

## Ombudsman statement on spit hood use by NT Police

We recently investigated the pros and cons of NT police using spit hoods:

[https://ombudsman.nt.gov.au/data/assets/pdf\\_file/0005/1298651/restraints\\_report\\_final.pdf](https://ombudsman.nt.gov.au/data/assets/pdf_file/0005/1298651/restraints_report_final.pdf)

Spitting on anyone is abhorrent behaviour. It gives rise to a justifiable sense of revulsion. The need to take precautionary measures can disrupt the lives of police who are spat on. Police deserve to be adequately protected.

Our democratic justice system already provides a mechanism for imposing serious penalties for spitting offences. Applying a spit hood should never be seen as justified as part of the punishment a spitter 'deserves'.

The offensive nature of spitting alone does not justify implementation of an inherently hazardous protective option. The viability of spit hoods should be judged against three questions: What are the risks involved, How effective are spit hoods, and Are there better alternatives?



As for **risks**, there are serious risks of physical and psychological harm, particularly to children. Physical harm can arise from the hood material, vomit or other bodily fluids caught in a hood impeding breathing, with reports from other jurisdictions identifying spit hoods as contributing to serious harm and death. Psychological harm can include the immediate trauma of being hooded, as well as longer term stress and impacts on development.

NT Police have advised me of a range of limitations and protections to be placed on spit hood use, and additional training for members primarily aimed at reducing the risk of physical harm. Protections are important but risk remains if they are not consistently applied due to inadvertence, competing priorities, misunderstanding, frustration or distraction, in what can be a very demanding workplace environment. The numerous cases we identified of misuse or misapplication of spit hoods, and the attendant higher risks of serious harm, must be considered in weighing risk.

For police, being spat on is confronting and entails disruption during the testing phase but the evidence shows the risk of contracting communicable disease from being spat on are negligible.

As for **effectiveness**, we found that spitting most frequently happens either during a struggle (when a hood can't practically be applied) or before any action to protect against it is even contemplated. This clearly limits the effectiveness of the spit hood as a protective tool. There were cases where a spit hood was applied following spitting in a watch house when a person was in transit to a cell only metres away.

Thirdly, we found viable **alternative** measures and protective equipment available to protect police that are just as, if not more, effective than spit hoods. These included reducing the incidence of spitting by improved understanding of, and communication with, children, which was a factor absent in a number of the cases we reviewed.

In essence, while some police may feel they get significant protection by applying spit hoods, this is not supported by the evidence, which does point to substantial risks of harm for children who are hooded.

None of this has changed since the NT Police decided to stop using spit hoods on children. The introduction of a new type of spit hood has not removed the risks. Limits and protective measures to be adopted by NT Police are acknowledged but they do not address all the risks raised in our report, including the tendency for misuse and misapplication. Spitting remains abhorrent but there are more effective approaches, with less risk.

Our investigation found the same factors present for use of spit hoods on adults, although psychological risk factors may differ in degree for adults over 25.

Those factors have supported cessation of use in all but one other police facility in Australia. The United Nations Committee Against Torture has recommended that Australia take all necessary measures to end the use of spit hoods in all circumstances. I remain of the firm view that NT Police should not use spit hoods.

Because of the strong views held by some police, I consider NT Police should support, educate and equip its officers to achieve the above ends. It is important for officers to be well informed about the evidence that points to the risks of serious harm, the limited efficacy of spit hoods and the benefits of alternative measures. NT Police should focus on work with stakeholders, including the NTPA, in planning and embedding change.

**Peter Shoyer**  
**NT Ombudsman**

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