

Northern Territory police still using ‘inhumane’ spithoods and restraint chairs on children

‘This is an alarm bell. It’s the canary in the coalmine telling us there is a bigger problem’, says paediatrician



The use of spithoods and restraint chairs at the Don Dale youth detention centre in Darwin was exposed in 2016. NT Police have confirmed the practices continue in 2022.

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Fri 25 Feb 2022

The Northern Territory government has been condemned for a “breach of trust” after NT police confirmed that spithoods and restraint chairs remain in use, despite promises to phase out the “inhumane” devices.

NT police data reported by the NT News shows spithoods have been used 27 times since 2018 and 21 of those applications having occurred since 2020.

Restraint chairs were used six times on young people in police watch houses between 2020 and 2021, and in one instance was used on a 15-year-old boy in Katherine.

While they were used throughout the Territory, the most frequent location they were used was in the Palmerston watch house, where they were used 15 times on children.

Guardian Australia contacted NT Police to independently verify these figures but did not receive a response by publication.

After events in Don Dale youth detention centre, a 2017 royal commission into the Protection and Detention of Children in the Northern Territory described the use of spithoods and restraint chairs as “inhumane” and recommended their use be ended.

In March 2017, the minister for territory families and urban housing, Kate Worden, said in a speech to parliament that the NT government had “done an incredible amount of work to reform the youth justice system”.

“We will not reintroduce things like spithoods or strapping young offenders into chairs, and we will not be locking them up 24 hours a day in solitary confinement,” Worden said at the time.

Aboriginal Medical Services Alliance Northern Territory (AMSAMT) CEO, John Paterson, said he “felt sick to the stomach” when he learned of the continued use of the devices.

“Four years down the track, here we are again, still using them,” Paterson said. “To be putting children through this punitive constraint that can have a lifetime effect on their mental health, trauma and stress. It’s unacceptable.”

“There’s other ways and means of treating children when they’re taking into custody.”

Chief executive officer of the Northern Territory Council of Social Services (NTCOSS), Deborah Di Natale, said the NT government had previously given assurances that use of spithoods and restraint chairs had ended throughout the territory.

“It was a complete surprise to us. We were of the impression the Northern Territory government were following the commitments of the royal commission and they had not been used since the 2017 recommendations were handed down,” Di Natale said.

“It’s a broken promise and it’s a breach of trust.”

In a statement, NT Police minister Nicole Manison said the government had introduced a new offence in 2020 during the pandemic to criminalise intentionally coughing or spitting on frontline workers.

“We are committed to keeping our Police safe from spitting, and we also want them to be safe from any accusation for not providing proper care to people in custody, including at watch houses,” Manison said.

“We also have a duty of care to provide a safe environment for anyone who is in custody.”

Paediatrician Dr Nick Fancourt who provides health services to children in detention said the use of spithoods and restraint chairs on children was “never appropriate and never necessary”.

“This is an alarm bell. It’s the canary in the coalmine telling us there is a bigger problem,” Fancourt said. “People within these systems are so pressured with so much work that we’re falling back on these mechanisms we said we would never use.”

“And if we don’t really try to look and address those issues we’re going to end up in a similar place as to where we were in 2016 and 2017.”

Aboriginal community health service Danila Dilba, the North Australian Aboriginal Justice Agency, Save the Children Australia and National Aboriginal and Torres Strait Islander Legal Services (NATSILS) have joined NTCOSS and AMSANT in calling for spithoods to be banned at law in the Northern Territory.

NATSILS executive officer, Jamie McConnachie, said she was “sick to her stomach” at learning the news and that their use was “indefensible”.

“They’re dangerous, they’re humiliating, they’re archaic and they’re notoriously involved in black deaths in custody. They violate international anti-torture laws when they’re used to violate, punish or coerce,” McConnachie said.

“We strongly oppose the use of spithoods in all institutional contexts, with no carve outs, anywhere in the country.”

UTS Jumbunna Institute research associate Latoya Rule, who has campaigned broadly to ban the use of spithoods nationally, said they were unsurprised at hearing of the continued use of spithoods and that their use was “highly racialised”.

“The likelihood of a spithood being used on an Aboriginal child than a non-Aboriginal child is much higher right now, due to the higher level of incarceration,” they said.

“If they had the political will, after seeing the torture of people in Don Dale and across the NT, subject to spithoods and their use, they would have banned them on the spot.”

Rule, the sibling of Wayne Fella Morrison whose 2016 death in custody is subject to a coronial inquiry, said the Northern Territory government – and every other jurisdiction in the country – should follow the example of South Australia by banning the use of spithoods at law.

“If this was happening to non-Aboriginal children, it would have been banned years ago,” they said.