

MEDIA RELEASE

17 September 2015

Own Initiative Investigation Report Services provided by the Department of Correctional Services at the Don Dale Youth Detention Centre

On 21 August 2014, a number of incidents involving several young people detained at the Don Dale Youth Detention Centre and Correctional Service staff occurred which lead to tear gas being deployed to 'de-escalate' the situation. There was substantial media and community interest in this incident at the time and the then Children's Commissioner, Dr Howard Bath, stated publically that he would be investigating the matter.

Prior to the events on 21 August, Dr Bath had also received a complaint relating to the same young people and their confinement, treatment and conditions in the Behaviour Management Unit (BMU). This investigation focuses on the issues leading up to the tear gas incident from 4 to 21 August and the initial response to the incident. As a result of this incident and a number of other concerns raised by Dr Bath, the NT Government on 2 October 2014, announced that DCS would be conducting an internal review of youth detention headed by Mr Michael Vita. The 'Vita Report' with recommendations was released on 18 February 2015. In spite of this the Children's Commissioner decided to continue with the investigation.

The Children's Commissioner's report dealt with seven distinct issues each containing findings. However, the key findings of the report are:

- Inadequate 'de-escalation' techniques were employed prior to the tear gas being used on the young people;
- The use and type of restraints as well as the application of instruments such as spit hoods during the incident was inappropriate; and
- The placement of the young people in the BMU for long periods of time, conditions of the placement and treatment of the young people was inappropriate and did not comply with the *Youth Justice Act*.

The key recommendations focus on many areas of Youth Detention Practice including the employment process of Youth Justice Officers (YJO); improved training for YJOs, particularly around de-escalation techniques; establishment of adequate procedures that include best practice for the use and type of restraints, spit hoods and isolation procedures; and substantial improvement in the availability of suitable programs that address the young people's physical and mental wellbeing.



The Children's Commissioner, Ms Colleen Gwynne stated that "Whilst I congratulate the Government for conducting the 'Vita Review' and I accept that some of the findings and recommendations of the 'Vita Report' coincide with my report I felt the need to provide my Report to Government. I did so because of the concerns I had for the treatment of these young people and my ability to monitor the implementation of my recommendations in the Report".

Ms Gwynne further stated that "We need to make sure that young people in youth detention are treated in accordance with the *Youth Justice Act* and our International obligations under the United Nation's Convention on the Rights of the Child. I look forward to working with the Government so that we can improve the services provided to these young people."

The Children's Commissioner has during the course of this investigation followed all the prescribed steps under the *Children's Commissioner Act 2013* to allow all parties procedural fairness including the opportunity to respond to the Commissioner's findings. The DCS response is provided in the Report.

Media Release ends.

For more information contact Adam Harwood on: 8999 6076. The Report is located at <http://www.childrenscommissioner.nt.gov.au/publications.html>

