

THE GASSING OF THE DON DALE 6

Extracts from the August 2015 Report of Children's Commissioner Colleen Gwynne to NT Government, based on events that occurred from 4th to 21st August 2014 in the Behaviour Management Unit (BMU) of the Don Dale Youth Detention Centre.

On 12 August 2014, concerns were raised by a professional stakeholder on behalf of five young persons who were in detention. The complaint related to the alleged indefinite nature of the confinement in the BMU, and the unhygienic living conditions of the environment. It was the complainant's opinion that the conditions were 'inhumane' as young persons were being held in solitary confinement in cramped and darkened cells, for up to 23 hours a day.

There were also concerns about the long-term impact this could have on the five young persons' psychological and physical wellbeing.

On 22 August 2014, Correctional Services, who informed that there had been a critical incident within the BMU and that a number of young persons had armed themselves with weapons and had tried to escape and that the only way to return any form of order was to use CS gas⁷, and the prison security dog from the Darwin Correctional Centre.

The cells do not have any air-conditioning, or fans. There are no facilities for the young persons to access drinking water, nor are there any facilities for hand washing after using the toilet, or before eating meals. There are no windows which allow direct natural light, or ventilation.

Six young persons were being held in the BMU between 4 and 21 August 2014, for periods of between 6 to 17 days, depending on the individual. Five of these young persons had been involved in an escape from the medium security section of Don Dale on 2 August 2014. They were all placed in the BMU after they were returned to detention.

[An officer] told investigators: 'The kids kept asking if they could get out and management never had any answers for them and the detainees went off and I don't blame them, I would have too. It wouldn't have happened if they didn't keep them in there for so long. It is horrible, it stinks, they do the spring cleaning every Saturday but when you've got so many kids in there and they are all going to the toilet and they were sharing cells, it is not nice living arrangements or accommodation, I am surprised it didn't happen sooner.'

YJO A informed investigators the incident occurred as a result of a build-up of being kept in the BMU for so long, and boredom. Young person 'E' later told him he was angry because the shift supervisor had told him he was getting locked in for another 72 hours.

The length of time the six young persons were forced to spend in the BMU is very concerning. It is not acceptable to place young persons in a confined area for days at a time, only allowing them out for one hour per day. The environment in which they were housed was clearly not appropriate, with Don Dale staff decrying the conditions as 'unhygienic' and 'inhumane'. The fact that the young persons were unable to have continuous access to water for drinking and washing is unacceptable.

CCTV footage show that the young persons spent the majority of their time lying on the platform (bed) when confined to their cell.

Case workers interviewed informed investigators that they visited the young persons on most days, however they were restricted to talking to them through the bars of the cells.