



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 54

WRITTEN QUESTION

K McNamara to the Minister for Corrections, Hon Gerard Maley MLA:

Use of Spit Hoods

1. Please list the scenarios in which a spit hood could be used on a prisoner under the current regulations.

Section 137 of the *Correctional Services Act 2014* provides:

- (1) A correctional officer may take any reasonable and appropriate steps in order to maintain the security and good order of a custodial correctional facility and prisoners.
- (2) For the purpose of doing so, a correctional officer may use the force that is reasonably necessary.

The justification for use of the hood remains with the officer applying it or instructing it to be applied. The following considerations that may justify its use are:

- a. where a prisoner has spat at an officer;
- b. where an officer perceives there is evidence of a clear and tangible threat of spitting from the prisoner.

Prior to the application of a spit hood, a warning will be issued for the benefit of the prisoner, similar to “stop spitting, stop spitting”.

The General Manager is to be notified of the use of a spit hood in emergency situations or where planned force is to be used that will include the application of the spit hood.

2. Please list all the circumstances that spit hoods have been used on prisoners this year.

There have been three occasions where a spit hood has been used on prisoners this year.

All instances have been prisoners displaying aggressive behaviours including spitting and/or attempting to bite.

3. Please list the scenarios in which a spit hood could be used on a youth prisoner under the current regulations.

A spit hood is not permitted to be used on a youth detainee under the current legislation and regulations.

4. Please list the scenarios in which a spit hood could be used on a prisoner whilst they are being transported, under the current regulations.

A spit hood may be used should a prisoner be actively spitting, or there is a likelihood of spitting. Prisoners are rarely transported using a spit hood.

5. Please list all the circumstances that spit hoods have been used on prisoners during transportation this year.

Nil.