Alpha 8 showed her the photo of the offender on his phone, while shaking his head.



Constable Ironwood can be heard saying, 'It's not him.' Jay appears to have seen the photo as well and said, 'It's not me. I told you that. [I'm] going to my Aunty's house.' Constable Huon said, 'I'm so sorry.' Acting Sergeant Cedar started to remove the handcuffs from Jay. LSC Fir placed a hand on Jay's shoulder and said, 'Sorry mate. I'm sorry. We got bad intel. Alright?' Constable Huon said, 'I'm so sorry, I'm so sorry, you've got the exact same outfit.' Jay asked if the handcuffs could be taken off, 'It's hurting me' and Constable Huon replied, 'Yeah, we will take them off right now, OK?' and helped with removing the handcuffs, apologising again.

Constable Karri had moved closer to the group of officers with Jay while Alpha 8 showed the photo. He returned to where Constable Jarrah was standing, shaking his head, saying 'It's not our guy.'

Alpha 8 got on the front of the bus and on CCTV footage can be seen talking to the bus driver and the passengers, but we do not have audio as his body-worn camera was not recording.²⁸

The search

While Jay was being unarrested, Constable Jarrah spoke to Constable Karri who was standing next to him, 'I know this guy. His name's [redacted]. He's a 17-year-old.' At that moment, LSC Fir walked back towards Constables Jarrah and Karri and said, 'It's not him.' Constable Jarrah pointed at Jay's bag on the ground and asked LSCs Gum and Fir who were nearby, 'Hey, has that [the bag] been searched?' They indicated it had not.

Constable Jarrah then moved closer to Jay and called out to Constable Huon, 'I've arrested him a couple days ago for a knife in a public space. Just FYI.' (Constable Jarrah was referring to an incident at Halloween, when Jay had been carrying a large

²⁸ Two uniformed officers (Alpha 8 and Constable Karri) did not have their body-worn cameras activated during key engagements with members of the public. Our Office has previously recommended that ACT Policing update its guidance on body-worn camera obligations to remove guidance about switching cameras to mute, and to establish improved mechanisms for ensuring effective internal oversight of body-worn camera compliance (Recommendations 9 and 10, [Use of Force by ACT Policing: More to do to lessen the harm](#), June 2025). We reiterate the importance of those earlier recommendations, and ACT Policing's obligations to ensure it is complying with the [Crimes \(Surveillance Devices\) Act 2010](#) and [Crimes \(Surveillance Devices\) Body-worn Cameras Guidelines 2022](#).



costume knife and also had a pocketknife in his bag. Jay was searched at the time but was not arrested. We discuss this further at [Part 6.](#))

When Constable Huon did not seem to hear him, Constable Jarrah repeated, 'I've arrested him a couple days ago for a knife in a public space.' And then to Jay, 'Do you remember me mate?', to which Jay replied, 'Yeah, on Halloween night.' Constable Jarrah was starting to put on surgical gloves. Jay was wiping grass off the front of his clothes, lifted his arms briefly and said, 'You can search.' Constable Huon asked Constable Jarrah, 'Do you want to search him?' and Constable Jarrah said, 'Yes.'

Constable Jarrah approached Jay and said, 'Righto mate, I'm just going to quickly conduct a search on you and your bag, alright.' Jay cooperated fully with the search. He pulled out his pockets when asked. Constable Huon said, 'I'm just going to hold your arm' and lifted Jay's left arm up. Constable Jarrah patted him down and then picked up the bag and started going through the items. Constable Huon let go of Jay's arm and walked a few steps away. Jay answered Constable Jarrah's questions about what was in the bag, 'It's just my drink.' Constable Jarrah asked, 'No knife or anything in it this time?' Jay shook his head no, and Constable Karri responded, 'Good stuff man, that's what I like to hear.' Jay said, 'I was telling the truth. I was just.' Constable Jarrah said 'Nah, I appreciate that mate' and continued the search.

At that point, Constable Huon approached Jay from behind while the search was still happening and said, 'What we'll do is we'll give you a job card just 'cause you were involved in this. Unfortunately, we got the wrong person. Really sorry.' Constable Ironwood then filled in the card, and Constable Huon handed it to Jay saying, 'Here's the job card, which just has the number of the incident, in case you need to call Comms²⁹ or anything. Thank you for being good with us.' Constables Huon and Ironwood then left the scene.

Constable Jarrah was still conducting the search of Jay's bag. Jay explained what the items in his bag were, as Constable Jarrah pulled each out and held it up. LSC Fir was standing nearby waiting and said to Jay, 'Sorry mate.' Jay said, 'That's alright.' Constable Jarrah continued the search and held up a key: 'What's this then?' Jay replied, 'That's my house key.'

²⁹ The Communications Centre.



LSC Fir asked Jay if he wanted to get back on the bus. Jay replied, 'Yeah.' LSC Fir headed to the bus driver to let him know. Constable Jarrah finished the search, zipped up the bag, handed it back to Jay, said, 'You're alright mate', patted him on the back and then Constables Jarrah and Karri also started to leave the scene as Jay walked back to the bus.

Earlier, when she had removed the handcuffs from Jay, Acting Sergeant Cedar had walked away from the search to tell the bus driver that she would move her car, which was blocking the bus in. She returned briefly to check with Constables Huon, Ironwood and Karri about the other car that was also blocking the bus.

By the time Acting Sergeant Cedar had moved her car at 18:15, and was returning to where Jay had been, Alpha 8 was walking towards her and his car (that had to be moved for the bus to leave). Alpha 8 said: 'We'll just let him jump back on the bus and the bus can go.'

At 18:16, Jay got back on the bus and continued his journey. The police continued their search for the offender.



Part 3. Command and control

Incident Command and Control System

From the moment that LSC Gum first called in the incident, the situation on 11 November 2025 was dynamic and fast evolving. Police were focussed on the urgent need to find and apprehend an offender with a knife who had injured a person. Their priority was on protecting the public. Circumstances were fluid, with multiple incidents, multiple crime scenes, multiple victims and many witnesses approaching police on the street, calling 000 or appearing at Woden Police Station. ACT Policing's effective coordination of its people and other resources across all the moving parts during such an incident was essential to delivering a safe and efficient outcome.

ACT Policing is a hierarchical organisation, with clear lines of responsibility based on officer rank. Sworn members are supported by unsworn professional members who perform administrative and corporate functions, as well as specialist roles to support operational functions, such as call takers, radio operators and intelligence officers. Within officer ranks, there are some defined roles that carry tactical, operational, strategic and executive management responsibilities (Figure 3).

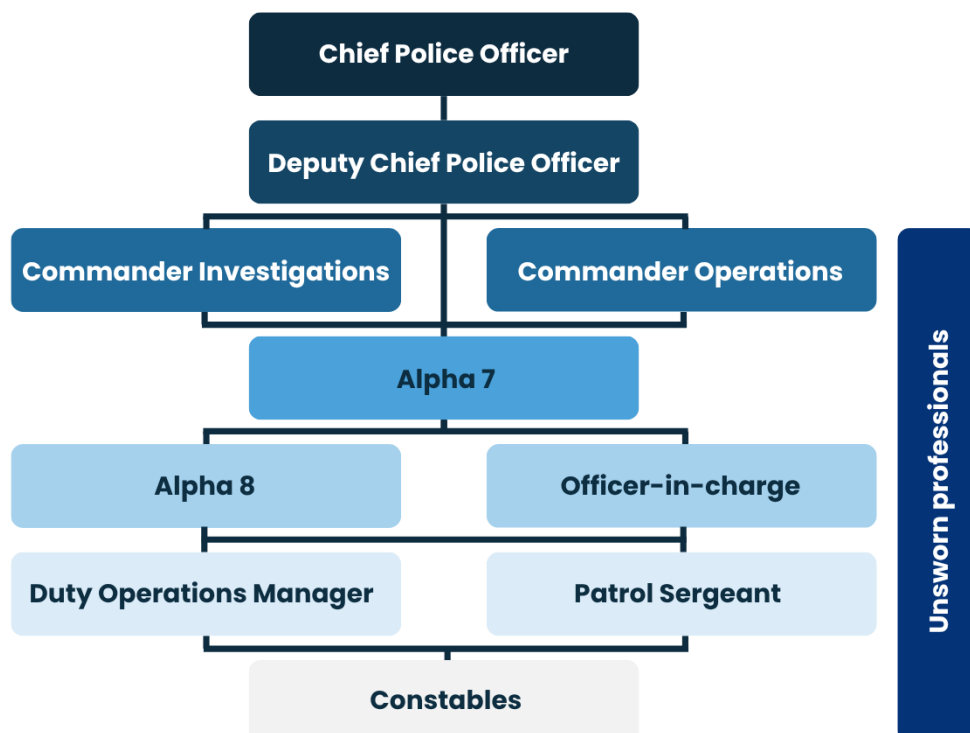


Figure 3 ACT Policing operational and strategic management roles

The *Better Practice Guide on ACT Policing – Incident Command and Control Guidelines* (the ICC Guidelines) sets out the framework that establishes the foundations and principles of effective command and control within ACT Policing. They are based on the Australia New Zealand Policing Advisory Agency's [A Common Approach to Incident Management ICCS Plus](#) (ICCS Plus) and the UK's [Joint Emergency Services Interoperability Principles](#). The ICCS Plus framework provides a series of overarching principles and functions that are considered by police in responding to an incident irrespective of its size, complexity or the individual's rank or designated responsibility. The principles include safety, logistics, investigation, intelligence, recovery, planning, public information, operations and communication.³⁰

The ICC Guidelines state that 'Command and Control'

requires taking charge, establishing intent, deciding actions and providing leadership for the response and resolution of the incident.

Further,

[d]uring un-planned police responses, in particular high-risk situations, the quick identification of a Police Forward Commander [PFC] is important as the nature of the incident becomes clearer. This often means that it is common for a relatively junior police member to take the command and control role as the PFC at a scene until a more senior or experienced member arrives.

The Police Forward Commander is responsible for 'the field (operational and tactical) command of police resources' in response to an incident, while the Police Commander has 'overall strategic command of police resources' and provides direction, oversight and support to the Police Forward Commander.

In addition, the *Better Practice Guide on Duty Operations Manager (DOM), Alpha 8 and Alpha 7 roles* sets out the expectations and responsibilities for those 3 roles. The DOM is required to manage resources across the ACT in support of ACT Policing Operations. They do this in accordance with dispatch protocols to ensure effective control of first-

³⁰ Australia New Zealand Policing Advisory Agency, [A Common Approach to Incident Management ICCS Plus](#), p 13.



response resources and providing tactical support, advice and assistance to first responders, Police Forward Commanders and other internal and external stakeholders.

The role of Alpha 8 is to take a strategic overview of the policing resources across Canberra. When it comes to their role in an evolving incident:

*When attending a Police Forward Command Post (PFCP), A8 should make an assessment of the police response to the incident. If A8 decides their presence is required at the PFCP **they should take command from the first response PFC.** However, **depending on the circumstances they may decide instead to support** the first response PFC (e.g. the situation may be negatively interrupted if there is a change in command). The decision to take control of a PFCP must be made by A8, who may consult with the A7. If this occurs, the decision will be communicated to the DOM and all attending police. [our emphasis]*

Alpha 7 provides strategic or operational guidance to Alpha 8 and briefings to the senior ACT Policing Executive.

The ICC Guidelines acknowledge that no two incidents are the same and ACT Policing officers, at all levels when performing a command role, need to demonstrate agile and flexible decision-making in response to each situation as it unfolds. It notes that sometimes command structures may need to be adjusted to better allow situational awareness and timely critical decision-making.

Who had command?

On 11 November 2025, the primary focus of police was very quickly established as locating and containing the armed offender before any further harm could be inflicted.

Acting Sergeant Cedar attached herself to the incident following the radio communication about an offender with a knife. As the Patrol Sergeant, she is assumed to have command of the incident in her assigned patrol district, once allocated by the DOM. In radio transmissions, she can be heard taking command as she joined efforts to look for the offender. She coordinated resources and outlined a tactical search plan, prioritising the bus interchange and then sweeping in a direction based on the last known sighting. She also confirmed coordination with external stakeholders, including Transport Canberra and Westfield Security.



Acting Sergeant Cedar was not alone in her efforts. Her direct supervisor provided support during the incident. Also, Acting Inspector Aspen, performing the role of Alpha 8, had viewed the case within 7 minutes of it being opened and, within another 5 minutes, radioed in to attach himself to the job and say he was on his way to Woden. While driving, Alpha 8 also gave some directions over the radio.

At this point, Acting Sergeant Cedar had the most situational awareness of those on the ground and assessed the incident as being sufficiently serious and complex to contact the Criminal Investigations Reception Officer (CIRO), with a view to handing the job over to ACT Policing's Criminal Investigations (CI). The process in the *Better Practice Guide on Criminal Investigations Response and Notification* for handing over carriage of a matter is described as follows:

Once all relevant issues have been assessed, the Patrol team leader will contact CIRO directly to request assistance, advice or to hand over carriage of a matter to CI. It will be the CIRO's decision as to whether a matter is to remain at Patrol level or transferred to CI for investigation.

Acting Sergeant Cedar was advised to get all the information together to give the CIRO a full briefing so they could come up with a plan. She returned to Woden Police Station by which time Alpha 8 had arrived. He had been speaking to officers to establish what had already happened and to understand the situation.

Soon after this, the call about the alleged offender being on the bus came over the radio. Alpha 8's reaction was to immediately leave the station, get in his car and head in the direction of the bus. Similarly, Acting Sergeant Cedar left to get in a car and head out. Both made radio calls to the Communications Centre in quick succession:

Acting Sergeant Cedar. *Can we please have units, and can we stop that bus?*

Alpha 8: *I'm going to head that way. Can we get another unit nominated? And I'll go to the Commander's Intent³¹ in a second.*

³¹ The *Better Practice Guide on ACT Policing – Incident Command and Control Guidelines* describes a 'Commander's Intent' as 'a clear and concise directive, verbal or written, that outlines the basic purpose of any given operation. It... is the unifying factor for focusing subordinates on what is to be accomplished...to resolve the incident.'



Alpha 8: *Can you just keep on the phone with ACTION, I don't want that bus to stop. I'll need 2-3 units with me as the POI is erratic with a knife.*

Acting Sergeant Cedar: *I'm on the way.*

As it happened, Alpha 8 had departed ahead of the bus, while Acting Sergeant Cedar pulled out just behind the bus, in prime position to pull it over. As described in [Part 2](#), Acting Sergeant Cedar checked she had other units in support and, when the plain clothes officers confirmed they were right behind her, she pulled the bus over, although it was already coming to a stop due to the call taker having facilitated this directly with Transport Canberra (discussed [Part 4](#)). Alpha 8 doubled back. He arrived at the back door of the bus just as Jay was being taken off the bus.

Throughout the initial stages of the incident and through pulling the bus over, boarding the bus and arresting Jay, Acting Sergeant Cedar considered herself in command. When she became aware that Alpha 8 was on the scene her view changed and she deferred to him as she thought he had command.

Acting Sergeant Cedar considered herself to be in command of the incident until she saw Alpha 8 at the scene.

In contrast, despite being the Duty Inspector and the senior officer at the scene, and having foreshadowed issuing a Commander's Intent followed by instructions that could have constituted a Commander's Intent, Alpha 8 did **not** consider himself in command. He considered he needed to be properly briefed before assuming command and that his job was to provide oversight and support to Acting Sergeant Cedar, who he considered had operational command of the job.

Alpha 8 did not consider himself to be in command.

While Alpha 8 maintains he did not attempt to assume command, his actions implied differently. He made multiple calls over the radio. After Acting Sergeant Cedar asked if the bus could be stopped, he directly contradicted her, saying 'I don't want that bus to stop' and also '**I'll** need 2-3 units with **me**.' [our emphasis] Further, from the time he arrived at the bus scene, Alpha 8 made all of the radio calls, provided updates and gave directions to other units. He did not check in with Acting Sergeant Cedar at any



point to find out what was happening, ask how he could provide support, nor to clarify command arrangements.

To Alpha 8 these were the actions of a Duty Inspector providing operational guidance and leadership. However, in addition to Acting Sergeant Cedar, other officers can also be seen deferring to Alpha 8. Only one officer thought Acting Sergeant Cedar was still in charge and that was one of the least experienced officers. The rest assumed that Alpha 8 was in command or were unsure. Another Inspector also considered that Alpha 8 took command when he arrived at Woden, as he was the Duty Inspector.:

Alpha 8's actions gave the impression to most of the officers at the scene that he had assumed command.



Finding 1

There was a lack of clear communication about who had command of the incident.

Who should have had command?

The AFP School of Command was invited by PRS to provide expert analysis and an assessment of how command and control principles were applied in the incident. We have reviewed the detailed analysis and assessments provided.

The School of Command noted that:

[Acting Sergeant Cedar] possessed command authority to establish a [Police Forward Command Post] and thereby assert clear command, improve coordination, and structure the deployment of available resources. Despite this, the option was not exercised ...

Further,



[M]anaging such a wide span of control³² presents inherent challenges for a Patrol Zone Supervisor, particularly in a dynamic and potentially high-risk environment ... This raises the question of whether Alpha 8 should have assumed command to ensure effective coordination and operational level command oversight ...

Within the AFP, there is currently no formal governance or policy defining the optimal span of control that an AFP appointee can or should manage during incidents.

From this analysis, Alpha 8 had the discretion to either support Acting Sergeant Cedar as the first response Police Forward Commander or, if he deemed circumstances warranted it, to explicitly assume command.

We understand that there are 2 schools of thought on the role of Alpha 8: some consider that Alpha 8 should attend any significant incidents (or at least incidents after hours), whereas others do not. We further understand that there has been some consideration of re-writing the Alpha 8 guidance, and discussion among Inspectors about clarifying when Alpha 8 should take command.

There is ambiguity in the guidance about the role of Alpha 8 and when they should take command, and no guidance defining the optimal span of control for an AFP appointee during incidents.

Ultimately, we do not consider it our role to determine whether Alpha 8 or Acting Sergeant Cedar should have assumed command. However, we consider it imperative that **someone** should have **and** clearly communicated this. It appears to us that Alpha 8 did attempt to deliver a Commander's Intent, but it was not formally acknowledged by other officers and then circumstances overtook it. We consider that the ambiguity in the Alpha 8 Guidelines and different perspectives on the role contributed to the uncertainty.

³² School of Command defines *span of control* as the number of functions and resources that can be managed by one individual without overwhelming their capacity.





Recommendation 1

ACT Policing develop clearer guidance to support officers performing the role of Alpha 8 to decide when and how to take command of a significant incident. Elements that should be covered, include:

- how the role interacts with other on-shift Inspectors
- the nature of the incident
- whether the existing Police Forward Commander (PFC) can be reasonably expected to manage the span of control
- the experience of the first responder PFC
- when to issue a Commander's Intent
- how to ensure effective communication and command clarity – both when assuming command and when exercising the discretion not to take command when attending an incident.

Each person's perception of who had command impacted their decisions and their actions in the fast-moving environment. In our view, critical moments on 11 November, including decisions to stop the bus, search Jay, and respond to mistakes, were impacted by the lack of clarity about who was in command. We discuss each of these in more detail below.



Part 4. Stopping the bus

Initial threat assessment

Both Acting Sergeant Cedar and Alpha 8 reacted to the report of the alleged offender being on a bus by rushing to leave the station. It appears neither paused to assess the available information and intelligence, nor to form a threat assessment.

The *ICC Guidelines* state:

A threat assessment refers to the analysis of potential or actual harm to people or property, the probability of it occurring, and the consequences or impact should it occur. It is also a key function of a commander ...

The ability to describe your appreciation and threat assessment process is an important component for commanding an incident, given the risk of injury to police members and the need to justify use-of-force options.

Alpha 8 and Acting Sergeant Cedar did not discuss with each other their intentions, although Alpha 8 indicated over the radio that he would provide a Commander's Intent 'in a second'. We consider this could have been reasonably taken by others to be a declaration that he was taking command or would shortly announce that he would do so.

Acting Sergeant Cedar's mindset was that the person of interest was on the bus, had a knife and had access to more victims. Her priority was to detain the person of interest and felt it was necessary to immediately enter the bus rather than wait for specialist resources.

Alpha 8 took the view that stopping the bus was a routine part of the daily duties of a patrol sergeant. He considered that police had to investigate if the person of interest was on the bus to rule out the option that someone on the bus might pose a threat to public safety. He also did not consider specialist resources were necessary at that time.

Commissioner's Order No.3 on Operational Safety (CO3) and the AFP's *Use of Force Model and Operational Safety Principles* recognise the importance of 'evaluation' as 'prior intelligence gathering and evaluation may reduce the need for later use of force'. A key step in evaluating the situation is to 'conduct a risk assessment'. The Police



Forward Commander training also emphasises the need for commanders to 'Take a deep breath – 'hands in pocket' moment' and exercise situational awareness before deciding how to respond to an incident.

With the new information identifying the alleged offender as being on the bus, Acting Sergeant Cedar and Alpha 8 acted with urgency and prioritised containing the potential risk posed to public safety by pursuing the bus. While the person of interest was no longer an 'active armed offender', the officers still believed the offender to be armed and potentially dangerous.

In responding to information that the alleged offender was on a bus, officers acted with urgency and did not pause to review uploaded photos, refresh their understandings of what the suspect was described as wearing, nor checked CAD for any other new information they may have missed.

Who stopped the bus?

One of the consequences of a lack of clarity as to who was in command is a lack of clarity as to who ordered the bus to be stopped. It was Transport Canberra's call to ACT Policing at 18:08 that triggered the chain of events that led to the stopping of the bus.

Transport Canberra clearly stated in the call that a person 'matching' the description was on the bus. However, the information was transcribed by the call taker into CAD as 'BOARDED A BUS' and relayed over the radio by the Communications Centre as '**the POI has** boarded a bus'. [our emphasis]

*An error in transcription meant Transport Canberra's tip-off that a 'person matching the description' had boarded a bus was broadcast to officers as '**the POI has** boarded a bus'.*

The error in transcription and in relaying the message culminated in a greater certainty among the officers involved in the search that the person on the bus **must** be the person they were looking for. Indeed, officers spoke to their certainty that it was the



alleged offender on the bus and, if so, this represented a serious, high-risk situation that required immediate and decisive action.

However, collectively ACT Policing held information that left room for some doubt, including the vagueness of the description that had been provided to Transport Canberra, the fact the tip off was from Transport Canberra, and that there had been no other sightings of the alleged offender for more than half an hour.



Finding 2

The cumulative impact of delays and misinformation meant that officers were more certain that the person of interest was on the bus than they otherwise may have been, given that ACT Policing collectively did hold other information that left room for some doubt.

When Acting Sergeant Cedar said over the radio 'Can we please stop that bus', Alpha 8 responded, 'I **don't** want that bus to stop'. [our emphasis] Despite this, not long after Acting Sergeant Cedar advised that she was 'pulling the bus over'.

However, this was not the only miscommunication or misunderstanding in those few minutes. In ACT Policing's Communications Centre, Sergeant Elm had just come on duty as the Duty Operations Manager (DOM). The atmosphere in the Communications Centre was heightened, and a bit chaotic, with more people in the room thanks to shift change over, and the high number of calls coming in and being coordinated. It was then that the call taker called Transport Canberra to request the bus be stopped.

Our understanding is that a call taker would not have been listening in to the radio, and would only have made that call if directed to. It remains unclear who gave that direction. The call taker could not recall, but suggested it was most likely the DOM.

Sergeant Elm also could not recall the specifics of that evening, but conceded it might have been him or possibly the radio operator. The radio operator also had no recollection of having given such a direction.

It is not unexpected that the routine delegation of a task within the Communications Centre during a high-volume incident cannot be clearly recalled months later. Nonetheless, the CAD and phone logs indicate several appointees were liaising with Transport Canberra about stopping the bus.



While presumably done with the intention of assisting police at the scene, the call meant the bus was stopping **before** Acting Sergeant Cedar felt she was pulling the bus over, before she activated her lights, and perhaps before she and her colleagues were properly ready to do so.

The Communications Centre liaised with Transport Canberra to stop the bus before an order was given by either Acting Sergeant Cedar or Alpha 8 to stop the bus.

We are concerned that the interception of the bus was not a coordinated plan and this could have potentially increased the risk to officers and passengers if this had been a worst-case scenario. Alpha 8 and Acting Sergeant Cedar both rushed to follow the bus separately without coordinating with each other. Alpha 8 did not want the bus stopped while it was unclear if they had the necessary units in support. Meanwhile, Acting Sergeant Cedar was following through with her intent to pull the bus over and was checking she had units with her. At the same time, the Communications Centre took steps to stop the bus without communicating that over the radio to the officers who were driving and unable to check the CAD.

Ultimately, Acting Sergeant Cedar pulled over the bus, but only after it was already stopping. Given the concerns all officers expressed about the risks that the suspect could behave erratically and violently, an uncoordinated interception had the potential to turn out badly.



Finding 3

The lack of clear command and failures in communication meant the decision to stop the bus was not well coordinated.

Officers were responding to an evolving situation. Stopping the bus was one possible response to the identified public safety threat, which was reasonable and appropriate in the circumstances. However, the School of Command identified there were operational alternatives to stopping the bus available with a 'focus on maintaining control of the environment rather than rushing into immediate contact'. ACT Policing could have considered following the bus with the intention of only intercepting the



person of interest when they got off the bus, or if an alert was raised by the bus driver or other passengers. We know that at least one officer assumed this is what was occurring, as LSC Gum responded to the call about the person of interest on the bus because of his proximity and thinking that he could help surveil and follow the bus.

The School of Command reflected on the decision to stop the bus:

Considering the significant number of resources allocated to the incident, it is reasonable to ask whether a more deliberate and coordinated plan could have been implemented. Specifically, could the deployment of resources through structured planning and tasking have mitigated the need for appointees to approach the first interaction with firearms drawn? This consideration underscores the importance of balancing operational urgency with tactical planning to reduce risk to both officers and the community, while maintaining compliance with AFP's low-risk tolerance policy.

The School of Command also noted the time between the original reports received at 17:27 and the tactical decision to intercept the bus at 18:12 and questioned whether consideration had been given to the possibility the suspect may have already departed the area, and whether 'a more measured, intelligence-driven approach could have been adopted'.



Finding 4

There were alternatives to stopping the bus that were not explored.

Missed opportunities

Delays in identifying the photo

Woden Police Station front office staff had first uploaded photos of the person of interest at 17:36. It was at 17:56 that Alpha 8 requested the photo be provided to the Intelligence Response Team (IRT) for possible identification. A possible ID was received at 18:05 and entered into CAD 6 minutes later at 18:11, but the name and address were not broadcast over the radio until after the bus had been stopped.



We acknowledge the foresight of Alpha 8 in initiating this step. However, the 20-minute delay between the photo being uploaded and it being sent for identification meant the responding officers lacked what could have been important intelligence that may have helped direct their search for the offender. Had the name and address information about the person of interest been broadcast over the radio at 18:05 when it was first received, that may have also influenced Alpha 8's and Acting Sergeant Cedar's risk assessments and decisions.

The delay in communicating information left those with command responsibilities in an information deficit.

Failure to update description

Further, the description that was being circulated by ACT Policing was broad. During their search, the police stopped and talked to other people who matched the description. The vagueness of the description also concerned one officer in the Woden front office enough for them to state over the radio that 'if you see another young Indigenous male wearing shorts, then that is [redacted]. He has just come in to sign in, and it's not him.'

The description that had been provided to Transport Canberra at 17:29 was even more broad than the one the police had: 'Aboriginal male, knife, had a hoodie and a backpack'. It does not appear this description to Transport Canberra was ever updated, even though at nearly the same time as they had first advised Transport Canberra, the Communications Centre had LSC Gum's detailed description with more information and by 17:36 a photo had been uploaded to CAD, with clear information about clothing colour, markings and likely age.

An updated description was not provided to Transport Canberra.



Finding 5

As the incident unfolded, there were missed opportunities to get an earlier identification of the offender and to provide a more accurate description to Transport Canberra.

We recognise ACT Policing was operating in a challenging, rapidly changing environment. Nonetheless, it is important to reflect on missed opportunities and to consider if changes can be made to assist officers to have access to the most up-to-date information as possible to support them in future dynamic operations.



Part 5. Uses of force

A note on our assessment of use of force

Jay was innocent, mistakenly arrested and subjected to the use of potentially lethal force. It was clearly a shocking and traumatic experience, and we discuss the direct and indirect impact on Jay and his family in [Part 8](#) and [Part 9](#).

However, our focus in this part is on the actions of officers Acting Sergeant Cedar and LSCs Fir and Gum who entered the bus with the belief that the offender was on the bus, had been involved in an aggravated robbery, was armed and behaving erratically; as well as Constable Huon who was supporting them. Our assessment focuses on whether the force was reasonable, necessary and proportionate **given the decision had been taken to board the bus**.

Policy framework

Types of force used

During the incident on 11 November 2025, there were 4 actions that, under the *AFP Commissioner's Order No.3 on Operational Safety (CO3)*, are considered 'uses of force':

- the use of guns by Acting Sergeant Cedar, LSC Fir and LSC Gum
- Constable Huon's drawing of her taser
- LSC Fir's 'takedown' of Jay
- Acting Sergeant Cedar and Constable Huon's handcuffing of Jay.

We have considered each of these uses of force separately and in detail. We analysed available body-worn camera footage from officers present at the incident, bus CCTV footage, police radio transmissions, the CAD log, and the use of force case note entries. We also met with members from the Operational Safety Training (OST) team responsible for reviewing the incident, reviewed relevant training and governance documents and listened to testimony.



Reasonable, necessary and proportionate

Any application of force by ACT Policing officers in the course of their duties must be lawful and in accordance with CO3. The 'general use of force policy' in CO3 describes when force may be used by AFP appointees, including ACT Policing:

AFP appointees may use force in the course of their operational duties for a range of purposes, including:

- *defending themselves or another person*
- *protecting property from unlawful appropriation, damage or interference*
- *preventing criminal trespass to any land or premises*
- *effecting an arrest*
- *where authorised by a law.*

CO3 emphasises that any use of force must be **reasonable, necessary, and proportionate** to the threat or resistance offered. It defines reasonable and excessive force as:

Reasonable force *is the minimum force necessary and reasonable in the circumstances of a particular incident.*

Excessive force *means force beyond that which is considered reasonably necessary in the circumstances of any particular incident, including:*

- *any force when none is needed*
- *more force than is needed*
- *any force or level of force continuing after the necessity for it has ended.*

The AFP's Use of Force Model and Operational Safety Principles emphasise communication, the need for AFP appointees to assess and reassess the situation and that the primary consideration of officers must be the safety of all persons involved.

In CO3, the principles of negotiation and conflict de-escalation must be considered by officers prior to using physical force.



Our Office has previously written on ACT Policing's use of force³³ and made 13 recommendations to strengthen and promote continuous improvement. We found that:

*Officers confident in communication and negotiation techniques can defuse tension, reduce aggression and promote peaceful resolutions.*³⁴

And:

*Effective communication is integral to ensuring public safety, maintaining order, and building trust within communities. However, communication as the sole means of de-escalation and negotiation may not be effective in all situations. Nonetheless, officers must strive to use only the minimum force necessary in resolving incidents.*³⁵

Use of lethal force

Under CO3, the use of a firearm is considered a lethal force option. CO3 defines the 'use' of a firearm as 'drawing, aiming or discharging' the firearm.

CO3 describes the use of lethal force policy:

*Lethal force is an **option of last resort** and should only be used if an AFP appointee believes the conduct is **reasonably necessary** in the following circumstances:*

- *in self-defence from the imminent threat of death or serious injury*
- *in defence of others against whom there is an imminent threat of death or serious injury*
- *only when less extreme means are insufficient to achieve these objectives.*

³³ Commonwealth and ACT Ombudsman, [Use of Force by ACT Policing: More to do to lessen the harm](#), 2025.

³⁴ Commonwealth and ACT Ombudsman, [Use of Force by ACT Policing: More to do to lessen the harm](#), 2025, p 24.

³⁵ Commonwealth and ACT Ombudsman, [Use of Force by ACT Policing: More to do to lessen the harm](#), 2025, p 24.



An AFP appointee who considers using lethal force to be reasonably necessary must:

- *act appropriately and in proportion to the seriousness of the circumstances*
- *minimise damage or injury to other people with a view to preserving human life.*³⁶ [our emphasis]

The AFP's OST specialists said:

*In the case of both the firearm and taser, the decision to use the accoutrement³⁷ is dependent on whether the individual member has **reasonable grounds to believe** the use is necessary at the time. This is the belief of the individual member at the time based on the information available to them. [their emphasis]*

Responding to edged weapons

Under CO3, all ACT Policing officers undertake use of force training as recruits and then must pass an annual 3-day Operational Safety Assessment to remain qualified to use force in their operational duties. Members are trained that a knife or edged weapon must be treated as a potentially lethal threat:

*In terms of use-of-force training, and certainly when I have done my re-certifications, anything within seven metres of an edged weapon is extremely dangerous and the reaction time is actually slower than you would think.*³⁸

Police are taught to be prepared with a weapon drawn and in the 'high ready' position.

³⁶ Commissioner's Order No.3 on Operational Safety (CO3), section 3.13-3.14.

³⁷ 'Accoutrement' is a term used by AFP to describe any item of equipment on the AFP Authorised Equipment Register including batons, handcuffs and other restraints, chemical agents, pepper spray canisters, shields, ballistic vests, holsters, official firearms and firearm accessories, tasers, weapons and munitions.

³⁸ Standing Committee on Legal Affairs, Inquiry into Annual and Financial Reports 2024-25, [Transcript](#), 20 November 2025, p 129.



Use of guns

One of the significant aspects of the 11 November incident was that officers boarded the bus with their firearms drawn. This would have been a very frightening experience for any of the passengers to experience.

As [Part 2](#) set out, Acting Sergeant Cedar entered the bus and drew her firearm as she approached the back of the bus near the door. Meanwhile, the 2 plain clothes officers, LSCs Fir and Gum, had drawn their guns as they approached the bus, and entered it from the doors at the midway point, LSC Fir with his gun raised at shoulder height. LSC Fir told Jay to come forward and Acting Sergeant Cedar also gestured to Jay and told him to 'Get off!' LSC Fir aimed his gun at Jay as he instructed Jay to put his hands on his head and then LSC Fir took Jay by the shoulder with his left hand and ushered him out of the bus in front of him. LSC Fir kept his gun raised and aimed at Jay, who was compliant and followed all instructions, until Jay was on the grass on his stomach and Acting Sergeant Cedar took control of him. LSCs Gum and Fir holstered their guns while Jay was handcuffed. Acting Sergeant Cedar had holstered hers as soon as she stepped off the bus.

At the time the bus stopped, Acting Sergeant Cedar, LSC Fir and LSC Gum all had an expectation that they were about to deal with a potentially erratic offender armed with a knife in the confined space of a fairly full bus. By this stage:

- LSC Gum had observed an offender armed with a knife running towards the bus interchange
- the police knew the offender had committed an aggravated robbery and had attempted to carjack multiple vehicles
- a person had been injured by a knife in an attempted carjacking, and
- police believed the offender had boarded the bus.

At the time they boarded the bus, Acting Sergeant Cedar, LSCs Fir and Gum believed they had to be prepared to deal with an armed offender.

OST reviewed the uses of force in the bus incident and assessed the officers' decisions to use their guns as reasonable in the circumstances. OST noted that, while guns were



drawn, all 3 officers kept their finger outside the trigger guard, and LSC Fir was the only one who 'aimed' his firearm at Jay when directing him to place his hands on his head and as they exited the bus. They also observed that officers did not use the 'high ready' position now taught as the preferred practice for movement with a drawn weapon, but rather used previously taught options and noted that:

Previous options are not the current recommended practice but are still referenced in training material and may still be appropriate in a particular circumstance.

And that:

It is further well-established and researched that a member under stress can often revert to earlier or more practiced versions of training, rather than the current practice.

Of the 3 officers who boarded the bus, LSC Fir had the most experience and training in use of force, tactical response training and approaching offenders with edged weapons. When LSC Fir entered the bus, his focus was on the person he thought was the offender and the potential for passengers to become victims or hostages, as well as the threat to himself and other officers.

While the OST assessment was that 'the way in which the accoutrements are used appears to be in line with approved techniques', LSC Fir's practice of entering the bus with his gun raised and extended at chest height ahead of him is not the 'high ready' position preferred by OST. While OST may consider the method used was still 'in line with approved techniques', we note this approach resulted in the weapon being effectively aimed at numerous members of the public, including some teenagers at the back of the bus near Jay, as LSC Fir entered and moved through the bus.

Members of the public on the bus as well as Jay had a gun aimed at them by one of the police officers.

We considered whether there were less forceful accoutrements that might have been available to officers. As plain clothes officers who were on surveillance, LSCs Fir and Gum only had their firearms and a baton available to them in their vehicles. Acting



Sergeant Cedar was uniformed and had her full suite of accoutrements, including her taser and her OC spray (pepper spray).

However, the bus had over 20 people on board and was a confined space. We accept that the discharge of a taser or the use of OC spray was unsuitable due to the risk of injury to other members of the public or the police themselves and because these options carried a higher chance of not being effective in stopping a threat if an offender had attempted to use a knife or other weapon. We also accept that police training is that batons would not have been practical in confronting an edged weapon.

The nature and location of the incident meant less forceful accoutrement options were unsuitable as police entered the bus.

Given all the circumstances, OST assessed ‘the actions of all Police involved were reasonable, proportionate, necessary and compliant with CO3 and AFP approved techniques’. We accept the decisions made by the officers boarding the bus to draw their guns were in accordance with their training.



Finding 6

The decision to use guns was consistent with CO3 and AFP training.

Use of taser

Constable Huon drew her taser as she approached the scene as Jay was being taken off the bus. She kept the taser pointed towards the ground for the 7 seconds before she holstered it and began to help with the arrest.

Under CO3, the use of a taser constitutes a less than lethal option. As with firearms, ‘use’ of a taser is defined as ‘drawing, aiming or discharging’ a taser. CO3 authorises the use of a taser as follows:

AFP appointees must only use a CEW [Controlled Energy Weapon] against another person or animal where they believe on reasonable grounds the use is necessary.



- *to defend themselves or others from the threat of physical injury in circumstances where protection cannot be afforded less forcefully*
- *to resolve an incident where a person is acting in a manner likely to injure themselves, an appointee or another person and the incident cannot be resolved less forcefully*
- *to deter attacking animals*
- *when training under the direct supervision of an operational safety trainer.*

As with the officers who drew their firearms on the bus, Constable Huon held the belief that the person she was approaching was potentially armed with a knife and had been involved in violent offending. She drew her taser briefly to have a less-than-lethal option available, then re-holstered it when Jay was on the ground.

We consider this was appropriate in the circumstances.



Finding 7

Constable Huon's use of the taser was consistent with CO3.

Takedown

In escorting Jay from the bus, LSC Fir used his left foot to trip Jay's left foot and then, using his grip on the clothing at Jay's right shoulder, lowered Jay face-down on to the ground. LSC Fir had his gun in his right hand, still aimed at Jay's back throughout. Once on the ground, LSC Fir maintained control over Jay's movements for a few more seconds with his hand on Jay's shoulder and his knee on Jay's back until Acting Sergeant Cedar and Constable Huon took control.

Jay experienced this takedown as having his foot 'scooted out' from underneath him, causing him to fall forward so he had to use his hands to break his fall. He also reported having a sore back and bruising from the knee on his back. It was clear from our meeting with Jay that this moment left him still quite shaken.

Jay had been compliant in following verbal directions in exiting the bus. We considered whether officers could have instead issued more verbal directions for Jay to kneel on



the ground, put his hands behind his back, etc. We discussed and tested these options with AFP's OST specialists, given the AFP's emphasis in CO3 on negotiation and de-escalation, wherever possible. They advised that, given the understanding police had of the prior behaviour of the person they believed they were dealing with, the possibility he still had a concealed knife or other weapon, and the potential for the situation to rapidly evolve once off the bus, the threat posed by the alleged offender remained at a lethal threat level. Once outside the bus, such an offender may attempt to access a hidden weapon or abscond, if not in 'positive control'.

OST advised that officers are trained to maintain 'positive control' over an offender until they are satisfied any threat has been mitigated. In this incident, that was only once the offender was secured with handcuffs, and any weapons removed from his person.

LSC Fir's prior experience with edged weapon incidents, including incidents where officers had been seriously injured, meant he was strongly motivated to maintain control of the person he believed to be the offender until the perceived threat was resolved. He described using his knee on Jay's back deliberately for control.

We have been advised by OST on how officers are trained to gain and maintain control of a subject, and have reviewed in detail the footage of LSC Fir's takedown of Jay. OST specialists acknowledged that while gaining control during a takedown, an officer may place pressure outside the preferred areas. However, they also noted there is a difference in having contact briefly while still getting control and leaving it there or applying unnecessary pressure when there is no longer a need. While the takedown and knee on his back for a short time were shocking to Jay, an innocent person who was not the person the police were seeking, we are satisfied LSC Fir's use of force was consistent with training.

We also questioned whether the takedown using a trip to unbalance Jay was an AFP approved technique. When we asked the OST specialists, they said they had not seen the trip as part of their assessment. When we described what we saw, OST specialists indicated that it is appropriate to 'break the balance' of someone as part of effecting a takedown and one specialist indicated that he recalled the takedown was 'controlled and effective'. Having reviewed the various takedown methods included in AFP training materials, none of these preferred takedown options involved tripping the subject to break their balance.





Finding 8

It was appropriate in the circumstances for officers to take the suspected offender to the ground as quickly as practicable, but it is unclear whether the takedown technique complied with current AFP approved methods.

Handcuffing

AFP appointees must only use handcuffs and other approved restraints lawfully and in accordance with CO3. They must only apply handcuffs or restraints to a person in custody if it is lawful to do so. Some of the considerations in section 15.3 of CO3 that need to be taken into account before handcuffing someone include: the safety of the person in custody, the police and members of public; the nature of the offence; the person's conduct; whether the person is likely to attempt to escape; and if the person has a history of violent behaviour.

CO3 also makes specific mention of handcuffing children and young people:

Handcuffing children or young people

15.4 AFP appointees must not handcuff a child or young person unless they believe on reasonable grounds it is essential to safely transport the child to protect the welfare and/or security of the child or any other person.

15.5 Considerations for handcuffing or restraining a child or young person include those identified in s.15.3 above.

The AFP's operational safety training covers considerations for deciding whether to use handcuffs. Handcuffs are only used to restrain a subject after subject control has been achieved or to assist in maintaining subject control. They are not a means of gaining compliance.

When Acting Sergeant Cedar and Constable Huon were handcuffing Jay, they still thought he was the person who had injured someone with a knife. At the time, they were satisfied that handcuffs were necessary to maintain positive control of Jay to ensure their safety and that of Jay. While Acting Sergeant Cedar was unaware at the time that Jay was a young person, Huon considered handcuffing was necessary regardless of his age due to the officers' duty to safely stop the threat.



For similar reasons to the above, we consider the officers had reasonable grounds to use handcuffs for the security of themselves and other members of the public, until it was apparent Jay was not the person they thought he was. The police removed Jay's handcuffs as soon as they became aware he was not the person of interest.



Finding 9

The use of handcuffs in response to the perceived threat of an armed offender was reasonable and compliant with CO3 and officer training.

Part 6. The search

Powers to search

During the incident on 11 November, Constable Jarrah assisted by Constable Huon searched Jay. Our Office has considered whether the search was lawful.

There are several relevant provisions of the *Crimes Act 1900* (Crimes Act):

- Section 223 allows for a ‘frisk’ search of a person **under arrest** to ascertain whether the person is carrying any seizable items.³⁹ A frisk search is a search of a person conducted by quickly running the hands over the person’s outer garments.⁴⁰
- Section 224 allows for the ‘ordinary search’ of a person **under arrest** to check for evidence or a seizable item.⁴¹ An ordinary search is a search of a person or their

³⁹ 223 Power to conduct frisk search of arrested person

(1) A police officer who arrests a person for an offence, or who is present at such an arrest, may, if the police officer suspects on reasonable grounds that it is prudent to do so to ascertain whether the person is carrying any seizable items—

- (a) conduct a frisk search of the person at or soon after the time of arrest; and
- (b) seize any seizable items found as a result of the search.

(2) The police officer may arrange for another police officer to conduct the frisk search if, having regard to section 240 (Conduct of ordinary searches and frisk searches), the officer considers that it would be more appropriate for the other officer to conduct the frisk search.

(3) The other police officer is authorised—

- (a) to conduct the frisk search; and
- (b) to seize any seizable items found as a result of the search.

⁴⁰ 185 Definitions for pt 10

Frisk search means

- (a) a search of a person conducted by quickly running the hands over the person’s outer garments; and
- (b) an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person.

⁴¹ 224 Power to conduct ordinary search of arrested person

(1) If a police officer suspects on reasonable grounds that a person who has been arrested is carrying—

- (a) evidential material in relation to any offence; or
- (b) a seizable item;

the police officer may conduct an ordinary search of the person at or soon after the time of arrest, and seize any such thing found as a result of the search.



possessions and may require the person to remove some items.⁴² A seizable item is defined as 'anything that would present a danger to a person that could be used to assist a person to escape from lawful custody'.⁴³ This would clearly include knives and other sharp objects.

- Section 240⁴⁴ provides for the search to be conducted by an officer of the same sex as the person being searched if practicable.

Separately, s 193 of the Crimes Act gives a police officer the power to search a person (either an ordinary search or a frisk search) in a public place if the officer suspects on reasonable grounds that the person has a knife.⁴⁵ The search under s 193 may only occur if the officer informs the person of the reason for the search. If a search is conducted under this provision, s 193(3) requires the officer to record the time, location and nature of search as soon as practicable after the search has been conducted.

(2) The police officer may arrange for another police officer to conduct the ordinary search if, having regard to section 240 (Conduct of ordinary searches and frisk searches), the officer considers that it would be more appropriate for the other officer to conduct the frisk [sic] search.

(3) The other police officer is authorised—

- (a) to conduct the ordinary search; and
- (b) to seize anything mentioned in subsection (1) found as a result of the search.

⁴² **185 Definitions for pt 10**

Ordinary search means a search of a person or of articles in the possession of a person that may include:

- (a) requiring that person to remove his or her overcoat, coat or jacket and any gloves, shoes, socks and hat; and
- (b) any examination of those items.

⁴³ **185 Definitions for pt 10:**

Seizable item means anything that would present a danger to a person or that could be used to assist a person to escape from lawful custody.

⁴⁴ **240 Conduct of ordinary searches and frisk searches**

An ordinary search or a frisk search of a person under this part shall, if practicable, be conducted by a person of the same sex as the person being searched.

⁴⁵ **193 Power to conduct search of person for knife**

(1) Subject to subsection (2), if a police officer suspects on reasonable grounds that a person who is in a public place or school has a knife in his or her possession, the police officer may—

- (a) conduct a frisk search or an ordinary search of the person; and
- (b) seize any knife found as a result of the search.

(2) A police officer may conduct a search of a person under subsection (1) only if the police officer—

- (a) provides evidence to the person that he or she is a police officer, unless the police officer is in uniform; and
- (b) informs the person of the reason for the search.

(3) As soon as practicable after a search has been conducted under subsection (1), the police officer who conducted the search shall record the time, location and nature of the search.



Confusion about the powers used

The different officers who were present during parts of Constable Jarrah's search of Jay were asked their understanding of the powers being used. Constable Jarrah believed that he conducted an ordinary search under s 224 of the Crimes Act, and he considered it would be inappropriate for Constable Huon or Acting Sergeant Cedar as female officers to conduct the search of a male, which is in line with the requirements of s 240 of the Crimes Act. He also considered that, given the search was to confirm the person was not carrying a knife, s 193 also applied.

While Constable Karri did not quote a specific section, his understanding was that Constable Jarrah was using the power to search a person in custody, which would have been a search under s 223 or s 224 of the Crimes Act.

In contrast, both Constable Huon, who assisted with the search, and Acting Sergeant Cedar thought that Constable Jarrah conducted the search under s 193 of the Crimes Act because he had a reasonable suspicion from previous interactions that Jay may have had a knife. Constable Ironwood was not clear which provision was used, but understood there was a suspicion that Jay might be carrying a knife in a public place.

LSC Fir did not have a view on the search. Alpha 8 and LSC Gum were not present during the search.

We asked Jay if he knew why he was searched after the bus incident, and he told us he thought it was because he had been found with a pocketknife on Halloween.

Lawfulness of a search under ss 223 or 224

To conduct a lawful search under ss 223 and 224 of the Crimes Act:

- **the person being searched must be under arrest** [our emphasis], and
- the police officer must suspect 'on reasonable grounds' that the person is carrying either evidence related to the offence, or a seizable item.

Was Jay under arrest at the time of the search?

A key question of fact is whether Jay was under arrest at the time of the search.



At no time during the incident did any of the officers verbalise to Jay that he was no longer under arrest. However, there were various actions that made it clear to Jay that he was no longer under arrest, including:

- Alpha 8 showing a photo of the offender to Acting Sergeant Cedar shaking his head, and Constable Ironwood saying, 'It's not him.'
- Acting Sergeant Cedar removing the handcuffs.
- Constable Huon saying 'I'm so sorry.'
- LSC Fir saying, 'Sorry mate. I'm sorry. We got bad intel.'

Alpha 8, Acting Sergeant Cedar, Constable Huon, Constable Ironwood, LSC Gum and LSC Fir all considered that Jay was unarrested at or around the time they realised Jay was not the person they were searching for and when the handcuffs were starting to be removed. Constable Karri, who stood next to Constable Jarrah throughout the search, did not remember hearing Jay was unarrested. However, when he got to the scene, Constable Karri got a doubt based on the clothes that the person on the ground was the person of interest. He also heard other officers saying 'sorry' and saw them dusting Jay off, and assumed that Jay may have been unarrested.

At the time of the search, Jay was not under arrest and at least 6 officers at the scene were aware of this fact.

Constable Jarrah stated he was unaware that Jay was unarrested when he conducted the search and at no time did he believe Jay was not under arrest. He also asserted that when he left the scene, he left Jay in the custody of arresting officers.

However, Constable Jarrah's notebook entry about the incident, written on the evening of the bus incident, reads:

11/11 – about 6.15pm observed members from Woden Station arrest [Jay] [DOB] in relation to Agg rob⁴⁶/SMV⁴⁷/assault charges. [Jay] was a mistaken identity.

⁴⁶ Aggravated Robbery.

⁴⁷ Stolen Motor Vehicle.



Observed [Jay] [releasing] from custody without search, conducted search myself as I had recently arrested [Jay] for knife in a public place. NF.⁴⁸

The notebook as a contemporaneous record suggests that Constable Jarrah was in fact aware Jay was released from custody or was being released from custody and that his motivation for the search was related to an earlier incident.

Constable Jarrah maintained that he did not hear the conversation occurring around Jay when the handcuffs were being removed. Given he was standing a few metres away, the bus engine was still on, and Constable Jarrah had an earpiece in one ear, our Office considers this is credible. Our Office also acknowledges it is feasible that Constable Jarrah did not hear LSC Fir say to him and Constable Karri, 'It's not him', given the ambient noise and the potential his attention may have been focused elsewhere.

However, we consider other elements less credible, including that Constable Jarrah was at no time aware Jay was no longer under arrest. Several actions occurred around Constable Jarrah that strongly point to Jay no longer being in custody or under arrest, including: Constable Huon apologising and handing a job card to Jay, Constables Huon and Ironwood leaving the scene, and LSC Fir apologising to Jay during the search. We consider Constable Jarrah must have had some awareness of these actions occurring around him.

We also find less credible Constable Jarrah's assertion that when he left the scene he considered he left Jay in the custody of 3 attending officers, Alpha 8 and 2 surveillance officers. At the time Constable Jarrah was leaving the scene (with Constable Karri), Constables Huon and Ironwood had already left and Acting Sergeant Cedar and Alpha 8 were in front of the bus out of sight. LSC Fir was the only other officer nearby (at the front of the bus speaking to the driver). Further, before leaving the scene Constable Jarrah patted Jay on the back and said, 'You're alright mate.' We consider these actions do not align with the actions of an officer towards a person they think is still in custody.

Having considered all the evidence available to us, our view is that, on the balance of probabilities, even if he were not aware at the start of the search, Constable Jarrah must have become aware during the search that Jay was no longer under arrest.

⁴⁸ Nothing found.



The search does not appear to be lawful under ss 223 or 224 of the Crimes Act 1900.

Lawfulness of a search under s 193

To conduct a lawful search under s 193 of the Crimes Act, there is no requirement that a person be under arrest, but they do need to be in a public place, which Jay was. Further, a police officer:

- must be in uniform (or provide evidence they are a police officer)
- must suspect 'on reasonable grounds' that a person in a public place has a knife in their possession
- must inform the person of the reason for the search, and
- must record the time location and nature of the search as soon as practicable.

Identifiable as police officers?

Constable Jarrah and Constable Huon were both in uniform at the time of the search.

Were there reasonable grounds?

At the start of the search, Constable Jarrah said to Constable Huon 'I've arrested him a couple days ago for a knife in a public space.' Constable Jarrah considered the fact that he had previously stopped Jay and found him with a pocketknife was relevant to the search for the armed offender.

Our Office reviewed the incident that occurred on Halloween to assess whether there were circumstances at that time that could have led to a reasonable suspicion nearly 2 weeks later that Jay may have again been carrying a knife. We have concerns over the actions of several officers during that incident and have separately referred these matters to PRS for investigation.

Facts from Halloween that are pertinent to the search at the bus include:

- Jay and his friends were stopped by police who were looking for someone previously seen carrying a large knife and running away from police.



- Jay was carrying a plastic Halloween costume knife, which in the dark and from a distance looked like a realistic butcher's knife.
- Jay and his friends were searched by police.
- Jay was at all times compliant with police.
- Jay had a pocketknife with him, in his bag, which he disclosed to police when asked.
- Neither Jay nor his friends were arrested, but Jay's pocketknife was seized.
- Police at the scene, including Constable Jarrah, knew that Jay was under 18 and Aboriginal.

On 11 November 2025, once Jay had been identified as not being the person of interest, he was simply a member of the public who had been riding a bus. The fact that the police were still searching for an offender with a knife was not relevant to forming a reasonable suspicion about whether Jay had a knife.

In our view, merely because Jay had once been found to have a pocketknife in his possession did not provide reasonable grounds to suspect he was again carrying one in entirely separate circumstances nearly 2 weeks later. We consider this is another example of concerns we highlighted in our Office's report on ACT Policing's [Use of Force](#)⁴⁹ where an officer's previous interactions with a young person bring a bias to future interactions.

The relevant evidence that police had at the time of the search was that:

- Jay was not the 'armed offender' they were searching for.
- Jay had been asked twice by Constable Huon (while he was still under arrest) whether he had a knife and he had replied 'no' both times.
- Constable Jarrah had asked passengers on the bus if any of them had had a knife pointed at them, and they had indicated no.

⁴⁹ Commonwealth and ACT Ombudsman, [Use of force by ACT Policing: more to do to lessen harm](#), 2025, p 56.



At the time of the search, there was no information before any of the police present to provide reasonable grounds for suspicion that Jay may have been in possession of a knife.

We are of the view that there were no reasonable grounds to suspect that Jay held a knife and the threshold for a lawful search under s 193 of the Crimes Act was not met.

Was Jay informed of the reasons for the search?

Section 193(2)(b) of the Crimes Act provides that a police officer may only carry out a search if the officer informs the person of the reasons for the search. Before starting the search, Constable Jarrah's interaction with Jay was limited. The full extent was 'Do you remember me mate?', to which Jay replied, 'Yeah, on Halloween night.' And, 'Righto mate, I'm just going to quickly conduct a search on you and your bag, alright.'

We asked Jay about his understanding of why the search took place. He told us he thought it was because he had had a knife on Halloween, but he also said that he did not know much about what was happening and just wanted to get the situation over with. At the time the search took place, Jay understood he was no longer under arrest.

We consider that there was no attempt to properly inform Jay of the reasons for the search, as required under s 193 of the Crimes Act.

While Constable Jarrah maintained that he searched Jay under s 224 of the Crimes Act, several of the other officers present believed the search was under s 193. None of them offered an explanation for the search, nor explained to Jay their reasonable grounds for suspecting he may have a knife or other seizable item.

At the time of the search, none of the officers informed Jay of the reasons for the search.

We are of the view that Jay was not properly informed of the reasons for the search and this requirement for a lawful search under s 193 of the Crimes Act was also not met.



Record the time, location and nature of the search

As cited earlier, Constable Jarrah did in fact record in his notebook later that day that he had conducted a search 'as [he] had recently arrested [Jay] for knife in public place'. While not detailed, this note does capture the time and location of the search, but does not specify it was an ordinary search, frisk search or both.

The search does not appear to be lawful under section 193 of the Crimes Act 1900.

Appropriateness of search

It also does not appear that Constable Jarrah considered whether, even if it **had** been legal, it was actually **appropriate** to carry out an opportunistic search of Jay at this time: it was clear Jay was not the offender being sought and it should have been clear that Jay had just been through a traumatic experience at the hands of police. The broad discretion of police enables them to make judgments as to the appropriate response for them to apply to events: here, in our view, even if the search had been lawful, that discretion was mis-applied.

The search was not appropriate.



Finding 10

The search of Jay was not appropriate and also appears to have been contrary to law, by not meeting the requirements of the *Crimes Act 1900*.

Impact of leadership and communication

It is our view that the seemingly unlawful search occurred in part due to a failure of the officers present to offer clear leadership, communicate with each other or to challenge assumptions. It is a continuation of the issue we identified in [Part 3](#) about the lack of clarity around command and control.



While Constable Jarrah was the lead in searching Jay, Constable Huon also assisted briefly when she helped to raise his arm. It is our view that both these officers needed to have enough information to satisfy themselves that the threshold for a search had been met. It was not sufficient to rely on the certainty of another officer's views. Further, we consider that Acting Sergeant Cedar as the senior officer present at the time,⁵⁰ with the full knowledge that Jay was no longer under arrest, had a responsibility to check Constable Jarrah's understanding of the scene.

Constable Huon expressed a view that it was inappropriate to question Constable Jarrah in front of a person of interest. We strongly disagree with this view. First, Jay was no longer a person of interest. Second, while we appreciate there is a need to have a certain level of confidence in a colleague's decisions, we consider it incumbent on Constable Huon to have satisfied herself of an appropriate exercise of her own policing powers. Third, s 193 of the Crimes Act (power to conduct a search of person for knife) requires the person being searched to **be informed** of the reasons for the search. This requires active communication to the person being searched.



Finding 11

Officers failed to communicate and to properly inform themselves, resulting in the seemingly unlawful search of Jay going unchallenged.

⁵⁰ Alpha 8 was on the bus talking to the driver and passengers.



Part 7. Impact of race

Relevance of race

The overrepresentation of and disadvantage experienced by First Nations people in the criminal justice system is well recognised.⁵¹ So too is the impact of intergenerational trauma. The *National Agreement on Closing the Gap* speaks to the importance of transforming mainstream government organisations to improve accountability, embed cultural safety and respond to the needs of Aboriginal and Torres Strait Islander people⁵². All Australian Governments committed to ‘identify and call out institutional racism, discrimination and unconscious bias’.⁵³

The [ACT Aboriginal and Torres Strait Islander Agreement 2019–2028](#)⁵⁴ seeks to support the Aboriginal and Torres Strait Islander communities in the ACT in actively influencing and participating in social, economic and cultural life. One of its significant areas of focus is ‘Justice,’ with two targets focused on actions to reduce the overrepresentation of First Nations’ people in the ACT criminal justice system.⁵⁵ In the most recent ACT Government impact statement, both targets were considered ‘not on track,’⁵⁶ while the ACT Aboriginal or Torres Strait Islander Elected Body (Elected Body) assessed the outcomes against these targets as ‘worsening’.⁵⁷

The *Crimes Act 1900* provides that AFP and ACT Policing have additional legal obligations when an Aboriginal or Torres Strait Islander person is detained, such as to

⁵¹ [Royal Commission into Aboriginal Deaths in Custody | naa.gov.au.](#)

⁵² [National Agreement on Closing the Gap](#), Updated 2022, para 58.

⁵³ [National Agreement on Closing the Gap](#), Updated 2022, para 59.

⁵⁴ [ACT Aboriginal and Torres Strait Islander Agreement 2019–2028.](#)

⁵⁵ **Target 21:** By 2031, reduce the rate of incarceration of Aboriginal and Torres Strait Islander people to achieve parity with the rate of incarceration of non-indigenous people & **Target 22:** By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (10–17) in detention by at least 30%; [ACT Aboriginal and Torres Strait Islander Agreement 2019–2028 Annual Impact Statement 2024–25](#), pp 89–91

⁵⁶ [ACT Aboriginal and Torres Strait Islander Agreement 2019–2028 Annual Impact Statement 2024–25](#), Targets 21 and 22, pp 89–91.

⁵⁷ Aboriginal and Torres Strait Islander Elected Body, ‘[Truth Through Transparency’: A Turning Point Report. Report from Hearings 12–14 August 2025, 13th Report to the ACT Government](#), p 22–23.



contact an Aboriginal Legal Service.⁵⁸ Further, ACT Policing members and frontline staff undertake a mandatory cultural literacy training program, which has the purpose of ‘increasing the knowledge, skills and attitudes of individuals ... to work effectively and respectfully with Aboriginal and Torres Strait Islander peoples and communities’.⁵⁹ The training provides historical context, guidance on culturally safe engagement practices, including trauma informed tools and tips, and allows for opportunities to yarn with Elders. People outside ACT Policing who have observed the training have commented to us that it is comprehensive, and yet many in the ACT’s Aboriginal and Torres Strait Islander communities are unaware that the training has occurred, nor have felt it impact their treatment in daily interactions with the police.⁶⁰

On 11 November, the description of the offender circulating on ACT Policing systems described him as Aboriginal. We consider it self-evident that all officers therefore knew, or ought reasonably to have known when Jay was mistaken for the offender, that Jay was an Aboriginal person.

All officers knew, or ought to have reasonably known, that Jay was an Aboriginal person.

The fact that the alleged offender was thought to be Aboriginal should not have been treated as a mere descriptor, but should have been a flag for the police that there was a need to be alive to First Nations engagement in their interactions with any potential person of interest.

Defining racial profiling

Racial profiling is a discriminatory policing practice, which can present in a myriad of forms, including disproportionate use of policing powers against minority communities, escalation of minor incidents into charges, unjustified stops and searches, or additional

⁵⁸ Section 187 of the [Crimes Act 1900](#) applies Part 1C of the [Crimes Act 1914](#) (Cth) to certain ACT offences, which include additional obligations when a First Nations person is arrested. For example, sections 23C and 23G impose obligations on the police to provide a First Nations person with an interview friend, to contact an Aboriginal Legal Service, and a reduced investigation period.

⁵⁹ ACT Policing First Nations Cultural Literacy Training Program, purpose statement.

⁶⁰ see Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), 2025, p 229.



infringement notices.⁶¹ The impact of racial profiling can have chilling effects on minority communities:

*This [racialised] targeting operates like a ratchet system: the increased rates of racialised people entering our criminal justice system feeds the stereotype of racialised people as criminals and subjects racialised people more frequently to the serious consequences of criminalisation ... It leads to a cascade of psychological harms including helplessness, suicidal ideation and lower trust and participation in society.*⁶²

Jay and his family have expressed concern he was racially profiled. In particular, they believe his race caused him to be targeted, the levels of force used against him were heightened, and that his race contributed to his poor treatment after the event.

There is no set definition in Australian law of racial profiling. Internationally, it has been described as:

*the practice of police and other law enforcement relying, **to any degree**, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity.*⁶³ [our emphasis]

In an Australian context, s 9 of the [Racial Discrimination Act 1975](#) (Cth) (the RDA) makes it unlawful to discriminate against a person based on their race, colour or ethnic origin. Section 18 of the RDA sets out that where an act is done for more than one reason, it is

⁶¹ See for example, [United Nations General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobic and related intolerance](#), 2015, A/HRC/29/46; United Nations General Assembly, [Report of the Secretary-General: Programme of activities for the implementation of the International Decade for People of African Descent](#), August 2018, A/73/354; Ontario Human Rights Commission, [Paying the Price: the Human Cost of Racial Profiling](#), 2003; T Hopkins, &G Popovic [Do Australian police engage in racial profiling? A method for identifying racial profiling in the absence of police data](#), *Current Issues in Criminal Justice*, 2025, 37:1, 19–40.

⁶² T Hopkins, [Understanding Racial Profiling in Australia](#), 2022, p 5.

⁶³ Committee on the Elimination of Racial Discrimination, [General recommendation No 36 \(2020\) on preventing and combating racial profiling by law enforcement officials](#), (CERD, 17 Dec 2020), para 18.



enough that race is one of those reasons.⁶⁴ This means it is enough in the Australian context for race to be 'a' factor, it does not need to be the 'primary' or 'sole' factor.

The AFP and ACT Policing are bound by the RDA. The AFP core value of 'fairness' requires an AFP appointee to 'apply anti-discrimination, fairness and equity principles in [their] daily work'.⁶⁵ The AFP Code of Conduct requires that 'an AFP appointee must act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties'.⁶⁶ Racial profiling is not defined within either document.

The AFP advised that, as there is no legislative definition of 'racial profiling' in Commonwealth or ACT legislation, for the purposes of its PRS investigations into the incident, it adopted a definition of racial profiling paraphrased from the Australian Macquarie Dictionary⁶⁷ and directed PRS investigators to s 9 of the RDA.

However, in a description of allegations initially put to the subjects and witnesses during the PRS investigation, racial profiling was described as 'discriminatory behaviour known as racial profiling, being the use of race or ethnicity as the **sole basis** for suspecting the person who committed an offence'. [our emphasis]

While the AFP has advised that a wider definition was used in the latter stages of the investigation, we have not seen the new definition.

We are concerned that the AFP originally adopted a narrower definition requiring race to be the 'sole' factor. We consider this may have been inconsistent with their obligations under the RDA. We also consider that not having a clearly understood definition across the AFP may prevent the AFP and ACT Policing from fully identifying

⁶⁴ **18 Acts done for 2 or more reasons**

Where:

(a) an act is done for 2 or more reasons; and

(b) one of the reasons is the race, colour, descent or national or ethnic origin of a person (whether or not it is the dominant reason or a substantial reason for doing the act);

then, for the purposes of this Part, the act is taken to be done for that reason.

⁶⁵ [Australian Federal Police values and culture - AFP](#) (accessed 4 March 2026)

⁶⁶ [Australian Federal Police values and culture - AFP](#) (accessed 4 March 2026)

⁶⁷ *Australian Macquarie Dictionary* (accessed 5 March 2026) defines racial profiling as 'the act of making assumptions about a person's behaviour or intentions based on stereotyping according to their ethnicity, rather than on individual merit or evidence, especially in the areas of law enforcement and public policy.'



systems or processes that may indirectly lead to racial profiling or other discriminatory practices.



Finding 12

The AFP lacked a clearly understood definition of 'racial profiling' and initially adopted a definition that may have been inconsistent with their obligations under the *Racial Discrimination Act 1975* (Cth).



Recommendation 2

The AFP establish a clearly understood definition of 'racial profiling' aligned with the objectives of the *Racial Discrimination Act 1975* (Cth) and include the definition within sufficiently high level and binding governance materials, such as the *AFP Commissioner's Order 2 on Professional Standards*.

Proving racial profiling

Racial profiling is often shown through the analysis of large data cohorts demonstrating a disproportionate policing response on a community.⁶⁸ However, there are challenges in showing racial profiling in a single, seemingly isolated, incident. In a leading Canadian case, the judge reflected:

A racial profiling claim could rarely be proven by direct evidence. This would involve an admission by a police officer that he or she was influenced by racial stereotypes in the exercise of his or her discretion to stop a motorist.

⁶⁸ See for example L Weber, '[You're going to be in the system forever: Policing, risk and belonging in Greater Dandeong and Casey](#)', 2020; Australian Human Rights Commission, '[If I am stopped by police, can I be sure it is not because of my race: research on racial profiling](#)' (accessed 4 March 2026).



Accordingly, if racial profiling is to be proven it must be done by inference drawn from circumstantial evidence.

... [W]here the evidence shows that the circumstances relating to a detention correspond to the phenomenon of racial profiling and provide a basis for the court to infer that the police officer is lying about why he or she singled out the accused person for attention, the record is then capable of supporting a finding that the stop was based on racial profiling.⁶⁹

In Jay's case, we have no direct evidence of racial profiling. Each of the officers involved denied that race was a factor in their treatment of Jay, and therefore we must consider whether there are circumstances that provide a basis to infer it.

Use of race in identification

We have viewed the photo of the alleged offender and the description provided by LSC Gum at 17:29 ('Aboriginal male, curly hair, black knife, black Nike bag, all black clothing'). With the evidence before us, we are satisfied that LSC Gum intended to use the term 'Aboriginal' as a descriptor.

'Aboriginal' was used as a descriptor in the description circulating of the alleged offender.

However, we do not consider that it was a particularly useful descriptor, given the diverse appearance of people who identify as Aboriginal. Several members were asked what they understood when they heard 'Aboriginal', 'Indigenous' or 'First Nations'. Most understood it to mean a proxy for dark skin colour, though some noted that Aboriginal people have varied complexion, hair and eye colour and physical characteristics.

Australia's population is extremely diverse, with people having many different countries and cultures of origin. Australia's First Nations population is also physically and culturally diverse.

⁶⁹ [R v Brown](#) [2003] OJ No 1251, para 44-45.



We recognise the importance of ACT Policing being able to quickly and accurately describe a person of interest and believe that skin colour and other physical descriptors (such as size, height, age, hair colour/style and clothing) are relevant. However, in our view, the use of 'Aboriginal' as a physical descriptor is unhelpful and relies on the use of outdated, stereotypical physical traits. It is also potentially offensive, for the same reason.



Recommendation 3

ACT Policing review its use of race as a proxy to describe a person's physical traits with a view to adopting objective descriptors.

By the time the police boarded the bus, in addition to LSC Gum's original description ('Aboriginal male, curly hair, black knife, black Nike bag, all black clothing'), the police also knew the offender had been wearing a North Face hoodie with white writing on the front. On that day, Jay was also wearing all black clothing (except for white shoes), including a hoodie, with the hood pulled up. His bag was Nike, but there were subtle differences as his hoodie had white writing on the sleeves (not the front) and it was not North Face. When police first boarded the bus, given Jay was seated and at the back of the bus, some of these distinctions in clothing would not have been readily visible. Nor would it have been clear at that point that Jay's physique did not match that of the alleged offender (which one report held by ACT Policing had described as 'maybe 6ft').

Acting Sergeant Cedar, LSC Fir and LSC Gum were the 3 officers who boarded the bus. LSC Gum had seen the alleged offender in person, Acting Sergeant Cedar had seen the photo of the alleged offender in CAD, and LSC Fir was relying on the descriptions he had heard over the radio.

LSC Gum was behind LSC Fir and did not get a clear view of any of the passengers. On entering the bus, LSC Fir was scanning for a black hoodie with white writing. Similarly, Acting Sergeant Cedar stated she was focused on the clothing. There were two other passengers wearing black hoodies, but neither had their hoods up, both were more clearly visible to officers, neither was wearing all black clothing and both had light skin. Jay was the person on the bus who most closely matched the description.





Finding 13

For anyone who had not seen the photo of the alleged offender, due to his similar clothing and bag Jay was the passenger who most closely appeared to match the description of the alleged offender.

It is possible that if Acting Sergeant Cedar more clearly recalled the image circulated on CAD, or if LSC Gum had entered the bus first instead of LSC Fir, one of them may have realised that Jay was not the person they were looking for. However, that is not what occurred.

The impact of race in the uses of force

We discuss in [Part 5](#) the appropriateness of the uses of force. We have found no evidence to support the view that Jay's race led to increased, heightened or more extreme uses of force.



Finding 14

There is no evidence to support the view that race led to increased, heightened or more extreme uses of force.

The impact of race in the search

We discuss in [Part 6](#) that we consider the search of Jay appears contrary to law. It is credible that an unconscious bias from their previous interaction influenced the belief Jay was likely to be carrying a knife and the decision that it was appropriate to search him at that point in time (when he had just been released after having been mistakenly arrested at gunpoint). However, we are unable to determine what role race played in Constable Jarrah's decision to search Jay.

The impact of race in Jay's aftercare

The fact that Jay is a First Nations person is relevant to how the police should have approached his aftercare. We discuss this further in [Part 8](#).



Part 8. Responding to their mistake

Impact of the mistaken identity

Exposure to traumatic events may lead to conditions like post-traumatic stress disorder (PTSD), anxiety, and depression, causing reactions such as heightened anxiety, irritability, or social withdrawal.⁷⁰ This can be aggravated depending on an individual's experiences. For almost anyone, being taken off a bus at gunpoint, being taken to the ground and handcuffed would be a traumatic event. A lack of understanding of why this was occurring would be likely to compound any resulting trauma.

In a victim impact statement read to police and issued publicly just over a week after the bus incident, Jay's family talked about the impact the experience had on Jay.

A child who committed no offence was treated like a criminal, treated like a threat, treated like he was less than human ...

The consequences fall entirely on our nephew.

He is scared to leave the house.

He refuses to catch the bus.

He jumps at noises.

He lives in fear of police ... and that fear was created by your officers.

And you need to understand something else.

Our nephew is a child who has already lived through more loss and hardship than any child should. He has lost his father. And although he has a mother, she is not present in his life. He depends on the small circle of family he has left ... his grandmother, aunties, uncles, siblings, and cousins who hold him up every day. He is a child who needed care, protection, and understanding, not guns, force, and terror.

⁷⁰ E Huppe & Z Lair, [Improving Police-Citizen Interactions Through Trauma-Informed Policing](#), 2025, in *Applied Police Briefings* (Winter 2025/Vol 01), which references as its source article: P Birch, [Trauma-informed policing: Enhancing law enforcement practices through empathy and sensitivity](#), 2024, in *Abuse: An International Impact Journal*.



This trauma will not disappear.

It has changed him.

It has changed us.⁷¹

We met with Jay and his family more than 2 months after the bus incident. Despite the passage of that time, we could see and hear the impact the incident still had as he told us his story (see also [Part 9](#)). Jay said that during the incident he felt 'scared'. He continues to question if there was anything he could or should have done differently to avoid being taken off the bus. The knee on his back during the takedown also caused bruising on his lower back.

Jay's family remains very worried about his mental health. He is no longer as outgoing as he was and will only leave the house with family. When they told us about when Jay first told them what had happened, his older brother, Tee, said:

You could see his mind racing, he was there but he wasn't. When we [went to take] him home, he wouldn't leave [his Aunty's house].

Jay's family are concerned at seeing how frightened he is whenever he sees police in uniform. Tee told us that when they were coming to meet with us:

[Jay] had a panic attack when a police car drove by. He is on edge. Even walking here, seeing all the police around.



Finding 15

The bus incident has had an ongoing negative impact on Jay's wellbeing and his mental health.

⁷¹ [Police pulling Aboriginal teenager from bus at gunpoint was 'racial profiling' family alleges](#), ABC News, 20 November 2025, embedded video.



Initial responses to the mistake

While mistakes can and do happen, an important lesson for any public official is to learn how to appropriately respond when they make a mistake.⁷² If a mistake is not addressed promptly and effectively, it has the potential to aggravate or add to the harm caused. It can also undermine trust.

When the officers at the scene realised their mistake in arresting Jay, they all responded differently:

- Alpha 8 went to talk to the bus driver and the passengers, but did not say anything to Jay, or offer instructions to other officers.
- Acting Sergeant Cedar started taking off Jay's handcuffs but did not say anything to him. She saw that he was about to be searched, then went and moved her car, without saying anything to other officers, except to check who was responsible for the other car in front of the bus.
- Constable Huon apologised straight away 'I'm so sorry, I'm so sorry, you've got the exact same outfit.' She then briefly helped with the search and handed Jay a 'job card' with the incident number and again said 'Really sorry' and thanked him for his cooperation before leaving the scene. She did not, however, give a clear explanation of what the job card was, other than to say 'in case you needed to call Comms⁷³ or anything.'
- LSC Fir, who realised the mistake earlier than the other officers when talking to LSC Gum, walked over to Jay straight away and asked Acting Sergeant Cedar and Huon to 'help him up'. He also offered an apology and an attempt at an explanation - 'Sorry mate. I'm sorry. We got bad intel. Alright.' He also checked with Jay if he wanted to get back on the bus and stayed to make sure he got safely on.
- Neither Constables Jarrah nor Karri acknowledged the error to Jay despite continuing to interact with him.
- Constable Ironwood and LSC Gum had no interactions directly with Jay while they were at the scene.

⁷² Commonwealth Ombudsman, [Accountability in Action: identifying, owning and fixing errors](#), 2023, see 'Highlights' page, 'Lessons for all agencies' section.

⁷³ The Communications Centre.



Some of these engagements were more involved than others, but they all failed individually and collectively to acknowledge the potentially significant impact on an innocent Indigenous youth of being taken off a bus at gunpoint without any understanding of why it was happening. Officers at the time did not realise that he was injured and emotionally impacted. Nor did they ask.

None of the officers while still at the scene fully acknowledged the impact that being taken off the bus at gunpoint would have had on Jay.

Apologies to Jay

A good apology needs to be genuine, sincere, tailored to the individual and the situation.⁷⁴ It also needs to recognise the harm caused, express regret or sympathy, explain what occurred and how it will be redressed.

LSC Fir and Constable Huon both instinctively offered apologies to Jay as soon as they realised the error.

Two of the three officers who were 'hands on' in Jay's arrest offered personal apologies as soon as they realised their mistake.

LSC Fir also later noted his remorse that an innocent person who had the misfortune to be dressed similarly to the person of interest had had a firearm pointed at them, though he still felt justified in his actions.

Both apologies were genuine and we believe sincere. Regrettably, the way in which they were delivered did not fully allow them to be absorbed. The apologies occurred while Jay was being unarrested, out of his direct line of sight, and while he was still being searched. Jay's attention was split between tasks, and he was likely still in shock.

A member of ACT Policing's First Nations Team wrote in an email on 12 November:

⁷⁴ Commonwealth Ombudsman Factsheet, [How to deliver an effective apology](#).



[acknowledging] that the team did apologise at the time of the incident, regarding intergenerational trauma and how we perceive information during incidents where we are in fight or flight, it is more than likely that [Jay] ... was not able to process anything that was happening whilst in a state of shock.

While 2 officers apologised spontaneously, we consider it more than regrettable that neither of the 2 senior officers on scene, Alpha 8 and Acting Sergeant Cedar, did.

Neither of the 2 senior officers at the scene apologised to Jay while at the scene.

Responsibilities towards a young Aboriginal person

Additional responsibilities for a young person

As discussed in [Part 7](#), ACT Policing has additional responsibilities towards a First Nations person who has been placed under arrest. In recognition of the vulnerability of people under the age of 18, they also have additional responsibilities towards a young person who has been detained or arrested. These obligations apply even if the detention is short or mistaken. Section 252I of the *Crimes Act 1900* requires a police officer who has 'taken a young person under restraint'⁷⁵ to 'promptly take all reasonable steps to tell a responsible person about the restraint'.

Knowledge Jay was a young person

All the police officers who attended the bus incident were asked when they became aware that Jay was under 18. Constable Huon realised as soon as she got to the scene that Jay was a young person, through his body shape, height and stature. Constable Jarrah recognised Jay as being under 18 and at the scene told Constable Karri 'I know this guy. His name's [redacted] he's a 17-year-old,' which is when Constable Karri realised. Acting Sergeant Cedar did not find out at the scene, but after the incident

⁷⁵ Section 252 of the *Crimes Act 1900* defines 'under restraint' as including if a 'young person is under restraint as a result of having been lawfully arrested or detained.' 'Responsible person' includes a parent, or someone else who has daily care responsibility, or long-term care responsibility, for the young person.

when they regrouped at Woden Police Station. Constable Ironwood thought Jay looked 19 at the scene, and only later learnt he was a young person. Alpha 8 did not find out that Jay was a young person until the next day. LSC Gum did not find out until a few days after the incident that Jay was under 18, although he confirmed he would have described him as being between 16 and 20. LSC Fir was provided no information on the day to suggest that Jay was 17.

Three officers knew, or reasonably suspected, that Jay was under 18 at the scene.

Putting Jay back on the bus

Jay's family also raised with us their concern that, after a traumatic event, he was put back on the bus with no support and that no one in their family was contacted until much later (see [Part 9](#)).

Similar to the situation of the search, the lack of clear leadership meant that neither of those who should have had command were providing clear directions or taking responsibility for what was happening at the scene. All officers knew or assumed that Jay was Aboriginal and yet none of them factored this into their decisions around his aftercare. Further, even though 3 officers knew or suspected that Jay was under 18, and that ACT Policing therefore had a responsibility⁷⁶ to contact a responsible person, none of those officers took steps to get Jay's name and contact details, nor the contact details of a responsible person or guardian.

None of the officers who knew Jay was under 18 took his name, contact details or the name and contact details of a responsible person.

Constable Huon felt the situation needed more aftercare for Jay, but that as she was a junior member, she did not think it was appropriate to speak up. This is despite the fact that Constable Huon considered that she was the arresting officer and it is the arresting officer under s 252I of the *Crimes Act 1900* who has the responsibility to **'promptly take**

⁷⁶ Section 252I, *Crimes Act 1900*.



all reasonable steps to tell a responsible person about the restraint'. [our emphasis] Constable Huon also knew that Jay was under 18. Instead, Constable Huon handed Jay the job card and left the scene without discussing next steps with any senior officers.

When Acting Sergeant Cedar went to move the cars blocking the bus, her intention was to allow the bus to leave and then talk to Jay to work out a way to get him home without all the passengers watching. However, she never vocalised this intention, and by the time the cars were moved, Jay was being put back on the bus.

Alpha 8 assumed that Jay would be getting back on the bus. Alpha 8 did not discuss his assumption with anyone else, until he said to Acting Sergeant Cedar as she was coming back from her car: 'We'll just let him jump back on the bus and the bus can go.' Acting Sergeant Cedar did not put forward her own thoughts or question Alpha 8's suggestion.

LSC Fir checked with Jay if he wanted to get back on the bus. Unfortunately, LSC Fir was unaware Jay was under 18 and the way LSC Fir phrased the question, without offering alternatives, made it unlikely Jay would say no. It is our view that Jay was doing his best to be compliant and assist police, but he was fearful and anxious.

None of the officers discussed with Jay alternatives to him getting on the bus.

Several officers spoke of their uncertainty as to whether it would have been appropriate to offer Jay a lift as he was not under arrest. They were concerned that placing him in the back of a police car may have given Jay and the other bus passengers the impression he had been taken into custody.

We agree that police are not able to compel a person who is not under arrest to accompany them. However, given the events that had occurred, we consider ACT Policing had a duty of care to Jay and at a minimum the officers needed to consider all options available and talk to Jay about his preferences. Making the offer would have demonstrated an awareness of the gravity and potential impact of the incident and a concern for Jay's wellbeing. Jay's family, despite all the distrust they now have of the police, told us that they 'would be more comfortable if [the police] had offered to take him home to family'.

Had Jay been asked who in his family might be contacted, had he been offered a ride to his Aunty's place or to have someone come and pick him up from the nearby police station, his family could have been appropriately notified of what had happened, timely apologies could have been made, and Jay could have been better looked after following his traumatic encounter with the police. Instead, as we discuss in more detail below (see [Part 9](#)), these failures to engage with Jay at the time led to more misunderstandings with Jay's family, which aggravated the already broken trust and further traumatised him.



Finding 16

Officers failed in their responsibilities to Jay as a young Aboriginal person who had just been through a traumatic experience at their hands.

People on the bus

When he realised Jay was not the person of interest, and he had let Acting Sergeant Cedar know, Alpha 8 approached the bus driver and got onto the bus to speak to the passengers. Alpha 8 did not activate his body-worn camera, so we do not have footage of his conversation with the passengers. Our understanding is that Alpha 8 told the driver and the passengers that Jay was not the person of interest they were searching for and that Jay would be getting back on the bus. This was in an attempt to reassure them that there was no threat and to ensure the driver waited for Jay.

While we invited passengers to reach out to us if they wished to, we have not talked to any of the people on the bus. We have seen their reactions in body-worn camera and bus CCTV footage to witnessing police boarding the bus with guns drawn and arresting a teenager at gunpoint. Our impression is that they appeared taken aback, confused and in some cases scared. Jay was not the only person on the bus, nor even the only child under 18, to have had a gun pointed at him. One officer commented that the passengers seemed to be in shock and concerned.

When he first got to the scene, Constable Jarrah got onto the bus and asked: 'Everyone all good on the bus? All good? Has anyone been assaulted or had a knife pointed at them? No?' Passengers gave non-verbal cues to show that they were fine and indicate no. Our observation is that the interaction was rushed and quite abrupt, and seemed



only directed to those at the back of the bus. Constable Jarrah barely left time for passengers to respond before he exited the bus.

Using guns and being around guns is a normal activity for ACT Policing members. It is a key requirement of their job. However, it is not normal for many, or even most, Canberra residents. For the average Canberran, having the police stop and board your bus, let alone being confronted with an armed weapon, is likely to be shocking.

When Constable Jarrah got on the bus, he did so to check the welfare of the passengers, and looked around to check if any passengers may have been threatened or injured by a person with a knife. What he found was a group of passengers, including several clearly under the age of 18, who had just witnessed police take a teenager off at gunpoint. Either scenario would be shocking and potentially traumatic. His approach did not offer them reassurance.

A trauma-informed approach involves understanding the potential effects of trauma on individuals' behaviours, thoughts, and emotions, and integrating this knowledge into all aspects of service provision.⁷⁷

Our report on [ACT Policing's Use of Force](#) spoke to the need for ACT Policing to adopt a trauma-informed approach when engaging with individuals. In that report, the context was around de-escalating situations to minimise the force needed. However, we consider a trauma-informed approach is equally important for other areas of policing. Other reports have made similar findings.⁷⁸ In this case, a trauma-informed approach towards the passengers would have recognised that they had just been through something shocking, and they may need an explanation, or a moment to regroup before answering.

While we do not have Alpha 8's conversation with passengers, he had the right instinct that they needed to be reassured. The bus passengers included other children who appeared to be travelling by themselves: children who had had a gun pointed at them (however briefly) and who had seen another young person being taken down and arrested. We are concerned that no aftercare was offered to those children, and that

⁷⁷ ACT Government, [Sexual Assault \(Police\) Review report](#), March 2024, p 17.

⁷⁸ See Recommendation 7.6 of Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), 2025 and Recommendations 2, 4, 9 16 and 28 of ACT Government, [Sexual Assault \(Police\) Review report](#), March 2024.



none of the passengers of the bus were offered a job card or other methods of contacting the police should they later have questions or concerns.



Finding 17

Officers did not provide passengers with a way to seek further information or support if they had concerns about the incident on the bus.



Recommendation 4

ACT Policing develop and implement, as a priority, training with a focus on recognising and responding to trauma-based behaviours and trauma-informed policing practices.

Part 9. Aftercare

Impact of the response

Any single element of what happened to Jay on 11 November 2025 warranted a sensitive and sincere response from ACT Policing. The cumulative impact of the mistaken identity, the use of a lethal force option, Jay's Aboriginality and his youth, amplified the need for a proactive and wrap-around response. Such a response would have demonstrated ACT Policing's published commitment to establishing stronger relationships with First Nations communities based on trust and collaboration.⁷⁹

When we met with Jay's family, his Auntie Kay spoke to us about how she felt about Jay's experience:

As his Auntie and after what he had gone through in his life, I am so hurt and frustrated, because this is just intergenerational trauma, this is what I grew up with, and ... it's happening with our kids and our nephews and nieces, if anything it's actually getting worse ... All the fears we had growing up. This has happened to Jay. How is this still happening, why is this happening?

Jay's brother, Tee also spoke about how helpless he felt:

I have kids, it just makes me angry. It feels like I can't be there for my brother. I'm my brother's protector but I feel powerless.

The hurt that Auntie Kay and Tee both shared with us was made worse by what happened after the bus incident. From their perspective, ACT Policing further failed them and Jay by:

- not contacting Jay's family to let them know what had happened,
- making assumptions that Jay was in the child protection system, and
- repeatedly attempting to justify police actions, in a media release, in a meeting with the family and also in a public apology.

⁷⁹ ACT Policing, [Strategy for Engagement with First Nations People and Communities 2023-2028](#).



We have looked into each of these aspects and consider them below.

How the family found out

When Jay got to his Aunty's house on the evening of 11 November he was shaken and still scared. He did not tell anyone what had happened. Rather than go back home to his brother's house that night, he remained at his Aunty's, staying in the bedroom and did not go out. It was another couple of days before he told his cousin what had happened. That was the first any of the family knew about it. In that time, none of Jay's family had heard from the police.



Finding 18

The first Jay's family heard of the incident was when Jay told them days later.

Trying to inform the family

As mentioned in [Part 8](#), because Jay was a young person, the police had certain responsibilities and obligations to make contact with his family. However, none of the officers at the scene had taken any details from him. Police therefore had to use other methods to try and obtain contact details for Jay's family.

The morning after the bus incident, at 8:35, a member of the ACT Policing team now investigating the Woden offending emailed the ACT Policing First Nations Liaison team:

I am seeking immediate assistance/guidance to approach [Jay] and his family to apologies [sic] for the matter in a culturally safe manner. Although lawful and justifiable it was no doubt a confronting and unfortunate circumstance.

The First Nations Liaison team replied later that morning at 11:25:

...it is recommended that an apology be made in person to the individual and his family by the team involved in the incident ... In addition, I recommend that support services be offered to the family for culturally safe wrap around support services.



More senior police were briefed in and, at 13:58, Inspector Beech, who had returned to work to assist despite being rostered off agreed to take ownership of contacting Jay and his family.

At 14:43 on 12 November 2025, the Deputy Chief Police Officer (DCPO) messaged the Chief Police Officer advising that:

with the mistaken arrest yesterday of the 15Y [sic] old [First Nations] boy off the bus ... FNLO⁸⁰ have recommended a proactive contact with the family to explain and apologise. [Commanders] and I have discussed and agree with this and that [Inspector Beech] will do this in the first instance.

Inspector Beech proceeded to make inquiries to try and identify Jay's family, searching the information available to police and finding contact details for his estranged mother. On 13 November 2025, at 11:06, Inspector Beech tried to call Jay's mother but got no answer.

Despite genuine effort and intent by officers assigned to the task, the first attempt to contact a member of Jay's family was on 13 November 2025, more than 40 hours after the bus incident.

Inspector Beech conducted further inquiries and, on 14 November, got a last known address in the ACT for Jay's estranged mother. Inspector Beech and Acting Sergeant Cedar visited that address with no luck. At 16:54 that same day, Inspector Beech updated the case to reflect:

All enquiries into the carers of [Jay] had been exhausted ... No further action to be taken at this point unless other suitable family are identified.

It is evident to us that, while individuals made conscientious attempts to try to contact Jay's mother, ACT Policing placed insufficient urgency or priority on contacting the family. Concerns about respecting Jay's privacy hindered members from confidently reaching out to people who might be connected to Jay, and known avenues for identifying other family members were not pursued. For example, Constable Jarrah had

⁸⁰ First Nations Liaison Officers



had a recent prior interaction with Jay, but he was not asked whether he had family contact details for Jay (which he did).

Given the role police actions played in Jay's traumatisation, we find it unacceptable that the first attempts to call a family member did not occur for more than 40 hours. As an Aboriginal person and as an innocent young person who had been through a traumatic experience at the hands of police, Jay was owed greater care than he was afforded.



Finding 19

The initial failure to obtain contact details at the scene and lack of effective follow-up systems and processes for contacting Jay's family were unacceptable.

Making assumptions

After no initial success in reaching Jay's mother, Inspector Beech contacted the First Nations Liaison team:

I have made numerous efforts to locate his parents; however, it appears they are estranged from him and do not live in the ACT. Are you able through the [ACT's Aboriginal and Torres Strait Islander] community to ascertain who may have care of [Jay]. My information is that he is homeless and couch surfs.

Instead of reaching out through First Nations community contacts, the First Nations Liaison team made inquiries with Children, Youth and Families (CYF), the agency that is responsible for oversight of child protection in the ACT.

Jay's family were especially upset by this action, which they felt suggested police had made an assumption that Jay, as an Aboriginal young person, was likely to be in the 'child protection system'. They felt this was an example of systemic racism within ACT Policing (see [Part 7](#)).



We asked the First Nations Liaison team why it reached out to CYF and they replied:

internal ACT Policing information indicated that [Jay] may have been homeless, and ACT Policing considered that if this information was correct, CYF may have had prior contact with him.

We have observed different police making assumptions about Jay's living situation based on incorrect information. Constable Jarrah, who had engaged with Jay on Halloween as well as on 11 November held the view that Jay was homeless, even though at Halloween Jay had given his address and his brother Tee as his next of kin, which is not consistent with him being homeless. Other appointees also understood that Jay was 'homeless and couch surfs', but we do not know how they formed that view.

It is difficult for us to form a firm view as to why the police made assumptions about Jay's living arrangements. It is not the first or only time we have witnessed police stereotype young people they are engaging with, regardless of the reasons for the engagement.⁸¹ We consider it possible this is an example of unconscious bias stemming either from Jay's age or previous interaction with police.



Finding 20

Unconscious bias potentially led to incorrect assumptions about Jay's living situation.

Seeking contact details

Attempts to locate Jay's family after the incident were limited to information held by ACT Policing, NSW Police Force and CYF. While we recognise the First Nations Liaison team understood that Jay was potentially homeless, we remain concerned that ACT Policing chose to reach out to CYF in the first instance. When we asked why the First Nations Liaison team did not reach out through the Aboriginal and Torres Strait Islanders Children's and Young Person Commissioner, the ACT Aboriginal or Torres Strait

⁸¹ Commonwealth and ACT Ombudsman, [Use of force by ACT Policing: more to do to lessen harm](#), 2025, p 56.



Islander Elected Body or other contacts in the First Nations communities for contact details of Jay's family, we were told:

during consideration of these options, concerns were raised around the privacy of [Jay], and the potential impact of distress being caused to community members noting ACT Policing could not provide any information as to why next of kin details were being sought.

Further, ACT Policing advised it considers there are legislative barriers to information sharing, as well as no agreed information sharing arrangements or established points of contact within these organisations.

We re-emphasise that the need to reach out for contact details would have been avoided entirely if the police at the scene had asked for Jay's details after he was released from arrest.

We also disagree that there were no ways the police could have reached out for contact details through the community without raising unnecessary alarm. We consider the ACT Aboriginal and Torres Strait Islander Children and Young People Commissioner⁸² is a statutory office holder who would have been an appropriate initial point of contact. However, we acknowledge that the police do not have an information sharing agreement in place with the Office. Further, at the time of the incident, while there had been an acting Commissioner⁸³ since 7 October 2025, the acting arrangements were not publicly announced,⁸⁴ and the members of the First Nations Liaison team were unaware of the acting Commissioner until December 2025, when the acting arrangement had already been extended for a further period⁸⁵ (although the acting Commissioner had written directly to the CPO in the aftermath of 11 November).⁸⁶

⁸² [Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022](#).

⁸³ [Aboriginal and Torres Strait Islander Children and Young People Commissioner Acting Appointment 2025](#), Notifiable instrument NI2025-550.

⁸⁴ The acting arrangements were made public through the notifiable instruments register on www.legislation.act.gov.au, but our Office has been unable to locate a media release or other public announcement about the appointment.

⁸⁵ [Aboriginal and Torres Strait Islander Children and Young People Commissioner Acting Appointment 2025 \(No 2\)](#), Notifiable instrument NI2025-608.

⁸⁶ Standing Committee on Legal Affairs, Inquiry into Annual and Financial Reports 2024-25, [Transcript](#), 20 November 2025, p 112.



It is desirable that ACT Policing establish culturally appropriate ways to contact the First Nations communities in situations where a young First Nations person's wellbeing has been jeopardised, and we recommend that arrangements are entered into with appropriate organisations. If necessary, those protocols should be supported by legislative amendments to permit information-sharing – although it is not clear that permission is needed when the young person is **not** the subject of an ongoing criminal justice process and the reason for the information-sharing is purely welfare.



Recommendation 5

ACT Policing establish information-sharing protocols with the Office of the Aboriginal and Torres Strait Islander Children and Young People Commissioner and other appropriate First Nations led entities.
If necessary, ACT Policing liaise with the ACT Government for legislative changes to allow this information sharing.

Meeting in person

At 8:52 on 12 November 2025, after the CPO and the Minister's Office had been briefed, ACT Policing issued a media release about the arrest of the alleged offender the night before.⁸⁷

The release focused on the alleged offences in Woden but included the paragraph:

*Multiple police attended the Woden area however the teen was unable to be located. Police stopped a Transport Canberra bus after receiving information that the teenager was onboard, but he was not able to be located.*⁸⁸

Not long after, ACT Policing's Facebook page reposted the media release. At this time, Jay's family still did not know that he had been on the bus.

By 14 November 2025, Jay's family knew what had happened to him, and Auntie Kay had published a post on Facebook, resulting in an outpouring of support. A member of the

⁸⁷ Police had found and arrested the alleged offender later in the evening of 11 November.

⁸⁸ [Teen charged following Woden incidents](#), ACT Policing, 12 November 2025, updated 20 November 2025.



Elected Body acted as an intermediary with the DCPO, and an in-person meeting was arranged for the following Monday, 17 November 2025, between Jay, his family, community members and the DCPO, the relevant Commander and the First Nations Liaison team.

The First Nations Liaison team engaged with the members of the Executive who were to attend the meeting, talking them through what they could expect to happen and emphasising the importance of listening and accepting the experiences of the family. In discussions with us, the First Nations Liaison team described their desire to provide Jay and his family an opportunity to engage in 'truth telling' about the incident and their experiences.

On the Sunday, ahead of the meeting, the DCPO sent a copy of the media release issued on 12 November⁸⁹ about the arrest of the alleged offender to the family's intermediary:

to assist context for you. Then I'll let you decide if you provide to the family before the meeting but it is the crime spree that was happening at the time [Jay] was mistakenly arrested.

The meeting with Jay and his family was held in a place of the family's choosing. It is clear that it did not go well, with police records describing the tone of the meeting as 'heated'. The records reflect that Aunty Kay read the victim impact statement, that the family and community representatives 'air[ed] their frustrations and concerns' around racial profiling, and that the Commander answered questions and 'attempted to explain to the family why these incidents can occur'.

The impact statement read out by Aunty Kay reflected the family's anger at the police's earlier media release:

You do not get to use another child's crimes to justify the harm done to ours. You do not get to blur the lines between a violent offender and an innocent boy sitting on a bus. You do not get to use a press release as a shield from accountability.

⁸⁹ [Teen charged following Woden incidents | ACT Policing](#) – first published 12 November 2025; last updated 20 November 2025.

The family's deep level of distrust of the police by this stage is also reflected in the fact that they did not believe ACT Policing had visited a house in an attempt to talk to Jay's family. According to the family, the police representatives at the meeting spoke only in vague terms, and either did not know the details of the visit to Jay's estranged mother's last known address in the ACT, or chose not to share them.

Jay's family also subsequently expressed to us their frustration with the First Nations Liaison team members who were present at the meeting:

[The First Nations Liaison Officers] were there as well. They were brought to the meeting but they had no idea what it was about. You could see the shocked reaction on the liaison officers. Why are you guys here then?

They weren't allowed to speak and were just like a deer in headlights. It was as if they can't speak and are silenced about what happened.

This is just one area of disconnect in the expectations of the role of the First Nations Liaison team, which we discuss further below (see [Part 10](#)). From the First Nations Liaison team's perspective, their role at the meeting was to listen, allow space for truth-telling, and provide culturally sensitive support to the family if such support were requested. However, given they were not police officers, they were unable to speak about the events of 11 November 2025.

During the meeting, Jay's family requested that ACT Policing fully fund all trauma counselling for Jay and pay for any associated medical costs. We understand there has been no direct communication between the First Nations Liaison team and the family since that meeting. However, the CPO has publicly confirmed that ACT Policing would fund support for trauma counselling.⁹⁰ We have also confirmed with the First Nations Liaison team that they remain committed to funding Jay's trauma counselling and are willing to offer appropriate wrap-around cultural supports to Jay and his family, whenever the family is ready.

⁹⁰ Standing Committee on Legal Affairs, Inquiry into Annual and Financial Reports 2024-25, [Transcript](#), 20 November 2025, pp 131-132.

Justifications

We asked Jay's family about their perspective on the police's media release:

Putting out the media statement ... twisted the narrative to portray that they were doing the right thing ... I was angry with how they tried to twist it around ... [to make it look like] family who are over-reacting.

We also asked the family how ACT Policing could have approached the meeting more effectively. They described the disconnect between receiving an apology caveated with attempts to justify or minimise the gravity of what had happened.

That's not fair on [Jay] at all. Own up for your actions and [offer] a genuine sincere apology. Why is it so hard for you to do that? He wasn't the kid you were looking for. What hurts me most is that they apologised but I felt disrespected considering he did nothing wrong and [look] how police treated him. There is apology and sorry and 'but'. There shouldn't be a 'but' in it.

Even after the meeting with the family, it seems ACT Policing may not have comprehended the importance to the family of an apology acknowledging the hurt with no justifications. Very little of the CPO's public statement was about the apology to Jay or the impact on Jay. While on one hand it is understandable that the CPO wished to provide information about the events of 11 November, it is equally understandable that Jay and his family heard the CPO's words as a justification rather than an apology.

In testimony for the Legal Affairs Committee, the CPO stated:

In terms of our response to the issue, we do not want anyone to be of the view that we are seeking to downplay the incident. What we are seeking to do is contextualise it, noting that they are difficult, dynamic situations that our people respond to, and it is purely contextualising the response.

It is our view that, even if not intended to do so, the public statements did in fact downplay the incident. Making statements of support for officers' actions ahead of any investigations into the officers' actions aggravated the hurt felt by the family and substantiated their distrust in any subsequent investigation process. It also reinforced the deeply held Aboriginal and Torres Strait Islander communities' views that the police and Government would not listen, would not accept responsibility, nor be held



accountable, and that ultimately nothing would change to ensure something similar would never happen again.



Finding 21

To the extent that public statements by the Chief Police Officer emphasised support for police actions and sought to justify decisions made, these statements undermined public confidence in any subsequent police investigative processes.

Part 10. First Nations Liaison team

Role and structure of the First Nations Liaison team

The purpose of the First Nations Liaison team is to assist in establishing and maintaining positive relationships between ACT Policing and the ACT's First Nations communities. As set out in [Figure 4](#) below, the First Nations Liaison team is responsible for:

- day-to-day community engagement
- internal support for policing operations
- community program involvement
- internal policing education
- strategic stakeholder engagement
- policy and operations advisory.

The team includes 3 funded positions: 2 First Nations Liaison Officers (FNLO) and 1 First Nations Senior Liaison Officer (FNSLO) role, all of whom are First Nations people and unsworn members. The team reports to a Sergeant who has a broader portfolio including education and engagement. The team works standard office hours and, because of current resourcing, is unable to sustainably maintain on-call services after hours.



External stakeholders

 Day to day community engagement • Addressing referrals of individuals • Conducting home visits to provide support • Making referrals to support agencies • Engaging with local Elders and community members	 Strategic stakeholder engagement • Developing and maintaining high level networks with the First Nations community, service providers and government and non-government organisations.	 Community program and event involvement • Assist with the development and delivery of community justice programs • Attendance at key First Nations community events.
--	--	---

Internal stakeholders

 Internal Policing Education • Breaking down barriers and educating members about indigenous culture • Possible future facilitation of the First Nations Cultural Literacy Training Program	 Internal support for policing operations • Supporting frontline members when investigating or responding to incidents • Answering queries relating to operational matters	 Policy and operations advisory • Providing advice and support to ACT policing management • Development of intervention strategies • Assisting with the development of strategic and policy documentation.
---	--	---

Figure 4 First Nations Liaison Officer role as represented to ACT Policing members in the mandatory cultural competency training

Contact with the First Nations Liaison team

As discussed in [Part 9](#), after the bus incident, the First Nations Liaison team was first contacted early on the morning of 12 November 2025 for assistance and guidance on how to apologise in a culturally safe manner. While this was 14 hours after the incident, we are comfortable that their involvement was facilitated as soon as practicable, given the team's current structure and resourcing.



Finding 22

The First Nations Liaison team was informed as soon as practicable after the incident given current structure and resourcing.

Advice given by the team

The First Nations Liaison team provided the advice to apologise in person and offer culturally safe wrap-around support services. They also advised that:

[g]iven the connections that [Jay's] family has within the First Nations community, there is significant risk to reputation to ACT policing [and] our connections with the community ...

... I would also suggest that the media briefing that has been posted by ACT media this morning regarding the arrest of the individual who did commit the offence, could indict [sic] the family to go to the media and speak on [Jay's] experience.

In providing this advice, the First Nations Liaison team foresaw the risks that would arise, but there is little evidence these risks were actively managed or fully appreciated. For example, an Inspector contacted the First Nations Liaison team to raise 'concerns that sending the team to apologise to the individual and his family would set a precedence [sic] that ACTP would need to do this for everyone'. Further, as discussed above, there was no urgency placed on the need to proactively engage with the family, and there



was no change to the public narrative to acknowledge Jay's experience until 20 November 2025.⁹¹

In the press conference on 20 November 2025, in what appears to be an attempt to offer assurance, the CPO advised that:

First Nations Liaison Officers are part of the response to these types of incidents. And obviously the First Nations Liaison Officers have been part of the response since the incident and that remains ongoing.

Having looked in detail at the incident, we note how little the First Nations Liaison team's involvement appeared to shape ACT Policing's response at an operational level, and that the cultural sensitivity of ACT Policing's response to a mistaken and traumatic incident for an innocent First Nations youth could have been better, given the availability of culturally informed advice. For the team to be able to positively influence the culturally sensitive way ACT Policing responds to an incident, it is critical their advice is heeded. In this instance, the limited adherence within ACT Policing to the First Nations Liaison team's recommendations suggests the team has not been given the authority to meet its considerable responsibilities.

Equally, we fully recognise that the First Nations Liaison Officer roles cannot be seen as the only solution. Real change and a fair distribution of the cultural load cannot be achieved by the small First Nations Liaison team on its own. If First Nations people are to be confident of consistent culturally safe engagement by ACT Policing, all ACT Policing members need to become fluent in culturally safe practices. While cultural awareness training is important, this type of system change requires all ACT Policing members collaborating to achieve change in their day-to-day engagement with the community.



Recommendation 6

ACT Policing continue to develop the effectiveness of the First Nations Liaison team by fostering greater internal collaboration and building the team's authority to consistently inform operational decisions.

⁹¹ [Statement regarding Woden incident | ACT Policing](#), – first published 20 November 2025; last updated 26 November 2025.

Expectations on the team

We consider the First Nations Liaison team to be a valuable resource within ACT Policing. Nonetheless, its ongoing effectiveness is impacted by a range of challenges, that were highlighted in a 2023 review, following our Office's own motion investigation into ACT Policing's administrative framework for engagement with the ACT's First Nations Communities.⁹² The challenges included competing demands and the lack of consensus on how these demands should be prioritised. The Jumbunna review also highlighted challenges noting that 'concerns remain [within First Nations communities] about the function and effectiveness of this role, particularly as it is embedded **within** ACT Policing'.⁹³ [their emphasis]

It is evident that the role description is broad and comes with high expectations from all stakeholders. This breadth of expected engagement, together with the team's limited capacity, has caused frustration from both internal and external stakeholders. During attempts to contact Jay's family, Inspector Beech reached out to the First Nations Liaison team and asked them to accompany the officers visiting Jay's family (when officers were visiting the last known ACT address of his estranged mother). No First Nations Liaison Officers were able to attend. Jay's family expressed frustration with the role the First Nations Liaison team played at the meeting with family, expecting them to be more proactive in supporting the family: '[Having them there] was just a tick in the box, like a green tick ... "inclusive".'

The role of a First Nations Liaison officer is a challenging one requiring a balance of external relationships with local communities and internal policing relationships, while managing a cultural load. The First Nations Liaison team needs to have the capacity to support ACT Policing members in their operational roles, while also developing and maintaining supportive relationships with the Aboriginal and Torres Strait Islander communities.

From what we have seen, there is evidence that the First Nations Liaison team has been creating positive engagement opportunities between ACT Policing and the ACT's First

⁹² [ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community](#), ACT Ombudsman, March 2021.

⁹³ Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), 2025, p 251.



Nations communities. They are also influencing policy and system changes within ACT Policing and have been key in facilitating the mandatory cultural literacy training. Their efforts are commendable. However, the expectations on the team of 3 are simply not sustainable, especially when a crisis-incident arises out of hours.



Recommendation 7

ACT Policing consider additional resourcing for the First Nations Liaison team, in particular to facilitate after hours support.

Part 11. A matter of trust

Defensive posture

Our investigation has revealed that at the very heart of Jay's case was a series of human errors. Multiple members of ACT Policing made errors that in isolation may have been inconsequential, yet all together they compounded, leading to a traumatising experience and lasting impact for Jay and his family. The heightened nature of a search for an armed offender, the bringing together of disparate teams, breakdowns in communication and unclear leadership all contributed to the decisions that led to an innocent young Aboriginal person being taken from a bus at gunpoint, mistakenly arrested, inappropriately and seemingly unlawfully searched and then sent on his way without appropriate aftercare.

While the incident involved a series of individual compounding errors, it is also evident that more robust systems and training to support a more mature, compassionate and culturally sensitive culture within ACT Policing would have avoided, or reduced, the impacts of at least some of the mistakes that ultimately failed Jay.

We consider ACT Policing was fortunate that Jay, although scared and confused, was fully compliant: had he at any stage not readily and fully complied with what was happening to him, there was the potential for things to have gone very differently. By highlighting that the incident could have been worse, we do not seek to diminish the harm caused to Jay, but rather to emphasise just how important it is that ACT Policing takes the necessary learnings from it and implements the system changes and internal cultural reforms required.

After the incident of 11 November 2025, in our view, senior police were defensive and protective of the actions of their officers. They also had a particular focus on the use of force on the bus. However, the events of the day were not limited to that use of force. In our view it was a missed opportunity to repair damage to ACT Policing's relationships with Jay, his family and the First Nations Communities, by not demonstrating more openness to learning from whatever might come out of the AFP's PRS review. In his public statement, the CPO said:

I want to be clear that I have reviewed the body-worn camera of this matter from the bus. And based on that ... and the briefings I have received, I support



*the actions of our members in responding to a dynamic violent incident where their primary concern was the safety of the community.*⁹⁴

While the intention of ACT Policing members to protect the community on 11 November was clear, at the time of the public statement the PRS investigation of the actions of police that day had only just begun. Our investigation has found that ACT Policing could have done better in its dealings with Jay both on and after 11 November.

The CPO has publicly stated on multiple occasions that ‘there is no place for racism within ACT Policing’.⁹⁵ He has also stated in evidence to a Legislative Assembly committee that ‘I do not believe there is institutional racism within ACT Policing.’⁹⁶ The CPO went on in his evidence to the committee to talk about measures ACT Policing has implemented to address any conduct of concern by officers and to improve engagement with and outcomes for the ACT First Nations communities.

Despite these statements and commitments from the CPO, what the First Nations communities may not hear is an understanding that others **do** believe there is institutional racism and that their lived experiences have led them to this view. The Jumbunna Report for example recommended ACT Policing as a priority area for systemic racism review.⁹⁷

Jay’s family did not hear in their engagement with ACT Policing or in statements made by the police an unqualified apology for the impact of 11 November on an innocent individual. A defensive posture from ACT Policing risks negating the Aboriginal and Torres Strait Islander communities’ experiences and feelings and reinforcing perceptions that ACT Policing is not willing to listen or change.

⁹⁴ [Police pulling Aboriginal teenager from bus at gunpoint was ‘racial profiling’ family alleges](#), ABC News, 20 November 2025, embedded video.

⁹⁵ See for example, Standing Committee on Legal Affairs, Inquiry into Annual and Financial Reports 2024–25, [Transcript](#), 20 November 2025, pp107–118 and pp130–135; WIN News, 10 December 2025, 5:37pm;

⁹⁶ Standing Committee on Legal Affairs, Inquiry into Annual and Financial Reports 2024–25, [Transcript](#), 20 November 2025.

⁹⁷ Recommendation 7.3, Jumbunna Institute, [Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System](#), 2025.



Learning from mistakes

Jay's experience was deeply traumatic for him and his family. It has also had an impact on officers involved, and several of whom acknowledge it would have been a frightening experience for Jay. While it is imperative that any individual officer misconduct is appropriately dealt with, there is a danger in otherwise scapegoating individual officers, while not addressing the systems and internal cultures that have led to, or supported, undesirable behaviours. Just as it is important that Jay be given the appropriate supports, it is important that officers across ACT Policing and the AFP feel supported to take on learnings from their experiences.

We consider it critical that ACT Policing, and the AFP as a whole, fosters a learning culture in which officers are encouraged to be calm and considered in their exercise of powers, recognised for showing care and compassion, and empowered to communicate and collaborate effectively to achieve operational objectives.

Rebuilding trust

Transparency is critical to the rebuilding of trust between ACT Policing and the ACT First Nations communities. One of the challenges that has been identified is that internal PRS investigations may take some time, are conducted in private and findings may not be made public. This can lead to frustration at delays and accusations of cover-ups.

We certainly recognise the public interest need to conduct investigations in private, and also the challenge to investigate matters thoroughly and in a timely fashion. However, we think there are opportunities for the AFP and ACT Policing to explore how to better report on outcomes of internal investigations, to provide assurance and accountability through greater transparency.



Recommendation 8

The AFP, in particular ACT Policing and PRS, work together to develop a reporting framework that will allow for greater transparency on the handling and outcomes of complaints against ACT Policing members.

As we have discussed, the incident not only harmed Jay and impacted his family, it also had damaging ramifications for the relationship between ACT Policing and First Nations communities. In its recent Annual Report, ACT Policing stated:

*ACT Policing is committed to listening to hard truths and recognises a shared responsibility and a unique opportunity to work with our partners and stakeholders to ensure all First Nations people and communities in the ACT feel safe and supported.*⁹⁸

ACT Policing has a [Strategy for Engagement with First Nations People and Communities 2023-2028](#) (though it is yet to finalise its monitoring and evaluation framework).⁹⁹

We have no doubt the Executive intends to take its responsibilities seriously. We also consider the First Nations Liaison team's programs and efforts to be genuine and valuable. Nonetheless, we are of the view that there remains a disconnect between the public commitments and what is said and done when such incidents occur.

One of the officers involved in 11 November, who has familial First Nation ties, reflected:

True support for the young person and their family is what is needed ... Constructive engagement should replace inflammatory commentary...I would like to see an opportunity extended to this young person to participate in a positive, educational interaction with police...Such engagement could foster understanding, reduce mistrust, and build bridges between communities and law enforcement.

We asked Jay's family how ACT Policing could start rebuilding trust with the ACT's First Nations Communities, Aunty Kay told us:

We tell them what we need ... we want accountability and truth ...The only way to get trust back in this Community is by owning up instead of making excuses.

Ultimately, rebuilding trust will rely on all operational levels within ACT Policing from the CPO to the newest recruits. Truth-telling cannot be rushed. Hard truths are difficult to

⁹⁸ [ACT Policing Annual Report 2024-25](#), p 3.

⁹⁹ [ACT Government Interim Response, the Jumbunna Review](#), September 2025, p 13.



hear. Untwisting a narrative or a long-held belief requires an openness and a willingness to look at issues through many different lenses and perspectives. Changing institutional culture requires strong leadership to allow a safe space for learning, to understand that mistakes can and will be made, and the importance of an unqualified apology and building relationships with all members of the ACT community. In the words of the officer with First Nations familial ties:

Reconciliation is not achieved through rhetoric; it is built through relationships, understanding and shared experiences ... Every step toward cultural respect and inclusion strengthens the fabric of our society.



Appendix A. Statement from Jay's family

This statement was provided to our Office on 23 April 2026:

When we think about what happened to [Jay], it still sits heavy with all of us. As his family, watching him go through something like that is something we can't even fully put into words.

We felt helpless. We felt scared. We felt like we couldn't protect him in that moment, and that's something no family should ever have to feel.

What hurt the most was not just the incident itself, but how he was treated, it didn't feel fair, it didn't feel right, and it didn't feel like he was seen or respected as a young Aboriginal boy, but also as a human being with rights and dignity.

This has impacted not just [Jay], but all of us as a family. It has changed how safe we feel, how we trust systems, and how we move through the world.

[Jay] deserves to feel safe, respected, and protected, just like any other child. And as his family, we carry the weight of what happened with him every day.

We want this report to truly reflect that this wasn't just an 'incident', it has had real emotional and cultural impacts on our family, and that needs to be acknowledged and understood.

If ACT Policing truly wants to rebuild trust with our First Nations community, it must begin with accountability and truth. Not excuses. Not silence. Not shifting blame. Trust cannot be rebuilt without owning what happened, fully and honestly. That means acknowledging the harm, taking responsibility, and being transparent about what went wrong.

We need to see real action, not just words. Accountability must lead to change, in how our young people are treated, in how officers are held responsible, and in how respect for our people is upheld.

Anyone who has ever met [Jay] will tell you the same thing, he is a respectful, kind-hearted young man. That's why this has been so hard for all of us to come to terms with. We cannot understand how someone with such a gentle nature could be met with that level of aggression and treatment. It hurts deeply.



For our community, trust isn't given lightly. It's built through honesty, respect, and consistent action over time. Right now, that trust has been broken.

The only way forward is for ACT Policing to truly listen, to own their mistakes, and to commit to doing better, not just for [Jay], but for all our children and future generations.

[Jay]'s family



OFFICIAL



AFP

Commissioner

[REDACTED]
24 July 2026

Mr Iain Anderson
Commonwealth and ACT Ombudsman

Via email: [REDACTED]

Dear Mr Anderson

Thank you for your correspondence dated 10 July 2026 advising of your intention to publish the final investigation report *"It's not him." Rebuilding trust after ACT Policing's mistaken arrest of a teenager* and as such, have sought a formal letter of response from the Australian Federal Police (AFP).

As you consider your final report will contain no new imputations the AFP needs to respond to, I confirm the AFP has no further comments it would like you to consider.

I am pleased to confirm that in line with the AFP's interim response to your draft report, the AFP has accepted five of the recommendations, and accepted three recommendations in-principle where we consider the decision-making authority necessary to implement the recommendations are outside of the AFP.

The AFP remains committed to continuous improvement and to building trust and strengthening relations between the community and its police force. This sentiment was affirmed by the ACT Chief Police Officer, Deputy Commissioner Scott Lee APM, in his letter to you on 12 May 2026, in which he addressed the profound impact the incident has had on the young person, his family and the broader First Nations community.

Your draft report makes 21 findings and highlights factors that are considered to have contributed to the events on the day. These broader matters will be considered as part of ongoing practical improvements, which are aimed at acknowledging harm, supporting the recovery of the young person involved in this incident, maintaining trust with the First Nations community, and strengthening the relationship with the community that ACT Policing serves.

I appreciate the importance of transparency and value the collaborative engagement between our offices during this Own Motion Investigation. I look forward to receiving the final report in due course.

OFFICIAL

OFFICIAL

If you require additional information, please contact the [REDACTED],
[REDACTED] or at [REDACTED],
Cc [REDACTED]

Yours sincerely

[REDACTED]

Krissy Barrett APM
Commissioner

***Insert by the Commonwealth and ACT
Ombudsman:**

***Please note, the Commissioner's letter refers to 21
findings. The Ombudsman ultimately made 22
findings. In later correspondence, the AFP
Commissioner welcomed this additional finding.***

OFFICIAL

OFFICIAL



ACT
Policing

Tuesday, 12 May 2026

Mr Iain Anderson
ACT Ombudsman

Dear Mr Anderson,

I write in response to the draft report regarding your comments directed to me in my capacity as Chief Police Officer. I welcome the opportunity to respond and to address the matters raised, transparently and acknowledging the significance of this incident for all those affected.

Firstly, I reiterate my sincere apology to the young person and his family for the harm caused by this incident, which I expressed at the time and continue to offer. I acknowledge the profound impact of this incident on the First Nations young person, his family and the broader Aboriginal and Torres Strait Islander community. I recognise that the harm caused extends beyond the immediate event and has had wider consequences for trust, confidence and relationships between police and community.

I apologised at the time of the incident and have continued to express my regret for its impact on the young person, his family and community. That apology remains genuine, and I do not diminish the seriousness of what occurred or the distress it has caused.

This has included ongoing support and funding to help ensure that the young person receives the therapeutic care and counselling needed to support his continuing recovery. It has been important to me that practical assistance accompany expressions of regret, and that support be directed to his wellbeing over the longer term.

I remain committed to ACT Policing continuing to build and strengthen relationships with our First Nations community. As the Chief Police Officer, I have reflected that commitment in my letter introducing the *ACT Policing Strategy for Engagement with First Nations People and Communities 2023 – 2028*, which sets out specifically:

ACT Policing acknowledges the long history of poor engagement between First Nations People and police agencies – including our own. We recognise the intergenerational trauma and resulting fatigue felt by First Nations people who continue to advocate for self determination and for a higher level of cultural literacy from a range of government bodies.

In investing in the development of this Strategy, we have committed to actions driven by consultation with First Nations people and communities across the ACT, including Wreck Bay. We have undertaken this body to understand policing requirements, to establish stronger relationships founded upon trust and collaboration, and to demonstrate the respect we have for First Nations people, communities and culture.

OFFICIAL

OFFICIAL

We are committed to listening to hard truths, and to ensuring that our engagement with First Nations people and communities drives feedback through the life of this Strategy, and into its next iteration.

I have publicly expressed my concern about the effect of this incident on relationships between police and community. I recognise the enduring challenges in this relationship, and the intergenerational trauma that continues to shape community perspectives and confidence in policing.

At the time of the incident, my public response sought to address concerns specifically focussed on the significant public commentary regarding the motivation for the police response, and the use of force utilised by responding police on the bus. My statements acknowledged police responsibility for the mistaken arrest of the young person, and I have continued to acknowledge this mistake. My public statements sought to provide a level of transparency and context to the community regarding the circumstances of the police response to a series of violent incidents involving an offender armed with an edged weapon. In doing so, I sought to respond transparently to a complex and heightened public environment. I also acknowledged at the time that it was appropriate for the matter to be independently investigated.

My considerations also included the responsibility to safeguard the safety and wellbeing of my members, who are required to operate in high-risk environments, and to ensure they are supported to make critical operational decisions, including the use of force, where it is reasonable and necessary in the circumstances. I remain concerned for the health and wellbeing of my officers involved, who apologised at the time of the incident and who have themselves been significantly affected by this incident. It is important that my officers maintain confidence in their training, guidance and leadership when responding to serious threats.

I submit that my response should be understood in that full context: as an effort to acknowledge harm, express regret, support the recovery of the young person, maintain trust with the First Nations community, and provide appropriate leadership to officers dealing with an incident of exceptional seriousness. I remain committed to ACT Policing learning from this incident and to strengthening ACT Policing's relationship with the community it serves.

If you or your office wishes to discuss any aspects of my response, please contact my office at [REDACTED] to arrange a meeting.

Yours sincerely,

[REDACTED]
Deputy Commissioner Scott Lee APM
Chief Police Officer for the ACT

OFFICIAL

Interim response to *'It's not him.'* Rebuilding trust after ACT Policing's mistaken arrest of a teenager on behalf of the Australian Federal Police (AFP)

Recommendation 1	Accepted	Recommendation 5	Accepted in principle
Recommendation 2	Accepted in principle	Recommendation 6	Accepted
Recommendation 3	Accepted	Recommendation 7	Accepted in principle
Recommendation 4	Accepted	Recommendation 8	Accepted

AFP's Overall Interim Response	Total
Accepted	5
Accepted in principle	3
Not accepted	0



The AFP's interim response to the Commonwealth and ACT Ombudsman's draft report: **"It's not him." Rebuilding trust after ACT Policing's mistaken arrest of a teenager** (the draft report).

At the time of writing this response, the AFP's Professional Standards (PRS) investigation into several of the matters considered within the draft report has not yet been finalised. Therefore, the AFP considers this an interim response to the draft report as part of the procedural fairness process, and will seek to provide an updated response following the conclusion of the internal PRS investigation and/or further changes to the final report as a result of procedural fairness submissions by any of the individual officers.

The AFP's response below is inclusive of proposed actions relevant to the AFP and to ACT Policing as appropriate.



Recommendation 1

ACT Policing develop clearer guidance to support officers performing the role of Alpha 8 to decide when and how to take command of a significant incident. Elements that should be covered, include:

- how the role interacts with other on-shift Inspectors
- the nature of the incident
- whether the existing Police Forward Commander can be reasonably expected to manage the span of control
- the experience of the first responder PFC
- when to issue a commander's intent
- how to ensure effective communication and command clarity – both when assuming command and when exercising the discretion not to take command when attending an incident.

Accepted

ACT Policing recognises the importance of clear, consistent guidance to support Inspectors performing the Alpha 8 function in making timely and effective command decisions during significant incidents. Strong command, clarity and well-defined decision-making thresholds are critical to maintaining operational effectiveness, safety, and coordination across policing responses.

Proposed action:

ACT Policing will progress the review and refinement of guidance to better articulate when and how Alpha 8 should assume command, while also acknowledging the unique nature and complexity of each incident. This guidance will address key operational considerations, including interaction with other on-shift Inspectors/Sergeants, assessment of incident complexity and risk, span of control of the existing Police Forward Commander (PFC), and the experience and capability of responding

members. It will also provide clearer expectations regarding the issuing of commander's intent and the importance of maintaining clear communication, both when assuming command and when exercising discretion not to do so.

This work will be undertaken as part of ACT Policing's broader commitment to continuous improvement of governance, ensuring command protocols remain contemporary, consistent, and aligned with best practice. In doing so, ACT Policing will leverage the enterprise-wide role of the AFP School of Command to support the development, standardisation, and delivery of doctrine, training, and capability uplift in command-and-control practices across the organisation.

Through strengthened guidance and governance, ACT Policing will enhance decision-making consistency, reinforce accountability, and ensure effective command structures are applied across a range of operational contexts.

Expected timeframes: 12 months

This timeframe reflects the need for broad consultation across ACT Policing and the AFP, and an evidence-based approach to reviewing and updating existing governance.

Recommendation 2

The AFP establish a clearly understood definition of 'racial profiling' aligned with the objectives of the *Racial Discrimination Act 1975* (Cth) and include the definition within sufficiently high level and binding governance materials, such as the *AFP Commissioner's Order 2 on Professional Standards*.

Accepted in principle

The AFP accepts the intent of this recommendation and the importance of providing clear and operationally relevant guidance to support members to exercise their duties in a lawful, proportionate, and intelligence-led manner.

The AFP does not agree that *AFP Commissioner's Order 2 on Professional Standards* is the most appropriate governance in which to embed a definition of 'racial profiling' in order to provide this guidance, but undertakes to consider in the appropriate governance to support members.

Proposed action:

Within an operational policing context, members are routinely required to act on information and descriptors provided by witnesses, victims, and intelligence holdings. AFP doctrine supports the use of specific, credible, and timely information to inform decision-making, including identifying characteristics, where they are directly linked to a particular individual, incident, or threat.

Consistent with AFP operational doctrine, decisions must be grounded in objective factors, assessed risk, and available intelligence, rather than generalisations. This reinforces principles of professionalism, impartiality, and accountability, while ensuring members retain the discretion necessary to respond effectively to dynamic operational environments.

The AFP will undertake a review of relevant AFP and ACT Policing governance, to assess whether additional clarification would support members in applying these principles in practice. This review will consider:

- alignment with AFP operational doctrine, including intelligence-led policing, use of commander's intent, and risk-based decision-making;
- the distinction between permissible use of specific suspect descriptions and inappropriate generalised profiling;
- racial profiling in the broader context of other protected attributes and the most appropriate governance mechanism to embed relevant definitions;
- the impact on members' ability to exercise lawful discretion and make timely operational decisions;
- opportunities to ensure members are appropriately supported and protected when acting reasonably and in good faith on available information;

- consistency with Learning and Development Command (LDC) training, including the use of identification descriptors and communication practices; and
- approaches to minimise the introduction of bias while maintaining operational effectiveness.

Through this review, the AFP will ensure that any future guidance strengthens clarity, supports consistent application of doctrine, and reinforces confidence in operational decision-making across the organisation.

Expected timeframes: 6 months

This timeframe reflects the need for consultation across ACT Policing, the AFP and AFPA/CPSU, and an evidence-based approach to considering the operational impacts of a change in governance.

Recommendation 3

ACT Policing review its use of race as a proxy to describe a person's physical traits with a view to adopting objective descriptors.

Accepted

ACT Policing acknowledges the importance of ensuring that operational policing decisions are based on objective, evidence-based assessments and supported by clear intelligence. As outlined by the United Nations in their publication *Preventing and Countering Racial Profiling of People of African Descent*¹, the description of person's physical traits may be used across routine law enforcement activities, including searches, arrests, and surveillance, and require careful management to ensure they are applied appropriately.

¹ United Nations, *Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges* (New York: United Nations, 2019), <https://www.un.org/sites/un2.un.org/files/2019/12/preventracialprofiling-en.pdf>

Proposed action:

ACT Policing recognises that the use of personal characteristics—such as race, colour, descent, or national or ethnic origin—must not form the basis of generalised suspicion or decision-making. Instead, these factors may only be considered where they form part of a specific and credible suspect description linked to a particular incident or intelligence holding. In all cases, decisions must be grounded in reasonable and objective factors relating to an identifiable individual, behaviour, or risk.

ACT Policing will continue to review current practices and consider measures that strengthen decision-making, improve operational practice, and maintain community confidence in policing outcomes.

Expected timeframes: 12 months

This timeframe reflects the need for broad consultation across ACT Policing and the AFP, and an evidence-based approach to considering the operational impacts of a change in practices.

Recommendation 4

ACT Policing develop and implement, as a priority, training with a focus on recognising and responding to trauma-based behaviours and trauma informed policing practices.

Accepted

ACT Policing acknowledges that the benefits to trauma-informed policing methodologies are increasingly well documented. Trauma-informed policing training equips officers with the basic knowledge and skills to recognise trauma, understand its impact on behaviour, and respond in a way that is compassionate, respectful, and non-threatening, ultimately aiming to reduce re-traumatisation and improve interactions with the public.

ACT Policing has a current body of work in progress, responding to two prior recommendations from the Commonwealth and ACT Ombudsman in relation to trauma-based behaviours and trauma informed policing practices and acknowledges the continued focus on these approaches.

Proposed action:

ACT Policing is currently undertaking parallel training development and research initiatives to capture and assess members' understanding and application of trauma-informed policing practices. These initiatives aim to highlight the importance of trauma-informed approaches while identifying current organisational strengths and gaps. This includes evaluating organisational culture, existing training and policies, and member attitudes towards trauma-informed practices.

The findings will inform the development of a tailored trauma-informed policing framework to guide training, policy, and operational practice within ACT Policing and the AFP, with potential applicability across broader Australian law enforcement.

ACT Policing is conducting targeted research to support the development of this framework. The research, and the resulting framework, will promote practical measures including:

- strengthened supervision and leadership modelling;
- structured reflective practice;
- clearer referral and partnership pathways; and
- improved access to support services and wellbeing mechanisms.

These measures align directly with the intent of the recommendation and are expected to reduce the negative impacts of trauma, while fostering a more trauma-aware policing culture to support the community during their engagements with ACT Policing.

To further strengthen capability in this area, ACT Policing is seeking a suitably qualified provider to develop a specialised training package for existing members. This package will complement the current mental health training program, with key themes and learnings also shared with LDC for potential inclusion in the AFP Recruit Program.

While the timing and delivery of this training remain subject to funding considerations, including the broader fiscal environment and existing funding arrangements with the ACT Government, ACT Policing acknowledges the importance of this work and supports the intent of the recommendation.

Expected timeframes: 12–18 months

A trauma-informed policing framework developed by a University of Technology Sydney (UTS) researcher is expected to be provided to ACT Policing by the end of the 25–26 financial year. This framework will form a key input into ACT Policing's broader trauma-informed policing reform agenda, as outlined above.

ACT Policing has commenced procurement processes to approach the market for a suitably qualified service provider to design and develop a hybrid trauma-informed policing training course. This course will be delivered to members engaged in frontline and community-facing roles, including those working with victims, offenders, and the broader community. The training will support consistent application of trauma-informed principles across operational contexts and complement existing learning and development initiatives.

Recommendation 5

ACT Policing establish information sharing protocols with the Office of the Aboriginal and Torres Strait Islander Children and Young People Commissioner and other appropriate First Nations led entities.

If necessary, ACT Policing liaise with the ACT Government for legislative changes to allow this information sharing.

Accepted in principle (subject to community consultation and perspectives)

ACT Policing recognises the importance of effective, lawful information sharing to support community safety, particularly in relation to First Nations children and young people. Information sharing plays a critical role in coordinated service delivery and early intervention, and is a minimum expectation of the community in high-risk or vulnerability contexts.

ACT Policing notes the importance of ensuring that recommendations impacting First Nations communities are informed by appropriate cultural expertise and lived experience, and considers the perspectives of the First Nations community as essential to ensure recommendations are balanced, practical, and reflective of community expectations. ACT Policing considers that engagement with a suitably qualified First Nations advisor, consultation with representative bodies, or broad community consultation would strengthen the cultural validity and operational applicability of this recommendation. ACT Policing supports approaches that embed First Nations perspectives at all stages of review and policy development to ensure outcomes are informed, credible, and effective.

Proposed action:

ACT Policing operates within a strict legal and operational framework governing information disclosure, derived from the *AFP Act 1979*, *Privacy Act 1988* (Cth), and applicable ACT legislation and Privacy Principles. Consistent with AFP governance, information sharing is undertaken on a need-to-know and functionally relevant basis, ensuring that any disclosure is necessary, proportionate, and directly connected to a lawful purpose.

Existing legislative frameworks, including the *Children and Young People Act 2008* (ACT), already provide authorising provisions for information sharing where required to protect a child or young person. ACT Policing members are mandatory reporters and routinely share information with Children, Youth, and Families (CYF) and other relevant entities where there are concerns of abuse, neglect, or risk of harm. As the statutory body responsible for the protection of children and young people in the ACT, police may also seek information from CYF where there is an operational need and an absence of available information in police databases. These provisions may extend to organisations supporting First Nations children where relevant to their care and wellbeing.

ACT Policing acknowledges the importance of culturally appropriate engagement and the need to ensure that any information sharing arrangements are developed in a manner that is respectful, transparent, and supported by the First Nations community. This includes consideration of community expectations, cultural sensitivities, and governance structures.

ACT Policing has previously sought to formalise arrangements with the Office of the Aboriginal and Torres Strait Islander Children and Young People Commissioner through a Memorandum of Understanding or Letter of Exchange. ACT Policing will consider engagement with established representative bodies such as the Aboriginal and Torres Strait Islander Elected Body (ATSIEB), noting its elected status and role in representing community perspectives (including matters relating to children and young people).

ACT Policing will undertake further work to:

- engage with relevant First Nations stakeholders to determine whether, and in what form, information sharing is appropriate and supported;
- assess what a minimum viable and operationally effective information sharing arrangement would look like in practice;
- ensure any proposed arrangements align with legal obligations, operational requirements, and existing frameworks;

- consider how existing mechanisms may support information sharing outcomes for children under relevant age thresholds; and
- identify whether legislative change is necessary or whether current provisions are sufficient but require better utilisation or clarification.

ACT Policing notes that information sharing is inherently context-specific and must be applied with regard to individual circumstances, risk, and legal thresholds. As such, any arrangements will need to maintain flexibility while providing sufficient clarity to support consistent operational decision-making.

ACT Policing supports the intent of this recommendation and will continue to progress opportunities to strengthen information sharing in a way that is lawful, culturally informed, and operationally effective.

Expected timeframes: 6-12 months

This timeframe reflects the need to seek legal assistance to assess and draft agreements with development of internal governance to guide release of private and law enforcement information to third parties outside of current lawful use. ACT Policing notes that if legislative change is required to achieve the intent of this recommendation; the expected timeframe will be significantly longer.

Recommendation 6

ACT Policing continue to develop the effectiveness of the First Nations Liaison team by fostering greater internal collaboration and building the team's authority to consistently inform operational decisions.

Accepted

ACT Policing recognises the value of the First Nations Liaison team in supporting culturally informed policing outcomes and strengthening engagement with the First Nations community. The team plays an important role in enhancing situational awareness, supporting frontline members, and contributing to more effective and responsive policing.

Proposed action:

ACT Policing notes that there is already a strong degree of interoperability between the First Nations Liaison team and operational members. The team is regularly engaged to provide cultural insight, community context, and advice to inform operational activity, and has demonstrated its capacity to support evidence-based and community-informed policing responses.

In progressing this recommendation, ACT Policing will focus on further strengthening internal collaboration and enhancing the agency of the First Nations Liaison team to contribute to operational decision-making processes. This will be achieved while recognising that members within the team are unsworn and not positioned to inform operational decisions. Instead, their role is to provide advice, guidance, and cultural context to support those decisions.

ACT Policing also acknowledges that the ACT is a highly transient environment with diverse First Nations communities and broader cultural groups. As such, the First Nations Liaison function must remain adaptable and capable of engaging across a range of cultural contexts, ensuring advice is relevant, respectful, and responsive to varying community needs.

ACT Policing will continue to:

- strengthen collaboration pathways between the First Nations Liaison team and operational commands;
- reinforce the role of the team in providing timely, practical advice to contribute to decision-making;
- ensure clarity of roles and responsibilities, particularly in relation to sworn decision-making authority and advisory functions; and

- support capability development to enhance culturally informed operational practices.

ACT Policing notes that effective engagement with First Nations communities requires diverse perspectives and ongoing consultation. In this context, ACT Policing will continue to seek opportunities to ensure that policy development and operational practices are informed by appropriate cultural expertise and community input.

ACT Policing supports the intent of this recommendation and will continue to build on existing strengths to enhance collaboration, capability, and culturally informed policing outcomes.

Expected timeframes: Ongoing

Recommendation 7

ACT Policing consider additional resourcing for the First Nations Liaison team, in particular to facilitate after hours support.

Accepted in principle (subject to funding considerations)

As noted in response to recommendation 6, ACT Policing recognises the value of the First Nations Liaison team in supporting culturally informed policing outcomes and strengthening engagement with the First Nations community. The team provides important advice, support, and connection to community, contributing to more effective and responsive operational policing.

Proposed action:

ACT Policing notes that current support arrangements are primarily delivered during business hours, with existing resources enabling the team to provide advice and assistance within these parameters. While this model supports a range of operational activities, it also presents limitations in responding to time-critical incidents occurring outside standard hours.

ACT Policing acknowledges that extended availability, including after-hours support, may further strengthen the team's ability to assist frontline operations in high-risk or dynamic situations. However, ACT Policing notes that funding to support expanded service delivery, including after-hours support functions, may be a matter for ACT Government consideration as part of the

budget process. Any proposal for additional resourcing would need to be carefully assessed to ensure it is sustainable, targeted, and aligned to operational demand and community need.

Additionally, ACT Policing will consider options to enhance the capacity of the First Nations Liaison team, including models that support increased availability while maintaining operational effectiveness and workforce wellbeing.

ACT Policing supports the intent of this recommendation and will continue to advocate for resourcing that strengthens culturally informed policing capability.

Expected timeframes: TBC pending funding considerations

Recommendation 8

The AFP, in particular ACT Policing and PRS, work together to develop a reporting framework that will allow for greater transparency on the handling and outcomes of complaints against ACT Policing members.

Accepted

The AFP acknowledges the importance of transparency and accountability in the management of complaints, and the role this plays in maintaining community confidence in policing within the ACT.

Complaint handling for ACT Policing members is undertaken within the broader AFP governance framework, with Professional Standards (PRS) responsible for the assessment, investigation, and oversight of complaints. ACT Policing works closely with PRS to ensure matters are managed consistently, in line with AFP professional standards, legislative requirements, and established assurance frameworks. This includes engagement with external oversight bodies, such as the Commonwealth and ACT Ombudsman, which play a key role in providing independent review and assurance.

Proposed action:

The AFP recognises that, within the ACT context, there is a strong community expectation for accessible, transparent information regarding the handling and outcomes of complaints. In partnership with PRS, ACT Policing will consider opportunities to strengthen reporting arrangements to better meet these expectations, including:

- improving the clarity, consistency, and accessibility of information available to the ACT community regarding complaints and outcomes;
- ensuring reporting aligns with existing AFP governance, assurance, and oversight frameworks, including external review mechanisms;

- balancing increased transparency with legal, privacy, and operational obligations, including requirements under the *AFP Act 1979* and *Privacy Act 1988* (Cth); and
- leveraging existing reporting systems and data holdings to ensure accuracy, integrity, and efficiency, while avoiding duplication.

This work will be progressed in accordance with AFP governance principles, including accountability, risk management, and continuous improvement. Any enhancements will complement existing internal and external reporting arrangements and ensure that complaint management processes remain fair, robust, and operationally sound.

ACT Policing will continue to work collaboratively with PRS and relevant oversight bodies to support transparency where appropriate, while maintaining the integrity and independence of complaint handling processes and safeguarding the rights of both complainants and members.

Expected timeframes: 6-12 months

This timeframe reflects the need to **assess, seek advice and develop** internal governance to guide release of personal and law enforcement information to third parties.

Disclaimer

This document is intended and suitable for public release and publication.

The Commonwealth owns the copyright in all material produced by the Ombudsman. With the exception of the Commonwealth Coat of Arms, the Office of the Commonwealth Ombudsman's logo, any material protected by a trade mark, and where otherwise noted, all material presented in this publication is provided under a Creative Commons Attribution 4.0 licence.

The details of the relevant licence conditions are available on the Creative Commons website (creativecommons.org/licenses/by/4.0/deed.en) as is the full legal code for the CC BY 4.0 licence.

The Commonwealth's preference is that you attribute this report and any material sourced from it using the following wording:

Source: Licensed from the Commonwealth Ombudsman under a Creative Commons 4.0 licence. This report is available from the Commonwealth Ombudsman website at www.ombudsman.gov.au.

Use of the Coat of Arms

The terms under which the Coat of Arms can be used are set out on the It's an Honour website www.pmc.gov.au/government/its-honour

Contact us

Enquiries regarding the licence and any use of this report are welcome at:

Commonwealth Ombudsman

Level 5, 7 London Cct

Canberra ACT 2601

Tel: 1300 362 072

Email: ombudsman@ombudsman.gov.au