

## Chapter 17:

### Module 10 – Millisle Borstal

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## Introduction

- 1 Woburn House, as it was officially known, was a borstal for males aged sixteen to twenty-one from 1956 to 1980, but it was usually known as Millisle Borstal. It was designed to provide training for work, education and leisure activities for young offenders who were unsuited to training schools and who would otherwise have been sent to prison.
- 2 The Inquiry addressed the allegations of ten applicants in Module 10, which commenced with an introduction by Junior Counsel on 18 January 2016. Seven applicants were heard in person and two statements were read out on the grounds of the ill-health of the applicants, HIA 262 and HIA 320. The statement of one further witness, HIA 294, was based on the account he gave to the Acknowledgement Forum, as he had hoped to give evidence in person but was sadly deceased before he was able to prepare a witness statement. Evidence was heard from three former officers and one former governor (Duncan McLaughlan), as well as Stephen Davis on behalf of the Department of Justice. Evidence for the Module was completed on 26 January 2016.
- 3 We wish to express our appreciation for the help provided by the witnesses concerning their experiences as trainees at Millisle, nearly all of whom had already given evidence in relation to other residential institutions. We are aware that recalling such memories can be a painful process. We are grateful to all those in the Department of Justice who identified relevant records and contributed to the statements for the Inquiry presented by Stephen Davis, the Director of Operations for the Northern Ireland Prison Service (NIPS). We are indebted to the officers who were employed at Millisle for providing first-hand recollections, and in particular to Duncan McLaughlan who was Governor during the period covered by most of the allegations.
- 4 Nearly all the evidence was provided by the Department of Justice, but some records, such as Prison Service personnel details, were not available, presumably as a result of destruction of files considered to be no longer required. In particular, there was a review of records at Millisle in May 1977 at which it was noted that there were ‘dead’ files for over a thousand trainees and these were presumably destroyed.<sup>1</sup> There are therefore some gaps in our knowledge. Unlike other institutions investigated by the Inquiry there were no social services files concerning the trainees during their time

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1 MIL 141, 143.

in Millisle as there were no social workers actively involved with them then. There was also very little police documentation, as (with one exception) the witnesses had not complained to the police and their allegations had not been investigated previously.<sup>2</sup>

## The Premises

- 5 Woburn House was a stately home on the outskirts of the village of Millisle, three miles south of Donaghadee in the Ards peninsula in County Down, with views across the North Channel. The property was separated from the sea only by the main road, the A2. The house was rebuilt by George Dunbar MP as an Italianate mansion in the 1860s, and it was acquired by the state in lieu of death duties in 1952.<sup>3</sup> The Ministry of Home Affairs decided to use the premises as a borstal because the buildings were sufficient to house the trainees and there were 56 acres of grounds, largely woodland but with space for sports facilities and further developments.<sup>4</sup> Although not very far from Belfast if one had a vehicle, it was difficult to reach for those who were reliant on public transport, and this reduced visiting by trainees' families.<sup>5</sup>
- 6 The main house had a grand facade, painted white, facing the road and the sea. The ground floor was used for reception, administrative offices, a small rest room for staff to have snacks, two common rooms for the trainees, the dining room, the kitchen and the laundry. The first floor housed the dormitories, mostly for four or five boys in each room, and a medical room was sited between two of the dormitories.<sup>6</sup> The seamstress's room was in the attic, which was mainly disused.<sup>7</sup>
- 7 Behind the main building there was a variety of outbuildings which housed the workshops and cells used to isolate trainees at times of crisis, though their use was discontinued when Duncan McLaughlan took over as Governor in 1975. There was also a room which was available for 'special grade' trainees to use, where they had a greater degree of freedom.<sup>8</sup> Beyond these buildings there was a walled garden and greenhouses used for horticultural training.

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2 MIL 106-107.

3 MIL 109.

4 For a plan of the site, see MIL 28129.

5 Day 180, p.32.

6 Day 182, p.23.

7 Day 182, p.26.

8 Day 182, pp.44.

- 8 To the right of the main building, when viewed from the main road, there was a substantial building housing the gymnasium, classrooms and more workshops. To the extreme right there was the Governor's house. The ground rose landwards throughout the site, which was encompassed by a wood that was termed 'the forest'. The main house and buildings described above were used for the open borstal. There was no fencing and the front door was managed by a 'special grade' trainee who held the key.<sup>9 10</sup>
- 9 To the left of the main house, adjacent to the main road, there were 26 units of staff housing, mainly in the form of semi-detached houses. Behind them was the closed borstal, which was on the site of a farm acquired in 1970 and demolished to make way for the new development. The closed borstal was opened in 1977 and was a separate purpose-built unit, also within sight of the sea, although further inland. It was surrounded by a security fence and admission was regulated. It was self-contained and had all the facilities required for a closed section except that the laundry, the kitchen and some other services sited in the main building provided for both the open and the closed units.<sup>11</sup>
- 10 The closed borstal at Millisle was a two-storey building with a central section and two wings leading from it. In the centre there were administration offices, a visiting area, interview rooms, a recreational room, medical unit, reception unit, punishment cells, games hall, library, TV rooms, billiards room, quiet room and two workshops.<sup>12</sup> In the wings there was sleeping accommodation made up of 33 single rooms, twelve twin rooms and two dormitories, each with nine beds; in total this amounted to 75 places, but with the use of bunk beds this could be exceeded.<sup>13</sup> The ground floor was used for the allocation and assessment unit and for the segregation unit. Upstairs, one wing was used for trainees who had been assessed and were awaiting a move to the open section. The other wing was for trainees for whom an open unit placement was deemed unsuitable. The buildings were surrounded by a 17' high weldmesh fence.<sup>14</sup> There was also a small church for the use of all denominations within the fence so that there was no need for trainees from the closed unit to leave the site for religious observance.<sup>15</sup>

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9 MIL 710.

10 Day 182, pp.34.

11 Day 182, p.19.

12 MIL 165-166, 173-174.

13 MIL 164, 172.

14 MIL 165.

15 MIL 171.

## The Borstal System

- 11 The roots of this type of provision go back to 1895 when the Westminster Departmental Committee on Prisons, known as the Gladstone Committee after its chairman, Herbert Gladstone, recommended the creation of a type of special institution for young offenders which would be:

“a half way house between the prison and the reformatory. It should be situated in the country with ample space for agricultural and land reclamation work. It would have penal and coercive sides which could be applied according to the merits of the particular cases. But it should be amply provided with a staff capable of giving sound education, training the inmates in various kinds of industrial work, and qualified generally to exercise the best and healthiest kind of moral influence.”<sup>16</sup>
- 12 The original model for this type of institution was established in 1902 in the village of Borstal in Kent, England, and it was also piloted in Ireland in 1906. Authorisation for a system of borstals was provided by the Prevention of Crime Act 1908, which applied to the whole of Great Britain and Ireland.<sup>17</sup>
- 13 When partition took place in 1921 there was no borstal in Northern Ireland, and a third of the trainees in Clonmel Borstal were from Belfast. For the first few years boys requiring borstal training were first placed at Feltham Borstal near London and then, as the distance was found to render Feltham unsuitable, at Greenock in Scotland. A total of more than 60 boys were sent to England and Scotland in this way.<sup>18</sup>
- 14 However, the new Government of Northern Ireland addressed the problem speedily. A report was prepared in 1923 by the Departmental Committee on Reformatory and Industrial Schools in Northern Ireland, known as the Moles Committee, and it addressed the question of borstals.<sup>19</sup> The Committee concluded that a male borstal should be set up in Northern Ireland, but that the number of females requiring that type of provision was insufficient to warrant the establishment of a borstal for them.

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16 Quoted in Niall Osborough *Borstal in Ireland: Custodial provision for the young adult offender 1906-1974* (1975), p.3.

17 MIL 10013-10026.

18 MIL 108.

19 *Report of the Departmental Committee on Reformatory and Industrial Schools in Northern Ireland* (1923) HMSO pp. 22-27: (MIL 10159-10164).

- 15 The outcome was the passing of the Malone Training School Act (Northern Ireland) 1926. Malone School had been run as a reformatory by a voluntary board, and then by Belfast Corporation, but in 1926 it was taken over and fully funded by the Government. It housed both a reformatory and a semi-secure borstal, which functioned separately on the same site and under the same governor until 1956. Malone Borstal was then discontinued under the Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956 and on 27 July 1956 the borstal was moved to Millisle, which was an open borstal, set up under Sections 1 and 2 of the Prison Act (Northern Ireland) 1953.<sup>20</sup> For some time there was a single governor for both Malone Training School and Millisle Borstal, and a housemaster (the equivalent of an assistant governor) was resident in charge of the borstal.<sup>21</sup>
- 16 The borstal system was expanded further by the introduction of a closed borstal at Armagh Prison in 1963, and from that point trainees spent the first months of their sentences in closed conditions at Armagh before moving to Millisle. Meanwhile Malone continued as a training school until a new purpose-built school was opened at Rathgael.<sup>22</sup>
- 17 The provision at Millisle was enhanced with the addition of new vocational training workshops and two new classrooms in 1966, residential staff accommodation in 1968, and a gymnasium in 1970.<sup>23</sup> These developments were funded by the Ministry of Home Affairs.
- 18 Throughout the 1970s considerable pressure was put on the borstal service by the Troubles and by the consequent need to accommodate boys and young men who had been involved in civil disturbance and offending. Millisle only suffered one serious disturbance during the Troubles. On 15 May 1972 a group of 35 trainees obtained access to the roof from the dormitory in Alexander House, and they caused considerable damage to the roof, the dormitory and the medical suite. Only one absconded and the others gave themselves up when the army and the police arrived in force. The rioters were all transferred to a secure unit in Magilligan Prison and work commenced to make the damage good the next day.<sup>24</sup>

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20 MIL 110, 148.

21 MIL 111.

22 MIL 109, 10699-10713.

23 MIL 110.

24 MIL 24253.

- 19 Woburn House open borstal could accommodate 75 trainees, with some flexibility to increase. The average daily borstal population in Northern Ireland (which at first included the trainees in Armagh Prison) rose steadily from 84 in 1972 to 145 in 1979.<sup>25</sup>
- 20 In 1970 a farmhouse together with 33.5 acres of farm land adjacent to Woburn House was acquired with a view to creating a closed borstal. Demolition of the farm buildings began in 1974<sup>26</sup> but the first trainees were not admitted until November 1977<sup>27</sup>, a year later than planned,<sup>28</sup> and by this time young offenders had had to be housed in closed borstal units at the Maze, Crumlin Road Jail and Magilligan Prison. With the opening of Millisle these borsstals were now closed.<sup>29</sup> The closed section was designed to hold a further 75 trainees, but could take more with doubling up. Millisle was therefore capable of catering for a total of 150 trainees, or more if pressed.<sup>30</sup>
- 21 As the Governor of both the open and closed sections, Duncan McLaughlan issued a notice to staff:
- “First, it is important that all staff at all levels view the two institutions as one institution. There is one management, one staff and one task, which is to provide borstal training in the best and most humane manner possible”.<sup>31</sup>
- In the event, there was a unified management, but the two staff teams remained largely distinct unless there was a need for help because of staff shortage, and the modes of working of the two sections were quite different, despite having the same aims.<sup>32</sup>
- 22 Millisle itself only functioned with the two sections for three years and it was also closed in 1980 with the introduction of the Youth Offender Centre (YOC) system under the Treatment of Offenders (Northern Ireland) Order 1980, as the borstal sentence had become redundant.<sup>33</sup> The indeterminate nature of the borstal sentence was unpopular with inmates, whereas the YOC sentence was determinate. The closed borstal was shut

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25 MIL 117.

26 MIL 24298.

27 MIL 27750.

28 MIL 24765.

29 MIL 725.

30 MIL 710.

31 MIL 162.

32 Day 182, p.99.

33 MIL 115.

on 30 September 1980. On the last day, Duncan McLaughlan noted in the governor's journal:

“We have shown that both trainees and staff can experience meaningful relationships. The heavy hand has not been needed.”<sup>34</sup>

- 23 For a few months Millisle open section was technically a YOC, but it also closed on 31 December 1980 when the last trainees were transferred to Hydebank.<sup>35</sup> In his last entry in the governor's journal, Duncan McLaughlan wrote:

“...whilst I welcome the closure of a penal establishment it is a matter of deep regret that Northern Ireland no longer has an open institution. There is no doubt in my mind that we at Millisle have shown what can be achieved when one attempts to establish a humane regime that treats both staff and inmates as human beings. We have not set out to rehabilitate inmates, as such an aim is based on myth and wishful thinking; we have tried to show that imprisonment need not be a totally negative experience.”<sup>36</sup>

- 24 Thereafter the closed borstal premises were used for Lisnevin Training School, and the open section became a training centre for the Northern Ireland Prison Service.<sup>37</sup>

## Open and Closed Borstals

- 25 There were two types of borstal: closed and open. Both were part of the Prison Service and most of the staff in both types of borstal were prison officers. The practice was for boys to be admitted to a closed borstal, and when they had demonstrated that they had settled down, typically after about two or three months, they were moved on to the open borstal. The closed borstals were more army-like and regimented, with uniforms, an emphasis on parades and chores, and a tough regime in which conformity was demanded. Officers had to be addressed as ‘Sir’.<sup>38</sup> By contrast, in the open borstals boys wore a choice of clothing and were treated more liberally, with more freedom of movement, additional rewards and less regimentation.

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34 MIL 185.

35 MIL 202.

36 MIL 157.

37 MIL 111-112.

38 MIL 055.



- 26 In 1965, for example, Governor Vogan issued instructions to trainees:  
“You must march to and from work in a quiet smart and orderly manner.”<sup>39</sup>

By Duncan McLaughlan’s time, twelve years later, trainees in the closed section “walked in a fairly orderly fashion”, but this was not required of those in the open section.<sup>40</sup> MZ 1, who was used to working in prisons, was amazed to find that boys delivered newspapers to staff houses, and that one officer took 30 trainees for a walk in the surrounding countryside and was not clear about the numbers checking back in on their return.<sup>41</sup>

- 27 Because of the contrast in the regimes, trainees were usually keen to move on from the closed borstal to the open section as quickly as possible. In oral evidence Duncan McLaughlan said that canny trainees displayed difficult behaviour on arrival in the closed section and then became more conforming, to demonstrate that they had learnt their lesson and were ready for transfer, whereas less intelligent boys did not play the game and spent longer in the closed section.<sup>42</sup>

- 28 For most of its existence Millisle was an open borstal and (although some measures were taken to reduce absconding, such as bars on certain windows) reliance was placed upon trainees to complete their sentences without the use of security measures to prevent absconding. Trainees who had achieved a level of trust were given the freedom of the grounds. There was, however, always the possibility that problem behaviour in the open borstal, such as absconding, could lead to a return to the closed borstal.

## The Applicants

- 29 Boys were admitted to borstal for a number of reasons: predominantly they had records of offending, they had absconded frequently from training schools, or they were proving difficult to control in other settings such as children’s homes. Of the ten applicants to the Inquiry who were trainees at Millisle only two had not been in a training school prior to admission. One of these had been in three children’s homes, and only one had no record of residential care prior to committal to Millisle.

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39 Governor J. W.Vogan General Instructions to Borstal Trainees (1 December 1965) Instruction 7: his emphasis. (MIL 615-616).

40 Day 182, p. 35.

41 Day 181, p.32.

42 Day 182, p.51.

- 30 Because of their histories in other residential childcare institutions, the trainees therefore had the potential for presenting the staff of Millisle with severe handling problems, but the borstal model offered the boys more positive opportunities than prison life, and the hope was that they would seize the opportunities and avoid a life of offending and prison sentences. Nonetheless there was a clear expectation that the staff would be in control and prevent further offending by containing the boys, only offering them greater freedom as they responded to the training programme. A small percentage who did not respond were moved on to a prison.
- 31 Millisle opened in 1956 but there were no applicants applied to the Inquiry who were there in the 1950s, and only one in the 1960s. Three who were resident in the mid-1970s made allegations only against one particular officer, Officer Skillen. Although the closed borstal at Millisle was only open from 1977 to 1980, six of the ten applicants were admitted to Millisle closed unit before moving on to the open borstal, and while many of their complaints concerned Officer Skillen, the remainder related largely to their treatment in the closed section.
- 32 For the purposes of this chapter, therefore, the evidence has been drawn together to follow trainees through from their initial admission to the closed borstal to their transfer to the open borstal and then on to their discharge. The allegations of abuse which they made follow.

## The Closed Borstal

- 33 The remit of the closed section was:
- “(i) to receive all young men sentenced to Borstal Training after their initial period of twenty-four hours in HMP Belfast [for registration].
  - (ii) to assess trainees for their suitability for training in open or closed conditions.
  - (iii) to provide a full programme of training for those trainees whom it is felt appropriate to place in open conditions.
  - (iv) to provide a particular programme for those trainees who have rejected the training regime in the open or closed sections.”

It was intended to keep the newly admitted trainees who were there for assessment away from those in the segregation unit.<sup>43</sup>

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43 MIL 166.

34 The task of the unit was:

- “(i) to introduce trainees to Borstal Training and its implications for them.
- (ii) to assess the trainees’ need for open or closed conditions.
- (iii) to prepare a training plan that the trainee will follow during his training period”.

An Allocation Board made up of the senior officers of the borstal decided on the training plans and the units to which the trainees would go. It was intended that the regime in the assessment unit should be “vigorous”.<sup>44</sup> Many of the allegations of physical abuse relate to time spent in the assessment unit.

35 Trainees in the segregation unit consisted of:

- (a) a small number where movement to the open section was deemed inappropriate, possibly because of the nature of their offences;
- (b) some who had failed in the open unit but who, it was hoped, would return there shortly through experiencing an “austere” regime;<sup>45</sup> and
- (c) those who had failed in the open section but were to complete their sentence in the closed section.<sup>46</sup>

36 Several witnesses gave graphic accounts of gratuitous physical attacks which they sustained on the day of their admission, presumably intended to indicate to newcomers who was in charge. If trainees did not indicate that they submitted, for example if they complained about their ill-treatment, this was followed up by further punishment until they had been worn down. They described the atmosphere in the closed borstal as being regimented and intentionally punitive, presumably with a view to achieving the obedience of the trainees.

37 HIA 162 said that “Everyone is beaten on their first day there.”<sup>47</sup> HIA 294 said that he was sent to Millisle for discipline, aged about seventeen:

“So I went there for this discipline and as soon as I went through the door I got beat in there, kicked in the shins and there used to be the old brogues they all wore in them days.”<sup>48</sup>

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44 MIL 167.

45 MIL 169.

46 MIL 712.

47 MIL 044.

48 MIL 064, 30077.

- 38 HIA 416, who had no previous experience of institutional life, wrote:
- “I was brought into the canteen which was full at the time when I arrived. I was told that I had five minutes to eat. I had not eaten all day as I was in the Court house, and an Officer asked if anyone wanted more bread. I put my hand up and he told me to get the fuck out of there. He then took me into the corridor and battered me. I was then brought to a cell. That night was the worst night of my life as I did not know what was going to happen to me the next day.”
- 39 “The next morning I was given black boots, a black jacket made of cloth and trousers. I had my hair shaved. An officer told me that I didn’t have a mother or a father and that the officers in charge were my parents now. He then said that I was only a number. My number was 479 and he told me that they had me for three years. He then slapped me. I had just turned sixteen years of age.”<sup>49</sup>

Three years was the maximum without remission. As it happened, HIA 416 remained in Millisle for almost exactly a year, but because of the isolation of the borstal he was visited by his family on only three or four occasions until his discharge, when his father collected him.<sup>50</sup>

- 40 HIA 320 said that he was assaulted by an officer, LN 18, in the assessment centre and he started screaming, which caused other staff, including Governor McCutcheon, to come in to see what was happening.<sup>51</sup> LN 18 strongly denied the allegation, as he could not place trainees in the punishment block without instructions from the governor.
- 41 HIA 320 added that in consequence of the incident concerning his admission, some officers, such as LN 20, made things difficult for him, slapped him and put him in the punishment block, but the governor was on his side and he was also supported by a kind officer (Mr McDowell).<sup>52</sup> LN 20 stated that he had no recollection of HIA 320, but that he never used force and did not have the authority to send a trainee to the punishment block.<sup>53</sup>
- 42 On arrival, trainees were subject to assessment during their first few weeks in the closed section. HIA 416 wrote:

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49 MIL 070.  
50 MIL 072, 075.  
51 MIL 061.  
52 MIL 061.  
53 MIL 829-830.

“I had to do six weeks in the first wing that I was placed in. It was called the assessment wing. I had to learn how to make my bed pack which consisted of a blanket then a sheet [and then another blanket]. It was the way that the Army had to make beds. The staff would come in and measure the beds to make sure they were made right. Your comb and toothbrush had to be a certain distance away from each other, the right side up and facing each other.”<sup>54</sup>

- 43 “The staff would come in and inspect our rooms. We had to shine our boots so that we could see our faces in them. If they checked your cell and found any dust on their finger tips they would wreck the whole bed and you would have to tidy it all. I cleaned my cell and the Officers would still find dust. ...I would then have to clean the whole cell again. ...In the room there was a chair and a Bible. We were not allowed to sit on the chair.”<sup>55</sup>

Other witnesses confirm this picture. The cleaning of the cells clearly went well beyond what was required to run an institution hygienically, and it was part of the conditioning process to ensure that trainees conformed.

- 44 HIA 248 said of the closed unit:

“The regime there was very tough and you needed permission from the staff to do everything.”<sup>56</sup>

HIA 262 said:

“It was run like an army recruitment camp. We wore uniforms, marched and stood to attention”.<sup>57</sup>

This was required of trainees whenever an officer passed them according to HIA 416.<sup>58</sup> HIA 162 said:

“It was extremely regimented in Borstal and there were rules for everything. If I did not follow the rules to the letter then I would be beaten by staff. The prison officers were tough and were always looking for faults in what I was doing or the state of my cell. If there was a problem then I either was beaten or locked up for the day.”<sup>59</sup>

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54 HIA 416 explained the process more fully in oral evidence as “the six pack”. (Day180, p.5).

55 MIL 070.

56 MIL 055.

57 MIL 036.

58 Day 180, p.7.

59 MIL 044.

45 HIA 400 wrote:

“Our cells were very basic with just a bed, a chair and a urine pot. We were woken up at six in the morning. We had to sit on the chair and we were not allowed to sit or lie on our beds during the day. If the prison officers caught you on your bed when they were doing their checks they would put you on report. We were only allowed out of our cells for meals. There was no one to talk to and nothing to do. I found somewhere in my room where I could hide things, so I made myself a chess board and made chess pieces out of papers for rolling tobacco. I would chew them and dry them on the radiator. I was able to play chess with myself to pass the time but I was always terrified of being caught.”<sup>60</sup>

In oral evidence HIA 400 explained that in his experience any pastime which might be enjoyable was punished, as the period in closed borstal was intended to be harsh. He was worked so hard in PE that he vomited, but was made to clean it up and carry on; he also saw other boys vomiting.<sup>61</sup>

46 The above accounts of the closed section all occurred in the period 1977-1980, and (excluding the allegations against Officer Skillen) they constitute the majority of the allegations of physical abuse made concerning Millisle at this time. It is noticeable that the allegations are almost all non-specific: witnesses recalled being kicked or punched or beaten as regular occurrences. This suggests that there was a culture of low-level violence, coupled with an absence of serious violence, such that trainees did not suffer observable injuries. Governor McLaughlan said that if boys had been injured and required treatment the matron could not have kept it to herself and would have told him.<sup>62</sup>

47 Nonetheless, although the training provided in the closed section was meant to be “austere”, even low-level violence was against Governor McLaughlan’s stated policy of zero tolerance of physical abuse.<sup>63</sup> Furthermore, Rule 22 of the Prison Rules made it clear that only “necessary” force could be used to maintain order.<sup>64</sup> When asked why the majority of the allegations had related to the closed section, Duncan McLaughlan suggested that they occurred when the unit had not yet settled down.<sup>65</sup>

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60 MIL 017-018.

61 MIL 018.

62 Day 182, p.69.

63 Day 182, p. 59.

64 MIL 10678.

65 Day 182, p.107.

- 48 Supporting this opinion, the Chairman of the Visiting Committee visited the closed section on 28 June 1978, seven months after it had been opened:
- “... A great change has taken place since my last visit. The staff have now settled in and any I spoke to showed an enthusiasm for the job which was lacking on my last visit when so many had recently arrived from the Maze and other prisons, and had not adjusted to the different atmosphere of Woburn. ...I have reflected recently on borstal training as I have known it at Woburn over the past fifteen years or so, and while the Institution has always been run [sic] smoothly and efficiently from an administrative point of view, I think it could be said that there is evidence of a new dimension in training. This is hard to define, but mainly involves attitudes and rapport between Staff and Trainees. Also Trainees have been given more freedom to develop any potential they may have. The fact is that they are being ‘stretched’ rather than merely conforming.”<sup>66</sup>
- 49 The Chairman put the change down to the enthusiasm of the Governor. It is possible that some of the abusive practices described by witnesses reflected approaches which staff had learnt in the other prisons from which they had transferred on the opening of the closed section at Millisle, and that they had not yet adopted the thinking of Governor McLaughlan on the treatment of trainees.
- 50 **We accept that there was on occasion low-level violence in the closed unit between 1977 and 1980. This was contrary to Governor McLaughlan’s instructions and may have reflected working practices introduced by prison officers from other prisons in the early months of the closed section, but it was unacceptable and constituted systemic abuse.**

## Transfer to the Open Borstal

- 51 At the end of the assessment period, trainees appeared before the Allocation and Training Board, which determined their training plans and made recommendations to the Review Body concerning their placement, which was preferably a move to the open section.<sup>67</sup> HIA 294 said that boys stayed in the closed borstal:
- “until you were good enough or they thought you were good enough”.<sup>68</sup>
- He spent six months in the closed unit.

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66 MIL 28062.

67 MIL 20899.

68 MIL 065.

- 52 Despite his experience of the harsh conditions in the closed unit, HIA 400 tried to prolong his stay in the closed section, as some of the boys who had bullied him in Rathgael were in the open borstal and he was terrified of meeting them again. He therefore trod a fine line, misbehaving sufficiently to avoid promotion to the open unit while avoiding serious misconduct which might have resulted in a beating or being placed in solitary confinement (which he called being “put on the boards”).<sup>69</sup> When a group of trainees were asked jokingly by an officer which of them did **not** want to be transferred to the open borstal, HIA 400 put his hand up, and was called to see the Governor the next day. He was given a job in the Governor’s office, but it was a month later before he felt able to tell the Governor the real reason for wishing to stay in the closed section.
- 53 After some months’ delay, HIA 400 was offered medication and was then transferred to the open unit by force, which he found highly distressing, though he admitted that in the end this made him stand up for himself and he outfaced the older trainees who had bullied him.<sup>70</sup> The process which HIA 400 experienced indicates not only considerable sensitivity and flexibility on the part of the Governor in meeting HIA 400’s needs, but also the fundamental requirement for conformity, which was ultimately enforced. The transfer was badly handled and this constituted poor practice, but the example was isolated and it did not amount to systemic abuse.<sup>71</sup>

## The Open Borstal

- 54 The model of care provided by Millisle open borstal was in many ways very similar to that of the training schools, but it also had characteristics associated with prison life. Features similar to those found in training schools were, for example, workshops for trade training, sports facilities, house units and a points system, but there was more regimentation, less family contact and less freedom of movement.
- 55 The trainees were divided into two house units, named Montgomery and Alexander, each under a housemaster, or assistant governor, who was expected to act in loco parentis for the trainees in his house.<sup>72</sup> According to HIA 416 there were two separate wings - “a green wing for country

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69 Day 179, p. 6.

70 MIL 018-020.

71 Day 179, p.11.

72 MIL 141, 184, 611; Day 180, p.44.



people and a blue one for Belfast people”. The distinction between the two groups was, he said, made by the officers and it reflected a social divide in the wider community, as the city boys considered themselves more streetwise than the country boys. HIA 416 said that there was, however, no distinction between the ways in which the two groups were treated.<sup>73</sup> Duncan McLaughlan denied that this distinction existed, and pointed out the management problems such an arrangement would create, as the number of trainees admitted from different areas was unpredictable.<sup>74</sup>

- 56 The main weekday occupation in the daytime was trade training in the workshops, with a view to providing skills for the trainees to enable them to obtain employment on discharge. Over time the subjects changed, reflecting developments in employment patterns. When the borstal was at Malone the options included:

“tailoring, bootmaking, carpet-beating, carpentry, farm work and reconstruction/maintenance of buildings”

with handicrafts classes in basket-making, leatherwork and painting.<sup>75</sup> By 1979 the options available at Millisle were:

“Mechanical Engineering, Joinery, Painting and Decorating, Bricklaying and Horticulture”.<sup>76</sup>

HIA 416 recalled workshops for joinery and metal work in 1979.<sup>77</sup> HIA 374 was an apprentice bricklayer before his committal to borstal, and he continued his training in the bricklaying workshop.<sup>78</sup> One trainee who was an apprentice electrician prior to admission was permitted to study at the local technical college.<sup>79</sup>

- 57 A Visiting Committee member noted that some of the work undertaken in the workshops was repetitive and unproductive, but there were examples where the projects were of real benefit, for example in building stores and a garage,<sup>80</sup> making items for other institutions,<sup>81</sup> such as internal gates for the Maze prison, preparing a new altar for the Roman Catholic chapel in

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73 MIL 072.

74 Day 182, p.43.

75 MIL 119.

76 MIL 120, 713

77 MIL 072.

78 MIL 050.

79 MIL 713.

80 MIL 24299.

81 MIL 24168.

Donaghadee, which had been destroyed,<sup>82</sup> converting an ambulance into a mobile toy library<sup>83</sup> or making toys for sale.

58 Some trainees were allocated to tasks which were necessary to the running of the borstal.<sup>84</sup> HIA 212, for example, worked in the laundry and cleaned windows, including those of the prison officers' houses, which were "just across from the Woburn House complex".<sup>85</sup> HIA 248 said he worked in the officers' mess up the hill, starting with clearing up after their breakfast, but according to Duncan McLaughlin the 'mess' was no more than a small room in the main house with facilities for snacks.<sup>86</sup> HIA 248 also worked in the kitchen from 7am every day preparing meals for the trainees; he enjoyed this work while other opportunities to do woodwork, crafts or PE did not interest him. After a while he was given a red armband as an orderly, and this allowed him to move freely in the borstal grounds.<sup>87</sup>

59 The educational attainments of many trainees were poor. As early as 1960 a special teacher was brought in to help trainees struggling with education. In 1965 compulsory education was introduced, amounting to two evening classes a week of two hours each.<sup>88</sup> It was noted in 1966 that 69% of the trainees were educationally retarded, and by 1968 this had gone up to 74%.<sup>89</sup> In 1969 the attainments of 56% of the trainees equated with those of an eight-year-old.<sup>90</sup> Of the 149 committed to borstal in 1979, 100 were considered to have special educational needs.<sup>91</sup>

60 Duncan McLaughlan wrote that:

"Formal education ranged from remedial education to what was then known as the General Certificate of Education."<sup>92</sup>

There was a team of three full-time teachers, led by a Head of Education, and a large number of part-time teachers. The library was reported to be well stocked.<sup>93</sup>

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82 MIL 499.

83 MIL 27780.

84 MIL 713.

85 MIL 081.

86 Day 182, p. 45.

87 MIL 056.

88 MIL 180, 27780, 27903.

89 MIL 27925.

90 MIL 27937.

91 MIL 710-711.

92 MIL 713.

93 MIL 27914.

- 61 Sporting activities were also encouraged, and there are references in the records to football, cricket, basketball, athletics, swimming, darts and table tennis.<sup>94</sup> On Saturdays the afternoon was given over to football, cricket and swimming for trainees who did not have visitors.<sup>95</sup> In 1970 a new gymnasium was opened. There was also an annual Mourne Wall Walk, and it was reported to the Visiting Committee on 2 June 1980 that this had been completed in record time.<sup>96</sup>
- 62 HIA 416 said that during the day the trainees went to the gym to exercise, and complained that in the winter they went outside to exercise in the rain, though they were locked up all day in the summer. He said that they also did boxing, but this was denied by Governor McLaughlan, who said he was firmly opposed to boxing and would not have permitted it.<sup>97 98</sup> The beach was used for a short season,<sup>99</sup> but in later years it was avoided because of the poor quality of the water.<sup>100</sup>
- 63 HIA 400 described ‘murder ball’, in which there were:
- “ two teams of ten, a medicine ball in the middle and a big mat at each side of the room. The object of the game was for each team to try to get the ball on to the other mat by any means necessary. You were allowed to kick and punch. I liked that game and I thought it was a good way to allow all the boys to get rid of any tension.”<sup>101</sup>
- He added that as soon as the game started there was a free-for-all fight between the two teams, regardless of where the ball was.<sup>102</sup> As Governor, Duncan McLaughlan did not recognise this description of the game, saying that all the players had to sit on the ground and only move by shuffling.<sup>103</sup>
- 64 On Sundays trainees from the open section attended church services in the local community,<sup>104</sup> and HIA 416 recalled that Officer Skillen accompanied Roman Catholic boys to Mass.<sup>105</sup> There was religious instruction on Sunday

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94 MIL 24255, 24298.

95 MIL 121.

96 MIL 748.

97 MIL 071.

98 Day 182, p.38.

99 MIL 24255.

100 Day 182, p.106.

101 MIL 020.

102 Day 179, p. 19.

103 Day 182, pp.41 and 42.

104 Day 182, p.105.

105 MIL 073.

afternoons, but it is unclear what proportion of the trainees participated in any of these activities.<sup>106</sup>

- 65 Although there was much less emphasis on chores than in the closed borstal, they were still a feature of life in the open unit. The governor inspected the cells for cleanliness on Saturday mornings and “your cell had to be twice as clean” according to HIA 416. They used a big wooden box with bricks in it and a blanket underneath as a buffer for the floors, and the trainees had to buffer the floors as a punishment. The buffer was very heavy and HIA 416 attributed his tennis elbows to this manual labour.<sup>107</sup> Duncan McLaughlan wrote that there was an electric floor polisher.
- 66 In general, life was more relaxed in the open section. Trainees were no longer required to make bed packs, but simply made their beds. Trainees were allowed to wear jeans in the open borstal, as against the black uniforms in the closed unit.<sup>108</sup> There were no complaints about food, and the Visiting Committee frequently commented on its excellence.<sup>109</sup> Leisure pursuits included first aid training, motor maintenance and adventure activities, as well as snooker and television.<sup>110</sup>
- 67 Duncan McLaughlan also wanted to get trainees out into the local community. In 1975, soon after he had taken up post, he reported that trainees on special privileges went for supervised walks in the neighbourhood, for example, and others played football matches against teams in the neighbourhood. Plans were in hand for camping trips and canoeing, and arrangements were being made to redecorate Corrymeela.<sup>111</sup>
- 68 There were parades, at which trainees could request to see the governor or the doctor or the chaplain. There were different chaplains for the different denominations. Medical services were provided by a local doctor, who “attended each day and on demand as required”.<sup>112</sup> There was also a resident matron.<sup>113</sup>
- 69 When HIA 416 was suffering from sciatica (though he was unaware at the time that this was the problem), he was unable to stand straight to attention at parades, and was punched for failing to do so. He was

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106 MIL 597.

107 MIL 071.

108 MIL 072.

109 MIL 423, 422, 386, 351, 24807.

110 MIL 713.

111 MIL 336.

112 MIL 714.

113 MIL 614.

suspected of malingering, but he was nonetheless taken to hospital for an x-ray, he was placed in a hospital room for three days, and he was put on light duties following the intervention of the governor.<sup>114 115</sup>

## The Progression System

- 70 The Prison (Northern Ireland) Act 1953 set a maximum of three years for borstal training, with the minimum being normally nine months unless a special case were made.<sup>116</sup> This was reduced under the Treatment of Offenders (Northern Ireland) Act 1968 so that the minimum period of borstal training was six months and the maximum two years.<sup>117</sup>
- 71 Under the Progression (Grade) System trainees could move up through four (or possibly five) grades, depending on their conduct. The further they progressed, the greater the freedom allowed to them and the greater the rewards in terms of parcels and visits permitted. Equally, if a trainee was involved in misconduct, such as fighting, absconding or cheek to staff, he could be downgraded. Originally, the grades appear to have been labelled Ungraded, A, B, Probationary and Special, plus a Penal Class which involved stone-breaking. Later, the grades were titled Entrant, General I, II and III, Special I and II and Group Leader or Prefect.<sup>118</sup> In the 1970s the grades were labelled 1, 2, 3, (and possibly 3B) and 4, the 'special' grade. Typically a trainee spent a few months in each grade, though accelerated promotion was possible.<sup>119</sup>
- 72 Records were kept on each trainee.<sup>120</sup> Every month officers and instructors provided progress reports which were collated by the house principal officers and discussed at house boards.<sup>121</sup> There was then an internal Review Board chaired by the governor where recommendations on promotions were discussed. Decisions on grading were taken by the Reviewing Board, which met monthly and included representatives from the Northern Ireland Office and the Prison Service headquarters.<sup>122 123</sup> The Board essentially endorsed the recommendations made by the internal

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114 MIL 073.

115 Day 180, p.39.

116 MIL 10658.

117 MIL 163, 10950.

118 MIL 603.

119 MIL 122, 162, 181, 712.

120 Day 182, pp. 36 and 37.

121 MIL 182-183.

122 MIL 168

123 Day 182, pp.49 and 50.

review system, but they also interviewed all newly admitted trainees and any who had been downgraded. It was the Visiting Committee, however, which made recommendations to the Northern Ireland Office for the release of trainees.<sup>124</sup>

- 73 An undated table described the privileges awarded to the differing grades in terms of letters, visits, pre-decimal pocket money and status.<sup>125</sup> ‘Stripes’ were awarded to match the grade and the loss of a stripe was one of the possible penalties.<sup>126</sup> A red armband was awarded to the ‘special’ grade, indicating that they had the freedom to move around the site.<sup>127</sup>
- 74 The longer trainees stayed at Millisle the later they were permitted to stay up and remain in association, playing badminton, billiards and table tennis. Those who had been there fifteen months or more were also allowed to smoke.<sup>128</sup>
- 75 When boys had worked their way up through the grades, the final stage was known as ‘special privileges’ and it applied to trainees in their final three months before discharge. It was still possible to lose such privileges, and witnesses described their apprehension when officers or other residents attempted to engage them in behaviour which would have delayed release.<sup>129</sup>

## Punishments

- 76 Under Rule 84 of the 1954 Prison Rules the governor was authorised to deal with breaches of discipline such as:
- “idleness, carelessness, abuse of privilege, non-conformity to parole decisions, irreverent behaviour during prayers, disrespect towards officers/visitors, repeated/groundless complaints etc.”<sup>130</sup>
- 77 The penalties he could apply were:
- “administration of a caution, removal from activities other than work, award of extra work, forfeiture of right to additional letters/visits, stoppage of gratuities or earnings, reduction in grade, delay in promotion to a higher grade, [and] confinement to room for 3 days.”<sup>131</sup>

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124 MIL 122-123, 162, 172, 712.

125 MIL 603.

126 MIL 122.

127 MIL 056.

128 MIL 122.

129 See also paragraphs 95-97 on Discharge and Aftercare.

130 MIL 125.

131 MIL 125.

78 Statistics indicate that the commonest penalties were loss of grade or privileges and stoppage of earnings, with confinement to room following on. These accounted for 96% of punishments in 1972-1976. By 1979 extra work was becoming a more frequent punishment.<sup>132</sup> With the exception of 1974, when fifteen trainees were caned, corporal punishment was scarcely ever used in the later years.<sup>133</sup>

79 HIA 272's recollection of solitary confinement was that he:

“had to stand facing the wall for two or three hours at a time and answer questions on the Bible, which was the only reading material I had.”<sup>134</sup>

In oral evidence he added that he did not read the Bible and had not been able to answer the questions.<sup>135</sup> Duncan McLaughlan said that as Governor he refused to use solitary confinement, and the cells were turned into a series of rooms to teach painting and decorating,<sup>136</sup> though there were still rooms for time out.<sup>137</sup>

80 If a trainee was punished with loss of association he was not permitted to join in leisure-time activities, which were seen as a privilege. Duncan McLaughlan said that trainees subject to loss of association had to go to their bedrooms or remain in the common room. HIA 272 wrote:

“In the evening, I had to sit in a small metal box with a narrow seat from 6 until 10 p.m. for a month until my punishment was complete. It was called the doggie box as it was in the same shape as the starting boxes at a greyhound race-track. This was an isolating and depressing experience. I had no-one to chat to in the evening.”<sup>138</sup>

Duncan McLaughlan said he had never heard of the “doggie box” and could not imagine what was being described.<sup>139</sup>

81 The rules for the application of corporal punishment were laid down in detail in the Prison Rules, and the requirements were demanding and precise.<sup>140</sup> The evidence of officers and former trainees alike suggests that

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132 MIL 594.

133 MIL 205.

134 MIL 011.

135 Day 178, pp.42 and 43.

136 Day 182, p.17.

137 Day 182, pp.21 and 22.

138 MIL 011.

139 Day 182, pp.25 and 26.

140 MIL 10228-10229, 10680.

the Prison Rules were adhered to closely. It was for the Visiting Committee to decide if a trainee were to be caned and this is addressed more fully in the section below on the role of the Visiting Committee.<sup>141</sup>

- 82 HIA 262 said that he was caned for absconding by Officer Skillen and ML 6, but his statement did not indicate that he was alleging physical abuse.<sup>142</sup> Prison Service records were unable to identify anyone who might have been ML 6. According to Duncan McLaughlan, corporal punishment was awarded by the Visiting Committee on three occasions during his tenure from 1975 to 1980. He was opposed to corporal punishment,<sup>143</sup> but stated that:

“the cane was applied by Mr Skillen and that he did so within the terms required under the Prison Rules”.<sup>144</sup>

On one occasion the caning was stopped because the Medical Officer, who was required to be present, became unwell.<sup>145</sup>

## Absconding

- 83 The establishment was intentionally open, and the trainees therefore had opportunities to abscond. Duncan McLaughlan described the usual process followed at Millisle:

“When a young person absconded, staff searched the immediate area of the Borstal; if this was unsuccessful, the police were notified and they took over. A returned absconder would be interviewed by an assistant governor. An absconder would face formal disciplinary proceedings involving adjudication by the Visiting Committee. This Committee would decide whether or not a young person was guilty of an offence and if guilty, the sanction which should apply. Such sanctions could have included corporal punishment or loss of grade or privileges. Absconding episodes were recorded in the Governor’s Journal.”<sup>146</sup>

- 84 Stephen Davis said that absconding appeared to be a problem, citing figures for the period July 1975 to December 1980.<sup>147</sup> MZ 1 concurred; he was an officer in the open borstal for nine months, but requested

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141 See paras. 119-121.

142 MIL 036.

143 Day 182, pp.53 and 54.

144 MIL 718.

145 MIL 718.

146 MIL 717.

147 MIL 160-161.



a transfer as he felt unsuited to the role. In oral evidence he said that abscondings were so frequent that “at night you could have set your watch by it”, with boys smashing dormitory windows in order to escape, in one instance jumping onto the roof of the Chief Officer’s car, which happened to be parked underneath.<sup>148</sup>

- 85 HIA 212 did not return when allowed out on parole, and so when he was apprehended he was sent to Crumlin Road Jail, where he completed his sentence.<sup>149</sup> HIA 272 who had absconded after only ten weeks at Millisle was at large for eight months before being apprehended, but this was at the height of the Troubles when the police would not have had safe access to his home area in west Belfast and the Army patrolled the area.<sup>150</sup>
- 86 The statistics published by the Ministry of Home Affairs, however, indicate that in the later years absconding was limited, and did not reach the levels experienced at Rathgael or St Patrick’s, even though Millisle received some boys from these training schools specifically because of the frequency of their absconding. There were occasional peaks, such as May 1976 when six absconded and June 1980 when five ran away, but the general picture was one of stability. In the last four years prior to closure there were no abscondings in 34 of the 48 months, and in the eighteen months from March 1977 to September 1978 only three boys absconded. The figures for trainees failing to return from leave were similarly low.<sup>151</sup> Duncan McLaughlan was unable to offer an explanation for the decreasing level of absconding, and said he had no specific strategy to reduce running away other than treating people decently.<sup>152</sup> Trainees would, of course, have been aware that further absconding could result in their having to complete their full sentence in prison.
- 87 To those used to working in secure establishments any absconding may well have been seen as a serious problem but, by comparison with other open institutions for a similar clientele, Millisle’s record was good. No one ever absconded from the closed section at Millisle.

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148 Day 181, pp.51 and 52.

149 MIL 081.

150 Day 178, p.47.

151 MIL 90046.

152 Day 182, pp.97 and 98.

## The Troubles

88 Millisle took both Protestant and Catholic offenders, and in view of the serious intercommunity discord from 1969 onwards, problems could have been anticipated, both within the trainee group and between officers and trainees. Duncan McLaughlan, who was at Millisle from 1975 onwards, said that there was no sectarianism among officers, and that while there were disagreements between trainees, this was never a serious issue.<sup>153</sup> MZ 1 went even further; he said there was no sectarian division between the boys and they just accepted the situation.<sup>154</sup>

89 There was, however, some scattered evidence of difficulties. HIA 162 said that there was a sectarian split in the dining hall and the common room, not organised by staff but with the denominational groupings of trainees gravitating towards their own.<sup>155</sup> The division between Roman Catholic and Protestant trainees may have underlain some of the bullying described by witnesses. HIA 262 wrote:

“Because we were Catholic we were seriously under the heel.”<sup>156</sup>

90 The sectarian division was said to involve the officers. HIA 400 described how an officer who was good to him told him:

“to go into the Catholic boys’ room while they were out and rip up their books. I didn’t want to do it but I didn’t dare say no to him.”<sup>157 158</sup>

The same officer put him up to fight another boy, “for his entertainment”, he thought.<sup>159</sup>

91 The tension grew when, on 27 August 1979, eighteen soldiers were killed by IRA bombs at Warrenpoint near Newry, HIA 416’s home town. When the news was announced, another trainee from Newry “let out a roar”, such that an officer entered the room and called HIA 416 and the other trainee “Fenian bastards”.<sup>160</sup> After that he felt under greater threat of physical abuse from other trainees.

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153 Day 182, pp.40 and 41.

154 Day 181, p.43.

155 Day 178, pp.69 and 70.

156 MIL 036.

157 MIL 021.

158 Day 179, p.20.

159 MIL 021.

160 MIL 074.

92 Further to the problems within Millisle, the Probation Service had difficulty undertaking aftercare supervision in some communities.<sup>161</sup>

93 In his report for 1970 the Catholic Chaplain commended Millisle for the “immense amount of goodwill and co-operation among all members of staff” at a time of turmoil in the community, and he regretted that “such good relations never reach the headlines”.<sup>162</sup> At the Visiting Committee on 7 July 1972 sectarian tension was discussed and a member suggested that any troublemakers should be moved.<sup>163</sup> In his report to the Visiting Committee, another member wrote concerning his visit on 24 April 1974 that the:

“Governor and staff deserve credit for boys of both religions working, living and playing together over the last few years when this has been impossible in other penal establishments and indeed in the community at large.”<sup>164</sup>

In 1980 the Visiting Committee questioned whether there was sectarian discrimination. The deputy governor denied discrimination but said that the question arose when there was a denominational imbalance, and that it was seasonal.<sup>165</sup>

94 On balance, in view of the problems occurring elsewhere in the province during the Troubles and taking account of Millisle’s remit to admit both Catholics and Protestants, the staff at Millisle appear to have been as successful as could have been hoped in keeping the establishment on an even keel.

## Discharge and Aftercare

95 As trainees approached the end of their training, they hoped to be put on ‘special privileges’ by the Licensing Board, which meant that three months later they were due for discharge. Witnesses reported that this left them vulnerable to bullying and other discriminatory behaviour, as they were unable to retaliate without risking the label of being a ‘borstal failure’, which would have led to a delayed discharge, or to a return to the closed borstal for the remainder of their full sentence if failed at three consecutive Boards. Furthermore, under the Treatment of Offenders Act

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161 MIL 24225.

162 MIL 24173.

163 MIL 508.

164 MIL 406.

165 MIL 25006.

(Northern Ireland) 1968 it was not permitted to serve a second borstal sentence; any further offending could have led to prison.<sup>166</sup>

96 HIA 400 said that one officer used to whisper threats in his ear that he intended to make him a borstal failure, and he teased him publicly in the dining hall, such that HIA 400 reacted and was threatened with being put on report. However, the Governor, with whom HIA 400 got on well, overturned the officer's recommendation of failure and he was discharged ten weeks later.<sup>167</sup>

97 Similarly, HIA 416 said:

“... when I received my special privileges, a screw was trying to break me so that I would lose them”.<sup>168</sup>

He added further detail in oral evidence.<sup>169</sup> HIA 416 was discharged after a year, but he alleged that he knew not to report MZ 1, who punched and slapped him, as he “would end up having to serve the full three years of a sentence”.<sup>170</sup> MZ 1 wrote that he worked in the control room and not in the dormitories where this is alleged to have taken place.<sup>171</sup> Records indicate that MZ 1 was considered to be unsuited to borstal work as he was an inflexible disciplinarian.<sup>172</sup>

98 On being released, trainees were subject to licence and were supervised by probation officers.<sup>173 174</sup> Unlike the training schools, Millisle had no responsibility for aftercare and does not seem to have followed up any trainees to learn if they had been successful.

## Staffing

99 As noted above, the staff were mostly prison officers in both the closed and open borstals. Once an officer had completed his probationary period he was confirmed in post as a prison officer. Officers working in borstals received no specific training in the custody of young offenders.<sup>175</sup> Class officers looked after specific house units or landings in the closed section. There was also a physical training officer.

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166 MIL 114.

167 MIL 021-022.

168 MIL 075.

169 Day 180, p. 28.

170 MIL 074.

171 MIL 798.

172 MIL 789, 21994, 22327.

173 MIL 24300.

174 Day 182, pp.106 and 107.

175 MIL 719.

- 100 In addition to the prison officers there were a number of civilian staff at Millisle, such as the instructors in the workshops, teachers, nightwatchmen, matron and seamstress. Among them were a chief vocational training officer and an education officer.<sup>176</sup> There was also a visiting psychiatrist and a visiting dentist.<sup>177</sup>
- 101 There was a clear hierarchy of accountability within the Prison Service. Above the officers there were senior officers and principal officers, who accounted to the chief officer. Above him were the two assistant governors, referred to in borstals as housemasters, and overall there was the governor, who was responsible for almost all aspects of the running of Millisle.<sup>178</sup>
- 102 The housemasters played an important role in organising activities such as inter-house sports, in overseeing the education and vocational training of individual trainees, and in maintaining family links, including visiting their families and arranging employment for trainees on their release.<sup>179</sup> The welfare officer at Rathgael also assisted when support in the community was required.<sup>180</sup>
- 103 There appears to have been something of a division between the governor grades and the officers at times. While the governor's instructions were explicitly obeyed, the officer grades developed a culture of their own, which had its own way of dealing with matters. The evidence of the witnesses includes a number of instances in which governors protected trainees from officers, and witnesses appear to consider that governors were humane and fair, if strict at times, but they felt that things went on of which the governors were unaware. HIA 400, for example, said that officers behaved differently when the governor was present, and as a result the governor had no realistic understanding of what was going on.<sup>181</sup>
- 104 Duncan McLaughlan said that there were in all about sixty staff in the open borstal and a further sixty staff were added with the opening of the closed section. About thirty would have been resident on site, and could therefore have been available in the event of a crisis or if help were needed to cover sickness, other absences or additional duties. He thought he knew most, but not all, staff by name.<sup>182</sup>

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176 MIL 714.

177 MIL 288, 24299.

178 MIL 714.

179 MIL 124.

180 MIL 714.

181 Day 179, pp.8 to 12.

182 Day 182, p.31.

- 105 In May 1974 the Visiting Committee raised concerns about the number of staff, stating in a letter to the NIO that Millisle had vacancies for ten officers.<sup>183</sup> The Prison Service faced serious recruitment difficulties and at that time they were 650 staff short in the province as a whole, such that volunteers were drafted from England and Scotland, but overall Millisle does not seem to have suffered unduly from shortages.<sup>184</sup>
- 106 Prison Officers were expected to abide by a Code of Discipline which spelt out what was expected of them in some detail.<sup>185</sup> Duncan McLaughlan said that if officers stayed within the boundary of acceptable conduct he supported them.<sup>186</sup>

## Governance

- 107 Under the Prison (Northern Ireland) Act 1953, the Ministry of Home Affairs was made responsible for prisons. The Prison Service was within the purview of the Ministry of Home Affairs, and the governor of Millisle was responsible to the director of prisons. Under direct rule from 1972 to 1980 - the period relating to nine of the ten applicants - the Prison Service was the responsibility of the Northern Ireland Office.<sup>187</sup> The governor had considerable delegated powers, and was responsible for almost all aspects of the running of the borstal, including the finances, administration, human resources, public relations, security and all aspects of the care of the trainees, though there were some decisions taken by the Visiting Committee and others where the MoHA or NIO gave authorisation.
- 108 The governor was therefore in a position to influence the tone of the institution. It was customary in the Northern Ireland Prison Service (NIPS) for governors to be promoted within the service, but in the 1970s there was a shortage of suitable candidates and so secondments were sought from England. Duncan McLaughlan, who was Assistant Governor of Millisle for three months in 1972-73 and Governor for the last six years prior to closure from 1975 to 1980, was initially seconded in this way. He provided helpful evidence, both in his statement and orally, as his tenure covered three years when Millisle was only an open borstal and three years when both the open and closed sections were in operation. It was also

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183 MIL 24761.

184 MIL 394, 24764.

185 MIL 604-606.

186 Day 182, p.60.

187 MIL 117.

the period when seven of the ten applicants served their sentences at Millisle.<sup>188</sup>

- 109 Duncan McLaughlan was a keen exponent of “management by walking about” and, when on duty, he made a practice of visiting the whole borstal every morning, afternoon and evening, as he felt that this was a good way to “impose his will on the Establishment”.<sup>189</sup> MZ 1, an officer who was accustomed to the traditional distance maintained between governor and prisoners in adult prisons, was alarmed to see him playing snooker with the trainees.<sup>190</sup>
- 110 The governor was required to investigate and report any serious misconduct to the Northern Ireland Office, such as “escape, smuggling, mutiny, assault on an officer, gross violence etc.”<sup>191</sup> Duncan McLaughlan said that his contact with Prison Service Headquarters largely related to financial and personnel matters, although he participated in meetings on general prison service matters.<sup>192</sup> It was the practice for governors to prepare annual reports, but this ceased as it was not a legal requirement, though statistical returns were still submitted on:
- “admissions and releases, previous releases, accommodation, training, education and absconding episodes.”<sup>193</sup>

## Finance

- 111 As part of the Northern Ireland Prison Service Millisle was funded directly by the Government through the Ministry of Home Affairs or, from 1972, through the Northern Ireland Office. The Government incurred considerable expenditure not only in the building of the closed borstal but also in the addition of the classrooms, workshops, gymnasium and staff housing to augment the original Woburn House.
- 112 A request for a £100,000 indoor swimming pool was turned down by the Northern Ireland Office.<sup>194</sup> Otherwise there has been no evidence that shortage of staffing or other resources affected the quality of service provided by Millisle or impacted on the circumstances of any of the

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188 MIL 706-724.

189 MIL 719.

190 Day 181, p.31.

191 MIL 125.

192 MIL 719-720.

193 MIL 720.

194 MIL 332, 340,356.

allegations made by the Inquiry's witnesses or recorded historically. We have therefore not inquired further into this subject.

## Inspections and the Visiting Committee

- 113 There was no system of inspections for prisons and borstals in Northern Ireland until 1981, after the closure of Millisle.<sup>195</sup>
- 114 Some external influence was exercised by the Northern Ireland Office and Prison Service, as their representatives were members of the Review Board, which determined the progression of the trainees through the grades and their eventual dates of discharge, but according to Duncan McLaughlan this committee largely rubber-stamped recommendations made by an internal committee.
- 115 The main external check on the work of the borstal was the Visiting Committee, appointed by the Minister under Section 11 of the Prison (Northern Ireland) Act 1953.<sup>196</sup> It was a statutory requirement that there should be at least six members, but usually there were a dozen and in 1979 there were eighteen.<sup>197</sup> Members were expected, in the words of the May Committee, to be “well informed and acute but friendly watchdogs of the public interest”.<sup>198</sup> Stephen Davis described the Visiting Committees as “both supportive and challenging”.<sup>199</sup>
- 116 The Committee had two main roles. The first was for members to visit and apprise themselves of the quality of service being provided. The second was to adjudicate when a recommendation was presented to them under Rule 175 of the 1954 Prison Rules that a trainee had been involved in serious misconduct and merited corporal punishment.<sup>200</sup> The minutes of their monthly meetings have survived from 1972 to 1977 and 1980, and they throw light on a wide range of matters.<sup>201</sup>
- 117 The meetings typically heard a report from the governor on the occupancy, admissions and discharges in the previous month, staff changes and any major problems or developments. They received the reports of the two members delegated to visit during the previous month. They discussed

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195 MIL 118.

196 MIL 10693.

197 MIL 582.

198 MIL 580.

199 Day 182, p.11.

200 MIL 125-127, 580.

201 MIL 24613-25039.



issues raised by members, and for a time in 1976 to 1977 they interviewed all trainees admitted during the previous month.<sup>202</sup>

- 118 The issues raised by members were very varied. In 1972, for example, they made visits to borstals in England, which reassured them about the service offered at Millisle, which “compared most favourably with the best they had been privileged to visit in England”.<sup>203</sup> They decided, subject to Ministry approval, to invite members of the judiciary to visit the borstal.<sup>204</sup> To help trainees obtain employment in painting and decorating they met a delegation of trade unionists, to see if trainees could obtain union membership.<sup>205</sup> Following a visit by a member of the Committee, they advocated the fitting of half-doors on the lavatories.<sup>206</sup> The proposal for a heated indoor swimming pool was discussed on a number of occasions, and the Committee was not pleased when the idea was turned down on financial grounds in a brief communication from the Ministry.<sup>207</sup> It was the Visiting Committee which initiated discussion about single rooms.<sup>208</sup> Occasionally they discussed concerns raised about individuals, such as the exceptional violence of one trainee and the challenges this posed.<sup>209</sup> On one occasion they happened to meet the day after new Prison Rules came into force and so copies were promptly circulated to Visiting Committee members.<sup>210</sup>
- 119 The most contentious issue proved to be corporal punishment. When a trainee committed a serious misdemeanour, such as absconding, the case was presented to an emergency meeting of the Committee, often made up of only two or three members. They decided on the appropriate penalty, which was then reported to the Northern Ireland Office.
- 120 As the newly arrived Governor, Duncan McLaughlan was opposed to corporal punishment, and after the Visiting Committee had decided on 15 August 1975 that it should be applied, he chose not to implement their decision. Some months later he took advantage of a social occasion where he happened to meet Merlyn Rees, the Secretary of State for Northern Ireland, and Lord Donaldson, the Minister for Prisons, to explain

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202 MIL 24927, 24938, 24939.

203 MIL 549, 24635.

204 MIL 414.

205 MIL 469.

206 MIL 519.

207 MIL 355, 356, 340, 332.

208 MIL 24698.

209 MIL 300.

210 MIL 478.

his position on corporal punishment. By this time corporal punishment had been abandoned in English borstals, and Lord Donaldson met two members of the Committee and requested that they reconsider their decision. The two members acquiesced but pointed out that they could not speak for the full Committee, who were not happy about the pressure being exerted on them. Lord Donaldson then asked that they should have a twelve-month trial period without applying corporal punishment, and before the trial period had been completed and evaluated, the Treatment of Offenders (Northern Ireland) Act 1976 abolished it. The Visiting Committee found the way in which this process had been manipulated highly irritating, but they decided to “suffer with good grace”.<sup>211</sup> No action appears to have been taken, or complaint made, concerning Governor McLaughlan’s refusal to implement a Visiting Committee decision.

- 121 The Visiting Committee had alternative penalties to corporal punishment at their disposal, and there was an example on 13 February 1975 when they decided that four trainees who had absconded should be subject to forfeiture of privileges, stoppage of earnings, reduction in grade, confinement to their rooms and return to Armagh Prison.<sup>212</sup>
- 122 If the Visiting Committee considered a boy “incorrigible” or exercising a bad influence on other inmates, they could refer the matter to the Minister who had the authority under the Prison (Northern Ireland) Act 1953 to have the trainee imprisoned elsewhere.
- 123 Trainees had the right to speak to members of the Visiting Committee “out of sight, out of hearing of staff”, but according to HIA 400 this was a farce as trainees were warned by officers not to speak to Committee members.<sup>213</sup> Reports of visits mostly describe practical matters such as the cleanliness of the buildings, and there are almost no indications of any conversations between trainees and Visiting Committee members, though there is an example on 4 January 1976 of a of boy wanting to speak to a Visiting Committee member.<sup>214</sup>
- 124 The Committee’s contribution in advising the governor on the main issues facing staff was therefore severely limited. Duncan McLaughlan said in oral evidence that the Committee’s visits were valuable, but within limits,

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211 MIL 216, 298, 299, 309, 311, 312, 316-318, 719, 763.

212 MIL 345.

213 Day 179, pp.30 and 31.

214 MIL 556.

as staff would not have discussed deeper issues with them.<sup>215</sup> Members never brought forward any complaints from trainees of assaults by staff.<sup>216</sup>

- 125 At their final meeting on 1 September 1980 the Visiting Committee expressed considerable dissatisfaction with the closure of the borstal and the ending of the system as a whole, as under the YOC system trainees no longer had the incentive to work towards early release.<sup>217</sup> The Committee was reorganised to function for the following four months as the Visiting Committee to Millisle in its brief role as a Youth Offender Centre before its final closure.
- 126 In summary, both of the main roles of the Visiting Committee - visiting and authorising punishment - acted as checks on the powers of the staff. Without the visits of the Visiting Committee members there was little external scrutiny and complaints were dealt with internally. The trainees were therefore relatively powerless and vulnerable, with few forms of redress other than rebellion. Although the Committee had few powers, by providing a presence of which the staff were aware and which, in extremis, offered the trainees a listening ear, the Visiting Committee probably played a useful role as a safety valve.

## Allegations of Abuse by Officers

### Overview

- 127 The following categories of alleged abuse are addressed in this section:
- (a) Allegations of physical, sexual and emotional abuse by Officer Skillen
  - (b) Allegations of physical abuse recorded in the documentation
  - (c) Allegations of physical abuse made by applicants in their statements or oral evidence
  - (d) Complaints
  - (e) Allegation of sexual abuse
  - (f) Allegations of emotional abuse
  - (g) Conclusions concerning allegations of abuse by staff

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215 Day 182, p.73.

216 Day 182, p.75.

217 MIL 752.

**(a) Allegations of Physical, Sexual and Emotional Abuse by Officer Skillen**

- 128 Desmond James Skillen, known to colleagues and trainees alike as ‘Punchy’, was born on 2 January 1926 and he died on 5 December 1994. He joined the Prison Service on 30 June 1955, though it is not known when he commenced work at Millisle.<sup>218</sup> His personnel file was destroyed in 2000, and so very little else is recorded about him.<sup>219</sup>
- 129 He earned his nickname by acting as sparring partner for a well-known boxer. Officer Skillen was therefore a competent boxer himself, and was said to have shown “every sign of taking too much punishment”. Two witnesses said he punched boys, though that was not alleged to be his main modus operandi in abusing boys.<sup>220</sup> Duncan McLaughlan, as Governor, saw Officer Skillen as sincere and honest, somewhat slow on the uptake and at times the subject of banter among the officers. He had warm memories of him and his “lovely family”, and he had never heard reports of any abusive misconduct on the part of Officer Skillen.<sup>221</sup>
- 130 Although it is not clear when Officer Skillen commenced work at Millisle, he was already in post when Governor McLaughlan took over in 1975; Officer Skillen would have been 48 years old at that time. He was the officer nominated to apply corporal punishment when required, as HIA 362 found out.<sup>222</sup> According to Governor McLaughlan it is not known why Officer Skillen was selected for this role, but he said that he always carried out his duties in accordance with Prison Rules.
- 131 Officer Skillen was responsible for running the laundry, which was sited on the ground floor of the main house. Visitors’ reports on the laundry were always satisfactory. When the Chairman of the Visiting Committee inspected the laundry on 12 February 1973 he noted “Mr Skillen getting the best from his boys as usual.”<sup>223</sup> In the Governor’s annual report of 1974 Officer Skillen was commended for the very efficient way he ran the laundry.<sup>224</sup> The next Governor, McLaughlan recalled that:

“...when I visited there the atmosphere presented as good-humoured and relaxed.”<sup>225</sup>

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218 MIL 20305.

219 MIL 087.

220 Day 178, pp.33 and 34.

221 Day 182, p.62.

222 MIL 718.

223 MIL 488.

224 MIL 24300.

225 MIL 722.

132 From the evidence of witnesses it seems that he was the only officer who worked in the laundry, and at any one time he had one or more trainees who worked with him. Officer Skillen is said to have treated them well, and when he abused other trainees his assistants participated in the abuse, for example by holding boys down while he assaulted them.

133 HIA 272 wrote that a few hours after his arrival at Millisle he was told to report to the laundry to collect his new uniform from Officer Skillen who was:

“looking me up and down. He was so close to me that I could smell his breath. He suddenly grabbed my testicles and head-butted me at the same time. I was so shocked that I just stood there and did not react. Another officer and prisoner were present and they laughed as well. There was a large clothes dryer in the laundry, and Mr Skillen and two other members of staff bundled me into the machine and shut the door. One of them turned the machine on for a second and scared me to death. It was a terrifying experience and one which I will never forget.”<sup>226</sup>

In oral evidence HIA 272 said that he had been “stunned” by being head-butted, (which he understood was a “ritual” of Officer Skillen) and frightened when he was put in a dryer for ten seconds. He complained to the Governor, who said the matter would be investigated.<sup>227</sup> We also received a statement referring to an admission ritual from ML 56. His application to be treated as a late applicant to the Inquiry was refused by the Chairman, and this refusal was upheld by the High Court. Nevertheless we have taken into account the statement which ML 56 then submitted to the Inquiry, but his allegations have not been investigated by the Inquiry and so we express no opinion on them. ML 56 said that when he was admitted, the newcomers were all lined up:

“in the corridor in single file, Skillen came along and some of us got punched, others got a head butt or a ‘dead leg’.”<sup>228</sup>

134 Officer Skillen was said by most witnesses to act in a joking fashion when assaulting boys. Bystanders - both trainees and officers - laughed, though his victims found his attentions humiliating and not at all amusing. Most of the allegations related to abuse in the laundry, (though one allegation related to a mock sexual attack in the more public space of the dining

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226 MIL 010.

227 Day 178, pp. 26, 28, 29.

228 MIL 835-836.

hall). All trainees had to visit the laundry at some point to collect clothes, but HIA 416 said he tried to go when he thought Officer Skillen would be absent, because of his reputation.

135 HIA 400 wrote that Officer Skillen:

“played a ‘game’ where he would chase you and if he caught you he would pretend to touch you up. ...Periodically you would be sent to the laundry to get something, which was dangerous as he would throw a hammer or a spanner at you as soon as you appeared at the door. He hit a boy with a hammer and split his head open. It was part of his ‘games’ and everyone was afraid of being sent to the laundry... .”<sup>229</sup>

In oral evidence HIA 400 said that he saw Officer Skillen as being unlike other officers, simple, not very bright and “ogre-like”.<sup>230</sup>

136 HIA 162 wrote of his personal experience with Officer Skillen:

“He used to pretend to rub up against you in front of everyone and everyone thought it was funny. One day he hit me over the head with a hammer.”<sup>231</sup>

HIA 162 saw Officer Skillen as “a bit of a character”, and did not consider his simulation as sexual; he said it was funny to everyone except the trainee who was picked on.<sup>232</sup> ML 56 recalled that when this happened:

“I can remember him getting that excited that he was foaming and dribbling at the mouth”.<sup>233</sup>

137 Officer Skillen was quite open about some of his abusive behaviour. In the dining hall he approached boys from behind and simulated intercourse with them, causing laughter. HIA 374 wrote:

“I only had a problem with one member of staff while I was there. I cannot remember his name but his nickname was ‘Punchy’. He was a small man, stout with big lips. I will always remember his face. He worked in the laundry and once a week I had to bring my laundry down to be washed. He used to put his arms round me and try to kiss me. I could feel his erection against my body and he bent me over the washing machines and simulated sex with me. This was not a joke to him and he meant everything that he was doing.”<sup>234</sup>

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229 MIL 020.

230 Day 179, p.17.

231 MIL 044.

232 Day 178, pp.66 and 74.

233 MIL 836.

234 MIL 050.

In a statement to police he added that Officer Skillen had “fair hair, which was combed over” and that he:

“would kiss at my face and slabber over me. This happened many times while I was at Millisle”.<sup>235</sup>

In oral evidence HIA 374 said that he found the experience devastating, and it was repeated whenever he visited the laundry.<sup>236</sup>

- 138 HIA 416 went to the laundry one lunchtime to obtain a new jacket, as he thought Officer Skillen would be absent then:

“There was a boy who worked in the laundry and I heard him shout ‘Punchy, he is stealing jackets, get him, get him’. Punchy Skillen was the main guy in the laundry and he had a bad reputation. He made us call him boss. He would always punch you when you walked past him. Punchy then came in and closed the door and told me that I was going to get my star burst. Two boys held me over the press. Punchy then took my trousers down [leaving the underwear on] and shoved the shaft of a brush up my backside. After this I never went back near the laundry. I have never spoken to anyone about [this] incident.”<sup>237</sup>

ML 56 reported that when he was trying on new jeans Officer Skillen head-butted him and stuck his finger up his back passage, causing him serious medical difficulties for some time afterwards entailing hospital care and a minor operation.<sup>238</sup>

- 139 Desmond Skillen was a practising Roman Catholic and HIA 416 said that, as a Catholic, he was particularly upset that Officer Skillen was prepared to assault a Catholic boy in this way. Officer Skillen escorted trainees to Mass. HIA 416 spoke of an occasion when he was present, recalling that Officer Skillen was enraged when two boys absconded at the end of Mass.<sup>239</sup> HIA 416 said that Officer Skillen “was even cursing. ‘How dare they escape from the Lord’s house?’”<sup>240</sup>
- 140 It is clear that Officer Skillen had a reputation among the trainees for physical abuse, sexual abuse (usually, but not always, in the form of a joke) and emotional abuse, in the humiliation of the boys he was attacking.

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235 MIL 30187.

236 Day 179, p.45.

237 MIL 072.

238 MIL 836.

239 MIL 073.

240 Day 180, pp.17 and 18.

Although allegations were made against other officers, he stood out as the man whom the trainees feared. Officer LN 20 said he had heard of Officer Skillen's reputation, both from conversation with colleagues and from trainees who had been returned to the closed section where he worked, as they warned newcomers to avoid Officer Skillen.<sup>241</sup>

- 141 MZ 1, who was then a senior officer, said that Officer Skillen was known for being "a bit rough" with the trainees:

"...on one occasion I heard from a member of staff that he had done something. He had I think hit or clashed somebody...and I said to him, 'You know, ...you would need to watch yourself, because this is not acceptable. You can't go around doing these things, because you are going to finish up in a lot of bother', and his idea was, 'Oh well', and I said, 'Well I am telling you, you just cannot do it.'"<sup>242</sup>

MZ 1 also told the chief officer, whose response was lackadaisical. He added that there would have been "Hell to play [sic] if the" number one" (that is, the governor) had known."<sup>243</sup>

- 142 Clearly Governor McLaughlan should have been informed. His predecessor had received a direct complaint about Officer Skillen from HIA 272 and his chief officer had received a complaint from another trainee, HIA 374, as well as from senior officer MZ 1. In a closed community such as a borstal Officer Skillen's behaviour would have been widely discussed, as LN 20 reported, and it would have been most unusual if more of Officer Skillen's exploits had not been passed on to senior staff. They clearly would not have known of some of the specific incidents described above, such as that recounted by HIA 416, but they should have been sufficiently aware of his unusual behaviour to know that his conduct was more than comical. He was clearly unsuited to the work.
- 143 Nonetheless, despite the physical, sexual and emotional abuse which Officer Skillen inflicted, Duncan McLaughlan said that he was quite unaware of it and he wrote that:

"It would be unwise in the extreme for any prison governor to believe that he knew everything that went on in his establishment...or to maintain that every member of his staff was incapable of inflicting abuse on an inmate. ...I cannot therefore make any informed comment

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241 Day 181, p.75.

242 Day 181, pp.35 and 36.

243 Day 181, pp.38 and 40.



on the veracity of the allegations that have been made. If any one of those allegations is found to have substance then that behaviour was in direct contravention of the policies in place at the time and of my belief of how those under my care should be treated.”<sup>244</sup>

In discussion of the failure of his staff to report Officer’s Skillen’s abuse of trainees, he added:

“The culture of the Prison Service would be that you don’t inform on your mates.”<sup>245</sup>

144 It may be understandable that for a variety of human reasons officers failed to report Officer Skillen’s behaviour, that senior officers failed to inform the governor, and that he failed to take decisive action. Whether understandable or not, the outcome was unacceptable. A number of trainees were physically and/or sexually attacked by Officer Skillen or were publicly humiliated by him, such that trainees generally were frightened of him and warned others to avoid him. Most of the witnesses alleging abuse by Officer Skillen were at Millisle during Governor McLaughlan’s time; if his predecessor had taken action, therefore, trainees at a later date might well have avoided Officer Skillen’s attentions.

145 **We consider Officer Skillen’s behaviour to have been systemically abusive.**

146 In relation to the staff failure to report Officer Skillen’s behaviour to senior staff, the Department of Justice argued that it would be “to misdescribe the nature of their failure to label it as a systems failure. Instead this was a people failure - a failure on the part of the officers to carry out what they knew to be their duty.”<sup>246</sup> Clearly, whilst the individuals involved carry personal responsibility for such failure, the systems for which the Department’s predecessors were responsible were not simply the mechanisms of identifying the people to whom such misconduct should be reported, but also the instilling of the values and attitudes in the staff that turn such a framework into good practice. To blame the staff is to abdicate such a responsibility. **We therefore consider it a systemic failure that at times information about Officer Skillen and his misconduct failed to reach senior officers who could have taken action, and that when it did reach them, as reported in the evidence, they failed to take action.**

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244 MIL 723.

245 Day 182, p.67.

246 MIL 90082.

**(b) Allegations of physical abuse recorded in the documentation**

- 147 There were six instances identified in the records where allegations of physical abuse were made against staff, none of which related to any of the matters raised by applicants to the Inquiry.
- 148 In February 1962 allegations were made by a trainee's sister that he had been badly beaten by his housemaster; they were investigated and despite the bruising described by the sister the allegations were found to be unsubstantiated.<sup>247</sup>
- 149 In January 1963 a number of allegations were made by several trainees against ML 32, who was suspended. The allegations were investigated thoroughly, but again they were felt to be largely unsubstantiated, though action was taken by the Governor concerning ML 32's "lack of tact which was provocative to these trainees".<sup>248</sup>
- 150 On 17 January 1966 a teacher (Mr Anderson) asked ML 38 to remove a trainee from his class. The trainee complained about the assault he suffered while being placed in a cell. The Governor's investigations of allegations of assault against ML 38 were inconclusive, and no action was taken. As usual, the matter was reported to the Ministry.<sup>249</sup>
- 151 On 28 October 1971 the trainees refused to go to their dormitories after a concert on the grounds of "the brutality of the staff". The protest continued until lunchtime the following day. The Governor promised to listen to any trainee who brought him evidence of ill treatment, but in further discussions the points raised by trainees were their wish to wear their hair longer and have shorter sentences, as in English borstals.<sup>250</sup>
- 152 In 1975 a mother complained that her son had been assaulted, but there are no records of the investigation.<sup>251</sup>
- 153 It should be noted that these earlier instances do not suggest a pattern of systemic abuse. With the possible exception of the 1975 complaint, the allegations seem to have been properly investigated. A total of six incidents in the course of nearly twenty years is not exceptional, and the incident in 1971 indicates both the potential volatility of the clientele and the successful handling of the incident by the senior staff, who resolved it without serious injury.

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247 MIL 128, 620-624.

248 MIL 128, 625-684.

249 MIL 129, 685-700.

250 MIL 25768.

251 MIL 130, 704, 715.

- 154 Two common factors are, however, noteworthy. The first is that physical assault was the common factor in most of the complaints. This continued to be the case in the allegations made by witnesses who came forward to the Inquiry. The second is that, with the possible exception of the action taken concerning ML 32, none of the complaints about physical abuse resulted in external investigation or action, despite the reported injuries.
- 155 There was one further alleged assault, not long before the closure of Millisle. A trainee who was not an applicant to the Inquiry alleged that he had been assaulted by two officers. The Governor immediately reported the matter to the police and suspended one of the officers, the other having gone off duty. He also noted the incident in the governor's log for 14 May 1980.<sup>252</sup> There was a police investigation, and the two officers were prosecuted but were found not guilty. They were transferred to work at Belfast Prison.<sup>253</sup>
- 156 Although this must have been a serious and most unusual matter in the management of the borstal, we were surprised that Duncan McLaughlan, who was Governor at the time, stated in oral evidence that he had no recollection of the occasion.<sup>254</sup> The significance of this occasion is that it was the first time that an incident was reported to police and was fully investigated by an external agency.

**(c) Allegations of physical abuse made by applicants in their statements or oral evidence**

- 157 Six of the ten applicants were discharged from Millisle during its last fifteen months, that is from October 1978 onwards. There are two main deductions that we draw from this. The first is that there were only four people who applied to be applicants who had been at Millisle during the preceding twenty-two years between the opening of the borstal in 1956 and 1978. Three of those were former trainees who made allegations against Officer Skillen in the mid-1970s, and only one other officer was named as abusive in this period.
- 158 The second deduction is that abusive conduct on the part of the officers increased in the final period prior to closure. It is always difficult to manage the closure of a residential establishment, and there may have been concerns for the future placement of the trainees and the redeployment of

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252 MIL 130, 703, 748, 755-756.

253 MIL 25021, 25025.

254 Day 182, p. 81.

the staff. Both of these factors could have contributed to tensions resulting in difficult behaviour on the part of the trainees and misconduct on the part of the staff. Three of these six witnesses named Officer Skillen as their abuser, but between them they identified seven other officers as people who had physically abused them. None of these officers was named by more than one witness, but the sudden increase in allegations suggests that there were problems in Millisle's final months.

159 HIA 248 said:

“There was a lot of physical abuse at Millisle. The staff were very aggressive and they physically punished us by slapping and kicking us if we did not do what we were told.”<sup>255</sup>

Of two brothers on the staff he said:

“They punched, kicked and slapped all the inmates if, for example, your cell wasn't clean or if it wasn't kept in the order they expected.”<sup>256</sup>

160 An officer insisted that HIA 416 should shave; when the boy explained that he did not need to shave as he did not have any hair to shave, the officer smacked his face and said that he was to do as he was told.<sup>257</sup>

161 HIA 294 alleged that his Class Officer, ML 7, was “fond of lifting his hand” to him and punched him in the stomach and kidneys.<sup>258</sup> There was also an occasion when he was severely physically abused by the PE Instructor, ML 14 when he was:

“kneeling down, like just putting my gutty on or something or taking it off, and I got this big mighty blow in the lung, which I don't know if it's cancerous or it's just a lesion, you know what I mean. ...But I reckon he done that with that blow cos I couldn't breathe nothing and me [sic] pride wouldn't make me cry or not in front of the other fellows, you know... .”<sup>259</sup>

He told the police that the officer (ML 14) found it funny.<sup>260</sup> ML 14 denied ever hitting any inmate at Millisle.<sup>261</sup> This is the only example of a specific allegation of excessive violence.

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255 MIL 055.

256 MIL 055.

257 MIL 071, 799.

258 MIL 30078.

259 MIL 065.

260 MIL 30078.

261 MIL 30081.

- 162 The evidence in this section is supported by other passing references to physical discipline not quoted in this chapter, such as casual slapping reported in descriptions of other matters.<sup>262</sup>
- 163 While there may have been occasional instances of excessive force such as that described by HIA 294, it seems that the predominant problem was the prevalence of lower level violence in the assertion of authority through slapping, kicking and punching, as described already in the section on admission to the closed unit. We accepted that there was low-level violence in the closed unit between 1977 and 1980. This was contrary to Governor McLaughlan’s instructions and may have reflected working practices introduced by prison officers from other prisons in the early months of the closed section, but it was unacceptable and we concluded that it constituted systemic abuse. (C.f. para. 50) The evidence in this section re-inforces that conclusion. **It is our further conclusion that on occasion low-level physical abuse was also reported in the open borstal, and that this was also systemic abuse.**

**(d) Complaints**

- 164 There was no formal complaints system, but a trainee could submit a petition to the Department on any matter although that petition was open to the scrutiny of the Governor.<sup>263</sup> We encountered no evidence of such petitions. Technically, “a trainee could make a complaint, request or allegation at any time”.<sup>264</sup> Duncan McLaughlan recalled that:
- “Complaints and requests were generally about issues such as work allocation, not getting promotion to the next grade or requests for an extra visit. I do not now recall any allegations from trainees about abusive treatment from staff during my time as Governor in Millisle...”.<sup>265</sup>
- 165 Any trainee could ask to see the governor (or the senior officer deputising for him) at the morning parade, when requests were also made to see the doctor or chaplain. The witnesses have indicated that they thought highly of the successive governors as being supportive and humane, and when they did complain, they were often, but not always, listened to. However, witnesses have also expressed scepticism about governors’ knowledge of what was really going on within Millisle and about their ability to protect a trainee who made complaints about officers.

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262 MIL 071-072.

263 MIL 716.

264 MIL 715.

265 MIL 715.

166 HIA 212 said:

“I was in one time with the governor. I can’t remember what I was charged with,...but the governor turned round and said to me ‘Listen’, he says, ‘if officer whoever his name was says that you were riding up and down on a motorbike I’ll believe him’.”<sup>266</sup>

167 HIA 374 complained about Officer Skillen to a senior member of staff who:

“was sharp dressed, very presentable looking and had black hair and a black moustache. He simply dismissed what I told him and nothing was done.”<sup>267</sup>

In a police interview, HIA 374 added that the senior officer had combed back hair and wore a number of gold rings on his fingers:

“When I told him about what Punchy did to us in the laundry, he just laughed at me.”<sup>268</sup>

168 HIA 272 complained about his treatment on admission by Officer Skillen, and was told that the matter would be investigated. He was then given the dining hall to scrub; having completed this task by lunchtime he was required to scrub it again after lunch. When he told LN 22, an officer, that it had been passed as clean by another officer:

“He grabbed me by my ear and brought me back to the dining hall leaving black marks on the shiny floor as he went. He kicked the bucket of dirty water over the floor and told me to get it cleaned up by supertime.”<sup>269</sup>

169 He alleges that this continued for a month, and HIA 272 was then given another job, scrubbing the front of the building, with the warning not to look at any of the ladies who worked in the offices. He stated:

“I was at breaking point at this stage. I complained to one of the staff members, [LN 24] as I felt I was being punished even though I had not done anything wrong. He shrugged his shoulders and said, ‘We Officers stick together.’ I understood this to mean that my treatment was because I had reported Mr Skillen for assault. After two months of scrubbing, I snapped and refused to do any more. I was reported to the Governor and punished by receiving five days in solitary confinement and 28 days of loss of night time association.”<sup>270</sup>

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266 Day 178, p.15.

267 MIL 050.

268 MIL 30187.

269 MIL 010.

270 MIL 010-011.

170 Complaints to senior officers were generally unsuccessful. In a closed community such as a prison or borstal there are often strong bonds of mutual reliance within the staff team, and it is unsurprising if complaints resulted in further repression as staff backed each other up. Even those officers who were considered the most supportive by the trainees will probably have been subject to pressure to turn a blind eye when they saw colleagues acting unprofessionally. Furthermore, officers who were less self-confident possibly looked to their more aggressive colleagues to give a lead in controlling the trainees and creating an atmosphere of conformity. HIA 400 said:

“There were some prison officers who were very noticeably afraid of the job, and they were afraid of the boys, and they were afraid of the other staff. So they just put their heads down and got the day in”.<sup>271</sup>

171 There was therefore a general reluctance to complain on the part of trainees, partly because it was seen as pointless, on the assumption that senior staff would support the officers, and partly because of fear of retaliation if action were taken. HIA 248 also pointed out that in his experience staff violence was not gratuitous, but was punishment for wrongdoing, so that both officers and trainees felt that it was justified.<sup>272</sup>

172 In taking account of the support offered by colleagues to each other, it has to be remembered that the solidarity of the Prison Service community was of great importance to officers throughout much of Millisle’s existence, in particular as officers also faced severe external risks because of the Troubles. In 1979, for example, nine officers of varying ranks, a retired officer and his wife were killed by paramilitaries.<sup>273</sup> Some officers chose to live in staff accommodation at Millisle because it was more secure than living in the wider community, where they and their families were subject to the threat of a ‘home visit’. Of the officers who gave evidence, MZ 1 had a bomb placed under his car when working in another prison and his family had to move house a dozen times,<sup>274</sup> while LN 20’s car was hit by gunfire in an ambush as he left work.<sup>275</sup> Prison officers at Millisle were well aware that some of the trainees would have had close links to paramilitaries, and that there was personal danger in upsetting them.

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271 Day 179, p.33.

272 Day 180, p.57.

273 MIL 567.

274 Day 181, p.6.

275 Day 181, p. 60.

- 173 It is against this background that the management of allegations against individual officers has to be considered. There were several mechanisms which could be used - a petition to the Northern Ireland Office, a request to speak confidentially to a Visiting Committee member, or an approach to the governor, doctor or chaplain. The evidence shows that the pressures placed on trainees rendered all these mechanisms ineffective in dealing with serious allegations of abuse by officers. Even when senior officers were approached, trainees' complaints were usually dismissed.
- 174 The collusion of officers in concealing abuse and poor practice was contrary to the standards which the governors promulgated and would in normal circumstances have been quite unacceptable. Taking into account the external pressures at that time it is unsurprising that officers behaved in this way, but that does not detract from the justification of the allegations made by former trainees. **The Prison Service complaints system whereby trainees could address complaints to the governor, the Visiting Committee or the Department was undermined by the pressures exerted by prison officers and rendered largely ineffective, and we consider this to have been a systemic failure.**

**(e) Allegation of sexual abuse**

- 175 HIA 248 said that ML 2, one of the nightwatchmen, befriended him, providing him with cough sweets. On a couple of occasions ML 2 put his hands under HIA 248's bedding and started to feel his private area, which left HIA 248 feeling "very uncomfortable and afraid". His bed was in the corner of the dormitory and could not be seen easily by other boys.<sup>276</sup>
- 176 This is the only instance of sexual abuse other than those concerning Officer Skillen. The nightwatchman was also the only member of staff against whom allegations have been made who was not an officer. He has not been identified.<sup>277</sup> His misconduct appears to have been an isolated event; it was not reported and would not have been known to other staff; it cannot therefore be considered systemic abuse.
- 177 William Edmonds was a Prison Officer who joined the service in November 1975. He undertook specialist training and was appointed Hospital Officer in May 1976. Dr Denis Elliott was Senior Prison Medical Officer at Magilligan Prison, where he came across William Edmonds and concluded that he had homosexual tendencies. When William Edmonds was placed

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276 MIL 056.

277 MIL 096.



on a provisional basis at Millisle in December 1976, Dr Elliott expressed alarm as he thought William Edmonds was unsuited to work at Millisle, and he contacted his Governor, Mr Cunningham, the Chief Medical Officer (Prisons) and the Prisons Department, to voice his concern.<sup>278</sup> William Edmonds was confirmed in post in March 1977, and in May 1977 Dr Elliott contacted them again to reiterate his concern.<sup>279</sup>

- 178 Although his assessment later proved to be accurate, Dr Elliott had no firm evidence that William Edmonds was homosexual, but was making a judgement based on the impression which William Edmonds made on him. Nor did he have any information to suggest that William Edmonds's work was unsatisfactory, nor that he posed a sexual threat to the inmates. Dr McKeown, Principal Medical Officer at the Department of Health and Social Services (which had administrative responsibility for prison health services), contacted Mr Gerard David Thompson, a Prison Staffing Officer, to raise the issue, but in the absence of any evidence that could be put in writing, Mr Thompson pointed out that no action could be taken.<sup>280</sup>
- 179 No allegations of improper conduct were made concerning William Edmonds's time at Millisle, and he left in August 1979. William Edmonds subsequently had homosexual relations with HIA 531, who explicitly stated that William Edmonds "didn't do anything" to him while he was in Millisle.<sup>281</sup> William Edmonds himself later volunteered that he had committed an act of gross indecency in the surgery with HIA 531 and had twice tried to masturbate him at Millisle.<sup>282</sup> This was not known to his colleagues in Millisle, and we do not consider these incidents to be symptomatic of systemic abuse.
- 180 The Department of Justice have argued that any allegation of sexual abuse would have led to disciplinary action, and that they acted properly in the way that William Edmonds's case was handled, as there was no evidence that William Edmonds posed any threat of sexual abuse to the inmates, and in any case there were no grounds for being suspicious about a member of staff on the grounds that he was a homosexual.<sup>283 284</sup> We agree that the Department of Justice acted correctly.

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278 KIN 108013.

279 Day 212, p.45.

280 Day 212, p.48.

281 Day 212, p.49.

282 KIN 4028.

283 Day 212, p.55.

284 KIN 4030.

**(f) Allegations of emotional abuse**

- 181 The evidence provided by the witnesses included few examples of emotional abuse unconnected to physical or sexual abuse, but much of the alleged abuse had strong emotional overtones, such as the atmosphere of fear created by perceptions that physical abuse could be perpetrated by bullies at any time, or the humiliation associated with Officer Skillen's mock-sexual activities. Several witnesses described attempts by officers to humiliate them, such as an incident in the dining room when HIA 400 was taunted, he felt, to make him react and lose special privileges.<sup>285</sup> Indeed, the emotional associations of such incidents frequently had more severe and much more long-lasting impact than the immediate physical pain experienced by the victims. HIA 400 said that it was a constant struggle to face the fear caused by not knowing what would happen next.<sup>286</sup>
- 182 Although the overall aims of the borstal system were commendable in their wish to offer positive opportunities for trainees to obtain skills which would help them obtain employment, for example the introductory training in the closed section was designed to control them, to depersonalise them and to break them if necessary, by insisting on the completion of pointless tasks, and inflicting humiliation and minor violence at times to ensure compliance. This amounted to emotional abuse.
- 183 **The emotional impact of the training methods in the closed unit and the emotional damage associated with physical abuse constituted systemic abuse.**

**(g) Conclusions concerning allegations of abuse by staff**

- 184 Among the trainees there were many with long histories of offending, and some were capable of violence. As noted above, only one applicant had been admitted directly to Millisle with no previous experience of life in a training school or children's home. Indeed, all the other nine applicants made allegations primarily about one or more of the other establishments where they had been resident and their complaints about Millisle were often brief. Borstal officers were expected to be firm, and to be in control, and it is understandable therefore that they took measures to assert their authority. Excepting the allegations concerning Officer Skillen, almost all of the allegations were against prison officers and concerned physical

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285 Day 179, p.23.

286 Day 179, p.25.

abuse resulting from measures to exercise control. There was only one allegation of sexual abuse.

- 185 Overall, the evidence presents a picture of an institution where some staff were highly thought of by the witnesses, most were seen as doing a reasonable job, and a small number were considered to have overstepped the mark in their methods of control, creating an unduly harsh and violent atmosphere, with random acts of unwarranted cruelty. Although a handful of staff were named by witnesses, Officer Skillen stood out, and was mentioned by six of the ten witnesses.
- 186 It was not necessary for staff to resort to abusive measures in order to remain in control, and there are instances in the evidence we have received in the course of the Inquiry where witnesses described conditions in borstals or prisons as firm or even harsh, but fair and not abusive.<sup>287</sup> LN 20 said that Governor McLaughlan was quite explicit to new staff that anyone assaulting trainees would be dismissed on the spot.<sup>288</sup> The slapping, punching, kicking and beating described by witnesses was unnecessary, contrary to Prison Rules and the Governor's policy, and unacceptable. In all, the evidence and the records indicate that over twenty trainees (or their families on their behalf) made allegations of physical abuse, either in the past or to this Inquiry, and they were justified in raising their complaints.

## Peer Abuse

- 187 The records contain a reference to a trainee making an allegation of indecency against another trainee. This occurred in 1961 and was reported to the Visiting Committee as the reason for the victim's absconding. It appears that acts of a sexual nature had taken place in the dormitory which the two trainees shared and during a crowded film show. The Governor requested that the perpetrator should be removed to another establishment and expressed his regret, as he was "confident that little, or no, indecency existed at this Establishment".<sup>289</sup>
- 188 A Special Visiting Committee meeting took place on 9 September 1971 to address a further attempted indecent act against a trainee, which had taken place on 2 September. As a result, three trainees each suffered a number of penalties, including forfeiture of privileges, loss of pay and six strokes of the cane, as Committee members:

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287 MIL 009.

288 Day 181, pp.77 and 78.

289 MIL 129.

“expressed their opinion that it was the most unpleasant offence which they had been called upon to deal with...”.<sup>290</sup>

The trainees were caned the same day, and the Governor informed the Ministry of Home Affairs.<sup>291</sup>

189 There were several references in the evidence of the witnesses to both physical and sexual abuse of boys by other trainees, usually by older boys. This is unsurprising in an establishment housing male adolescents and young adults, especially as they had experienced aggressive behaviour on the part of some staff and, in some cases, will have had histories of violence or sexual offending themselves.

190 HIA 416 said that intimidating behaviour was common, and that there was frequent violence between residents. He took various precautions to avoid beatings, but appears to have been in a state of constant fear. He was told that two boys wanted to kill him, but often the harassment was petty but intimidating, such as the constant messing of his bed, which got him into trouble with officers when they inspected the dormitories, resulting in him missing breakfast when he had to remake it. He felt that there was nothing he could do and no one in whom he could confide, though the man who ran his workshop offered him some protection.<sup>292</sup>

191 HIA 272 considered his time at Millisle as being “hell”.<sup>293</sup> HIA 400 considered life in Millisle “a daily struggle” and wrote that he:

“lived in fear not knowing what was going to happen to me from one day to the next”.<sup>294</sup>

Other boys bullied HIA 248 but, though the staff turned a blind eye to it, this stopped after a while.<sup>295</sup>

192 HIA 272 recalled peers sexually abusing other trainees, and wrote that:

“Millisle was rife with sexual predators at night time.”<sup>296</sup>

He said he was “aware of people being raped when the lights were out”, and heard “another inmate being forced to give oral sex to older

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290 MIL 25761.

291 MIL 25763, 25764.

292 MIL 074.

293 MIL 011.

294 MIL 022.

295 MIL 56.

296 MIL 011.

inmates”.<sup>297</sup> HIA 212 said that “other inmates would try to get into bed with you.” He saw other boys being sexually abused, but he did not let anyone abuse him.<sup>298</sup>

- 193 In relation to the bullying and sexual abuse which took place at night, the nightwatchman did no more than a head count at regular intervals to ensure that no trainees were missing, checking in at a clock to demonstrate that he had done his rounds.<sup>299</sup> He was reported to have ignored seeing boys in bed with each other or hearing them moaning.<sup>300</sup>
- 194 The staff coverage at night was much lower than in the daytime, and the nightwatchmen were untrained civilians, rather than Prison Officers. **This staffing was insufficient to prevent peer abuse, and the failure to protect trainees was systemic.**

## Conclusion and Summary of Findings

- 195 Millisle appears to have been efficiently run and it fulfilled its role in the penal system, both as an open borstal from 1956 to 1977, and from 1977 to 1980 when it had both open and closed units. It is not known how many trainees spent time at Millisle, but the existence of over a thousand ‘dead’ files in 1977 suggests that the total must have been around fifteen hundred. The total number of former trainees who have come forward to the Inquiry is therefore small in relation to the number who were accommodated at Millisle, and during its first twenty-two years only four applicants came forward with allegations. The primary complaints of nine of the ten applicants were about other residential establishments, and their main concern at Millisle was Officer Skillen’s conduct. In short, if Officer Skillen’s abuse is excluded, there were few complaints about Millisle, but that does not mean that the issues identified as systemic failures should be overlooked.
- 196 Millisle probably inherited a tradition of firm and tough treatment of the trainees from its predecessor at Malone and many of its staff were drafted from prisons, bringing the practices and approach to the work which they had learnt elsewhere. Trainees who avoided trouble appear to have been able to accept the spartan style of life and institutional demands for obedience and conformity. Those who did not conform, or who stood their ground, appear

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297 MIL 011.

298 MIL 081.

299 Day 178, pp.17 and 55.

300 Day 180, p.41.

to have been met with rougher responses which were at times unacceptably violent, particularly in the last years before Millisle closed.

- 197 There were clearly witnesses who suffered from their experiences at Millisle. Looking back, HIA 416 concluded:

“I feel like I have to reinvent myself. I did not get a good start in life and my experience as a young boy in Millisle was a brutal one. ...When I got out of borstal, I had so much anger inside me. I had become moulded into a hardened character.”<sup>301</sup>

HIA 248 said:

“I found this a difficult and isolating time. I never felt safe there because of the constant fear of violence. I lost all contact with my foster family. There was no-one I could talk to about my experiences. ...I was always very guarded with my emotions.”<sup>302</sup>

HIA 272 said:

“I just feel that if I had been treated like a human being I would have stayed and finished off my time. I was treated like an animal from day one from [when] I complained. I was not given a chance”.<sup>303</sup>

- 198 In his responses concerning individual witnesses, Stephen Davis wrote on behalf of the Northern Ireland Prison Service:

“The Department condemns without reservation any act of abuse which may have been perpetrated against any individual at Millisle Borstal. Those who were placed in that facility had every right to expect that they would be cared for with dignity and respect, treated compassionately and protected from abuse. Those who operated the Millisle Borstal facility on a day-to-day basis or who were responsible for its management, ought to have been fully aware of the high standards expected of them when caring for young people. They should have known that acts of physical, sexual or emotional abuse were unacceptable. They ought to have known that allegations of abuse, where they were raised, should have been reported to the appropriate authorities. If such abuse occurred, the Department would condemn the perpetrators of it as well as anyone who may have ignored the abuse or tolerated its occurrence.”<sup>304</sup>

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301 MIL 075.

302 MIL 056.

303 Day 178, p.51.

304 MIL 810.

- 199 The following are our conclusions concerning systemic abuse.
- 200 **We accept that there was on occasion low-level violence in the closed unit between 1977 and 1980. This was contrary to Governor McLaughlan’s instructions and may have reflected working practices introduced by prison officers from other prisons in the early months of the closed section, but it was unacceptable and constituted systemic abuse. (Para. 50) It is our further conclusion that on occasion low-level physical abuse was also reported in the open borstal, and that this was also systemic abuse.**
- 201 **We consider Officer Skillen’s behaviour to have been systemically abusive.**
- 202 **We also consider it a systemic failure that at times information about Officer Skillen and his misconduct failed to reach senior officers who could have taken action, and that when it did reach them, as reported in the evidence, they failed to take action.**
- 203 **The Prison Service complaints system whereby trainees could address complaints to the Governor, the Visiting Committee or the Department was undermined by the pressures exerted by prison officers and rendered largely ineffective, and we consider this to have been a systemic failure.**
- 204 **The emotional impact of the training methods in the closed unit and the emotional damage associated with physical abuse constituted systemic abuse.**
- 205 **The night staffing was insufficient to prevent peer abuse, and the failure to protect trainees was systemic.**