

DEPARTMENT OF JUSTICE
STATEMENT TO THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY
RESIDUAL MILLISLE ISSUE – KERR / EDMONDS

16 June 2016

Declaration

This statement to the Historical Institutional Abuse Inquiry (HIAI) has been prepared on behalf of the Department of Justice (DOJ).

The statement has been prepared on the basis of information contained in files currently held by the DOJ and information in the public domain. Should further information become available, it may be necessary to provide to the HIAI, revised or supplementary statements.

A handwritten signature in black ink, appearing to read "Stephen Davis", is written over a horizontal line.**Signed****16 June 2016**

Stephen Davis (on behalf of the Department of Justice)

Introduction

The HIA Inquiry has raised with the Department an issue concerning a Hospital Officer, William Edmonds, who was employed in the Millisle Borstal in the late seventies. Mr Edmonds admitted to police that he engaged in acts of sexual abuse of Richard Kerr who was a trainee in the Millisle Borstal between December 1977 and February 1979. The Department has been invited to address any systemic issues which arise from the papers. The Department is not aware of any complaint having been raised by Mr Kerr arising out of the time spent in the Borstal, or any association with Mr Edmonds.

Background

2. It appears to the Department that during the course of its investigation into Kin-cora, the police spoke with Mr Kerr who referred to having a special relationship with a Hospital Officer, Mr William Edmonds. However, he did not mention any complaint of a sexual nature and nor did he raise any other allegations in relation to Millisle. However, when the police interviewed Mr Edmonds he admitted to committing an act of gross indecency with Mr Kerr in the surgery at Millisle as well as two failed attempts to masturbate him between November 1977 and February 1979. He also described two further incidents in hotels after Mr Kerr had left Millisle.
3. The Department has developed a timeline from the records available at KIN-108003 – 108022 (MIL-30228 – MIL-30247). This is provided at Annex A.
4. These records tell us that it was known to the police that a doctor in Magilligan Prison, where Edmonds had worked as a Hospital Officer before being posted to Millisle, had raised concerns that Edmonds displayed homosexual tendencies. However, this doctor, Dr Elliott, made it clear that this was a suspicion and that he had no substantive evidence to confirm that Edmonds was a practicing homosexual. Dr Elliott informed the Principal Medical Officer and the Governor at Magilligan Mr Cunningham (KIN-108014 (MIL-30239)). After Edmonds had been posted to the Borstal Dr Elliott also informed Duncan McLaughlan, who was Governor at Millisle at the relevant time (KIN-108004 and KIN-108013 (MIL-30229 and MIL-30238)).

5. From the limited information available it appears that the concerns were considered by the NIPS staffing officer, Mr Thompson, who concluded that in the absence of substantive evidence indicating that this officer was not suitable for employment at a young offender's institution, there were no grounds to prevent Edmonds being posted there (KIN—108014 – KIN-108016 (MIL-30239 – MIL-30240)).

Legislation in relation to Homosexuality

6. Homosexual acts between consenting adults were decriminalised in Northern Ireland by the Homosexual Offences (Northern Ireland) Order 1982. The Order was adopted as a result of the decision of the European Court of Human Rights in *Dudgeon v. United Kingdom* (1981), which ruled that Northern Ireland's criminalisation of homosexual acts between consenting adults was a violation of Article 8 of the European Convention on Human Rights. The homosexual age of consent fixed by the Order (18) was higher than the heterosexual age of consent in the rest of Northern Ireland, which had been set at 17 for decades.
7. Subsequently, the ages of consent for homosexual and heterosexual acts in Northern Ireland were equalised at 17 with the passage of the Sexual Offences (Amendment) Act 2000 before being lowered to 16 to bring Northern Ireland into line with the rest of the United Kingdom through the Sexual Offences (Northern Ireland) Order 2008.
8. Accordingly, at the time of the alleged incidents involving Mr Edmonds and Mr Kerr (which are said to have occurred between November 1977 and May 1979), it was illegal to engage in homosexual acts.

Policy

9. The NIPS Code of Conduct and Discipline provides that an inappropriate relationship between a Prison Officer and an inmate will constitute a disciplinary offence and any Officer found guilty of such an offence would be subject to discipline (MIL-664). The current Code of Conduct and the Code of Conduct which

was applicable when Edmonds was in the Prison Service both refer to inappropriate relationships as a disciplinary matter.

10. The Department believes that that the conduct which Edmonds has admitted engaging in would have amounted to a clear contravention of the NIPS Code of Conduct and Discipline, and had it been detected while he was in the employment of the Service, he would have been disciplined in accordance with the Code.

Culture at the Millisle Borstal

11. The Inquiry has already received evidence from Duncan McLaughlan during Module 10 (26 January 2016). He emphasised to the Inquiry that the safety and welfare of trainees at the Borstal were paramount during his time as Governor of that institution. He explained to the Inquiry how he had made staff aware in a formal written notice that he would not tolerate any form of abuse towards trainees. He would investigate any allegation or suspicion of misconduct and would take action against any officer who he believed had a case to answer.
12. Mr McLaughlan was a very visible Governor. He engaged with the trainees directly and personally. The Inquiry has heard anecdotes about how he would be seen spending time with trainees during recreation time. It was his practice to walk around the Borstal each day and to make himself available to trainees and to any Officer who might wish to express any concern about the institution.
13. In his evidence Mr McLaughlan explained the message which he communicated to staff:

"There is a boundary within which is acceptable behaviour and as long as you stick inside that boundary, I will support you. If you choose to step out of the boundary, well, good luck, because I wouldn't be there with you". That is always made abundantly clear wherever I've been. That is what I believe in" (transcript for day 182, page 60).

14. When LN20 gave evidence, he explained to the Inquiry that Mr McLaughlan had a zero tolerance of abuse (see Transcript for day 181, pages 77-78). Staff were warned that they would be sacked on the spot if they abused trainees in any way. MZ1, another former Officer at Millisle, was asked whether Mr McLaughlan would have tolerated any member of his staff lifting a hand to a trainee. His answer was emphatic - "*definitely not*" (transcript for day 181, at page 39).
15. Having regard to this evidence regarding the leadership style and ethos of Mr McLaughlan and to the clear descriptions of acceptable and unacceptable behaviour contained within the NIPS Code of Conduct and Discipline, and bearing in mind the state of the criminal law at that time, the Department is confident that sexual abuse or inappropriate relationships would not have been tolerated in the Borstal at that time if evidence was available to show that this was occurring.
16. Applying the ethos which Mr McLaughlan adopted during his tenure, it seems clear that if Mr Edmonds had been suspected of sexually abusing Mr Kerr or of having an inappropriate relationship with him, he would in all likelihood have been suspended, the allegations would have been reported to police, and at the appropriate time the matter would also have been investigated and any necessary action taken under Part 1 of the Code of Conduct.
17. The Inquiry heard during Module 10 that there was history of challenging Officers at Millisle who were suspected of abusive conduct towards trainees. In 1963, for example, an officer was charged with a number of offences following a robust investigation, including the charge of having improper relations with prisoners by becoming unduly familiar with them (MIL-23499 – MIL-23557).
18. During his time as Governor, Mr. McLaughlan was responsible for suspending two officers from duty following allegations that they had assaulted a trainee (see transcript for day 182, pages 80-81). The Inquiry heard that he informed the police of the matter and they proceeded to conduct an investigation which resulted in an unsuccessful prosecution. He also reported the issue to the Visiting Committee (MIL-25002). Plainly, Mr McLaughlan took seriously his responsibility to ensure that allegations of inappropriate behaviour were exposed and

fully investigated in a timely manner. The Inquiry is also aware that the performance management system was used to ensure optimum performance by Officers serving within the Prison Service. For example, evidence gained through the performance management system highlighted an officer, MZ1, as unsuitable for service at Millisle and he was transferred to an adult establishment (MIL- 789; MIL-21949 - 21952).

Records and People Searches

19. Before preparing this response to the Inquiry, the Department commissioned extensive searches for relevant electronic records internally and in NIPS, PRONI and the NIO as well as searches for hard copy files in NIPS and the NIO. Our records show that the personnel file for William Edmonds was destroyed in 2000 in line with the record management policy in place at the time. The Department is aware that a pupil file for Richard Kerr was located in PRONI and that it contains information on the movement history and court appearances before Mr Kerr was sent to Millisle Borstal on 21 December 1977 but does not contain any record of complaints from Mr. Kerr in relation to his time in the Borstal.
20. The Department also conducted searches for information in relation to the whereabouts of Mr Edmonds and Mr Thompson, both internally and through Pensions Branch in the Department of Finance and Personnel. These searches have shown that no information is available in relation to Mr Edmonds and that Mr Thompson died a number of years ago.
21. The Department has also attempted to source reference material in relation to the training offered to Hospital Officers during the 1970s and 1980s. We have not been able to source any relevant material other than evidencing that training was delivered at HMP Liverpool and Wormwood Scrubs, although the Department believes the majority of Northern Ireland staff were trained at HMP Liverpool.

22. An entry in Hansard dated 29 March 1979¹ indicates that Mr Kilroy-Silk asked the then Secretary of State for the Home Department, Mr. Merlyn Rees, *“what way unqualified prison officers are trained to be hospital officers; how long the training is; where they are trained; who runs the courses; who teaches the trainees; what is the content of the training course; and whether a syllabus of the course can be published”*.
23. Mr. Rees responded that, *“Prison officers wishing to become hospital officers attend a 13 week course at one of the two hospital officer training schools at Liverpool and Wormwood Scrubs prisons designed to equip them to undertake the basic nursing care required. They are assessed by a course tutor at two-weekly intervals throughout the course duration and upon completion there is a written, oral and practical examination. If successful, they are normally posted to establishments where they can be supervised by full-time prison doctors and experienced senior hospital officer staff. The courses are run by senior hospital officer staff who hold registered nursing qualifications and have completed courses in teaching recognised by the General Nursing Council. Doctors lecture on medical and specialist subjects. The content of the course which is kept under review includes the following main subjects: elementary biology, anatomy, physiology, bacteriology, psychology, chemistry and physics. Basic nursing techniques are taught including ward management; the elements of medical, surgical and psychiatric disorders; emergency resuscitation and prison medical administration. Four weeks are spent in practical attachment to outside hospitals.”*
24. The Department understands that since Hospital Officers were recruited from the Basic Grade Prison Officer ranks, the training outlined by the Secretary of State in his answer would have been in addition to the training received by all Prison Officers.

¹ http://hansard.millbanksystems.com/written_answers/1979/mar/29/prison-officers

How were the allegations against Mr Edmonds dealt with?

25. The records available to the Department show that Mr Edmonds transferred temporarily from HMP Magilligan to Millisle Borstal on 13 December 1976. Dr Elliot, the then Medical Officer at HMP Magilligan, contacted Mr McLaughlan about three months after Mr. Edmonds had been transferred to Millisle and raised concerns that he was suspicious that Mr Edmonds displayed homosexual tendencies. Dr Elliott had raised his concerns with his superior, Dr McKeown, the Governor at HMP Magilligan and the NIPS Staffing Officer before he approached Mr McLaughlan (KIN-108013 (MIL-30238)).
26. The Department believes that since the safety and welfare of the trainees at Millisle would have been of paramount importance, any concerns regarding the suitability of an Officer for service at Millisle would have been carefully considered. However, it was also important that the allocation of Officers to establishments was dealt with fairly. It would not have been appropriate for NIPS to intervene to prevent an Officer from moving to a suitable vacancy at any establishment unless there were good grounds for doing so. A professional Prison Service cannot act on the basis of unsubstantiated rumour or supposition.
27. The Department takes the view that having regard to the safeguarding responsibilities of the NIPS as well as its obligation to protect staff from unfounded allegations, it was obliged to test the strength of the concerns being expressed by Dr Elliott before taking any action.
28. In the absence of key witnesses, particularly Mr Thompson who was primarily responsible for assessing the implications of the concerns raised by Dr Elliott, it is impossible for the Department to effectively convey how those concerns were tested.
29. The Department has sought the assistance of Mr McLaughlan and he has fully co-operated with the efforts to shine further light on these issues. However, he has indicated to the Department that he has no independent recollection of the suspicions that were raised with him about Edmonds, or of the interviews he had with the police about those suspicions. As the Inquiry is aware, the incidents occurred over 35 years ago. However, he does accept that he must have

been responsible for dealing with the issues in the manner suggested in the account which he provided to police on the 13 May 1980.

30. From the information available to the Department in the statements made to the police it is clear that when concerns were raised by Dr Elliott steps were taken by Mr Thompson to establish if there was any evidence that Edmonds might pose a risk to the trainees in Millisle, prior to the Officer being permanently appointed to that establishment.
31. This issue appears to have been taken seriously. Mr Thompson wrote to Dr McKeown on 5 May 1977 and asked "*if he could advise [him] of the nature of any clinical evidence of fact or opinion which would suggest that the officer's [Edmonds'] character was other than suitable for him to be employed at a young offenders institution.* (KIN-108015 (MIL-30240))."
32. Mr Thompson did not receive a written reply but Dr Elliott verbally confirmed that his concerns were based on suspicion only "*...To the best of my recollection Dr McKeown did not reply in writing but spoke again and said that there was suspicion only and he was unable to let me have anything further.*" (KIN-108015 - KIN-108016 (MIL-30240 – MIL-30241)).
33. In the absence of any evidence to suggest that Mr Edmonds would pose a risk to the trainees in Millisle, his posting was subsequently made permanent at Millisle Borstal where he served until he medically retired from the Prison Service on 18 August 1979.
34. Dr Elliott raised the matter informally with Mr McLaughlan, after the initial posting. In response Mr McLaughlan took the same approach as Mr Thompson and sought to clarify the basis for the concerns. It is recorded in Mr McLaughlan's police statement that it "*was emphasised by Dr. Elliott that he had no proof of any homosexual behaviour practised by Edmunds.*" Accordingly, Mr McLaughlan had no basis to take any further action (KIN-108017 (MIL-30242)).
35. The approaches taken by both Mr Thompson and Mr McLaughlan were consistent: both took active steps to examine the suitability of Mr. Edmonds' appointment to Millisle but when they sought to investigate the matter they were not presented with any information to suggest that he was unsuitable.

36. The issues raised by the admissions which Mr Edmonds made to police were drawn to the attention of the Minister at the time: see the note dated 23 April 1980 from Mr Truesdale to the Minister (KIN-108001 - KIN-108002 (MIL-25563 – MIL-25564)). The note outlines the circumstances under which the police interviewed Governor McLaughlan and the other interviews being conducted. Mr Truesdale also attended the police interview with Dr McKeown, the Principal Medical Officer who had responsibility for the Prison Medical Service.
37. Searches for further information have been conducted but have not uncovered any documents relevant to the alleged incidents between ex-trainee Kerr and Hospital Officer Edmonds.
38. The NIO carried out searches on behalf of the Department of Justice for further information but no further records of actions taken by NIPS or the NIO are available.
39. The Department takes the view that even if it had been established as a fact at the time that Mr Edmonds' sexual orientation was homosexual, this should not of itself have been grounds to prevent a person from taking up a post at any penal institution, whether a mainstream prison or a Borstal. The issue was whether there was any risk posed to trainees, and it is clear that no evidence came forward to demonstrate that trainees were at risk.

Outcome of the Police Investigation

40. The police took a number of statements in relation to the alleged incidents between Mr Edmonds and Mr Kerr as shown below:
 - Mr Kerr on 25 February 1980 (KIN-108009 – KIN-108012 (MIL-30234 – MIL-30327)) and 26 February 1980 (KIN-108007 – KIN-108008 (MIL-30232 – MIL-30233));
 - Mr Edmonds on 10 April 1980 (KIN-108018 – KIN-108020 (MIL-30243 – MIL-30245)) and 9 June 1980 (KIN-108021 – KIN-108022 (MIL-30246 – MIL-30247));

- Dr Elliott on 5 May 1980 (KIN-108013 (MIL-30238));
 - Dr McKeown on 12 May 1980 (KIN-108014 (MIL-30239));
 - Mr Thompson on 15 May 1980 (KIN-108015 – KIN-108016 (MIL-30240 – MIL-30241)); and
 - Governor McLaughlan on 13 May 1980 (KIN-108017 (MIL-30242)).
41. A summary of the evidence in relation to Mr Edmonds and Mr Kerr is found at KIN-108003 – KIN-108006 (MIL-30228 – MIL-30231).

DOJ Position

42. The Department notes that Mr Kerr has never made a complaint about the conduct of Mr Edmonds in Millisle. Indeed the Department acknowledges that in a statement which he made to Sussex Police on the 28 October 1982, Mr Kerr recalled having sexual relations with Mr Edmonds in his home after he had been discharged from Millisle but he expressly stated, “he didn’t do anything to me whilst at Millisle” (KIN-40796).
43. The Department cannot resolve this inconsistency in the accounts which have been given. Moreover, the Department has never had the opportunity to test the veracity of the admissions which Mr Edmonds made to police with either Mr Edmonds or Mr Kerr. The honesty of Mr Edmond’s account is clearly open to question in light of Mr Kerr’s unequivocal statement that nothing of a sexually abusive nature occurred whilst he was a trainee at Millisle.
44. Of course if Mr Edmonds has accurately accounted to police for his actions towards Mr Kerr in Millisle, the Department would accept that this would be a very grave matter. Viewed from that perspective it is regrettable that although Dr Elliott rightly raised a concern, he did not have any information to establish that Mr Edmonds was a threat to prisoners in the mainstream prison system or to trainees in the Borstal. Therefore, no reliable evidence was available to the Department at that time to demonstrate that Mr Edmonds was unsuitable to

continue in service and it was unable to take any formal action to prevent the alleged abuse and to protect Mr Kerr.

45. The Department would wish to add that if Mr Edmonds admissions to police were truthful then his behaviour towards Mr Kerr must be condemned without reservation. He was placed in an important position of responsibility, a position of trust. If he conducted himself as he has described that would have amounted to an abuse of trust and his actions would have contravened the moral and professional standards expected from all Prison Service Staff. Mr Edmonds would have been well aware of those standards, and that such behaviour would have constituted a wilful breach of the Code of Conduct.
46. Finally, if Mr Edmonds behaved as he has described the Department would extend a sincere apology to Mr Kerr for any hurt or injury he may have suffered.

Timeline

| Date | Who | Position / Location | Action |
|-------------------|--------------|--|--|
| 10/11/1975 | W Edmonds | - | Joins NIPS |
| 08/12/1975 | W Edmonds | Magilligan | Discipline Officer |
| 10/05/1976 | W Edmonds | Magilligan | Appointed as Hospital Officer |
| Prior to Dec 1976 | Dr Elliott | Senior Medical Officer, Magilligan | Advised Dr McKeown that he had concerns that Mr Edmonds had homosexual tendencies |
| " | Dr McKeown | Principal Medical Officer, DHSS | Conversation with Dr Elliott who advises him that he considers Edmonds unsuitable for duty at Millisle Borstal; |
| TBC | Dr McKeown | Principal Medical Officer, DHSS | Advised Mr Thompson, Prison Staffing Officer, of Dr Elliott's suspicions |
| 13/12/1976 | W Edmonds | Hospital Officer, Millisle (non-permanent) | Transferred to Millisle Borstal |
| Pre 7/3/1977 | Dr Elliott | Senior Medical Officer, Magilligan | Informally advised D McLaughlan (Governor, Millisle) of his reservations regarding the transfer of Edmonds to Millisle because of his homosexual tendencies. |
| Pre 7/3/1977 | D McLaughlan | Governor, Millisle | Advised Dr Elliott that no action could be taken as there was no proof. |

| Date | Who | Position / Location | Action |
|-----------------|-------------|--|---|
| 07/03/1977 | W Edmonds | Hospital Officer, Millisle (permanent) | Hospital officer post at Millisle made permanent |
| 01/05/1977 | Mr Thompson | Prison Staffing Branch | Conversation with Dr McKeown regarding suspicions of Edmonds homosexual tendencies |
| 05/05/1977 | Mr Thompson | Prison Staffing Branch | Wrote to Dr McKeown asking if he could advise him of any clinical evidence or fact of opinion that the officer's character was other than suitable employment at a young offenders institution; No response other than a conversation confirming that his opinion was based on suspicion only. |
| 01/11/1977 | R Kerr | Millisle | Sentenced to Millisle Borstal by Belfast Juvenile Court |
| Nov/77 - Feb/79 | R Kerr | Millisle | 4 attempted suicides, one of which resulted in admission to hospital |
| Post Nov/77 | Edmonds | Millisle | Alleges discussions with the doctor [REDACTED] regarding R Kerr's homosexuality and that these took place before he approached R Kerr |
| 02/02/1978 | Kerr | Millisle | Attempted suicide |
| 18/03/1978 | Kerr | Millisle | Attempted suicide |
| 21/03/1978 | Kerr | Millisle | Attempted suicide - sent to Maze Hospital Unit |
| 05/04/1978 | Kerr | Millisle | Returns to Borstal from Maze Hospital Unit |

| Date | Who | Position / Location | Action |
|---------------------|------------------|---|--|
| 11/04/1978 | Kerr | Millisle | Attempted suicide |
| Nov/77 - Feb/79 | Edmonds | Millisle | Alleges three episodes of sexually abusing R Kerr in the surgery |
| 01/02/1979 | R Kerr | Millisle | Released from Borstal |
| Feb 1979 - May 1979 | R Kerr / Edmonds | Park Avenue Hotel and Bishops Court Hotel | Kerr and Edmonds met. No mention of a sexual relationship by Kerr; Edmonds details sexual activity |
| 01/05/1979 | R Kerr | - | Moved to Preston |
| 18/08/1979 | W Edmonds | Millisle | Resigned from Prison Service |
| 21/04/1980 | D McLaughlan | Millisle | Interviewed by the police re ex-Trainee Kerr |
| POLICE STATEMENTS | | | |
| 25/02/1980 | R Kerr | - | Statement to the police investigating Kincora |
| 26/02/1980 | R Kerr | - | Second statement to the police |
| 10/04/1980 | W Edmonds | - | Statement to the police |
| 05/05/1980 | Dr Elliott | - | Statement to the police |
| 12/05/1980 | Dr McKeown | - | Statement to the police |

| Date | Who | Position / Location | Action |
|------------|------------------------|---------------------|--------------------------------|
| 13/05/1980 | Governor McLaughlan | Millisle | Statement to the police |
| 15/05/1980 | Mr Thompson | - | Statement to the police |
| 09/06/1980 | W Edmonds | - | Second statement to the police |