TEENAGE DETAINEES HOODED, GASSED IN NORTHERN TERRITORY

[ABC Radio Darwin](https://www.abc.net.au/darwin/)

By the National Reporting Team's Kate Wild and [Katherine Gregory](https://www.abc.net.au/news/katherine-gregory/6248824)

Updated 18 Sept 2015, 1:35pm

[abbreviated]

Revelations that teenagers were tear gassed in their cells in the Northern Territory and later had fabric hoods placed over their heads after being transferred to an adult prison came in a report tabled in NT Parliament on Thursday night.

The report follows an investigation begun by former NT children's commissioner DR HOWARD BATH into an [alleged riot by six juvenile detainees in the Don Dale Youth Detention Centre](https://www.abc.net.au/news/2014-08-22/teens-tear-gassed-in-prison-clash/5690908) [on 21st] August 2014.

It was completed by the current Children's Commissioner, COLLEEN GWYNNE.

Commissioner Middlebrook, who was present, gave permission for tear gas to be used on the teenagers.

Commissioner Middlebrook is heard to say on a video recording: "Mate, I don't care how much chemical you use, we gotta get him out."

Six youths were exposed to tear gas for between three and eight minutes each.

 DR BATH said in his report: "There wasn't ever a riot, an unlawful assembly. One young person had escaped their cell because the door had been left open by the staff. The other young juveniles had not got out."

In the immediate lead-up to the alleged riot, Department of Corrections staff had placed six young people in solitary confinement "for periods of between six and 17 days", according to the report.

It was widely reported at the time that the young people became "increasingly aggressive and violent towards officers" that evening and began to rebel.

A witness to events told the Children's Commissioner: "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 so long. It is horrible, it stinks ... I am surprised it didn't happen sooner."

JARED SHARP from the Northern Australian Aboriginal Justice Agency (NAAJA), which has represented many of the juveniles held in Don Dale, said: "This is information that Corrections has been aware of, they've had the CCTV, they've interviewed their own staff. But it's only now that the real facts are coming to light, and that's the real concern. What else don't we know?"

MR SHARP said the report showed Don Dale had been in crisis "for a long time".

"It's about maintaining control and order and that has overrun the need to obey the law and be clear about what your legislative duties are to kids in your care," Mr Sharp said.

"There is this seeming willingness to do what's necessary without any moral compass."

14YO MOVED BACK TO DETENTION CENTRE

When it was discovered a 14-year-old had been taken to the adult prison, Corrections acted to have him returned to Don Dale.

The report said CCTV footage showed that when the boy arrived back at Don Dale, he was clearly handcuffed with his hands behind his back "with a hood still placed over his head".

Soon after the riot, Don Dale Youth Detention Centre was moved from its previous premises into the decommissioned and partly refurbished former adult prison at BERRIMAH.

In the first six months of 2015, there was a spate of breakouts and disturbances in the new centre.

These included two teenagers breaking out of the centre, stealing a car and breaking back into Don Dale by driving the car through the centre's front door.

JARED SHARP from NAAJA said there was no excusing this behaviour by juvenile detainees but details in the Bath Report "explain why they would feel such desperation that they would climb over razor wire to escape, as they have".

"It's also why kids might leave detention when they get out damaged, feeling in the depth of despair and harmed by the experience of detention," he said.

MR SHARP said NAAJA and the community were aware of other critical incidents at Don Dale since the events of August 2014.

"So there's nothing to suggest the issues identified here in this report are not ongoing," he said [in September 2015].