
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Monday, 18th January 2016

commencing at 10.00 am

(Day 177)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
Counsel to the Inquiry.

1 Monday, 18th January 2016

2 (10.00 am)

3 Opening remarks by CHAIRMAN

4 CHAIRMAN: Good morning, ladies and gentlemen. As always,
5 if anyone has a mobile phone, please ensure it has been
6 turned off or placed on "Silent"/"Vibrate", and I must
7 remind everyone also no photography is permitted
8 anywhere on the premises; that's either here in the
9 chamber or elsewhere on the premises.

10 We are this morning commencing with our public
11 hearings relating to Module 10, which will be concerned
12 with allegations relating to Millisle Borstal, and in
13 a few moments I will invite Mr Aiken to open this matter
14 to the Inquiry.

15 Although, as I look round, there are no unfamiliar
16 faces here, can I just remind everyone that in the
17 course of the opening as well as during the hearing it
18 may well be that individuals who are covered by our
19 anonymity policy will be referred to, and those names
20 cannot be used outside the chamber in any form.

21 Now, Mr Aiken.

22 Opening remarks by COUNSEL TO THE INQUIRY

23 MR AIKEN: Chairman, Members of the Panel, good morning.

24 Today, as you have said, Chairman, marks the
25 commencement of Module 10 on Day 177 of the Inquiry's

1 public hearings and Module 10 will be examining
2 allegations of abuse at Millisle Borstal, located on the
3 Co. Down peninsula, which operated for 24 years between
4 1956 and 1980.

5 Borstal was essentially an early form of Young
6 Offenders Centre that had the aim of rehabilitation
7 through training. As we will come to see, the courts in
8 the vast majority of cases sent the trainees to the
9 borstal, though there were some other routes by which
10 you could become resident.

11 As we will also come to see, for most of its
12 existence Millisle was what was known as an open
13 borstal, with the result that trainees could abscond
14 without difficulty if they chose to do so in the same
15 way as for the training schools. For a short period
16 between 1978 and 1980 a closed borstal was also added to
17 the Millisle premises. It was purpose-built and was
18 more akin to a prison type establishment, where
19 absconding was consequently not a feature.

20 Ten individuals have come forward to the Inquiry to
21 speak about their time in Millisle, and you will hear
22 oral evidence from seven of them over the course of this
23 week. Between them they make allegations of physical,
24 sexual and emotional abuse by staff and in some cases
25 other trainees. It is the case that their allegations

1 were not made at the time the abuse is said to have
2 occurred and the allegations were not subsequently made
3 to the Prison Service, the Government Department or the
4 police in the thirty years that followed the closure of
5 Millisle, with the consequence that it is the Inquiry
6 that has first been told of what is said to have
7 occurred. One of the individuals spoke to the police at
8 the same time as speaking to the Inquiry.

9 It will become apparent that those making the
10 allegations are a very small percentage, perhaps much
11 less than 1%, though it is not possible for me at the
12 moment to be precise for reasons that will become clear,
13 of those who passed through the Millisle Borstal during
14 its existence.

15 It is also the case they make allegations against
16 a very small percentage of the staff who worked in the
17 borstal during the 24 years of its existence. Due to
18 the length of time from the events, the fact that most
19 of those who are the subject of allegations are either
20 dead or, despite extensive efforts, cannot be traced and
21 consequently cannot speak for themselves to respond to
22 the allegations before the Inquiry, and the fact that
23 there were no earlier investigations, the matter is
24 perhaps more complex and the Panel will bear that in
25 mind when assessing the evidence.

1 The Millisle Borstal was part of the prison system,
2 though we will shortly see that being sent to borstal
3 was not necessarily considered to be a sentence of
4 imprisonment. So the Millisle Borstal was the
5 responsibility of the Ministry of Home Affairs from its
6 inception in 1956 and later from 1973 until it closed in
7 1980 the Northern Ireland Office during Direct Rule.

8 Consequently the Department of Justice is the only
9 core participant in this module, as the successor body
10 to the Ministry of Home Affairs and subsequently the
11 Northern Ireland Office, who were in turn responsible
12 for the provision, oversight and operation of the
13 borstal at Millisle. Mr Wolfe and Mr Reed again appear
14 on behalf of the Department before the Inquiry this
15 morning.

16 I want to say something about the evidence
17 bundle for the module. The Module 10 evidence
18 bundle consists of some ten sections, some of which
19 remain without documents to this point.

20 Section 1 contains the witness statements obtained
21 to date. This section has over 828 pages. It contains
22 the witness statements from the ten applicants, the
23 Department of Justice's response statements thereto and
24 some further general statements from the Department of
25 Justice that I will say something more about shortly.

1 Section 2 contains the legislation and policy
2 development material relating to borstals that apply to
3 Millisle, and this amounts to some 997 pages.

4 Section 3 contains the discovery that the Inquiry
5 has obtained relevant to its work on Millisle. This
6 material has in the main come from the Department of
7 Justice or from the Inquiry's own research in PRONI.
8 This section does not contain all the material that has
9 been received by the Inquiry. For instance, very large
10 and difficult to copy admission and other types of
11 ledgers have been received by the Inquiry, but their
12 contents have not all been copied and added wholesale to
13 the evidence bundle.

14 While it is the case that a complete set of relevant
15 material is not available, and I will say a little more
16 about that shortly, nonetheless there are various types
17 of annual documents which are available, albeit perhaps
18 not for every year of Millisle's existence, which are
19 likely to be of assistance to the Panel. They will
20 feature further during the opening as I explain how the
21 institution operated and also during the evidence. They
22 include, amongst others, annual reports on the
23 administration of the Prison Service, which contains
24 a section on the borstals; annual reports from the
25 governor of Millisle Borstal itself; annual reports from

1 the Visiting Committee and the minutes of some of their
2 meetings -- I will say something more about them in due
3 course; and the governor's journal, where the main
4 events relating to the life of the borstal were
5 recorded.

6 Section 3 is by far the largest section in the
7 evidence bundle and presently contains some 8062 pages.
8 That's a number that is likely to rise.

9 Section 4 of the evidence bundle contains relevant
10 police material. When I tell you, Members of the Panel,
11 that this section only contains 69 pages, in very stark
12 contrast to the other modules I have opened to the
13 Inquiry, it will perhaps be immediately apparent that
14 there have been very few complaints made about staff or
15 others to police in respect of events in Millisle
16 Borstal. In fact, most of the 69 pages relate to
17 criminal records, which assist with confirming dates
18 when individuals were in the borstal. I believe I am
19 right in saying that only one applicant made allegations
20 to the police about his time in Millisle, and those were
21 made at the same time as his engagement with the
22 Inquiry.

23 There appears to be one other engagement with the
24 police in relation to an allegation of abuse by staff
25 when the then governor, Duncan McLoughlin, reported

1 three officers for an alleged assault on two trainees in
2 1980, and I will say something more about that in due
3 course.

4 Section 5 of the bundle contains some limited
5 material provided by the Department of Justice in
6 respect of the applicants to the Inquiry involved with
7 this module. This section amounts to some 229 pages,
8 and I will say something more in due course about why
9 there is so little material available.

10 Section 6 of the bundle contains material relating
11 to the applicants that they have either brought to the
12 Inquiry themselves or which the Inquiry has found
13 through its work in PRONI.

14 Section 7 would have contained civil claims
15 material, but to date it appears there have not been any
16 civil claims in relation to Millisle Borstal.

17 The remaining sections have been left. For
18 instance, there is no social work material in relation
19 to the individuals in Millisle Borstal, and we will have
20 sections for submissions at the conclusion.

21 At present the Module 10 evidence bundle consists of
22 some 10835 pages.

23 I mentioned that in section 1 you have statements
24 from the Department of Justice. The Inquiry has
25 received two, and the Panel may consider them helpful,

1 general statements on behalf of the Department of
2 Justice. The first is by Stephen Davis of 18th December
3 2015 and runs from MIL104 to 131, with extensive
4 exhibits that cover almost 600 pages from 132 to 705.
5 The statement covers the difficulties facing the
6 Department arising from a lack of records consequent on
7 likely destruction policies in operation in the 1980s
8 and '90s; the policy and historical background to
9 borstals and Millisle Borstal in particular; the idea of
10 open and closed borstals, and, as I said, for
11 a relatively short period Millisle had both; who was
12 responsible for running and inspecting it; the means by
13 which a young person could end up sent to borstal,
14 which, as we will come to see, was primarily
15 a court-imposed sanctioned for offending behaviour; the
16 progressive grade-based regime that operated, the nature
17 of daily life, including the provision of education and
18 vocational training and sporting activity; staffing
19 arrangements, including the concepts of governor,
20 assistant governors and housemasters; medical
21 arrangements, including the role of the matron; the
22 disciplinary and control measures and the sanctions that
23 operated; three contemporaneous instances of allegations
24 of abuse made, which the Department of Justice is aware
25 of from its files; then finally a section dealing with

1 what the Department of Justice is in a position to say
2 about a particular officer who is the subject of
3 allegations from a number of individuals who have come
4 forward to the Inquiry, and I will say something more
5 about him in due course.

6 Steve Davis has explained in a subsequent statement,
7 which is at MIL791 to 795, that he himself does not have
8 direct knowledge of Millisle Borstal, having joined the
9 Northern Ireland Prison Service as an assistant governor
10 trainee in 1985, Millisle Borstal having closed in 1980,
11 and he went on to have a number of governor roles before
12 his present role as Acting Director of Operational
13 Policy within the Northern Ireland Prison Service, which
14 I think is probably classified as the top job. It is in
15 that capacity that he has signed statements, including
16 the various response statements provided by the
17 Department of Justice.

18 The Inquiry has also received a detailed statement
19 from Duncan McLoughlin, who was the assistant governor
20 at Millisle for three months between November 1972 and
21 January 1973 and then governor of Millisle Borstal
22 between 1974 until its closure in December 1980. So he
23 was the governor of for a period of time the open
24 borstal like his predecessors but also the governor for
25 the two and a bit years when the borstal was both

1 an open and closed facility. He went on to become
2 governor of the Maze and Maghaberry as well as being
3 a Deputy Director of Prison Operations before retiring
4 from the Northern Ireland Prison Service in 2000. He
5 had been a social worker for seven years before entering
6 the Prison Service, and after his retirement has
7 continued in a number of international roles relating to
8 his role in prison. His statement runs from MIL706 to
9 723 in the bundle, with exhibits from 724 to 763. The
10 statement covers from his own experience his background
11 and professional career; the layout of Millisle; the
12 progressive grading system that operated; the education
13 and vocational training on offer; the medical and
14 welfare services that were provided; staffing
15 arrangements; the complaints system in place at the
16 time; the fact of absconding, given the form and nature
17 of the open borstal; discipline, including the use of
18 corporal punishment, which I will say something more
19 about later in the opening; reporting on inspection
20 systems; and his recollections of allegations. He
21 explains from his own experience of working with
22 a particular officer, [Officer Skillen], who he explains was known by
23 [Punchy], as referred to by a number of the individuals
24 who have come forward to the Inquiry, and he explains
25 that that was because of an external role that [Officer Skillen] had

1 as a boxing sparring partner to an Olympic and
2 Commonwealth medical winning local boxer.

3 In addition, the Department of Justice has provided
4 a statement to the Inquiry in addition to the ten
5 individual response statements setting out what it can
6 about those officers who face allegations before the
7 Inquiry. That statement can be found at MIL782 to 790
8 and, as that statement explains, it has not been
9 possible to identify from the information given by some
10 of the applicants who is being referred to, but in some
11 cases that has been possible, and where information
12 still exists, the Department has set that out for the
13 assistance of the Panel.

14 As I indicated, the Inquiry has had itself
15 considerable difficulty in tracing individuals who are
16 the subject of allegations. However, the Inquiry has
17 traced a highly decorated retired officer, who faces
18 a single allegation, which he vehemently denies. He
19 makes the point to the Inquiry in his statement that
20 many of the borstal trainees were anti-authority and did
21 not like taking orders or instructions, but that in his
22 view the majority went on to become better individuals
23 and make something of their life without reoffending,
24 and all being well the Inquiry will hear from him at the
25 start of next week.

1 I want to say something about the missing documents.
2 It is unfortunately the case that not all the records
3 that would have existed in respect of Millisle Borstal
4 are available to the Inquiry. For instance, there is
5 clear evidence that files on individual trainees were
6 maintained. None of those files are available, and
7 that's likely to be the consequence of destruction
8 policies that existed within the Northern Ireland Prison
9 Service. Equally there were personnel files on officers
10 who worked in Millisle. Only some of those files are
11 available. Others have been destroyed because of the
12 time since the officer retired from the service.

13 The system in operation -- I will say something more
14 about this in some detail later because of its
15 relevance -- did include a Visiting Committee to the
16 Millisle Borstal. I will outline their work later in
17 the opening, but they would meet monthly and two of
18 their number on a rota basis would visit the trainees in
19 the borstal as part of the Committee's operation. We
20 have some of the minutes of their meetings during the
21 period under investigation and we also have many, but
22 not all, of their annual reports that were submitted
23 along with others to the Ministry of Home Affairs and
24 later the Northern Ireland Office. These were
25 individuals who were not in the employee -- not in the

1 employ of the Northern Ireland Prison Service or the
2 Department, and therefore what they have to say may be
3 of particular interest to the Inquiry.

4 I mentioned annual reports, and for most of the time
5 Millisle Borstal was in existence there was a system of
6 providing annual reports from different sections within
7 the borstal to the Ministry and later the Northern
8 Ireland Office. These included annual reports from the
9 governor, the Visiting Committee, the medical officer,
10 the welfare and aftercare officer, because, as we will
11 come to see, part of the borstal sentence involved
12 supervision after the trainee left, the education and
13 vocational training officers, reports from the chaplains
14 from the various religious denominations assigned to the
15 borstal. We do not have those reports for every year in
16 question, but we do have them for a significant number
17 of years, and the Panel will hopefully find them
18 a useful aid when reflecting on the time period of any
19 given applicant who gives evidence.

20 In addition, each year the government issued
21 a report on the Prison Service. Its name and form has
22 changed over time, but it during the period of
23 Millisle's existence included a section on borstals,
24 which will again be of some assistance. We do not have
25 all of those reports, but we do have a significant

1 number of them, and we will look at some of the relevant
2 entries for various reasons during the course of the
3 opening.

4 Before I begin a detailed look at the provisions
5 that applied to Millisle Borstal I want to say a word of
6 thanks and acknowledge the assistance given to the
7 Inquiry by the Department of Justice in this instance.
8 As the Panel is aware, we emphasise the need for
9 collaborative working, and in respect of this module the
10 level of efficiency and speed of turnaround has had to
11 be even higher than before. It has not been possible
12 for the Department at this remove in the period under
13 investigation, which ends in 1980, to answer all of the
14 Inquiry's questions or provide all of the material
15 sought, but I want to acknowledge the efforts made by
16 Mr Wolfe and his team and Miss Holmes and the Department
17 in particular to try to address queries raised as
18 quickly as possible.

19 I also want to acknowledge the work of the Inquiry
20 legal team in getting this module ready, in particular
21 Miss Donnelly and Miss Gibson, assisted by many others,
22 who, when have been asked, have dropped what they were
23 doing to ensure things that needed to be done by
24 a certain time were achieved. However, I also want to
25 acknowledge all the Inquiry staff, including the witness

1 support officers, the document managers and those in the
2 administration section back in Belfast as well as the
3 staff here, including our contractors, who make us being
4 here and operating efficiently possible.

5 With that, Members of the Panel, I want to move on
6 to look at the background to Millisle Borstal. I should
7 say I am not going to cover this area in great detail,
8 but we have put together the documents that demonstrate
9 the introduction and development of borstals and their
10 operation and they can be found from MIL10001 to 10097
11 in the evidence bundle.

12 I also want to publicly acknowledge the assistance
13 I have garnered from the text published in 1975 "Borstal
14 in Ireland: Custodial Provision for the Young Adult
15 Offender, 1906-1974" and written by Nial Osborough.

16 With that if I can begin with the question: what was
17 a borstal? It was a penal institution for young
18 offenders. It was intended to be a separate institution
19 from adult prisons where those generally between the
20 ages of 16 and 21 would be sent for reformation and
21 rehabilitation. The Inquiry's terms of reference
22 obviously extend to those aged 18. So there is
23 an overlap with some beyond the Inquiry's terms of
24 reference.

25 The need for this type of specific young offenders'

1 institution was identified by the Westminster
2 Departmental Committee on Prisons from 1895, otherwise
3 known as the Gladstone Committee because of its
4 Chairman, the then Herbert Gladstone. It recommended
5 the establishment of a special penal reformatory for
6 young offenders to which court could send an offender
7 under the age of 21 for periods of between one and three
8 years, subject to a licensing system. You will note the
9 similarity with the scheme for training schools,
10 following their introduction in Northern Ireland in
11 1950.

12 The Committee described -- what I am about to read
13 is taken from page 30 of their report -- what they had
14 in mind as, and I quote:

15 "A halfway house between the prison and the
16 reformatory. It should be situated in the country with
17 ample space for agricultural and land reclamation work.
18 It would have penal and coercive sides, which could be
19 applied according to the merits of particular cases, but
20 it should be amply provided with a staff capable of
21 giving sound education, training the inmates in various
22 kinds of industrial work and qualify generally to
23 exercise the best and healthiest kind of moral
24 influence."

25 The Howard League for Penal Reform described the

1 system envisaged, and I quote:

2 "Borstal training involved a regime based on hard
3 physical work, technical and educational instruction and
4 a strong moral atmosphere. A young person in borstal
5 would work through a series of grades based on
6 privileges until release."

7 As we will come to see, the reference to hard
8 physical labour is probably not apt for the open
9 Millisle Borstal, but you may consider the rest of the
10 definition is potentially a fair description of life
11 there.

12 A letter to parents from the then Governor
13 McLoughlin from 1977 -- if we can just bring up on the
14 screen, please, MIL612 -- the letter to parents set out
15 how the institution saw its own aims, and in particular
16 you can see in the top right corner the letter is dated
17 29th April 1977. So this is some three years into the
18 time when Duncan McLoughlin is the governor. In
19 paragraph 3 you can see he sets out:

20 "The objects of borstal training are to bring to
21 bear every influence to help the young boy to adjust his
22 attitude to society, to develop his character, to assist
23 him to acquire a sense of personal responsibility and to
24 make right decisions for living a normal life when he
25 returns home."

1 It is the case that visiting was encouraged through
2 the entire period of Millisle Borstal's existence and he
3 describes the routine for both visiting and also the
4 exchange of letter communication in this letter to
5 parents. Based on what grade a particular trainee was
6 at, they had more enhanced entitlement for visiting and
7 communication.

8 What the then governor is describing in 1977 is very
9 similar to that set out by Governor **ML 29** in
10 instructions to trainees in 1965. If we can just look,
11 please, at MIL615. We will later see that Governor
12 **ML 29** had been the deputy governor for a long time in
13 Millisle and then left to take up the role of governor
14 in the closed borstal that was opened in Armagh in 1963.
15 With the introduction of that closed aspect in Armagh
16 prison trainees would begin their borstal sentence with
17 a short period in closed borstal with the aim of then
18 graduating within three months to the open borstal at
19 Millisle, and all of the policy documents talk about the
20 aim of moving trainees as quickly as they are ready and
21 able to cope with from the closed borstal to the open
22 borstal. You can see here where in 1965 Governor
23 **ML 29** is setting out the object of training in
24 paragraph 5. Scroll down a little, please:

25 "The object of the training shall be to bring to

1 bear every influence to lead a good and useful life on
2 release and to enable you to accomplish by development
3 of your character, capacities and a sense of personal
4 responsibility."

5 So those two documents perhaps assist with a high
6 level understanding of the aim that borstal training had
7 at its heart.

8 Borstal, the name given to the new young offender
9 penal reformatories, came from the English village in
10 Kent where the second such institution was established
11 on an experimental basis in 1902. The system was
12 formally introduced in the United Kingdom of Great
13 Britain and Ireland through the Prevention of Crime Act
14 1908.

15 That piece of legislation can be found in the
16 bundle at MIL10013 to 10026. I want to look at the
17 index to the statute, if we look, please, at 10013, as
18 this general framework was to remain the same throughout
19 the existence of borstals with only minor changes over
20 subsequent years. You can see the first part of the
21 1908 Act deals with borstals, about the sentence, the
22 transferring of individuals to borstal institutions, the
23 licensing mechanism and the supervision. Then reference
24 here in section 7:

25 "Transfer of incorrigibles",

1 those effectively who were not benefitting from
2 their training at borstal being sent back to prison.

3 If we can please look at -- if we go through to
4 10015 to section 1, because this would remain, with some
5 minor amendments to the language, the form of attendance
6 at borstal during Millisle's existence. So:

7 "Where a person is convicted on indictment of
8 an offence for which he is liable to be sentenced to
9 penal servitude or imprisonment and it appears to the
10 court:

11 (a) that the person is not less than 16 nor more
12 than 21 years of age; and",

13 and this is a particular test that I draw the
14 Panel's attention to:

15 "(b) that by reason of his criminal habits or
16 tendencies" -- this language changed over time -- "or
17 association with persons of bad character, it is
18 expedient that he should be subject to detention for
19 such term and under such instruction and discipline as
20 appears most conducive to his reformation and the
21 repression of crime",

22 if those conditions are met:

23 "It shall be lawful for the court in lieu of passing
24 a sentence of penal servitude or imprisonment to pass
25 a sentence of detention under penal discipline in

1 a borstal institution for a term of not less than one
2 year nor more than three years."

3 There is reference to the report the court would
4 first have.

5 So there are a series of elements that are set out
6 in section 1. The first element is the age group. It
7 is for 16 to 21-year-olds. The Children Act 1908, which
8 was passed alongside this Act, in section 131 defined
9 a child as someone under the age of 14 and a young
10 person as someone under the age of 16. The reference
11 for that is at MIL10087. That is why for those who were
12 16 and over separate provision was being made in this
13 piece of legislation in respect of their offending.

14 The second element, the reference to habits or
15 tendencies and the reference to steps that would make
16 one conducive to reformation and the repression of crime
17 instead of imprisonment, and you will see the language.
18 It was to pass a sentence of detention that had
19 a minimum term and a potential maximum term.

20 If we move through to the next page, please, section
21 2, you will see an alternative means by which a borstal
22 trainee could end up located in Millisle, because the
23 legislation follows through. So where someone is in
24 a reformatory school or what would become a training
25 school and their behaviour was such either through

1 escaping or breaching the rules, they could be brought
2 back before the court and instead sent to borstal to
3 complete the remainder of their sentence.

4 A third route is then provided through executive
5 power rather than through the courts in paragraph --
6 sorry -- in section 3 of the Act, where it was open to
7 the Secretary of State to transfer someone who was
8 serving a sentence of imprisonment to the borstal and
9 allow them to engage in the detention for training.

10 Section 4 perhaps further assists the Panel with
11 understanding the ethos behind the borstal system. The
12 power to establish borstals is given, but then you can
13 see:

14 "... places in which young offenders whilst detained
15 may be given such industrial training and other
16 instruction and be subjected to such disciplinary and
17 moral influences as will conduce to their reformation
18 and the prevention of crime and for that purpose ..."

19 They go on to give power then to acquire the land
20 and provide the institutions.

21 If we move on to the next page, please, section 5
22 sets out the licensing system. So like with training
23 schools, you could be given a sentence which had
24 a maximum period of time, but within it was
25 an assessment mechanism, which we will look at in

1 respect of Millisle later in the opening, where you
2 could see yourself released much quicker than the full
3 length of the sentence. In this provision as it was
4 from 1908 the licensing system could see a trainee
5 released on licence within six months of them commencing
6 their detention if they could be regarded as likely to
7 abstain from crime and lead a useful and industrious
8 life.

9 So as part of the policy and approach to borstals
10 there was a continuing assessment process by staff to
11 see whether someone had turned the corner that would
12 allow them to be released, generally released with
13 employment.

14 Section 6, if we scroll down, please, contained the
15 aftercare provision. This is something -- as we will
16 see when I later in the opening talk about the closure
17 of the borstals, the Young Offenders Centre did not have
18 a supervision element whenever the person finished their
19 sentence, which was different to borstal training where
20 there was a supervision aspect and aftercare provision.
21 As far as the 1908 Act was concerned the trainee
22 remained under supervision for a further six months
23 after the expiration of the sentence.

24 Now over the course of the existence of borstals the
25 legislation tweaked the period of time from which it

1 calculated the beginning of the supervision period and
2 how long the supervision period was, but that element
3 was always part of the borstal sentence, that there
4 would be supervision and aftercare after the trainee was
5 released, and that's why I mention annual reports from
6 the aftercare officer reporting on how those who had
7 been released were getting on.

8 In section 7 the Act sets out a term that you will
9 see in many of the Visiting Committee documents when
10 they are asked to deal with a trainee, because the
11 discipline mechanism for serious offences required
12 matters to be referred to the Visiting Committee rather
13 than being dealt with by the governor himself. Here the
14 phrase, if we just scroll down a little, please -- they
15 were asked to deal with the trainee being:

16 "... incorrigible or to be exercising a bad
17 influence on the other inmates of the institution."

18 At this stage the way this particular section is
19 framed referral to the Secretary of State for those not
20 prepared to buy into the aims and objectives of the
21 borstal could lead to the transfer of the individual
22 from borstal to prison to complete their sentence and
23 through another legislative mechanism the Secretary of
24 State divested that power or invested it in the Visiting
25 Committee to make those assessments.

1 Section 9 contained the ability to transfer between
2 the four jurisdictions of the United Kingdom to utilise
3 borstals. That's something that would be used in
4 Northern Ireland certainly in respect of males initially
5 and then for many years females.

6 Powers to sentence to borstal detention were given
7 to magistrates through the referral of cases to the
8 Court of Sessions by the Criminal Justice Administration
9 Act 1914. So that had -- the mechanism would change
10 over time, but essentially both layers of the court
11 process had access to this sentence.

12 The first borstal actually opened in Ireland two
13 years before this legislation was passed in 1906 on
14 an experimental basis. Conor Reidy in his chapter on
15 "The Irish borstal offender" in the text "Adolescence in
16 Modern Irish History", explains:

17 "The first Irish borstal opened in the old women's
18 section of the county gaol in Clonmel, Co. Tipperary.
19 It had 516 inmates pass through its doors between 1910
20 and 1921, of whom 160, just under a third, came from
21 Belfast."

22 So it being the only borstal on the island of
23 Ireland, trainees from Belfast were taken there to serve
24 their sentence. That was the only Irish borstal when
25 the Government of Ireland Act 1920 partitioned Ireland

1 in 1921 and there was consequently no borstals in
2 Northern Ireland.

3 Initially the new government of Northern Ireland, or
4 the Ministry of Home Affairs, to be precise, which had
5 responsibility for prisons, utilised section 9, which we
6 have just looked at and is on the screen, of the 1908
7 Act to transfer those boys sentenced to borstal in
8 Northern Ireland to Feltham Borstal in England. That
9 was quickly deemed an unsatisfactory situation for
10 reasons including visiting from families, and in 1923
11 the detailed report of the Ministry of Home Affairs of
12 the Departmental Committee on Reformatory and Industrial
13 Schools in Northern Ireland, otherwise known more easily
14 as the Moles Committee, which runs from MIL10138 to
15 10202 in the evidence bundle, dealt with borstals from
16 pages 22 to 27 of its report. That's at MIL10159 to
17 10164. It sets out a very useful history of the
18 development of borstals and of the regime that operated
19 within them, which will be helpful whenever you reflect
20 on Millisle.

21 I want to look briefly at paragraph 82, please. If
22 we look at 10159, and especially in light of Millisle
23 being an open institution, if we look at paragraph 82,
24 please:

25 "Borstal institutions are state reformatories

1 differing from ordinary reformatories in that they are
2 the property of the state and deal with young people at
3 a later age (16-21), so that provision had to be made
4 for safe custody in the early stages of the inmate's
5 training, but the general methods approximate to those
6 of a reformatory and are in steady process of
7 development on reformatory and industrial school lines."

8 So it was essentially being viewed as an older
9 version of what we looked at in terms of training
10 schools. This and indeed some other evidence that we
11 will look at may assist in dispelling perhaps
12 a misconception that has arisen over borstal that it was
13 all about hard and pointless physical labour.

14 If we scroll down, please, to paragraphs 90 to 93,
15 it gives an idea about the grades system that operated:

16 "On his reception at the institution a boy is ... in
17 the ordinary grade ... mainly in engaged in domestic and
18 other service work of the institution under ... close
19 supervision. Promotion" -- and the names change over
20 time -- "promotion to the next grade, intermediate A,
21 can be obtained within three months if conduct is
22 satisfactory. This promotion brings with it privileges,
23 such as association for games and meals and permission
24 to receive visits and letters. Promotion to the next
25 grade, intermediate B, follows in another three months

1 if conduct is still good and increased privileges are
2 gained. The next promotion is to a probationary grade.
3 He goes on a period of probation for admission to the
4 next and highest grade called the special grade."

5 Right through Millisle's existence the concept of
6 the special grade would continue to exist:

7 "The period spent on probation varies almost with
8 each inmate. It depends entirely on the character
9 already earned by the probationer in lower grades and on
10 the degree of trust which can be safely put in him.
11 Having passed through his period of probation
12 successfully, he enters the special grade, known in
13 English borstals as the 'blue'. The boys change into
14 a blue dress from the brown given them on reception. In
15 this grade a remarkable amount of trust is put in each
16 boy, who now works without supervision inside and
17 outside the institution, earns badge money (according to
18 a scale) which may be spent on small luxuries or sent
19 home, smokes if he so desires ..."

20 When we come to look at Millisle, the change of
21 clothing did not necessarily happen, but a badge was
22 available to go on the arm for those who had graduated
23 to the special grade. You can see reference in 91:

24 "A boy who behaves badly may be placed by the
25 governor in a penal class known -- below the ordinary

1 grade. Below the line it is called. When a boy is
2 below the line, he is employed in separation on heavy
3 laborious work, such as stone breaking and bone
4 grinding. He is not allowed to associate with other
5 inmates."

6 During Millisle the way the legislation was
7 structured one could be downgraded, but there was no
8 suggestion it was perhaps as hard as was being envisaged
9 in 1923. You simply went back to the lowest grade. You
10 can see the reference to the manual training that was
11 envisaged as to be provided:

12 "... carpenters, shoemakers, painters, cooks
13 (including bakers), bricklayers, gardeners, farm hands,
14 laundry work, poultry and pig keeping, dairy work,
15 concrete block making, a labouring party and a party of
16 domestic work for the institution."

17 As we will see, just how much provision you could
18 make really depends on the size of the institution. So
19 it was quickly recognised that Northern Ireland's
20 borstal, being much smaller than perhaps an English
21 equivalent, wouldn't be able to provide as broad a range
22 of vocational training, but nonetheless you will see
23 that a significant amount of vocational training was
24 provided at Millisle.

25 Having considered the position as far as it

1 related -- you just in passing can see in paragraph 93
2 that:

3 "Every inmate attended school for three hours on
4 three mornings a week until he could pass out of the
5 third standard."

6 It is phrased differently, but essentially during
7 Millisle's existence there was compulsory education in
8 the evenings and there are very detailed education
9 reports that are available, and they perhaps demonstrate
10 the difficulty. By the time a 16, 17-year-old is
11 reaching Millisle and they have missed a lot of
12 education and have educational difficulty, making
13 significant inroads into that state of affairs is often
14 described as difficult.

15 Having considered the position, the Moles
16 Committee then recommended in paragraph 98 -- if we just
17 scroll on to the next page so that it is visible -- that
18 a male borstal institution should be provided in
19 Northern Ireland. They were against the provision of
20 a female institution and numbers in Northern Ireland
21 didn't justify it in any event.

22 The financial mechanism to achieve the aim was
23 contained in the Exchequer and Financial Provisions Act
24 (Northern Ireland) 1924, which was part of the
25 settlement for Northern Ireland, provided the special

1 capital fund for infrastructure to include and
2 specifically referred to a convict prison and a borstal
3 institution.

4 The Moles Committee recommendation was achieved in
5 1926 when Northern Ireland's first borstal was
6 established as Malone Industrial and Reformatory School.
7 It was set up on foot of the Malone Training School Act
8 (Northern Ireland) 1926, which saw the government take
9 over the reformatory school there, already formerly
10 known as Malone Training School -- so quite advanced,
11 because you will recall the training school concept was
12 not enshrined in legislation until 1950 -- and use the
13 premises, having taken them over, for the purposes of
14 both a reformatory school and borstal institution for
15 Northern Ireland. Its formal title was "The Borstal
16 Institution for Northern Ireland" because there was only
17 one. Reference for that is at 10701. It was only for
18 males and that would continue to be the case in respect
19 of Millisle. The reference for that is at 10208.

20 The Department of Justice has explained that by 1929
21 the borstal element of Malone was structurally separate
22 from the reformatory school on the Malone premises, and
23 as we will come to see, when the closed borstal comes to
24 Millisle, it was ensured that the closed borstal was
25 structurally separate from the open borstal.

1 In 1930 -- and this will feature as part of your
2 examination of Millisle -- the Northern Ireland
3 Parliament passed a Criminal Law and Prevention of Crime
4 Amendment Act (Northern Ireland) 1930. Section 2 of the
5 Act provided for the provision of corporal punishment in
6 the borstal institution at the direction of the Visiting
7 Committee. On foot of the power provided to the
8 Ministry of Home Affairs to make regulations in respect
9 of the 1930 Act it made the Corporal Punishment in
10 Borstal Institutions (Northern Ireland) Regulations
11 1930. Those can be found at MIL10228 to 10229.

12 If we can look, please, at 10229, we can see the
13 seven regulations that regulated the infliction of
14 corporal punishment. If we just maximise the left side
15 of the page, if that's possible, please. Thank you. It
16 could only be inflicted with a cane of a pattern
17 approved by the Ministry of Home Affairs. It could not
18 be more than twelve strokes with that cane. It has to
19 be carried out at one time and not delayed. It is
20 either to the hand or to the bottom, but over clothing,
21 not on the bare bottom. All inflictions of corporal
22 punishment had to be recorded by the governor in the
23 punishment book -- this would continue to be the
24 mechanism in Millisle -- and also in the personal record
25 of the inmate concerned. The governor had to be present

1 or, if he wasn't there, the chief officer had to be
2 present on all occasions whenever corporal punishment
3 was inflicted, and also the medical officer had to be
4 present and confirm that the person was fit to receive
5 the punishment, and it was to be carried out as quickly
6 as possible after the Visiting Committee recommended it
7 and in strict privacy. We will come back to look at
8 corporal punishment in Millisle later in the opening.

9 In 1935 the Minister of Home Affairs, Sir Dawson
10 Bates, who held the role from the creation of Northern
11 Ireland until 1943, appointed Sir Robert Lynn to be
12 Chairman of a committee enquiring into the protection
13 and welfare of the young and the treatment of young
14 offenders. It was to -- the Committee's remit was to
15 enquire into the matters in its title and to report on
16 what changes, if any, were desirable in the law as it
17 then was or its administration.

18 If we look, please, at 10239, the Panel will see
19 that the Committee comprised a considerable array of
20 what may be considered distinguished individuals. The
21 Lynn Committee, as it would become known, provided its
22 extensive and detailed report of some 240 pages on 11th
23 October 1937. It runs in the bundle from MIL10232 to
24 10482.

25 I am going to just show you the contents page,

1 please, at 10233. You can see the broad matters being
2 looked at. One of the reasons I am flagging this up is
3 it illustrates that in fairness to the context of the
4 time it was not the case that these institutions were
5 being set up, some of which we have looked at in terms
6 of children's homes, training schools, now a borstal,
7 without considerable thought as to the policy that
8 should operate, why these things should be done in the
9 way that they were being done and arguments being looked
10 at as to choices that were being made, visits being made
11 overseas to see other institutions operating in order to
12 devise what can be said to be the best of something for
13 Northern Ireland.

14 If we scroll down through, please, there is
15 reference to the Juvenile Court. If we move on down,
16 please, you can see reference to the remand homes,
17 methods of treatment, reference to the Probation Service
18 -- if we scroll down, please -- which perform part of
19 life in Millisle, as we will come to see, reference to
20 the training schools, approved schools as it was at that
21 stage. If we move on down, please, you can see
22 reference to the voluntary homes and then the treatment
23 of the young offenders, and this section, "Detention in
24 a Borstal Institution", which ran from pages 159 to 172
25 in the report, which runs from 10401 to 10414.

1 I want to just show you a small number of
2 paragraphs that assist with an understanding of what
3 daily life would be like in Millisle Borstal and the
4 approach taken to discipline. We begin, please, at
5 paragraph 260, so 10409. Scroll down a little, please.
6 This is:

7 "The system of training."

8 They are not recommending any major changes. They
9 are recognising that:

10 "The curriculum is based largely on that of the
11 English institutions and has proved on the whole
12 remarkably successful."

13 Talk about:

14 "... quarterly reports submitted by the welfare
15 officer of the Borstal Association ..."

16 That is the collective name that was given to the
17 group that the Visiting Committees were part of. So
18 an association was set up and it provided training for
19 members of visiting committees.

20 If we just scroll down, please, we can see the daily
21 timetable that was envisaged. You can see the type of
22 daily life. You can see there is no visits -- no work
23 on Saturday, the time being devoted to visits for the
24 boys and to recreation.

25 Then you can see the two main trades that were

1 taught at that stage were tailoring and shoemaking:

2 "Instruction is also given in carpentry and cooking"
3 and also some working on the farm.

4 Then a point I made to you, Members of the Panel,
5 about the difficulty in providing instruction in a large
6 number of trades in a small institution, but reference
7 here to there should be some provision for the teaching
8 of mechanical trades. We will see in Millisle that
9 engineering became a feature of life and it involved the
10 trainees making lots of items for other prisons and
11 indeed selling their product outside of the Prison
12 Service.

13 You can see:

14 "One of the main principles of the borstal system is
15 the building up of character through hard work" --
16 scroll down, please -- "but consideration should also be
17 given to the vocational need of individual lads. As far
18 as possible each boy should be trained in work for which
19 he is temperamentally suited and in which there is some
20 prospect of his doing well after his release."

21 Then they make reference to various research. You
22 will see from Duncan McLoughlin's statement that
23 education as part of that means the vocational training
24 was very much at the core and focus of life in Millisle.

25 If we look, please, at paragraph 262, which deals

1 with the issue of discipline, this point is made, and
2 this will perhaps become very clear when we look at
3 Millisle and the way corporal punishment on the few
4 occasions it was administered was viewed:

5 "There is little or no coercive discipline at the
6 borstal institution and the lads are allowed a very
7 considerable measure of freedom. Increased freedom is
8 granted as a reward for good progress and slacking or
9 misconduct is generally adequately dealt with by the
10 temporary removal of privileges. The boys are promoted
11 through a series of grades and each can gain
12 an increasing weekly maximum of marks as he progresses."

13 They then look at another method in England, which
14 has some payment aspect to it. This report is referring
15 to Malone, which was described as a semi-closed borstal.
16 The one that will feature at Millisle was an entirely
17 open borstal. Again the attitude to discipline you will
18 find according to the records in any event was broadly
19 similar. Those occasions whenever inflicting physical
20 punishment on a trainee was involved was taken with what
21 you may consider to be utmost seriousness.

22 The recommendations that were made, which were
23 subsequently most of them implemented, is at 10430 and
24 1. Now the Lynn Committee was in 1937. The Second
25 World War intervenes between 1939 and 1945, and in 1948

1 after the war the Government of Northern Ireland's White
2 Paper on The Protection and Welfare of the Young and The
3 Treatment of the Young Offenders, so the same title as
4 the Lynn Committee, which can be found at MIL10483 to
5 10524, which was primarily dealing with those under 16,
6 indicated that the definition of young person would be
7 raised from 16 years to 17 years. That's at MIL10500.
8 That change was reflected in section 138 of the Children
9 & Young Persons Act (Northern Ireland) 1950, an Act we
10 have become familiar with through looking at children's
11 homes. That Act is at MIL10525 to 10647, and
12 section 138 is at 10630 and 10632. As we will shortly
13 see, that would not alter the position for those who
14 could be made subject to a sentence of borstal
15 detention. So although the definition of young person
16 increased up to 17, the position of 16 to 21-year-olds
17 being sent to borstal did not alter.

18 Section 110 of the Children & Young Persons Act 1950
19 also provided a further mechanism for sending what I am
20 going to summarise as recalcitrant training school
21 children over 16 to borstal.

22 In 1953 the Northern Ireland Parliament passed the
23 Criminal Justice Act (Northern Ireland) 1953. That can
24 be found at MIL10662 to 10674, section 7 -- if we can
25 bring it on the screen, please, 10664 -- section 7 of

1 which set out the slightly modified parameters of the
2 sentence of borstal training that would feature in life
3 at Millisle. If we just maximise section 7, please, if
4 that's possible, the sentence continued to be available
5 for those persons convicted of an offence which carried
6 a sentence of imprisonment who were between the ages of
7 16 and 21. In England and Wales the Criminal Justice
8 Act 1961 reduced the lower age limit to 15 rather than
9 16. In fact, we will see that that change seems to have
10 happened in Northern Ireland, although I can't yet find
11 how that was done. It certainly happens for some small
12 particular categories, but you can see the slight change
13 in language:

14 "... the court is satisfied having regard to his
15 character and the previous conduct and to the
16 circumstances of the offence that it is expedient for
17 his reformation and the prevention of crime ..."

18 So the reference to criminal tendencies is not there
19 any longer.

20 The Prison Act (Northern Ireland) 1953, which is at
21 10648 to 10661, set out the general parameters of the
22 control and oversight mechanisms that would operate for
23 the time during which Millisle Borstal would be in
24 existence between 1956 and 1980. The Act applied to
25 prisons, and section 47 of the Prisons Act 1953 defined

1 prisons as including prisons and borstal institutions.
2 If we could just bring on the screen, please, 10649,
3 sections 1, 2 and 3 of the Act provide the power to the
4 Ministry of Home Affairs to provide prisons and appoint
5 such governors, medical officers and such other staff as
6 it considered necessary. Section 5, if I can draw your
7 attention to this, Members of the Panel, required the
8 Ministry of Home Affairs to prepare an annual report on
9 the administration of the Act. What the report had to
10 cover was set out. So you can see:

11 "Each annual report shall contain:

12 A statement of the condition of prisons and
13 prisoners",

14 which, as we know from section 47, includes
15 borstals:

16 "A statement of the accommodation of each prison and
17 the daily average and the highest number of prisoners
18 contained therein.

19 Such particulars of the work done by prisoners in
20 each prison, including the kind and quantities of
21 articles produced and the number of prisoners employed
22 as may in the opinion of the Minister give the best
23 information to Parliament.

24 A statement of the punishments inflicted in each
25 prison and of the offences for which they were inflicted

1 with particulars of every case in which corporal
2 punishment was authorised and of the grounds upon which
3 it was authorised."

4 Section 7, which is on the screen, provided a power
5 to the Ministry to cause an enquiry to be held into
6 anything that happened in a prison. We will see the
7 limited use of that in respect of one incident in
8 Millisle.

9 Section 8, if we move over, please, conferred on
10 every officer in a prison the powers of a constable.

11 Section 9 provided for power for the appointment of
12 chaplains from various denominations and, as
13 I mentioned, all of the major denominations in Northern
14 Ireland had a chaplain to Millisle. Their reports are
15 available for a large portion of the time that Millisle
16 was open and they contain very positive words of
17 engagement with the institution and with their
18 particular trainees from their denomination.

19 Section 11 required the Minister to appoint
20 a Visiting Committee for each borstal institution. They
21 were a board of visitors for prisons, which is under
22 section 10, but section 11, the concept was that of a
23 visiting committee. It had to have at least six
24 members.

25 Section 13 provided power for the Ministry to make

1 rules to be styled "prison rules". We will look at
2 those as far as they related to borstals shortly.

3 Section 14 set out the requirements as far as the
4 administering of corporal punishment in prisons was
5 concerned.

6 Section 14(1)(e) required that before corporal
7 punishment could be administered on a person sentenced
8 to borstal training the Visiting Committee or at least
9 two members of it had to authorise the punishment.

10 Then subsection (2), (3) -- if we just move through,
11 please. Sorry. It is (2)(c). You will see it in the
12 top right corner:

13 "In the case of a person sentenced to borstal
14 training twelve strokes of a cane."

15 So there was no change made to -- you can see what
16 was available if we just scroll down the page a little
17 bit, please. Just go back down a little. Thank you.
18 You can see the more -- the other methods that were
19 available under subsections (2)(a) and (b) in the adult
20 prisons.

21 Section 21 set out the aftercare or supervision
22 element of a borstal sentence. If we just move through
23 to section 21, please, at 10653, there it is on the
24 left-hand side:

25 "A person sentenced to borstal training shall be

1 detained and after his release from borstal shall be
2 subject to supervision in accordance with the Act and
3 Schedule 2 to the Act."

4 If we move through to Schedule 2, please, at 10658,
5 it changed the parameters of borstal sentences of
6 detention which was set down originally in the 1908 Act
7 which we looked at. If we just maximise that, please,
8 and look at the bottom left. Thank you. So the
9 sentence would now be -- it didn't alter their age
10 parameters, but the sentence would now be up to three
11 years, but someone could be released even before an
12 expected minimum nine months' period.

13 The Ministry of Home Affairs did utilise the power
14 under section 13 of the Prisons Act (Northern Ireland)
15 1953 to make prison rules, and on 19th January 1954 the
16 Ministry made the Prison Rules (Northern Ireland) 1954.
17 They can be found at 10675 to 10698. There are some 200
18 rules. I am not going to go through all the rules. If
19 we look at the contents page, please, at 10675, that
20 will give the Panel an idea of what was covered by them.
21 In the bottom right of the page we can see areas that
22 were covered. So there were some rules that applied to
23 all the institutions, prisons, borstals, and then if we
24 scroll down, please, we can see then there were some
25 special sets of rules for certain types of prisoner or

1 certain types of institution.

2 You can see Part IV, for instance, applied to
3 sentences to corrective training, but Part V to no
4 sentence to preventative detention, and then Part VI,
5 which were rules 169 to 179, were special rules for
6 borstal prisoners.

7 If we can look, please, at rule 22, 10678, it sets
8 out the general principles that applied in respect of
9 discipline and control wherever that was being done. If
10 we can maximise 22, please:

11 "The rules to this section shall be applied in
12 accordance with the following principles:

13 (i) Discipline and order shall be maintained with
14 firmness but with no more rigour than is required for
15 safe custody and well-ordered community life.

16 (ii) An officer in dealing with prisoners shall not
17 use force unnecessarily and when the application of
18 force is necessary, no more force than is necessary
19 shall be used; and

20 (iii) An officer shall not deliberately act in
21 a manner calculated to provoke a prisoner."

22 We will see in a couple of documented instances that
23 do arise in Millisle this is the type of language that's
24 used when consideration is given to whether the
25 altercation which occurred between a member of prison

1 staff and a trainee was as a result of any breach by the
2 officer.

3 If we look at rule 34, please, at 10680, rule 34
4 reiterated -- because obviously we still have the
5 Borstal Corporal Punishment Regulations -- but in rule
6 34 you have for prisons generally, including borstal:

7 "All corporal punishment shall be inflicted in the
8 presence of the governor and the medical officer."

9 In fact, Duncan McLoughlin gives an example of that
10 on the rare occasion it was utilised in Millisle and had
11 to be recorded in the corporal punishment book.

12 If we look, please, at 10692, Part VI of the rules
13 was a set of special rules for borstal prisoners and
14 they ran from, as I said, rule 169 to 179. Rules 174 to
15 176 dealt with offences occurring in borstals and their
16 punishments. I just want to look at that, please. If
17 we can maximise 174 and 175 to begin with, please,
18 because it hopefully will assist with understanding the
19 dynamic that existed:

20 "The governor shall investigate every offence
21 against discipline and may determine and make one or
22 more of the following awards."

23 We will see six -- seven options that were available
24 to the governor in terms of punishment that might be
25 given by him. That included the reduction in grade,

1 potentially being confined to your room, extra work, but
2 you can see in rule 175:

3 "Where a borstal prisoner is reported for any of the
4 following offences",

5 and then those are listed, more serious matters:

6 "An offence under the Act.

7 Mutiny.

8 Assault upon an officer.

9 Gross personal violence to an officer.

10 ... to another prisoner.

11 Repeated or serious offences against discipline.

12 Where the governor deems that the punishments
13 available to him are not sufficient,

14 and the governor considers after investigation that
15 such an offence has been committed, he may and in the
16 case of an offence under (a)" -- that's where one of the
17 requirements of the Act has been breached -- "report the
18 matter to the Ministry.

19 The Ministry shall thereupon enquire into the report
20 and may make one or more of the following awards."

21 When you see "Ministry", power was given by the
22 Ministry to its Visiting Committee. So read "Visiting
23 Committee". Here the Visiting Committee will then
24 enquire into the report such enquiry as it thinks
25 desirable:

1 "... and may make one or more of the following
2 awards."

3 You can see the further award beyond those available
4 to the governor:

5 "Stoppage of earnings.

6 Reduction in grade or delay in grade."

7 If we move down, please, if we can do that. I think
8 we need maybe to go back out. We need to scroll up
9 a little. Then if we maximise that left -- right side
10 of the page. Thank you.

11 "Confinement to a room."

12 Corporal punishment was one of the things that the
13 Visiting Committee was able to require.

14 Rule 176, which is on the screen, sets out a special
15 rule for the grading system for the trainees in the
16 borstal:

17 "To encourage the progressive development of
18 responsibility borstal prisoners shall be placed in
19 grades in accordance with a scheme of grading approved
20 by the Ministry."

21 So that idea of moving through the stages continued
22 into Millisle, and rule 177 is an oversight mechanism
23 that we haven't previously mentioned. It is that of the
24 reviewing body. So you can imagine you have got the --
25 this grading system to see boys move through the various

1 grades and earn more privileges, and part of that
2 assessment process that saw that done was the reviewing
3 body, which consisted of the governor and such other
4 persons as may be appointed by the Ministry. While
5 there are no instruction -- no documents about the
6 reviewing body, you can see from various documents,
7 including Visiting Committee minutes, that it appears
8 that the reviewing body was made up of a combination of
9 the governor, some members of the Visiting Committee and
10 then some staff members who would know the individuals
11 that are being assessed.

12 Their role was to consider the history and
13 circumstances of the borstal prisoner as soon as
14 practicable after their reception, interview them for
15 the purposes of amplifying the available information
16 that would bear upon their assessment, and then to
17 review each case no longer than three months -- at
18 intervals no longer than three months and determine the
19 suitability for promotion through the grades in
20 accordance with the approved scheme of grading.

21 Then you can see that after twelve months the idea
22 was that by that stage if matters had gone as it was
23 hoped, the person would make special grade. If we just
24 can go out, please, so rule 178 appears on the screen.
25 So special treatment would then be available. If we

1 just maximise that, please, so the Panel can see the
2 process. So it was envisaged, though it was not set in
3 stone, that it would take fifteen months, but
4 potentially at least twelve months, for a trainee to get
5 on to special grade.

6 CHAIRMAN: Well, the practicality was in no case could you
7 be released on licence until you had served twelve
8 months in a borstal institution and in reality it was
9 fifteen months. It says under (2):

10 "Special Treatment.

11 Work or recreation without supervision.

12 Permission to be absent from employment on parole."

13 MR AIKEN: Yes. I need to check that, Chairman, because it
14 seems to be the case that you could be licensed
15 separately from the -- what was going on under the
16 grading system, but that's something I will check and --

17 CHAIRMAN: Yes, but in practical terms it was one to three
18 years.

19 MR AIKEN: Yes, although the legislation certainly as at the
20 time of Millisle envisaged you could get out within nine
21 months.

22 CHAIRMAN: Yes, but that's why prisoners disliked it so
23 much, the lack of certainty as to when they would be
24 released.

25 MR AIKEN: Yes. That's one of the reasons that when it ends

1 in 1980, as we come to see, that was one of the reasons
2 given for that.

3 CHAIRMAN: Just like training schools.

4 MR AIKEN: Yes. In fact, if we just bring that back out,
5 please, or if we scroll down, if 179 is going to appear
6 if we scroll down -- yes -- you can see:

7 "Release.

8 ... not normally be recommended by the reviewing
9 body or the Visiting Committee as suitable for release
10 until he has served two years of his sentence, but in an
11 exceptional case in which special treatment has been
12 granted they may specially recommend release before the
13 normal date."

14 If we can see rules Part VIII, please, which is --
15 if we move through to 10697, which are rules 203 to 219,
16 this deals with the role of the Visiting Committee. You
17 can see rule 208 required the Visiting Committee to
18 meet. If we maximise 20... -- that side, please, that
19 right-hand side of the page, rule 208 required the
20 Committee to meet at the prison once in each month to
21 discharge its functions under the rules and:

22 "The prison shall be visited by at least one member
23 of the Committee not less frequently than once in each
24 fortnight."

25 So standing back from that, you have the members, of

1 which there had to be at least eight, but in Millisle's
2 case there was significantly more, who would meet at the
3 prison once each month and at least two members of the
4 Committee in that month would have carried out a visit
5 to the borstal. You can see paragraph 3 of rule 208:

6 "At each meeting a Committee shall select the
7 members to visit the prison during the ensuing month.
8 The members so selected shall report on their visits to
9 the prison to the Committee."

10 The practice appears to have been those would end up
11 being written reports. So with the Visiting
12 Committee minutes sometimes you have the written report
13 of the visitor who carried out the particular visit that
14 fortnight and then that was discussed at the Visiting
15 Committee that met each month.

16 So the reason I am focusing on the Visiting
17 Committee and drawing it to your attention is obviously
18 in perhaps stark contrast to the likes of a children's
19 home that we looked at, where the external oversight of
20 people coming in to see what was happening might not
21 have been happening very often at all, in the case of
22 the open borstal and then when the closed borstal exists
23 in Millisle for the two-year period you have this
24 independent, outside group, and I will say a little bit
25 more about them later on, who are coming in with their

1 purpose of checking that everything is as it should be.

2 You can see rule 209 required the Visiting Committee
3 to have free access to prisoners and to interview them
4 privately as required and receive reports from them.

5 In particular if I could draw your attention to rule
6 210, which placed a duty of reporting to the Ministry
7 any abuse in connection with the prison that came to the
8 attention of the Visiting Committee.

9 Then rule 216, which we can't see on the screen,
10 please -- if we move out again -- required the provision
11 of annual reports. If we just scroll down on to the
12 next page, please, at the end of each year the
13 Committee was obliged to provide an annual report to the
14 Ministry.

15 Along with these legislative developments that we
16 have been looking at, so the Prison Act (Northern
17 Ireland) 1953, the Prison Rules (Northern Ireland) 1954,
18 came the development of the new borstal institution in
19 Northern Ireland at Millisle.

20 Perhaps that's an appropriate moment.

21 CHAIRMAN: Yes. I think we'll take a short break for
22 ten minutes, ladies and gentlemen.

23 (11.45 am)

24 (Short break)

25 (12.05 pm)

1 CHAIRMAN: I am sorry that some computer problems meant we
2 had to spend rather longer than we had anticipated on
3 that break.

4 Yes, Mr Aiken.

5 MR AIKEN: Chairman, I am going to begin talking a little
6 more about Millisle Borstal itself before finishing the
7 legislative developments and then looking at some
8 particular thematic issues in detail.

9 If I can begin by saying Woburn House was a stately
10 home or mansion on the outskirts of Millisle, itself
11 a small village with a population of just over 2000
12 people on the Ards Peninsula coast in Co. Down, three
13 miles south of Donaghadee. Millisle has been described,
14 rightly or wrongly, as, and I am quoting:

15 "An unpretentious bucket and spade resort of fish
16 and chip shops and acres of caravan sites."

17 I am not sure the people of Millisle would
18 necessarily feel that was a fair description, but one of
19 the governors makes reference in one of his annual
20 reports to the great sea views available from Woburn
21 House. Through Miss Casey's assistance we have managed
22 to download some photographs that hopefully will assist.
23 If we can bring up 28063, please, you can get some idea
24 of the nature of Woburn House. Woburn House was
25 originally in the ownership of the Dunbar family.

1 George Dunbar MP rebuilt it in the 1860s as
2 an Italianate mansion. You can see that design here.
3 If we move on to the next page, please, we get
4 a different aspect of it. This was an open borstal.
5 I think that's one of the things I am trying to
6 communicate, that the concept of borstals was quite
7 often lock-down, wearing particular clothing, doing hard
8 manual labour. The 16 to 21-year-olds were living in
9 this mansion as far as the open borstal was concerned.
10 If we move through to the next page, please, we get
11 another idea of the aspect. Then we managed to do
12 a little more. Yes. The photographs we are now looking
13 at give some idea of the proximity along the main road
14 of the home to the sea and, in fact, various reports
15 refer as governors were encouraging the continued
16 construction of a swimming pool, which was making
17 financial difficulty, that they could only use the sea
18 for swimming for three months of the year, but it
19 demonstrates both the view and the proximity to the
20 beach for going swimming. If we move through I think to
21 the next page -- yes -- we can see then how close it is
22 to the main road and this particular impressive fence
23 that's constructed. It may well be, if I am not
24 connecting things unjustifiably, you will see in
25 a reference I am going to look at later it was the

1 trainees themselves who built what are described as very
2 impressive fences and pillars and gate pillars for
3 Woburn House as part of their educational work.

4 CHAIRMAN: That looks like a postcard photograph of a long,
5 long time ago.

6 MR AIKEN: It may well -- it may well be. It may well be.

7 CHAIRMAN: At a guess I would say that's a sepia photograph
8 postcard type probably from the 1930s or something like
9 that.

10 MR AIKEN: It may well be. I will wait and see if I am able
11 to date it during the course of today.

12 After its time as a borstal between 1956 and 1980
13 Woburn House became the Prison Service Training College
14 and in later years it would feature in a television
15 programme, "Northern Ireland's Greatest Haunts", based
16 on the suggestion that it had been haunted by a former
17 butler since the 1800s. I am pleased to say there is
18 nothing in the annual reports from the governor to
19 suggest any sightings of ghosts or anything of that
20 sort.

21 In any event the government of Northern Ireland
22 acquired Woburn House in lieu of death duties in 1952.
23 The Ministry of Home Affairs decided, pursuant to its
24 powers under the Prison Act 1953 to provide and maintain
25 prisons, to utilise the premises as a borstal and its

1 proper formal title appears to have been "Her Majesty's
2 Borstal, Woburn, Millisle" as evidenced from a stamp to
3 that effect that's found in various documents. I give
4 you one reference. It is MIL23698.

5 Woburn House Borstal opened on 27th July 1956 and
6 all trainees then undergoing training at the borstal
7 institution at what was by then Malone Training School
8 were transferred to the new institution at Millisle. In
9 fact, in the annual reports, if we look at one --
10 perhaps we will cover this -- the trainees who had been
11 in Malone during the period whenever the Woburn House
12 was being adapted between 1953 and 1956 to make it ready
13 to live in for the borstal, they travelled out as
14 a working party to work on it with staff members as well
15 as contractors.

16 Section 4 of the Malone and Whiteabbey Training
17 Schools Act 1956 then discontinued a borstal at Malone
18 on foot of Woburn House opening.

19 In August 1956 the Ministry of Home Affairs detailed
20 the new arrangements -- if we can bring up on the
21 screen, please, MIL148 -- in a memorandum dealing with
22 the opening of Woburn House Borstal and the new
23 arrangements, which we will not need to worry about, for
24 Malone, Balmoral and Whiteabbey Training Schools. I am
25 just going to look at the first page of this, which

1 relates to the new borstal institution.

2 You can see from paragraph (2) the entrance
3 mechanism.

4 On committal to borstal the boys would be
5 transferred to Woburn House after first passing through
6 the reception section of Belfast Prison for the purpose
7 of taking records.

8 Woburn House you can see in paragraph (3) was to be
9 an open institution, Malone having been what's described
10 as semi-secure. As I mentioned, a closed section was
11 later added but not until 19... -- this is November
12 '77 -- not until 1978, which we will come to in due
13 course.

14 Of particular importance in the assessment of the
15 evidence, Members of the Panel, for the first 22 years
16 of Millisle Borstal it was an open institution in
17 similar fashion to the likes of St. Patrick's Training
18 School.

19 The initial arrangements in the new open borstal
20 according to paragraph 5 of the memo would see the
21 governor of Malone Training School continue in that role
22 but also as now governor of Woburn House Borstal
23 Institution, and from paragraph 6 you can see to begin
24 with there were to be two housemasters. That's the
25 older language for what would be deputy governors in

1 modern language. One of them would be the officer
2 resident in charge of the borstal.

3 If we look at 23683, we can see the list of reports
4 -- if we just turn that round, please, we can see the
5 list of reports that the new borstal was expected to be
6 sending to the Ministry. You can see the Governor,
7 Millisle Borstal, the Chairman of the Visiting
8 Committee, the three chaplains, the Medical Officer and
9 then ML 17, who was for a long period the Welfare
10 Officer before outside agencies, including the Welfare
11 Officer of Rathgael and then the Probation Service,
12 began to assist with the supervision and working
13 placements.

14 The annual report on the borstal from 1956, if we
15 can look, please, at 23685, was written by the then
16 first governor, Captain Fryer. I am going to look at it
17 to give you an idea of the form that it took. You can
18 see the reference:

19 "This year will go down on record for having
20 attained the fulfillment of the aim to establish
21 a borstal institution in Northern Ireland as a separate
22 unit. This venture was undertaken by the transfer of
23 all borstal inmates from Malone to Woburn on 27th July.

24 Apart from the break-out of eight boys during the
25 settling-in period in August and the absconding of two

1 boys in October, the conduct of the inmates on the whole
2 has been quite good."

3 Then you can see:

4 "Owing to the lack of workshop accommodation and
5 equipment, vocational training is not yet properly
6 underway, but useful training is still available for
7 boys under the guidance of all the tradesmen still
8 employed on maintenance and reconstruction. A good
9 start has been made, but workshops are essential before
10 we can become a really going concern. Could the
11 Ministry expedite this for our work?

12 The members of the Visiting Committee, chaplains,
13 Medical Officer, dentist, Sunday School teachers and
14 leaders of the Legion of Mary have in their turn all
15 rendered splendid service during the year in their
16 respective spheres.

17 I see a vast improvement in our local surroundings
18 and I believe that the local community are beginning to
19 take to us much better. I think that in a short space
20 of time this institution will become part of this
21 community."

22 Then if we bring that up a little further, please,
23 it will be easier for me to read:

24 "So that the Ministry may have a clear picture of
25 our working with the community ..."

1 Reference is made to a particular lady with a shop
2 in Millisle. You can see then reference at the end to
3 the Roman Catholic boys taking the place of the choir on
4 Christmas Day at the local chapel. Then you can see:

5 "As a rule ..."

6 and I will be highlighting this for a different
7 purpose later on:

8 "As a rule I don't single out officers for special
9 praise, but I feel I would be failing in my duty if
10 I didn't record my highest appreciation of duty well
11 done by Mr ML 29 , ML 18 and ML 19 , and may
12 I also say that Mr ML 20 has undoubtedly provided his
13 ..."

14 MS DOHERTY: "Proved."

15 MR AIKEN: "... selection to the post of" -- yes -- "has
16 proved that his selection to the post of chief officer
17 is a very wise one. Conduct of the staff has been of a
18 high standard. The families seem to be settling into
19 their new quarters."

20 So you can see the staff -- some staff were living
21 on the premises.

22 If we look, please, at 23686 on the next page, we
23 see the annual report of the Visiting Committee. This
24 reveals that they, as the Prison Rules required, held
25 monthly meetings and that -- you can see in paragraph 3

1 a phrase that will become familiar to you:

2 "Two members visited the school as visiting rota,
3 one attending in the first half and the other on the
4 second half of each month, the primary purpose of these
5 visits being the inspection of school premise and
6 ensuring the boys were being properly cared for. Every
7 boy had the option of consulting with the rota in case
8 of a grievance but not one complaint was put forward."

9 In the fourth paragraph the recreational activities
10 are remarked upon. If we just scroll down, please, you
11 see:

12 "Outdoor sports ..."

13 You can see reference just in the paragraph above
14 that:

15 "Three boys were transferred to Her Majesty's Prison
16 Belfast as incorrigible, they having each absconded from
17 the school on at least two occasions."

18 So that's that process we looked at in the
19 legislation where a decision being made that training
20 was not being effective and therefore in the interests
21 of the others the individual was moved out to finish
22 their sentence elsewhere. So:

23 "Outdoor sports such as football, cricket very much
24 to the fore and were thoroughly enjoyed by all the boys.
25 Billiards, darts, table-tennis, draughts indulged in

1 help in a big way to give amusement to the lads during
2 the long winter evenings. Special treats were provided
3 at Christmas, including turkey and plum pudding, apples
4 and oranges, minerals on the menu with film shows and
5 gramophone concert for entertainment."

6 So you get some idea of perhaps a very different way
7 of life than might have been in the mind when first
8 considering the idea of borstal. Obviously these are
9 individuals who are not themselves members of staff but
10 are effectively an independent oversight.

11 We are going to look briefly at the Medical
12 Officer's annual report, if we look, please, at 23694,
13 if we maximise that, because in addition to the medical
14 condition of the individuals the medical report also
15 gives some idea that the Medical Officer examined wider
16 matters that would be relevant potentially to
17 maintaining good health, such as the condition of the
18 premises and the food. So you can see he talks about:

19 "The heating, the lighting, the ventilation
20 satisfactory in the dormitories, recreation rooms,
21 baths, kitchen, dining rooms ... was kept clean and
22 tidy.

23 Food is of good quality, ample, well cooked, served
24 with dispatch.

25 Clothing and bedding are adequate and clean."

1 Then details medical treatment he had to administer
2 during the year.

3 Trying to give an idea of figures, it becomes more
4 complicated as the years go on for reasons I will
5 explain later, but in a separate letter of 2nd May 1957
6 the governor, Captain Fryer, confirmed there was
7 an average population in the borstal of 57 individuals
8 during 1956. Now as time goes on that would increase to
9 upwards of 100, and at various times certainly in the
10 '60s there's reference to overcrowding and the governor
11 wanting something done about that, but certainly in the
12 initial period of time there's a smaller number of boys
13 being sentenced to borstal.

14 As I said, figures, for instance, in giving
15 percentages of those making allegations, etc, are
16 perhaps more difficult to work with in respect of
17 an institution of this type because of the constantly
18 changing population and the fact that quite often
19 figures took into account all borstals and for a period
20 in the later -- in the '60s you had the closed borstal
21 operating in Armagh, and although that was a small
22 number of individuals who then moved on to Millisle, it
23 meant that it was very difficult to work out just how
24 many are in Millisle at any one point in time, but
25 hopefully I will be able to give some overview as to

1 what that was like.

2 The population is also constantly changing in that,
3 for instance, at the start of 1956 there were 57
4 individuals detained, but from the reporting you can see
5 there were 39 individuals admitted during the year and
6 42 discharged in various ways. So there's a constantly
7 changing population.

8 What it illustrates is that in trying to give you
9 an idea of the level of complaint there is about
10 Millisle, if one were to take over the course of the
11 24 years and add up the average daily population, that's
12 actually very much a minimum number of boys who would
13 have passed through the institution who might be used as
14 trying to work out just how many are there complaints
15 wise when you take into account that figure, because
16 there will be many more boys than that total average
17 daily figure would suggest. I hope that makes some
18 sense.

19 I showed you those documents at this point because
20 that general pattern appears to have continued
21 throughout the lifetime of Millisle Borstal both in how
22 it operated in terms of the open borstal and how matters
23 were reported on by the governor, by the Visiting
24 Committee and, as I mentioned earlier, there are similar
25 sets of reports for subsequent, but not all, years.

1 I want to finish, though, at this point the general
2 legislative overview affecting Millisle Borstal before
3 looking at some thematic areas of life there. In
4 August 1957 the Ministry of Home Affairs made The Prison
5 Amendment Rules (Northern Ireland) 1957. They can be
6 found at MIL10714 to 10716. Rules 6 to 9 relate to
7 borstals and related to an amendment to one of the
8 punishments for disciplinary breach, the ability of
9 reducing someone's grade as part of punishment.

10 In January 1963 the then Recorder of Belfast caused
11 something of a stir when he held that he did not have
12 power to hear an appeal from a borstal sentence imposed
13 in the Magistrates' Court on the basis his power to hear
14 an appeal only related to a sentence of imprisonment and
15 a sentence to borstal training was not a sentence of
16 imprisonment.

17 If we look, please, at 10766, what took place is
18 recorded in a short article by Nial Osborough in the
19 Northern Ireland Legal Quarterly of June 1964. The
20 Westminster Criminal Justice Act 1961 had extended to
21 Northern Ireland to a limited extent and section 26(3)
22 provided power to the Ministry of Home Affairs to make
23 an order transferring any female sentenced to borstal
24 training in Northern Ireland to another part of the
25 United Kingdom to serve her sentence. There was, save

1 for a very short-lived experiment in Armagh Prison in
2 the 1950s, no female borstal in Northern Ireland.
3 Instead those limited numbers of females sentenced to
4 borstal training were transferred to Greenock in
5 Scotland. That was what was going to take place here.
6 The sentence that was imposed was being appealed to the
7 Recorder and he takes the view that he doesn't have
8 power to deal with the appeal because his power only
9 relates to those who are given a sentence of
10 imprisonment. You can see in the third or fourth
11 paragraph down his ruling caused no small concern.
12 There were apparently banner headlines in the local
13 press, and the girls set about petitioning the governor.
14 That would be the Governor of Northern Ireland, not the
15 governor of the borstal as it was. If we -- I wonder
16 can we maximise the page so we are getting all of the
17 page but we make it as large as we can? Thank you.

18 You can see that it was conceded that appeals
19 against borstal sentences imposed at Magistrates' Court
20 level had been heard in the past. Nor was this the only
21 matter of some consternation to the legal profession.
22 Because of this ruling a paradoxical situation had
23 arisen whereby a borstal sentence passed on a person
24 convicted summarily couldn't be appealed against while
25 a similar sentence passed at a higher level could.

1 Very quickly the Summary Jurisdiction (Appeals from
2 Borstal Training Orders) Act (Northern Ireland) 1963 was
3 a swift acknowledgment on the part of the legislature of
4 the necessity for remedial action. That's how the
5 matter was resolved to ensure that an appeal was
6 available.

7 Now in the second page, as it were, page 297 on the
8 screen, Nial Osborough puts forward some arguments that
9 suggest the Recorder's analysis may have been flawed,
10 but in fairness to the Recorder of Belfast we looked
11 earlier at section 7 of the Criminal Justice Act
12 (Northern Ireland) 1953, which described the sentence as
13 one of borstal training in lieu of imprisonment, and
14 under the 1908 Act, its predecessor, the sentence was
15 one of detention in a borstal. So reference is given
16 here to how the English Act in 1961 referred to
17 imprisonment sentences as including borstals, but
18 obviously that applied to England and not Northern
19 Ireland.

20 In any event the problem was remedied by the
21 introduction of the Summary Jurisdiction (Appeals from
22 Borstal Training Orders) Act and the furore died down,
23 but when the Children & Young Persons Act (Northern
24 Ireland) 1968 was introduced, it did not alter the
25 definition of child or young person. It was still 14

1 and 17, and section 140 continued to provide a route to
2 borstal as a possible court-imposed outcome for those
3 escaping from training schools, but now for those who
4 had attained the age of 15. So it may be that -- I will
5 have to look into this a little further -- the 1953 Act,
6 section 7 was in some way amended to allow 15-year-olds
7 to be sentenced by the courts, because that's the main
8 provision that saw the main route, as it were, to
9 borstal, but this side route, as it were, which again
10 resulted in someone from a training school coming before
11 the court was now from 1968 available to those who were
12 15 rather than 16.

13 Likewise Schedule 5, paragraph 4 to the Children &
14 Young Persons Act (Northern Ireland) 1968 provided
15 a route to borstal by court order for a boy guilty of
16 serious misconduct in a training school, section 180 --
17 sorry -- section 140 dealing with those who had escaped.
18 So I will look a little further into the reference to 15
19 being the age that one could be admitted.

20 In 1969 the Treatment of Offenders Act (Northern
21 Ireland) 1968 came into force. It is the changes made
22 by this piece of legislation which saw the introduction
23 of the young offenders centre that would ultimately see
24 the end of borstals in Northern Ireland by
25 December 1980. Hydebank Young Offenders Centre opened

1 in June 1979.

2 Section 10 of the 1968 Act saw restrictions placed
3 on sentences to borstal training. If we can just look,
4 please, at 10950, the -- just maximise section 10,
5 please. So:

6 "The power of a court to pass a sentence of borstal
7 training under section 7 of the Criminal Justice Act
8 (Northern Ireland) 1953 shall be exercisable in any case
9 where the court is of the opinion, having regard to the
10 circumstances of the offence and after taking into
11 account the offender's character and previous conduct
12 ..."

13 So you can see another change in the language, again
14 not referring to -- but allowing a look at his previous
15 conduct:

16 "... that it is expedient that he should be detained
17 for training for not less than six months.

18 A court shall not exercise the power referred to in
19 subsection (1) in the case of any person:

20 (a) on whom such a sentence has previously been
21 imposed and who has served more than nine months
22 thereof;

23 (b) on whom such a sentence has previously been
24 imposed and who has already served that sentence; or

25 (c) where the court considers that a sentence of

1 imprisonment of three years or more is appropriate."

2 According to Nial Osborough in his book he argues
3 that this was to stop the committal to borstal of those
4 with a history of institutionalisation. Basically you
5 would get one go at the training regime in the borstal
6 and that would be it. If you reoffended and/or had
7 already had a borstal training sentence, then you'd go
8 to the Young Offenders Centre rather than to Millisle.
9 As we looked at in section 10, the same section also
10 slightly altered the test to be applied by the court in
11 deciding whether someone should be detained for training
12 at the borstal.

13 Section 11, if we can scroll down and see it,
14 please, of the '68 Act reduced the sentence period from
15 three years -- might have to go out -- I'm sorry --
16 to -- yes, there it is -- reduced the maximum sentence
17 period from three years to two years and reduced the
18 minimum sentence before release from nine months to six
19 months. It also modified how the period following
20 release was to be calculated. It would be twelve
21 months' supervision from the date of release.

22 The Prison Amendment Rules (Northern Ireland) 1973,
23 which can be found at MIL10969, slightly modified the
24 functions of the reviewing body that was involved with
25 the assessment of trainees for the grading system

1 operating in borstal. Similarly named amendment rules
2 for 1976 made some small changes to the operation of the
3 Visiting Committee. They can be found at 10971 to
4 10973.

5 In November 1977 the closed borstal at Millisle
6 opened. If we can look, please, at MIL27750, what we
7 are looking at -- and we will come back to look at some
8 of these later on -- this is chapter 11 in the Report
9 into the Administration of the Prisons in Northern
10 Ireland from 1977. You can see at paragraph 66:

11 "A milestone was reached in the history of borstal
12 training in Northern Ireland when for the first time
13 a new purpose-built closed borstal was completed. The
14 new closed section alongside the open borstal at
15 Millisle, Co. Down received its first trainees on
16 14th November 1977 and between then and early
17 January 1978 all trainees from Maze and Magilligan were
18 transferred to the new premises. This made it possible
19 to close the borstal units at the two prisons.

20 With some doubling up, the closed section can
21 accommodate 75 trainees; the same number can be housed
22 in the open section."

23 So by 1977 with the introduction of the closed
24 borstal there could be potentially 150 individuals and
25 the numbers of staff would be at that stage about 120.

1 We will look at that a little further in due course. It
2 perhaps allows at this point some context. You are
3 talking about a very significant number of staff working
4 with those who are in the borstal.

5 The background to that development of the closed
6 borstal is something I will touch on again briefly, but
7 one has a situation where a closed borstal was in Armagh
8 for a period, had to keep closing down as a result of
9 The Troubles and the premises being required, which
10 meant boys moving to Millisle, even though they are not
11 necessarily suited for the open conditions. Then
12 utilising the Maze for a closed borstal, Magilligan for
13 a closed borstal and eventually then a purpose-built
14 facility being created at Millisle. I will come back to
15 that a little more.

16 But that having been done, coming on stream at the
17 end of 1977/the start of 1978, in July 1980, so some two
18 years later, two and a half years later, the then
19 Minister of State at the Northern Ireland Office,
20 Michael Alison MP, explained to the House of Commons the
21 three principal reasons behind the decision to end
22 borstal training in Northern Ireland.

23 If we can look, please, at 10980 -- just scroll
24 down, please -- so he explains:

25 "With the opening of the young offenders centre last

1 June courts in Northern Ireland have the power to
2 sentence a young person between 17 and 21 to a period of
3 detention of less than three years in the young
4 offenders centre. If they consider that a custodial
5 sentence of three years or more is necessary, they can
6 sentence the offender to prison. The court also has to
7 decide whether a sentence of borstal training would be
8 appropriate.

9 When I looked at the choice the courts have to make
10 between the sentence of detention in a young offenders
11 centre and borstal training I came to the conclusion
12 that there was little justification for keeping borstal
13 as a separate sentence.

14 The factors that led me to take this view were,
15 first, that both sentences apply to young people in
16 a broadly similar age group and provide for a broadly
17 similar programme of activities. Thus the regime in the
18 young offenders centre is disciplined and brisk with
19 an emphasis on physical exercise plus remedial education
20 and training and is therefore virtually
21 indistinguishable from what goes on in borstal. Indeed,
22 the modern buildings at the young offenders centre have
23 allowed the regime there to combine the best elements of
24 the more traditional borstal practice with some
25 additional features arising from improved facilities.

1 The second factor is financial. Thus as well as
2 rationalising the present 700 sentencing powers of the
3 courts, the flexibility that this change will bring in
4 our use of prison accommodation in Northern Ireland will
5 enable a more cost-effective use to be made of the
6 available facilities."

7 Then this is picking up a point, Chairman, that you
8 made earlier:

9 "Thirdly, there is no evidence that the element of
10 indeterminacy in borstal training has been justified by
11 results. The impression that borstal is particularly
12 effective in reforming young offenders is, alas, not
13 borne out by our figures on reconvictions."

14 If I can just pause there to say that may well be
15 the case in the later '70s whenever this is being looked
16 at. The report from the early period in the '50s would
17 suggest at that time it was effective and that the
18 changing nature of the trainee who was being sentenced
19 to borstal might explain why the reconviction rates were
20 much higher in later years and thus allow this point to
21 be made that the figures didn't bear out a suggestion
22 that it was effective.

23 Then it goes on to say, the point you made,
24 Chairman:

25 "It is right that a young offender should know when

1 he can expect to be released, given good behaviour."

2 So the three reasons he gives: the similarity of
3 sentences, financial reasons and then philosophical
4 reason, the third one. Consequently section 3 of the
5 Treatment of Offenders (Northern Ireland) Order 1980
6 abolished borstal training and any borstal operating
7 became a young offenders centre and those serving
8 borstal training sentences were deemed from that point
9 to be serving sentences in a young offenders centre.
10 That can be found at MIL10974 to 10979.

11 On 31st December 1980 Millisle Borstal closed. If
12 we can bring up, please, MIL157, which is the final
13 entry in the governor's journal. You may find it
14 enlightening as to both the aim of the regime and the
15 thoughts of the then governor, who you will hear from
16 next week. If we just scroll down, please. Just scroll
17 down a little further, please, and then we will try
18 and -- just go back up a little so we can see the start.
19 Then if you can maximise that as much as possible,
20 because it is slightly difficult to read. So you can
21 see:

22 "We no longer house inmates as of 31st December.
23 This -- on 1st January 1981 this institution becomes the
24 Northern Ireland Prison Service Staff Training College.

25 This is therefore the last entry in the governor's

1 journal, and whilst I welcome the closure of a penal
2 establishment, it is a matter of deep regret that
3 Northern Ireland no longer has an open institution.

4 There is no doubt in my mind that we ..."

5 CHAIRMAN: "... we have shown what can be achieved if one
6 attempts to establish a humane regime ..."

7 MR AIKEN: Yes.

8 "... that treats both staff and inmates as human
9 beings. We have not set out to rehabilitate inmates, as
10 such an aim is based on myth and wishful thinking. We
11 have tried to show that imprisonment need not be
12 a totally negative experience. It is a matter for
13 regret that our service has convinced itself by
14 listening to its own propaganda that we have the most
15 progressive regime in Western Europe. Such a position
16 stifles effective thinking and action. We have not
17 established progressive regimes. We have arrived ..."

18 CHAIRMAN: "... arrived at a situation accidentally ..."

19 MR AIKEN: "... that can be interpreted by the ..."

20 CHAIRMAN: "... unwise and foolish ..."

21 MR AIKEN: "... as progressive ..."

22 CHAIRMAN: "... but, in fact, it is as penal and negative as
23 it always was."

24 MR AIKEN: And then:

25 "Rather ..."

1 CHAIRMAN: "... our service is bankrupt of ideas and real
2 ability and there is little light at the end of the
3 tunnel."

4 MR AIKEN: So rather strong words from the then Governor
5 McLoughlin as he completed the last entry in the log.
6 It makes me think of Star Trek I have to confess.

7 I want to go back now to look at Millisle Borstal
8 itself and some of the key features of how it operated.
9 I am going to use the borstal section of the 1961 Home
10 Office Services report, as it gives a good overview of
11 some of the topics I am going to draw attention to.

12 If we can look, please, at 28046 and rotate that
13 round, please, so you can see reference to section 7 of
14 the Criminal Justice Act 1953 providing the power of
15 sentence and then setting out the rules as they then
16 were in 1961 so far as release. You can see then
17 reference to the Visiting Committee as the statutory
18 body. It performs functions similar to the Prison Board
19 of Visitors, and when it considers that the trainee is
20 ready for release on licence, it recommends accordingly
21 to the Ministry.

22 Then reference to the reviewing body.

23 "Appointed by the Ministry under the prison rules.
24 Concerned with the conduct and progress of the trainees.
25 Meets once a month. Each meeting it interviews the boys

1 who have entered the institution since its last meeting.
2 It also reviews the progress of all boys with a view to
3 determining their suitability for promotion through the
4 various grades, special attention being given to the
5 boys who have been twelve months in the institution and
6 who may be ready to promotion to special grade."

7 So if I can just pause there to highlight, as you
8 think about the allegations of abuse, you have these two
9 mechanisms where conversations are taking place. This
10 one is with a reviewing body, which has partly
11 an outside element, some members of the Visiting
12 Committee and some members of staff. You then have the
13 Visiting Committee each month, which is two members
14 visiting who are entirely independent, and we will come
15 to see when we look a little more about the regime and
16 complaints mechanism there was the ability to petition
17 or ask each day to speak to the governor or the chief
18 officer, and in addition a mechanism for petitioning the
19 Ministry, and we will see on one particular occasion
20 that did happen. So there are a number of different
21 engagements with other persons that an individual who is
22 unhappy about something might be able to avail of.
23 Alongside that you have if they had themselves a family,
24 they had visitors who could come each week to see them.

25 Then in respect of training -- I wonder can we

1 maximise the size of that page as well so it is easier
2 to read:

3 "On entering the institution trainees are usually
4 given the work of keeping the premises and the grounds
5 in order. They also undergo educational tests and those
6 found in need of further education attend educational
7 classes. All trainees also attend physical education
8 classes.

9 Boys who are found capable of taking advantage of
10 vocational training are allocated to a course which is
11 considered likely to be of assistance to them when they
12 leave the institution. Vocational training courses
13 provided consist of woodwork, building, construction,
14 welding and light engineering, and a further course will
15 be started when the building programme which is now
16 underway is completed. Boys who are not suitable for
17 the vocational training courses are employed in
18 providing various domestic services, in gardening ..."

19 It appears to have -- Millisle Borstal, as we will
20 see various references to, appears to have had quite
21 a horticultural section and grew both vegetables and
22 flowers that were the subject of visits from people to
23 see their quality.

24 "... wood sawing and wood chopping, the clearance of
25 construction sites and works with the trade staff on new

1 buildings and keeping the existing buildings in good
2 repair."

3 Then the grading system as it was in 1961 is
4 described:

5 "To encourage the progressive development of
6 responsibility a scheme of grading is in operation for
7 the trainees. The main grades are entrant, general 1,
8 general 2 and general 3 and a trainee usually remains
9 three months in each of these grades. As a trainee
10 progresses from one grade to another he is entitled to
11 more privileges within the institution and his earnings
12 also increase. When he has completed twelve months in
13 the institution, he may be considered for special
14 treatment ..."

15 So there are effectively five grades that are being
16 referred to here that one moves through:

17 "... and while in this grade he enjoys the
18 privileges of working without supervision within the
19 institutional grounds and of being granted day parole
20 leave to visit his home or other friends. His earnings
21 are also increased."

22 On the subject of recreation and sport:

23 "The institution football team is a member of the
24 Northern Ireland Amateur Football League."

25 Those into football will know that's no mean feat

1 and it is not something that continues beyond 1965 for
2 that reason:

3 "Matches are played on Saturday afternoons, home and
4 away, fixtures being arranged by the League. Boxing
5 also has played a full part in recreational activities
6 throughout the year. Tournaments are held in the
7 institution and in Millisle and members of the team have
8 taken part in tournaments held in Belfast, Lisburn,
9 Newtownards and Kircubbin. In the Ulster Championships
10 boys have reached the semi-final stage and one succeeded
11 in reaching the final in his particular weight group.
12 In the evenings recreation is provided in the form of
13 organised games, handicrafts, selected film shows and
14 concerts by outside organisations. There is also
15 a television room and a library."

16 Then mention is made of religious instruction.
17 Again of perhaps significance, Members of the Panel:

18 "There were short services held for each
19 denomination at least once a week. Trainees also
20 attended a service in the local church every Sunday.
21 The chaplains held regular interviews with individual
22 inmates during their training. Where possible, contact
23 was made on release with each boy's local clergyman."

24 Again if I can just flag up for you to consider the
25 context. In the period in the '60s and '70s when we

1 will be looking at what the individual applicants have
2 to say a much greater proportion of individuals would
3 have still engaged with their minister or priest than
4 might be the case today. So it's another potential
5 access to someone beyond the institution.

6 Then reference is made to the parole system where
7 release is achieved. Then reference to the building
8 programme:

9 "Plans for an ambitious building programme have been
10 in the course of preparation for some time. New
11 vocational training workshops, classrooms and various
12 recreational facilities are to be provided. Work on the
13 foundations of certain of these was commenced during the
14 year and a house was built on the estate for the
15 governor."

16 From 1961 on Governor John Haines, who replaced
17 Captain Fryer for a number of years, moved in and lived
18 in the governor's accommodation on the premises. The
19 boys were involved in the building project.

20 Then if we can move on to -- there is reference to
21 the female borstal, which I'm going to leave.

22 If we move on to the next page, please, then if we
23 can just turn that round, you can see:

24 "During the year Captain Fryer, governor, retired
25 and his post was filled by Captain Haines, who was

1 previously employed in the English Prison Service."

2 Then, as with each of these reports, there is a raft
3 of tables, statistics for those trainees coming into the
4 institution. These reports are available in full to
5 you, Members of the Panel, to look at various ways
6 information was recorded. I will be making reference
7 later on to the very bottom row. You can see:

8 "Daily average number of inmates during the year."

9 This is '59. There is 79 residents. In '60 there
10 is 88 and '61, 95. So a growing population.

11 That is a general -- that gives a general idea of
12 life.

13 What I would like to do, if we can look at the
14 Administration of Home Office Services reports from
15 1956, if we look, please, at MIL27985, I just want to
16 set the context of these reports. If we can turn that
17 round, we can see the -- under the title you can see:

18 "Presented in compliance with ..."

19 So the Prisons Act 1953 and then the various other
20 Acts that had to be covered in the report.

21 I want to then show you the contents page at 27986,
22 please. We will have to remedy the orientation of all
23 of these, but if we can turn that round, please. So we
24 can see the contents, what's covered in these Home
25 Office Services reports which were provided by the

1 Ministry of Home Affairs.

2 You can see that the first section is always to the
3 prison and borstal administration. Then child welfare
4 services. Then a series of other matters that the
5 Ministry was responsible for.

6 If we look at the presentation page, which is the
7 next page, please, it reveals these reports are authored
8 by the Ministry of Home Affairs and presented to the
9 Governor of Northern Ireland each year. As I mentioned,
10 you can see from the contents page it contained annually
11 a section on borstals.

12 If we look at 27992, please -- and we have to -- if
13 we can just leave the operator to keep orientating them
14 for me to the correct position -- we can see this is the
15 first borstal report after Millisle was opened. We have
16 noted again the open nature of the borstal, which was
17 the case for 21 of its 24 years. Consequently it had
18 the same absconding problem which is referred to. Most
19 of the disciplinary matters that you will find referred
20 to in the various reports are to do with absconding.

21 You can see that the work required to make the premises
22 ready for the open borstal was carried out, amongst
23 other things, by the trainees themselves, and reference
24 to the staff houses on the grounds.

25 We can see -- I am going to just show you the 1957

1 report, which is the following year. If we look at
2 28001, we can see the borstal section for 1957, and that
3 refers -- if you spin that round -- to the trainees also
4 being involved in the laying out of the grounds and in
5 the cultivation of vegetables for use in the
6 institution. We will see -- and I will say a little bit
7 more about that in due course -- that they had
8 a flourishing vegetable production that was both used
9 within the institution and sold beyond it.

10 In terms of developments, in 1964, if we can look,
11 please, at 24035, new classrooms and workshops were
12 under construction. This is taken from the 1964
13 governor's report. You can see if we -- there's
14 reference to the acquisition of the walled garden.
15 That's going to provide plenty of work for ten trainees.
16 You can see the design. If we just pause there, please:

17 "Completion is now in light ..."

18 If we just move up a little, move back up a little.
19 Thank you.

20 "Work continued on Phase II scheme classroom and
21 workshops during the year. Completion is now in sight,
22 eagerly anticipated. It is not thought that there will
23 be enough light either in classrooms or workshops under
24 (sic) artificial lighting is constantly used. The plan
25 leaves a good deal to be desired administratively and

1 would have served better purpose were the block to have
2 been two storey (as requested two years ago). The
3 swimming pool is postponed at present owing to works
4 finance decision in regard to the costs of a closed
5 pool, but the Ministry of Home Affairs is considering
6 the possibility of a Purley pool, heated and cleaned.
7 The gymnasium is very tired -- very tardy in erection,
8 but it is fervently hoped that by the end of 1965 that
9 will be in operation."

10 So Governor Haines is not entirely delighted with
11 the financial reality of life or necessarily the
12 construction being all that he had hoped it would be,
13 but in 1968, if we look, please, at 24092, we can see in
14 addition to the mansion and those developments we have
15 looked at in terms of additional workshops that in 1968
16 -- we are looking at the annual report from the governor
17 of 1968:

18 "A new dormitory block, comprising full boarding
19 accommodation for staff and three dormitories for boys
20 has been completed and it is intended that this block
21 will be in operation on a hostel basis for boys reaching
22 special grade and to assist them to further prove
23 themselves suitable for release under supervision."

24 In the 1970s Home Office Services report, if we
25 look, please, at 27937, and under the section "Building

1 Programme", if we can turn that round, we have it
2 recorded:

3 "The new gymnasium at Woburn House reached the final
4 stages of completion. Work has begun on the erection of
5 new greenhouses, which will be a very useful addition to
6 the facilities in the garden. Renovation and
7 modification of the bricklayers' workshop was
8 undertaken. An office was also constructed for the
9 instructor together with a toilet block for the
10 trainees."

11 So, as you might anticipate, the population has
12 grown, and we will look at the figures that explain
13 that. So with it has been the need to make additional
14 facilities available on the premises or on the site and
15 at various stages in the reporting over the course of
16 the years it is recorded that those matters are coming
17 on stream, and we will see that in relation to the gym,
18 and we will talk a little about sport after lunch.

19 I am going to move on to say something about the
20 closed borstal and its development, but perhaps if we
21 take a break before we do.

22 CHAIRMAN: Yes. I think this would be a convenient time.

23 We'll sit again at 2 o'clock.

24 (1.00 pm)

25 (Short break)

1 (2.00 pm)

2 CHAIRMAN: Yes, Mr Aiken.

3 MR AIKEN: Chairman, Members of the Panel, good afternoon.

4 Before lunch we had talked a little bit about the open
5 borstal and we had had some pictures to allow us to
6 understand the general layout of the exterior in any
7 event of the premises.

8 I was coming on to mention the closed borstal, which
9 was provided in Millisle at the end of 1977. A closed
10 borstal was originally provided in Armagh Prison from
11 around 1963. The reference for that is at MIL27881. It
12 had previously been used for a women's borstal for
13 a short period of time or a female borstal.

14 However, the Home Office Service report, if we can
15 bring up, please, 27949, of 1970 demonstrates the
16 difficulties that could be presented for Millisle and
17 the general operation of the borstal if the closed
18 borstal in Millisle had to close.

19 CHAIRMAN: Yes. Just to make this clear, I assume "Home
20 Office" does not mean the Home Office in London but it
21 is another term for the Ministry of Home Affairs, is it?

22 MR AIKEN: Yes. All of these reports, although they are
23 called the Home Office Services reports, are presented
24 by the Ministry of Home Affairs in Northern Ireland to
25 the Governor in Northern Ireland in compliance with

1 matters like the Prisons Act.

2 CHAIRMAN: So it is not that there is some form of external
3 inspection by people coming from the Home Office to
4 Northern Ireland?

5 MR AIKEN: No.

6 This first paragraph you can see:

7 "The general number of boys committed for borstal
8 training during 1970 was greater than during the
9 preceding year. During the month of January 1970 it was
10 possible to transfer the male prisoners from Armagh to
11 Belfast and thus reopen the closed borstal in Armagh.
12 During July 1970, however, the prison population again
13 increased to the extent that it was necessary to move to
14 Woburn trainees who would normally be accommodated at
15 Armagh so that male prisoners could be housed there."

16 So you will see this provision of a closed borstal
17 was causing difficulty depending on the changes to the
18 general prison population.

19 If we look at 27960, which is the Home Office
20 Services report for 1971, we can see, if we turn that
21 round, that all of the borstal trainees had to be
22 accommodated. You can see:

23 "The number of boys committed for borstal training
24 during 1971 was less than during the preceding year.

25 Unfortunately, due to the large number of prisoners in

1 custody, it was necessary to continue using Armagh as
2 a prison and thus all boys, whether suitable or not for
3 open conditions, were accommodated at Woburn House."

4 You can see reference:

5 "The general unrest in the province made itself felt
6 in the borstal and the need for a closed institution was
7 very apparent."

8 A paragraph in the borstal section, chapter 11, of
9 what became -- after the introduction of Direct Rule
10 they are no longer called Home Office Services reports.
11 They become the Administration of the Prison Service
12 reports. If we look, please, at 27716, the report on
13 the Administration of the Prison Service 1972 to 1976,
14 and that perhaps tells its own story, that there was not
15 an annual report issued in those years, but, in fact,
16 one report issued in 1976 to cover the preceding four
17 years, but you can see under the section "Accommodation"
18 that:

19 "During the period five institutions at Millisle,
20 Magilligan, Armagh, Belfast and Maze were used to house
21 borstal trainees. The open borstal at Millisle
22 continued to be the major training establishment. Those
23 who took part in a disturbance at Millisle in 1972 were
24 removed to Magilligan Prison shortly afterwards and
25 remained there until August of the same year, when the

1 closed borstal of Armagh reopened."

2 We have seen reference to it closing in 1970. Here
3 is it reopening in 1972:

4 "Following a riot at Armagh in September much of the
5 rest of '72 and '73 was spent in repairing the damage
6 and refitting the borstal wing.

7 In 1973 Millisle continued to house the majority of
8 trainees. The borstal wing at Armagh received those on
9 committal as well as a number of trainees who had been
10 sent back for having abused the open conditions at
11 Millisle. Rapid growth in the number of female
12 prisoners during '73/'74" -- these were adult female
13 prisoners -- "necessitated the takeover of part of the
14 closed borstal at Armagh with the result that trainees
15 had to be transferred to Millisle earlier than was
16 desirable."

17 So this was a repeat of what happened in 1971:

18 "In view of this it was decided that the closed
19 borstal should be reopened at Magilligan on 20th
20 February 1975.

21 Following a riot at Armagh in September '75, 23 boys
22 were transferred to a closed borstal at Belfast. The
23 borstal at Armagh was finally closed on 3rd November '75
24 and the remaining six boys transferred to Millisle and
25 Belfast. Accommodation difficulties at Belfast Prison

1 necessitated the removal of the Belfast borstal unit to
2 the Maze Prison in August '76."

3 Then you can see in paragraph 73 a reference to the
4 work being ongoing to create the closed borstal at
5 Millisle.

6 That in very short form perhaps gives some idea of
7 the difficulties that were presenting themselves for
8 those trying to organise the best way to operate the
9 borstal system.

10 CHAIRMAN: Yes. Just where we see at 27716, paragraph 42,
11 it refers expressly to accommodation difficulties at
12 Belfast Prison. It is apparent from what some of the
13 materials disclose that the reality was that there were
14 borstal remand inmates being accommodated in Crumlin
15 Road Prison, presumably because there simply was nowhere
16 else to put them.

17 MR AIKEN: Yes. The initial assessment idea once sentences
18 were done was passing through, but the remand element it
19 seems did not go to Woburn for that to be --

20 CHAIRMAN: Because a number of the witness statements refer
21 to people spending time in Crumlin Road Prison or in the
22 Maze Prison when it appears that technically they were
23 probably still there under notionally the borstal regime
24 but, in fact, were in adult prisons.

25 MR AIKEN: Yes. That seems in part to do with the upsurge

1 in prison population as a result of the offences that
2 were being committed in '72, '73 and on. Obviously it
3 is a matter the Department of Justice can take up, but
4 one can imagine if you have a sudden increase in the
5 size of the prison population, the general aim of not
6 having wasted capacity and consequently wasted public
7 funds raises serious issues about getting enough on
8 stream quickly enough to deal with that pressure.

9 CHAIRMAN: Yes. Well, there are references there, for
10 example, to Magilligan.

11 MR AIKEN: Yes.

12 CHAIRMAN: I mean, that was an army camp that was turned
13 into a prison. So presumably that's why some borstal
14 inmates were sent there when others were -- other
15 institutions were unavailable for various reasons or
16 were full.

17 MR AIKEN: Yes. There appears to have been until the closed
18 borstal -- because we will see shortly that there was
19 a desire to ensure there was complete separation between
20 the closed borstal and the open borstal, presumably part
21 of keeping the open borstal working as smoothly as
22 possible, that basically all other avenues were pursued
23 to provide a closed borstal rather than the mixing
24 occurring that's described in the early '70/'71 reports
25 as being unsatisfactory for those running the open

1 borstal.

2 As part of dealing with this reality that's shown
3 through these documents in 1970 the Ministry of Home
4 Affairs acquired 33 and a half acres of land adjacent to
5 Woburn House to facilitate the creation of a specific
6 purpose-built closed borstal. The demolition of the
7 farm buildings on the Woburn House premises to pave the
8 way for that construction began in 1974. The records
9 show that the new closed borstal received its first
10 trainees in November 1977. The reference for that is at
11 MIL27750. Consequently that allowed the closure of the
12 units at the Maze and Magilligan.

13 The general policy was set out, if we look, please,
14 at 27750, in paragraph 68 of the borstal chapter of the
15 Report on the Administration of the Prison Service for
16 1977. If we look here, if we maximise -- don't -- not
17 just that paragraph, but we just make that page as big
18 as we can. Thank you.

19 "The whole complex at Millisle is under the control
20 of one governor. The closed unit, however, is quite
21 a separate section of the establishment and every effort
22 is made to avoid contacts between trainees in the two
23 sections. The objective is still to transfer all
24 trainees to the open part as soon as possible, but
25 experience has shown that there are trainees who because

1 of their negative behaviour in closed conditions, abuse
2 of open conditions or exceptionally the nature of their
3 offence have to spend a prolonged period, perhaps the
4 whole of their training, in closed conditions."

5 There is a detailed memo in the bundle, if we look,
6 please, at MIL172, that deals with the operation of the
7 closed borstal, and access -- and I am going to just
8 summarise this -- access to the -- and as I go, if
9 I refer to a page and a paragraph number, perhaps if we
10 could move to that -- access to the purpose-built closed
11 section was through a prison type gate lodge and the
12 complex was surrounded by a 17 foot high weld mesh
13 fence. If we look at point 5, which is on MIL173, you
14 can see reference to that. The two storey building was
15 also purpose-built, which is revealed from point 4 on
16 MIL172, and it is described in the memo as being in the
17 shape of two legs of the cross, and the building had
18 a central area that dissected the two legs of the cross
19 and contained -- and you can see this at the top of
20 MIL173 -- the administration, visiting area, interview
21 rooms, recreational room, medical unit, reception unit,
22 punishment cells, games hall, a library, TV room,
23 billiards room and a quiet room and two trade workshops.

24 The sleeping accommodation, which, if we just scroll
25 up again to point 4, consisted of 33 single rooms, 12

1 twin rooms and two dormitories each with nine beds,
2 which amounted to a total capacity for 75 boys.

3 Then you can see on MIL174 the closed borstal did
4 share a number of services with the open borstal:
5 kitchen, the laundry -- and that will be of relevance,
6 because that's where Officer Skillen was said to have worked and
7 indeed did work -- stores, education and medical
8 provision.

9 If we move to 180, please, the daily regime in the
10 closed unit is set out in an appendix to the memo. It
11 is divided into weekdays and Saturday and Sunday. If
12 I can put it this way, through the documents it explains
13 that while there was vocational training, there
14 obviously were less facilities for the trainees to
15 engage in than when they moved to the open institution,
16 but you can get an idea of the nature of the regime. If
17 we just scroll down a little further so the rest of the
18 day can be seen as well. So you can see that education
19 -- and I have said we will come to look at a document
20 that demonstrates this -- that by this point education
21 was compulsory for all trainees for two hours twice
22 a week.

23 The closed borstal ended on 30th September 1980.
24 The reference for that is at MIL105, and its premises
25 were subsequently used by Lisnevin Training School. The

1 reference for that is at MIL112 and paragraph 31. So
2 the fact that new premises had been built were not
3 wasted, but they no longer operate as a borstal after
4 September 1980.

5 Obviously when hearing the evidence over the coming
6 days it will be important to try and establish whether
7 the individual is complaining about his time spent in
8 the closed borstal or in the open borstal, because it is
9 not necessarily always clear what the position is.

10 In terms of the numbers who passed through the
11 institution between 1956 and 1980 I am not going to go
12 through -- from the documents, and there are various
13 reports, it is possible to go through a piecing together
14 exercise, work out how many were within borstals. So we
15 know that there were 57 trainees in Millisle when it
16 opened in 1956 and it was a period of time until 1963
17 before the Armagh Borstal began to take some of the
18 population. So in the early years when the figures move
19 from 57 in 1956 through to potentially 109 in 1962 at
20 24025 those are more than likely to have been resident
21 in Woburn House. There are references in the annual
22 reports to the feeling of overcrowding and steps being
23 taken. Eventually the way the accommodation was
24 arranged 100 could be accommodated in the open borstal.

25 In the years that followed after Armagh began to be

1 used as a closed borstal generally speaking there were
2 20 to 30 trainees who were in the closed section.
3 I can't be more precise about that without doing
4 a further sophisticated exercise that time did not
5 permit, but in essence the numbers residing in Millisle
6 were always about 80 to 100, and when the closed borstal
7 was introduced at Millisle in 1977/'78, the numbers
8 increased there up to 128, and the reference for that is
9 at 593, in 1976 and '77. Then in 1978 there were 133
10 and in 1979, 145. We will see in a document shortly
11 the suggestion that really the open institution by that
12 time could take 75 and the closed institution could take
13 75, but what we are looking at is an average of around
14 about 100 trainees per annum in the '70s potentially at
15 Millisle and a constantly changing population to bear in
16 mind in that many individuals were being sentenced to
17 borstal and many were being released under the
18 supervision and aftercare provision.

19 In May 1977, if we look, please, at MIL133, when
20 a filing systems review was being carried out -- and it
21 is this document which may well have led to the
22 destruction policy that means we don't have the files of
23 individuals -- there was -- if we move through to 139,
24 please, we can see that this report refers to
25 a population in the open borstal of approximately 80

1 boys and 70 staff. So this is one of the few documents
2 that I am able to turn to to assist the Panel in
3 understanding, "Well, okay. So there's roughly upwards
4 towards 100 trainees. How many staff are interacting
5 with them?" This document gives some assistance to
6 that, because at least in 1977 in May it can be said
7 that there were 70 staff effectively working at Woburn
8 House. This is before the closed borstal opens, because
9 on the same page an indication is given that the new
10 closed borstal is under construction and there were
11 going to be another 50 to 75 boys. So an envisaged
12 total number of between 130 and 155, and a further 50
13 staff as far as those 50 to 75 boys were concerned,
14 which would take the total staff up to 120. So you had
15 an envisaged ratio, if you like, for every five boys
16 there were four members of staff or in the open borstal
17 at this point in time for every eight boys there were
18 seven members of staff.

19 At closure on 31st December 1980 the borstal
20 recorded staff in post, which gives some insight to the
21 roles. There was an education officer, vocational
22 training officer, chief trades officer, part-time
23 Medical Officer, chaplains as well as the general staff.
24 The reference for that is at MIL158.

25 This review document that we are looking at reveals

1 there were files -- if we go, please, to 141 -- there
2 were files kept on each boy and also on each member of
3 staff. You can see:

4 "Each boy's file is in reality four separate
5 subfiles housed in a standard manila wallet. One
6 subfile holds papers of a general nature. The other
7 three subfiles hold papers relating to separate aspects
8 of the boy's records.

9 The boys are separated into two houses" -- I will
10 make further reference to that -- "Montgomery and
11 Alexander, and a colour signal is pinned on to each file
12 to indicate the house to which the boy is allocated."

13 So a similar approach to schools and indeed perhaps
14 public schools in England.

15 At the time of the review you can see in
16 paragraph 3.8 there had not been it seems a destruction
17 policy in place and consequently the reviewers found
18 1000 plus dead files of ex-inmates, as they are
19 described, so files on trainees who had since left
20 Millisle Borstal. Unfortunately for the Inquiry's
21 purposes the review recommended the introduction -- if
22 we move through, please, to MIL143 and paragraph 4.10 --
23 recommended the introduction of a destruction policy in
24 respect of those what were described as dead files after
25 a period of five years. It is likely to be the

1 consequence of the introduction of that policy or those
2 that flowed from it that the Department of Justice is
3 not in a position to produce any files on the
4 individuals who have come forward to the Inquiry in the
5 way they helpfully were for the training schools.

6 It would appear from the instructions issued on foot
7 of the opening of the closed borstal that there were
8 house files, if we just look, please, at MIL162, in
9 addition to whatever was contained on the individual
10 files. This is a note to staff about the new set-up:

11 "... appropriate time to make a few general comments
12 regarding the institution.

13 ... important that staff at all levels view the two
14 sections as one institution. One management, one staff
15 and one task to provide borstal training in the ... most
16 humane manner possible."

17 This is obviously written by Duncan McLoughlin, who
18 was the governor in 1977. It refers to the natural
19 progression that there would be.

20 If we just scroll down a little bit, please, so we
21 can see. Reference is made to the grading system that
22 would operate. You can see:

23 "It is a continuing process and one in which staff
24 play a vital part. By their daily observation of the
25 trainee's behaviour, by the recording of his behaviour

1 in the house files, over a period of time a picture of
2 the trainee will be built up."

3 So whether that's a separate file known as the house
4 file or they are referring to individual files that just
5 happen to relate to those who were in a particular
6 house, certainly it is clear that record-keeping was
7 being maintained on an individual to facilitate the
8 review body doing their work in respect of the grading
9 system and then filtering through to the Visiting
10 Committee, who decide whether someone should be given
11 release on supervision.

12 With the reference to house files and a document we
13 previously looked at, boys were separated into houses,
14 and in the open borstal at least in '77 they were known
15 as Montgomery and Alexander. The aim of the house
16 system -- if we look, please, at 184, the aim of the
17 house system was:

18 "To provide a method of compiling a detailed
19 progress report or history on a trainee as he progresses
20 through the various stages of training. This system
21 will enable the governor, the staff and the reviewing
22 bodies to determine how a trainee is reacting to the
23 borstal system and will be the basis on which promotions
24 in grade and recommendation for release are made.

25 It is a well-tried one which has been proven to be

1 successful and was the procedure at Woburn for many
2 years before it was allowed to lapse. It has many
3 advantages, the main ones being that it gives the
4 trainees a sense of identity, not only with a house, but
5 more importantly with an individual member of staff. As
6 far as staff are concerned it entails a closer
7 involvement with selected trainees and this provides the
8 opportunity for officers to assess their individual boys
9 in greater depth. The objective of the staff is to form
10 a relationship with the trainee, subject to the
11 stipulations of Prison Rules, based on a concept of
12 confidence and respect."

13 If we look, please, at MIL182, whether it is
14 referring to the same file process or this house
15 process, you can see monthly house reports. A monthly
16 written report had to be prepared on each trainee by his
17 supervising officer and what they were to contain then
18 is set out in this document over the course of two pages
19 and the questions that the officer is asked to think
20 about in preparing his report changes depending on what
21 grade the boy is at at the time he is being assessed.
22 If we just scroll down through that, please. Then we
23 get to the special grade mechanism.

24 We have mentioned already about the progressive
25 regime and grading system. This is part of the

1 assessment process. If we look, please, at 162, please,
2 and moving on to 163 then, this is a document I had up
3 a moment ago. It is an undated governor's notice to
4 staff likely to date around 1977, November, when the
5 closed borstal is opening. It gives you in greater
6 detail, which I am not going to spend time on now, the
7 four grades, the important role staff played in that
8 continuous assessment, but if we look at the bottom of
9 the page, please, it describes the five levels of
10 internal and external assessment that were to be engaged
11 in. So you can see:

12 "The initial assessment process carried out in the
13 assessment unit of the closed section."

14 Then:

15 "The monthly house boards where trainees in each
16 house are discussed and considered for progression or
17 otherwise -- promotion or otherwise.

18 The internal review body where all trainees in the
19 institution are discussed and recommendations on
20 promotions in grade are made.

21 The external review body where the recommendations
22 of the staff are discussed and ratified.

23 The Visiting Committee who make formal
24 recommendations to the Northern Ireland Office for the
25 release of any trainee."

1 So then a warning is given that the success of these
2 two committees for a more external engagement depends
3 entirely on the work done by the staff in the first
4 three levels. So emphasising the importance of the
5 house and reviewing mechanism.

6 The review body that I have mentioned, as I said,
7 had the involvement of members of the Visiting Committee
8 on it evident from passing reference in the annual
9 reports.

10 If we look at Governor ML 57 report for 1974
11 -- I think he was the fourth governor -- if we look at
12 MIL24300 -- he took over from Governor Cunningham, who
13 had taken over from Governor Haines, who had taken over
14 from Captain Fryer. I may have missed one out, which
15 the DoJ will no doubt assist me with. If we look at his
16 report for '74, we can see the role of the reviewing
17 body being described. If we just scroll down a little
18 bit, please:

19 "Members of the reviewing body met monthly to
20 consider the progress and response to training of all
21 trainees."

22 So he is saying in 1974 that's the engagement that
23 the reviewing body had, to meet monthly and carry out
24 that assessment.

25 To the extent -- I can say I don't believe we have

1 any documents from the reviewing body itself that I am
2 aware of, and obviously were the individual files to be
3 available, then it is possible there would have been
4 records contained on these that would have been from the
5 hand of the reviewing body, as it were, which are simply
6 not available.

7 The next layer up is the Visiting Committee and
8 a feature of whichever part of the borstal, closed or
9 open, an individual was in was the presence of this
10 Committee. We looked at sections 10 and 11 of the
11 Prison Act requiring the Ministry of Home Affairs
12 and later the Secretary of State to appoint a Visiting
13 Committee for the borstal. While it didn't have
14 a managerial role, it did have as its function a duty to
15 act as the independent overseer of the penal
16 establishment for which its members served so as to
17 ensure that trainees were treated in accordance with the
18 requirements of the Prison Rules.

19 If we can look, please, at 580, the role has been
20 described as requiring the -- if we just can turn that
21 round, please, and if we can just maximise that, you can
22 see in 12.2:

23 "... have no managerial responsibility."

24 They quote then in 12.3:

25 "'We think the boards are vital institutions which,

1 although their work is little known and appreciated, are
2 important parts of the prison system. Their chief role
3 is to act as the agents of local accountability and
4 control over the good management of institutions. They
5 should therefore be well-informed and acute but friendly
6 watchdogs of the public interest'."

7 You will see in each of the annual reports reference
8 to the -- from the two sides, as it were, the governor
9 explaining his view of the interaction with the Visiting
10 Committee and likewise.

11 The Prison Rules, as we saw earlier, had the
12 Visiting Committee having responsibility for
13 adjudicating on trainees who had been reported for more
14 serious disciplinary offences. So they were not
15 necessarily dealt with by the governor. They also had
16 responsibility under the Prison Rules as a mandatory
17 duty to bring to the Secretary of State's attention any
18 abuse in the establishment that its various members
19 became aware of.

20 The composition of the Visiting Committee, as you
21 will see from various minutes, was from a cross-section
22 of the community and had some minimum requirements set
23 by the Prison Rules.

24 In 1974 a Northern Ireland Association of Board of
25 Visitors and Visiting Committees was set up, which

1 organised training for visitors from the various prison
2 establishments and training was also available through
3 the government. Reference for that is at MIL582.

4 I want to draw your attention to the report of the
5 Visiting Committee relating to 1958. If we look,
6 please, at 23772, and it will be a passage near the top
7 of the page, you will see that the report again
8 described the rota system of monthly visitation to the
9 borstal in the second paragraph and then reference is
10 made to the fact that each boy had the option of
11 consulting with the rota, ie the visiting member, in
12 case of grievance, but no-one had a complaint to put
13 forward.

14 Similar sentiments were expressed in the report of
15 1959, which can be found at 23772, and in 1960 the
16 Visiting Committee describes its role in this way, if we
17 look, please, at 23815, and the second paragraph:

18 "... for the purpose of inspecting the school
19 premises and to investigate any complaints made by the
20 trainees."

21 They express their views on the state of the school.
22 So you may consider that this -- and we have looked very
23 quickly at some very limited examples -- but this
24 demonstrates there was a system in place through the
25 inspections carried out by the Visiting Committee that

1 had in mind hearing from and looking to the individuals
2 resident as to whether there was anything they were
3 unhappy about in their treatment, and the reports also
4 recall the adjudications being brought before the
5 Visiting Committee to be dealt with.

6 I want us to look, please, at the one for 1978. If
7 we look, please, at 28060, this is a report of the
8 Chairman of the Visiting Committee from 1978. You will
9 see reference is made to how the work progressed:

10 "... decided in March to double the rota visits from
11 2 to 4 in the month."

12 So from March '78 it seemed that increased from as
13 well as the monthly meeting of the Committee instead of
14 two members of staff going once each in the month into
15 the borstal you had you two fortnightly visits, so four
16 visits in all.

17 "It was felt that one member could only visit
18 thoroughly either the open or the closed section on one
19 visit, but not both."

20 You then had the attendance that's described at the
21 monthly meetings. Then reference to the borstal. If we
22 just scroll down so we can see the general observations:

23 "The bringing of the closed section to the Woburn
24 campus was completed in January. For the first few
25 months staff were new and were feeling their way. Now

1 settled down and is working well. A good balance is
2 provided between the stricter discipline of the closed
3 section and the more relaxed atmosphere of the open
4 section.

5 Members generally feel that in the vocational
6 training workshops (particularly perhaps in the
7 engineering shop in the open section) too high a
8 standard is being aimed at, considering the average IQ
9 of the trainee and the short time available during the
10 average sentence. The building operatives course, on
11 the other hand, probably does more to equip the average
12 boy for life outside. The education programme is now
13 extremely useful and is completely staffed --
14 competently staffed."

15 If we scroll down, please, you can see:

16 "Outside involvement by trainees is to be encouraged
17 and the Committee would like to see more of it, although
18 realising the difficulties. Participation in such
19 events as the Mourne Walk and regular expeditions for
20 rock climbing, mountaineering and canoeing obviously
21 gives the boys a tremendous boost and opens up entirely
22 new areas of challenge to them."

23 Then there is reference to the YMCA. Particular
24 reference is made in the final paragraph:

25 "This report would not be complete without reference

1 to the governor, Mr McLoughlin. He first and foremost
2 has the welfare and rehabilitation of the trainees at
3 heart. He combines this with a very considerable gift
4 for organisation. He obviously has the respect of staff
5 and engenders an enthusiasm in them for the training
6 programme. While it is known that absconding by
7 trainees comes in spells, it is surely significant that
8 the abscond rate has consistently fallen during the four
9 years of the present governorship to what would have
10 been thought of as the impossibly low figure of five in
11 1978."

12 As a number of individuals complain about a time
13 that covers the period that Governor McLoughlin was in
14 post, you might consider this type of contemporaneous
15 observation of relevance.

16 If we move through, please, on to the next page, we
17 can see an example of -- I mentioned whenever the rota
18 visits were taking place that a written report would be
19 completed and then made available at the Committee. So
20 this is one example of -- if we just scroll down a
21 little more, we will see the date. I think it is
22 July 1978. It's the Chairman is conducting the visit.
23 If we just scroll back up, we can see at the top it is:

24 "Visiting rota report. Closed section.

25 I made a visit on ..."

1 a particular date. Then recording what was found.

2 You can see:

3 "The gymnasium was out of action because of
4 repairs."

5 Drainage work was being done on the football pitch:

6 "The education classes were in progress, one with
7 Mrs Bates for the under 16s ..."

8 So that's indicating that with the legislative
9 changes that we are seeing 15-year-olds now in the
10 borstal:

11 "... and the other with **ML 22** for remedial
12 teaching. The workshops seemed to be very well equipped
13 and were being well utilised. It is a pity that the
14 ultimate benefit to trainees is so minute when such
15 wonderful opportunities are given them at Woburn.

16 I would say that the stricter routine and tighter
17 security of the closed section still makes the open
18 section more attractive to trainees and gives them the
19 necessary incentive to graduate there as soon as
20 possible."

21 Then these observations are made:

22 "I have reflected recently on borstal training as
23 I have known it at Woburn over the past fifteen years or
24 so ..."

25 So we are talking about an independent overseer, as

1 it were, who has been performing this role with the
2 Visiting Committee for some fifteen years:

3 "... and while the institution has always been run
4 efficiently and smoothly from an administrative point of
5 view, I think it could be said that there is evidence of
6 a new dimension in training. This is hard to define,
7 but mainly involves attitudes and rapport between staff
8 and trainees. Also trainees have been given more
9 freedom in certain areas and have been encouraged to be
10 more creative and develop any potential they may have.
11 The fact is that they are being stretched rather than
12 merely conforming. This has perhaps entailed an element
13 of risk and I must admit to having been initially
14 opposed personally to the introduction of certain
15 changes. In a large measure I feel that these changes
16 have been brought about through the enthusiasm of the
17 present governor and I hope that he will be with us for
18 a long time to come to exercise his obvious gifts in the
19 running of a training establishment such as Woburn."

20 In 1979 we can tell from a record that Millisle
21 Visiting Committee had a membership of eighteen. So I
22 think the minimum membership was to be six, but it had
23 a much more significant number involved in that.

24 Obviously these are people who are -- have their own
25 occupations outside. So Visiting Committee monthly

1 meetings aren't always -- you won't always find all
2 eighteen members present, but there is always a minimum
3 of eight members who are present. I am not going to go
4 into them, but we do have virtually a complete set
5 of minutes from the meetings of the Visiting
6 Committee for the period '72 through to '77 and then
7 a set for 1980. So we are missing '78 and '79, although
8 these documents I have looked at are '78. Those minutes
9 run from MIL24613 to 25039.

10 I am not aware, Members of the Panel, but I will
11 invite the Department of Justice to draw to the
12 Inquiry's attention should it find any reference in the
13 Visiting Committee's minutes or reports consistent with
14 an allegation of abuse of the type this Inquiry is
15 investigating ever being made to them in respect of
16 Millisle.

17 I am going to say something briefly then about the
18 medical facilities. For those years that we have the
19 files and annual reports those files contain the various
20 annual reports I have previously drawn attention to and
21 that included the medical officer's report. There was
22 also a matron, who it appears may have lived in
23 accommodation on the Woburn House site, and if we look
24 at MIL614, please, we will see a 1961 memo from the then
25 Governor Haines which assists with understanding the

1 matron's role. If we can just maximise the left side of
2 the page as much as possible. So you will see:

3 "The nursing of all trainees as may be necessary.
4 Attendance on and cooperation with the Medical
5 Officer in carrying out his duties.

6 Reporting to the governor on any illness, ailment or
7 accident affecting a trainee.

8 Assisting with the dietary of the trainees in
9 consultation with the Medical Officer and officer
10 responsible for the arrangements."

11 So this is someone who is permanently on the site in
12 a similar fashion to what we saw for the training
13 schools, and unfortunately, because we don't have the
14 personnel files, the type of medical record that was
15 available, for instance, when we were looking at
16 Rathgael just isn't available to assist or otherwise
17 with what a particular individual was complaining about
18 and receiving treatment for.

19 The governor's annual report for 1974 also -- and
20 this is just one example that I am highlighting. If we
21 look at 24299, please -- and you will find similar -- if
22 we scroll down to the bottom of the page, please --
23 similar references in a number of other reports. The
24 Medical Officer had passed away. We did look at a
25 **ML 23** report previously. You will also see in the

1 last sentence:

2 "Our visiting psychiatrist and dentist attend
3 regularly and day to day treatments are carried out by
4 **ML 24** (matron)."

5 So there was a visiting psychiatrist who was
6 integrated into the work in Millisle Borstal.

7 There is nothing in any of the medical reporting
8 that is available, although it is not complete, that
9 suggests abuse was taking place in Millisle and coming
10 to the attention of the medical practitioners. Again
11 I will ask the Department of Justice to draw any
12 relevant entries that it can find to the Inquiry's
13 attention. That, of course, is not to say it was not
14 occurring, but simply it wasn't coming to the attention
15 of the medical practitioners and/or they were, if they
16 did become aware of it, not disclosing it.

17 I want to say something about education provision.
18 The borstal section of the 1960 Home Office Services
19 report -- I am just going to give you the reference at
20 28033 -- refers to a part-time extern teacher being
21 engaged to instruct those boys who were more
22 educationally backward. What the report reveals is
23 a growing awareness amongst the borstal staff that the
24 type of trainee coming through was really struggling and
25 was what was described then as educationally backward

1 and a step was made of bringing in a particular teacher
2 to assist with trying to help their education.

3 Interestingly you may consider the borstal did have
4 a debating society and that was formed during 1962 and
5 engaged regularly in debates with Queen's University and
6 others.

7 In 1965, if we can just look, please, at 27903, we
8 can see the introduction of, if we turn that around,
9 please, compulsory evening education for trainees. Just
10 maximise that for me, please. So you can see the
11 compulsory evening education. We are looking at the
12 1966 Home Office Services report and it is indicating
13 that in the previous year compulsory evening education
14 classes were introduced at both Armagh and Woburn.
15 There are repeated references to that then in the years
16 that follow.

17 The 1967 Home Office Services report confirmed that
18 the Library Authority for Co. Down ensured there was
19 what was described as a well-stocked library in the
20 borstal. The reference for that is at 27914.

21 If we can bring up, please, 27925, the 1968 Home
22 Office Services report perhaps evidences the
23 difficulties faced by the staff in the borstal in trying
24 to improve educational outcome, bearing in mind these
25 are 16-year-olds plus to the age of 21, and they are

1 being, if you like, forced to have some education in the
2 evening to try and give them a better opportunity in
3 life, but if you can make the "Education" section bigger
4 for me, please:

5 "Compulsory evening educational classes were
6 continued under two part-time teachers at the closed
7 borstal at Armagh and two at Woburn.

8 During the past three years, as the following
9 figures show, there has been progressive increase in the
10 proportion of boys at Woburn of below average
11 intellectual ability or educational attainment.

12 This trend has necessitated additional effort in the
13 sphere of remedial education and a full-time teacher who
14 specialises in remedial educational techniques was
15 appointed at Woburn House. The introduction of a
16 programme of learning techniques has improved ability in
17 English expression and reading within the most severely
18 retarded groups."

19 It potentially indicates the level of difficulty
20 that was having to be dealt with. In fact, if we look
21 at 27937, please, the 1969 Home Office Services report
22 evidenced that 56% of the Woburn borstal population,
23 which would have included partially Armagh, but of the
24 borstal population had an academic standard comparable
25 with that of an average child of eight years of age.

1 Now to try -- and without spending a huge amount of
2 time -- to try and evidence the degree of effort that
3 was being put in if we look, please, at MIL558, and I am
4 just going to ask us to scroll through this document,
5 but this is an example of the annual educational reports
6 that were provided. So this one is for 1970, and if we
7 scroll through, we can see the type of work that is
8 being done. It spans some five pages as it explains the
9 approaches that were being taken to try and improve
10 outcomes. Then it is moving on to describe the various
11 vocational training that is available. It is being
12 written by the Northern Ireland Prison Service Education
13 Officer, **ML 25**. So there are reports like that
14 available for a number of years.

15 In fact, in 1971, if we look at 24202, please, and
16 the top of the page, the officer is expressing the view
17 that much needed to be done. He is referring to an
18 English report from 1960:

19 "It sees two functions in borstal education, contact
20 with cultural influences, new interests and hobbies and
21 enabling the illiterate and subliterate to achieve some
22 degree of literacy."

23 You can see then the view is expressed:

24 "A considerable expansion of the educational service
25 in Northern Ireland is required if parity in educational

1 provision for young offenders with the Home Office
2 Prison Department Educational Service is the expected
3 and minimal accepted standard within the British Isles."

4 So much work to do is what's being signalled. If we
5 look, please, at 27780, the 1979 report on the
6 Administration of the Prison Service confirmed that all
7 trainees attended evening classes for two hours two
8 evenings a week. We look at that because the passage
9 gives a good illustration of the context. If we just
10 make that a little bigger, please. So you can see that
11 vocational training continued to be an important part of
12 the regime. Courses in general construction, sheet
13 metal work and welding, joinery were provided in both
14 the closed and open sections. In the open
15 section courses in mechanical engineering, joinery,
16 painting and decorating, bricklaying and horticulture
17 were available.

18 You can see then 11.10, the recognition of the
19 likely causes for the difficulty, but a few boys at
20 Millisle obtained GCSE 'O' level passes in 1979, and
21 then all trainees attend the education classes on two
22 evenings per week and on three evenings between the same
23 hours a number of different activities are provided:
24 first aid classes, car maintenance, physical education,
25 swimming and life saving. So it perhaps assists with

1 dispelling what may have been a misconception about
2 borstal being simply somewhere where people were locked
3 away to keep them out of the way.

4 Sport appears to have been a major part of life.
5 The sport undertaken included, and I am just going give
6 you these in passing, football -- as we saw earlier,
7 initially a team was entered in the Amateur League for
8 a period, which gave way to regular local friendlies
9 around 1965 -- cricket, swimming in the sea --
10 a swimming pool was under construction in 1972 to
11 provide all-round swimming, and there were financial
12 issues associated with that -- basketball, athletics,
13 the Duke of Edinburgh Award, which began in 1965.
14 A number of trainees obtained various levels of it.
15 There were darts teams, table-tennis teams. A new
16 gymnasium was in operation by 1970. Work on it appears
17 to have commenced in 1965. In, as we saw, 1977 the open
18 borstal extended its offering to include first aid,
19 motor maintenance and adventure training.

20 As far as vocational training was concerned, it
21 appears to have included, and it has changed over time,
22 engineering, woodwork, bricklaying, horticulture,
23 including growing vegetables for the kitchens and
24 beyond. I am not going to look at them, but I am going
25 to give you the references for the very detailed

1 syllabuses for teaching: bricklaying, which is at 24103
2 to 24106; for engineering, 24107 and 8; woodwork at
3 24109; and horticulture at 24111 through to 24114.

4 Some examples. The 1968 education report explained
5 that the bricklaying class had built a garage for the
6 matron's bungalow together with an enclosed yard.

7 The 1971 education report explains the strain that
8 was placed on the Education Department by the
9 requirement for window grilles and interior gates to be
10 manufactured for the Maze Prison. The reference for
11 that is at 24202.

12 The 1972 annual report at 24253 refers to the
13 engineering class having manufactured what are described
14 as magnificent entrance gates and pillars for both
15 entrances to Woburn House, which it was anticipated
16 would last for many years. The same report records the
17 woodwork class having obtained orders from the RSPCC, as
18 it was then, in respect of playgroups to manufacture
19 play items, and the class also made a new altar for the
20 Roman Catholic church in Donaghadee, which had been
21 damaged in an explosion.

22 1972 saw the introduction of a new painting and
23 decorating class. The reference is at 24254. In 1974
24 they appear to have been repainting the various
25 departments at Woburn.

1 The 1974 annual report recorded the woodwork class
2 supplying equipment to various other institutions,
3 including book cases, filing boxes, poison cabinets,
4 table-tennis tables and large cupboards and rebuilding
5 beds for the Maze Prison. The reference for that is at
6 24299.

7 The size of the horticulture operation as far as
8 vegetables was concerned indicates that in the same
9 year, 1974, the tomato crop was some 1100 lbs in weight.

10 In 1979 the trainees converted an ambulance into
11 a mobile toy library for the Voluntary Services Bureau.
12 A reference for that can be found at 27780.

13 At closure on 31st December 1980 there were staff in
14 charge of woodwork, engineering, building operations,
15 bricklaying and painting. The reference for that is at
16 MIL159.

17 So in very quick form, and it's available through
18 much of the material that's available in the bundle,
19 indicates the extent of the vocational training to try
20 and improve outcomes for those who would then leave
21 borstal on supervision.

22 In terms of external visitors it was an institution
23 regularly visited by significant local, national and
24 international individuals. There were regular visits
25 recorded from students from Queen's University, members

1 of the judiciary of Northern Ireland, politicians,
2 foreign visitors involved in government from as far away
3 as Kenya and Iraq inspecting the regime, and in 1964
4 Woburn House featured in a UTV television programme. In
5 1970 the Deputy Chief of the Federal Board of Probation
6 in Washington DC was visiting. In 1971, for example,
7 the Raidio Teilifis Eireann attended, as it then was, to
8 film as part of a programme they were making.

9 In terms of aftercare and supervision the 1971
10 annual report explained the role played by a Welfare
11 Officer at Rathgael and in conjunction with the
12 Probation Service. In the early period of life in
13 Millisle the aftercare was dealt with by a ML 17,
14 who was the Welfare Officer attached to the borstal, who
15 provided regular reports. By this period in the early
16 '70s use is being made of the Rathgael Welfare Officer
17 and the Probation Service. Those references to the
18 Probation Service that are available in terms of
19 aftercare explain the logistical difficulties
20 experienced during the Troubles in visiting, trying to
21 supervise in certain areas where there were very great
22 social difficulties with violence.

23 In terms of corporal punishment we looked at the
24 provisions relating to corporal punishment earlier.

25 I want us to look, please, at MIL717, which is

1 paragraph 39 of Duncan McLoughlin's statement. If we
2 just scroll down, please, he says:

3 "The cane could be awarded for absconding or
4 attempting to abscond and a range of other serious
5 offences, such as an assault on a member of staff."

6 Scroll down, please:

7 "Its application could only be imposed by the
8 Department or by the Visiting Committee following
9 a formal hearing. I recall that it was policy that the
10 cane was applied to the trainee's rear. He wore only
11 his underpants and was held down by two or three prison
12 officers over the end of a bed. The medical officer had
13 to be present at the caning and had the authority to
14 stop it at any point. On my return to Millisle as
15 governor in charge", which was in 1974, "corporal
16 punishment was awarded on three occasions."

17 So that's three occasions in the six years that
18 Governor McLoughlin was in charge:

19 "I note that the governor's journal on
20 15th August 1975 records that the Visiting Committee
21 sanctioned the use of corporal punishment but that
22 following referral to the NI Office and the intervention
23 of Lord Donaldson", the Minister, "this decision was
24 overturned."

25 There is also reference to that in the statement.

1 We can see -- just before we look at it I will just
2 complete this:

3 "I was opposed to the use of corporal punishment and
4 on the second occasion had to stop its administration.
5 I recall that the cane was applied by LN17 ..."

6 So **Punchy**, as various trainees refer to him as, was
7 in charge of corporal -- of using the cane to administer
8 the corporal punishment during Governor McLoughlin's
9 time:

10 "... that he did so within the terms required under
11 the prison rules. In the course of the caning the
12 medical officer took unwell and would have been
13 incapable of intervening had this been required, which
14 was the role assigned to him under the legislation.
15 Accordingly I stepped in and stopped the caning of the
16 trainee and refused to allow it to be carried out,
17 although I did not have authority to make that
18 decision."

19 He then refers to a conversation taking place and
20 not long after that an instruction issued that caning
21 should not be implemented. There is reference then to
22 it being abolished. I am not sure that reference is
23 accurate, but it was something that happened very rarely
24 in Millisle between 1974 and 1980 and something that you
25 may consider was taken extremely seriously by those who

1 had to be involved in it.

2 If we look at the governor's journal, please,
3 MIL763, this is an entry that relates to the Lord
4 Donaldson matter in 1975. If we can just look down at
5 the bottom of the page, please:

6 "The Visiting Committee adjudication told
7 a particular trainee corporal punishment. I informed
8 the Secretary to the NIO, who in turn informed Lord
9 Donaldson. I was later asked to contact the Visiting
10 Committee members concerned to make a personal appeal on
11 behalf of Lord Donaldson to change the award."

12 If we look, please, at MIL205, we will see table 14
13 of the report of the Administration of the Prison
14 Service. No, we won't; not on that copy in any event.
15 I think it is the table that's there, but we are not
16 going to be able to see it on that page reference. It
17 gives an indication of the approach over a five-year
18 period between '72 and '77 in what at that time would
19 have been the open borstal at Millisle and --

20 CHAIRMAN: Well, if you look at the bottom right-hand
21 corner, if we get that enlarged, does that not give us
22 what you need? The bottom right.

23 MR LANE: Bottom right.

24 MR AIKEN: Take that back out, please.

25 CHAIRMAN: Table 14.

1 MR AIKEN: I am not entirely sure how, but what's on
2 Miss Gibson's screen is much clearer than what's
3 appearing on mine. So it may be you can see things that
4 I can't see.

5 CHAIRMAN: Yes. It is faint, but it is relatively good.

6 MR AIKEN: Yes. It looks like from Miss Gibson's I can see
7 --

8 CHAIRMAN: We did have a problem with the screen during the
9 last module. Perhaps if you revert to Miss Gibson's
10 screen, we'll be able to carry on.

11 MR AIKEN: Yes. So we can see that in 1972, for instance,
12 there were -- there was one caning. There were fifteen
13 in 1974, three in 1975, but in relation to the number of
14 punishments you can see that there is a significant --
15 the use of caning was by far the least used punishment.
16 That that appears to have been used most often was
17 either the stoppage of earnings or the loss of a stage
18 or privilege and on occasions confinements to a room.

19 In table 16 of the '79 report, if we can look,
20 please, at 594, we can again see there's no reference at
21 all to the use of corporal punishment, but the again
22 main punishments are the loss of grade or the stoppage
23 of earnings. Seventeen individuals were returned to the
24 closed section of the borstal as a result of their
25 behaviour. So you can see that there were 36 --

1 consistent with the previous tables, there was assaults
2 by trainees that had to be dealt with and they were
3 dealt with not by further violence but with loss of
4 privileges and matters of that sort.

5 There doesn't appear to have been a formal
6 complaints procedure in place per se. The borstal
7 closed prior to the development of the complaints
8 procedures from the early 1980s that we have seen in the
9 aftermath of the Kincora scandal breaking.

10 Although instructions to inmates from March 1961
11 explained to inmates in addition to all sorts of matters
12 about how the borstal operates the inmates' entitlement
13 to see the governor, the Medical Officer or the chaplain
14 or with the housemaster, the chief officer or principal
15 officer, in addition the same instructions document
16 explains the entitlement to petition the Government of
17 Northern Ireland or the Ministry of Home Affairs on
18 application to the governor.

19 So, in addition to the mechanism through the
20 reviewing body and the Visiting Committee, there was
21 access to the governor, to the Medical Officer or the
22 chaplain if a trainee wanted to talk to any of those
23 individuals.

24 The Department of Justice point to an entry in the
25 governor's journal of 4th January 1975. If we just

1 look, please, at 556, that illustrates both the
2 government -- the governor seeking to know if
3 an individual had complaints and also that the
4 individual knew of his entitlement to and intimated he
5 would speak to the members of the Visiting Committee.
6 You can see:

7 "On being asked if he had any complaints he stated
8 he would see the Visiting Committee."

9 So that describes at least for that trainee
10 an awareness of and preparedness to engage with the
11 Visiting Committee with any complaint that he wished to
12 make.

13 What I am going to move on to then, Members of the
14 Panel, are some known incidents. Perhaps we can take
15 a short break before we do that.

16 CHAIRMAN: Yes. We will rise for no more than ten minutes,
17 please.

18 (3.15 pm)

19 (Short break)

20 (3.25 pm)

21 CHAIRMAN: Yes, Mr Aiken?

22 MR AIKEN: Chairman, Members of the Panel, I have covered
23 a number of themes that will be of interest as you
24 assess the evidence from individuals. What I am going
25 to do now is draw to your attention a few incidents that

1 the Department of Justice were in a position to draw to
2 the Inquiry's attention and to produce some material in
3 relation to. The Panel will bear in mind this is the
4 minimum number, therefore, of known incidents, because
5 the material obviously is not complete.

6 The first relates to October 1961. That was five
7 years after the Millisle Borstal opened and while it was
8 an entirely open institution. The account is contained
9 in an memo from the governor -- if we look up, please,
10 MIL701 -- from the governor of Millisle to the Ministry
11 of Home Affairs. That's a theme of the documents we are
12 going to look at, that the -- it was obviously
13 a requirement under the Prison Rules and it seems to
14 have been something habitually followed that
15 communication certainly in respect of these incidents is
16 being made by the governor to the Ministry.
17 Unfortunately we can see from the first sentence of this
18 memo of 20th October that there were two
19 earlier minutes, one of 11th October and the other 18th
20 October. We don't have either of those. Indeed,
21 further into the minute there's reference to further
22 reports to that already existing and also to come into
23 existence and unfortunately we don't seem to have those
24 either.

25 The gist of the memo that we are looking at is that

1 a particular trainee by the name of **ML 26** -- and no
2 name I use should be used beyond the chamber -- was
3 dealt with the day before this particular memo by
4 a special meeting of the Visiting Committee and given
5 his punishment for absconding and it seems that
6 an explanation that the boy gave to the adjudicating
7 Visitors Committee was that another boy who he shared
8 a room with had indecently assaulted him. One can
9 discern from the memo that **ML 26** was suggesting three
10 things that occurred. If you have had the opportunity
11 to read that top half, if we just scroll down so it is
12 on the screen for the Panel as I outline this. What
13 **ML 26** has suggested that is recorded in the memo is
14 that another boy had been knifed, and the governor
15 explains there was no evidence of that that he could
16 find; secondly, that the act of indecency perpetrated on
17 **ML 26** by the other boy took place during a short
18 period at teatime when boys were confined to their room,
19 and the governor expresses his own view that he thought
20 that was unlikely in that the opportunity to behave in
21 that way was unlikely to have presented itself; but then
22 the third incident or the third is while sitting in the
23 dark during the picture show. So this is a second act
24 of indecency, and that the governor expresses a view
25 that something of that order may well have been quite

1 valid.

2 Four paragraphs up from the bottom we can see what
3 you may consider to be some interesting words from the
4 governor, given this is 1961:

5 "Reference is made to practices during picture shows
6 which may be quite valid, as a large number of lads are
7 sitting close together in darkness and supervision is
8 restricted. It would not be difficult for a lad to
9 bring these practices to the notice of staff by, for
10 example, upsetting a chair or causing a disturbance and
11 my experience tells me that lads who really object
12 invariably do this. So I cannot understand how **ML 26**
13 could suffer in this way on more than one occasion.

14 This problem of indecency is always likely amongst
15 adolescents who are in post puberty stage and every
16 precaution is taken to obviate incidents of this nature.
17 However, under the conditions of extreme overcrowding,
18 supervision, difficult at any time, becomes vulnerable
19 to breaches such as appear to have occurred, always
20 providing, of course, that **ML 26**'s allegations have
21 some foundation in fact.

22 I feel that I am unable to pursue enquiries by
23 interviewing other lads whose names have been linked
24 with indecency by hearsay and without one of the parties
25 concerned and an officer being able to give direct

1 evidence.

2 In the case of **ML 27** ..."

3 That was the boy said to have engaged in the act of
4 indecency:

5 "... I feel loathe to approach him directly, bearing
6 in mind the unstable state of mind in which he has
7 always been and the possibility of direct reparations
8 against **ML 26** being taken. However, these allegations
9 have in my opinion a more than even chance of being
10 valid, and having regard to **ML 27**'s general conduct, his
11 history since committal to borstal training, and his
12 chronological age, which is less than his institutional
13 maturity, in spite of his mental age and IQ, he is quite
14 unsuitable for retention at the institution. He is at
15 present at sick bay with a pain in his chest and
16 I intend to retain him in there until the Ministry's
17 decision is made known. I agree with the Visiting
18 Committee that he should be transferred as soon as
19 possible and would be grateful if urgent consideration
20 could be given to this.

21 I regret that this report has been necessary, as
22 I was confident that little or no indecency existed at
23 this establishment."

24 Now you may consider this episode on a number of
25 different levels, including that this was a report to

1 the Ministry of Home Affairs in 1961. That's the same
2 Ministry that has received the report from St. Patrick's
3 about peer abuse in the late 1940s and who received the
4 report in 1964 from Rubane about the member of staff
5 abusing a boy. Here you have the prison governor
6 speaking that the problem of indecency amongst
7 adolescents in post puberty stage is always likely. So
8 without doing any disfavour to him, he is not speaking
9 as if this was a shock to him or that it would be
10 a shock to the Ministry. He does finish the memo
11 indicating he regretted having to make the report,
12 because he had been of the view that little or no acts
13 of this type were occurring in Millisle, but he also
14 highlights in his memo the difficulty in entirely
15 eradicating the problem, no matter how much supervision
16 you have.

17 You may wish to consider whether the report also
18 indicates that the governor took his duties of reporting
19 to the Ministry seriously, given the manner in which he
20 is bringing this to the Ministry's attention, and you
21 may also wish to consider whether this incident is
22 indicative, along with other material that's available,
23 some of which we have looked at, of a close working
24 relationship between the institution and its governing
25 Ministry.

1 That's all I want to say about that particular
2 incident and that's available from the papers the
3 Department of Justice were able to provide.

4 The second relates to February 1962 and the
5 allegations are contained in a letter -- if we look,
6 please, at MIL623 -- a letter of 20th February 1962 to
7 the Ministry of Home Affairs written by the sister of
8 the alleged victim of the assault by a member of staff,
9 a trainee by the name of **ML 28**. Now the
10 Minister of Home Affairs at the time who is receiving
11 this letter was Brian Faulkner, who had been the
12 Minister between December 1959 and April 1963.

13 The allegations are of -- amongst other complaints
14 that are made, if we just scroll down, please, the
15 allegations are of a physical assault by other trainees
16 but also by what's described as a housemaster, deputy
17 governor, and his name is given as **ML 29**. You will
18 recall me mentioning to you that **ML 29** had come in
19 for praise already as the assistant -- the main
20 housemaster, as it were, working in the borstal, and
21 I will say a little more about that shortly.

22 So this complaint comes in and there is then
23 a reply. If we just scroll down so that the rest of the
24 letter can -- the sister is keen that no further harm
25 comes to her brother and so on. There is then a reply

1 from a name that will now be familiar from the Ministry,
2 a Mr Alexander, the Assistant Secretary. If we look,
3 please, at MIL621 -- sorry. I should say the letter
4 continues on to the second page. If we just scroll down
5 so the Panel can see it for the purposes of ...

6 CHAIRMAN: No, not so quick, please.

7 MR AIKEN: Right. If we just scroll back up, please.

8 CHAIRMAN: That's enough. Yes.

9 MR AIKEN: If we just scroll down then on to the next page.

10 CHAIRMAN: So the writer of the letter is pointing out that
11 she had heard allegations from other boys about similar
12 treatment.

13 MR AIKEN: Yes. The reply from Mr Alexander then at the
14 Ministry, because the matter was, as we will see,
15 investigated. If we look, please, at MIL621, if we
16 look, first of all, at the right-hand side -- there's
17 a bit of juggling to be done. I wouldn't maximise them.
18 Just leave them as they are for me, please. The reply
19 from Mr Alexander on the right-hand side of the
20 page reveals that an immediate enquiry was -- into what
21 was regarded as serious allegations was launched. You
22 can see:

23 "I have been asked to reply to your letter of 20th
24 February addressed to the Minister. Your letter
25 contained serious allegations against members of the

1 staff of the borstal institution and an immediate
2 enquiry was held about the incidents to which you refer.
3 I have to inform you that as a result of these enquiries
4 the allegation of violence against your brother could
5 not in any way be substantiated.

6 It is correct that your brother was not wearing
7 socks at the time of your visit, but I have to point out
8 on his return to Woburn he was found to have disposed of
9 all the clothing which had been issued to him. The
10 clothing he was then wearing had to be removed for
11 return to its owner and at the time of your visit fresh
12 issue was not completed.

13 Your letter consists of an enquiry as to whether
14 your brother could serve his sentence in prison rather
15 than at the borstal institution. Transfers to prison
16 are indeed possible but only in cases where the trainee
17 has been reported to the Ministry to be incorrigible or
18 to be exercising a bad influence on the other boys. The
19 Ministry is sure you would not like to learn that your
20 brother fell into either of these categories. I should
21 point out that a borstal sentence is intended to provide
22 training and not merely punishment."

23 If we move on to the next page, we can see the rest
24 of the letter:

25 "If your brother is prepared to accept the necessary

1 discipline and to take advantage of the training offered
2 and the care and oversight provided after he leaves, his
3 period at borstal could be of great advantage to him and
4 should assist him to make a fresh start in life.

5 For your brother to abscond after so short a period
6 at Woburn was an unfortunate start and you will
7 appreciate that he could not possibly have reached any
8 firm and accurate impression of the nature of the
9 institution in such a short time.

10 The statement that your brother is handicapped has
11 been noted. He will in due course be given attainment
12 tests and such remedial teaching as is provided will be
13 available if he is found to need it."

14 That's the letter going back to the sister. Then if
15 we scroll up, please, on to 621 again, on the left-hand
16 side of the page we can see the letter written to the
17 governor, who is Governor Haines, who had taken up post
18 in 1961, and the letter to him says:

19 "Enclosed for your information are copies of the
20 letter of complaint addressed to the Minister and the
21 Ministry's reply. Since it was necessary for the
22 undersigned to question several members ..."

23 So this time it is **ML 30**, whose name we have
24 seen before, and it appears from his letter that he is
25 saying he:

1 "... questioned several members of your staff about
2 the incidents referred to in this correspondence, you
3 may wish to let them see the reply, the first
4 paragraph of which in particular should remove any
5 doubts that they may have entertained as to the
6 conclusions reached by the Ministry."

7 Now if I can pause there to say unfortunately
8 whatever file of papers there may have been that
9 recorded who **ML 30** spoke to, what they said just are
10 not available, but whatever it was was said, they were
11 anxious to know clearly that they were not being held
12 responsible for what was being said of them:

13 "... should remove any doubts that they may have
14 entertained as to the conclusions reached by the
15 Ministry.

16 At the same time the incident may serve as
17 a reminder that the Ministry is bound to take a serious
18 view of allegations of this nature and to investigate
19 them thoroughly, no matter from what source they may
20 arise. The Ministry suggest therefore that you take
21 this opportunity to remind all staff of the importance
22 of avoiding in all circumstances conduct which could
23 give rise to any allegations of ill-treatment and the
24 use of unnecessary force."

25 Now the difficulty is papers that are available are

1 incomplete, and in fairness to **ML 29** and his
2 colleagues the new governor, Governor John Haines -- you
3 are aware he lived on site. In his annual report for
4 1961, so before this incident -- it was written on 12th
5 February 1962, so eight days before **ML 31** letter --
6 he informed the Ministry that there had been no reports
7 against the staff in the preceding year and the conduct
8 of all staff had been very good. The references for
9 that can be found at 23834 to 23843. In fairness to
10 Governor Haines, he wrote extremely detailed annual
11 reports. So they generally end up about eight pages in
12 length, which was in contrast to his predecessors'
13 reports, which were two to three pages.

14 The second paragraph on the first page of the report
15 from 196... -- the annual report for 1961 speaks of
16 **ML 29** in extremely warm terms in terms of the level
17 of assistance he had given to the governor -- new
18 governor and how he ran the institution. In fairness to
19 **ML 29** when Captain Fryer, the previous governor, was
20 retiring, he said of his deputy Officer **ML 29** -- spoke
21 of him in extremely warm terms in the 1959 annual
22 report, and that can be found at 23800.

23 Now the -- obviously this incident then is dealt
24 with in the late part of February 1962 and in the annual
25 report for 1962 Governor Haines does not speak of the

1 Smith complaint, but if we look at 23906, there is
2 perhaps a more nuanced phrase used to describe the
3 position of the staff during the year. If you look
4 towards the bottom of the page, please -- just scroll
5 down a little further -- he says:

6 "There has been no disciplinary report made against
7 any member of the staff during the year."

8 I presume that means no officer was charged with
9 a disciplinary offence under the Prison Rules.

10 Now he was obviously writing his report to the same
11 people who carried out the investigation into the Smith
12 complaint in February 1962. So they are already on
13 notice of the particular incident.

14 There is -- if we look -- we do have the medical
15 officer's report for 1962. If we can look, please, at
16 23916, we do have the report and there is nothing in it
17 to suggest medical attention was required by trainee
18 Smith.

19 We also do have the Visiting Committee report from
20 1962, which I am not going to open, but it is at 23904.
21 They confirm they didn't receive any complaints from any
22 trainees during the year.

23 I will draw to your attention that Officer **ML 29** --
24 Deputy Governor **ML 29** went on to become governor in
25 various other prison institutions before his retirement.

1 That's the second incident that I want to draw to
2 your attention.

3 The third incident takes place the following year,
4 January 1963. There's a significant number of documents
5 that relate to this, which I am not going to open. I am
6 just going to summarise it to you. You will obviously,
7 Members of the Panel, have the opportunity to look at
8 the documents.

9 In January 1963 essentially three trainees --
10 although the three turn into a fourth, who was the one
11 who made the complaint -- three trainees in the borstal
12 made various allegations against an **ML 32**.
13 They included encouraging -- it was said of Officer
14 **ML 32** he encouraged the boys to what's called "take
15 a ball". Now, doing the best I can, that seems to have
16 been the word used by trainees and staff for absconding.
17 So he was encouraging them to abscond, which, as you
18 know, was one of the more serious matters that would
19 lead to punishment in the borstal. So the allegation
20 was that he would encourage them to do that; that he
21 would make disparaging comments, name call a particular
22 boy. They alleged that he tossed two of their beds so
23 that they had to make them again; that he had torn a bed
24 sheet and burnt it with a cigarette; that he had put
25 water in a particular trainee's shoes; and that he

1 physically struck I think two of them in the face.

2 So a range of allegations were made against this
3 officer, and three boys spoke to another trainee, who
4 went to the chief officer on their behalf. He brought
5 the matter to the deputy governor, who asked for the
6 trainees to make statements in writing. They did and
7 I am just going to show them on the screen. I am not
8 going to go through the detail of them at this stage.
9 If we look, please, at 627, so these are the handwritten
10 statements that were made by the individuals who claimed
11 that they were the victim of abuse by Officer **ML 32**.
12 You can see in the first few lines:

13 "Mr **ML 32** told me to take a ball."

14 Then he made various disparaging remarks in relation
15 to the beds being overturned. If we just scroll
16 through, please, if you are content, Members of the
17 Panel, for me to do that, there are then -- what's
18 annotated on the next page, just so you know, when the
19 governor carried out an investigation, it is his -- just
20 scroll up a little bit, please, so we can orientate this
21 -- it is his handwriting that you can see. He records
22 what was said to him by the boys on the back of the
23 statement the following day.

24 If we scroll down, please, we can see the next
25 individual and his statement. So he again describes

1 what he says Officer **ML 32** did to him. So if we scroll
2 down again, please, again we will see some annotation
3 from Governor Haines.

4 Then if we move on down, please, we come to the next
5 page, the third individual who describes what he says
6 happened. If we scroll down a little further, please --
7 because it covers the same type of issues that I have
8 mentioned -- again we can see Governor Haines annotating
9 on the statement.

10 Now when the statements were brought to the
11 attention of the governor -- so the fourth -- the boy
12 who is told about it brings it to the chief officer, who
13 brings it to the deputy, who brings it to the governor.
14 When the governor is told about it, he writes to Officer
15 **ML 32** on 4th January suspending him.

16 If we look, please, at 662, this is the letter to
17 him on foot of the statements that were made and brought
18 to the governor's attention. The letter sets out the
19 parts of the -- as well as -- if we just scroll down
20 a little bit, we can see the reference:

21 "You are charged under Part 1 of the Discipline
22 Code.

23 As a result of the seriousness of the allegations
24 made you are suspended from duty."

25 He is invited to put in whatever response he wants

1 to what's alleged in the statements.

2 Now what then is available, an investigation is then
3 conducted by the governor into the allegations that
4 these boys had made and that involved him -- separately
5 from the annotations we were looking at, which were
6 quickly done the following day, the investigation
7 involved him interviewing the three trainees, the
8 trainee that they spoke to, who made the complaint on
9 their behalf, various members of staff and other
10 relevant trainees who were said to have been in the
11 vicinity and therefore could provide some evidence about
12 the incidents that were complained of by the three
13 trainees. The minutes from all of those interviews run
14 from MIL635 to 661 and then from 665 to 675. I am not
15 going to -- if we just bring up, please, 661, so I can
16 show you what I mean. What follows effectively --
17 sorry. 635. My apologies. What follows is
18 a handwritten transcript of interviews with each of
19 these boys, with members of staff who had some evidence
20 to give about the matters and interviews with other boys
21 who were said to have been present when certain matters
22 occurred.

23 It appears that present during this process are the
24 governor, the chief officer, Officer **ML 32**, who is also
25 there and able to ask questions about what is said, and

1 in fairness there are a number of occasions when Officer
2 **ML 32** asks questions about, you know, "Well, have I had
3 any other difficulty with you ever?" and the answer is
4 given "No" to that and so on, but he appears to have had
5 the opportunity to ask questions before the governor as
6 in the presence of the governor, and the three boys
7 stuck to the allegations that they were making.

8 As a result of that -- and I have given you the
9 references. I am not going to go through -- if you
10 scroll on to the next page, you can see that the
11 transcript continues in this handwritten way. What
12 I can say to you is I have made a point of reading all
13 of the pages to understand what is said in them, and the
14 consequence of this process being conducted is that on
15 15th January Governor Haines then offered a further
16 charge against Officer **ML 32**. If we can look, please,
17 at 682, you can see:

18 "You are charged under Part 1 of the Discipline Code
19 for Prison Officers with the following offences.

20 You should admit or deny. If you deny any of the
21 charges, I propose to call the following witnesses."

22 Another statement is referred to. Then the
23 statements that are being relied on in order to ground
24 the charge are set out, and then if we just scroll down,
25 please, on to the next page, we can see the charge

1 itself laid out:

2 "Unlawful and unnecessary exercise of authority.

3 You deliberately acted in a manner calculated to
4 provoke trainees in that you searched the beds of the
5 trainees without the proper authority and in
6 an exaggerated manner."

7 On 16th January 1963 the governor set out his
8 findings in a memo which he sent to the Ministry of Home
9 Affairs, if we look, please, at 680, because in relation
10 to a number of allegations he was able to speak to other
11 boys who were present at the time the events were said
12 to have taken place, and each of those boys provided
13 statements which said, "I didn't see that and I can say
14 it didn't happen", and the conclusion that the governor
15 reached as a result of the investigation he undertook
16 was that as far as allegations in the dining hall about
17 a blow to a boy's face with a cloth, a swab, in the
18 dining hall at supper on 2nd January made by the three
19 trainees, they are not supported by the five other
20 trainees sitting at the same table or by two other
21 trainees sitting at the next table and the reports from
22 two officers on duty with Officer **ML 32** state that no
23 incident occurred.

24 In respect of in the school room:

25 "Allegations of beating are of a general nature and

1 no specific date or time could be given by the three
2 boys making these allegations. Five other boys who were
3 constant attenders in Mr **ML 32**'s class stated that no
4 incident of beating occurred and that Mr **ML 32** had not
5 suggested absconding either to them or to any other boy
6 to their knowledge at any time."

7 As far the dormitory and upsetting the beds and so
8 on:

9 "Allegations by these boys conflict as to the times
10 of incidents and as to which boys were present when
11 incidents were alleged to have occurred. No boy passing
12 the dormitory or officer on duty nearby saw or heard any
13 of the incidents alleged. The three boys admit
14 themselves that not one of them saw Officer **ML 32**
15 filling a shoe with water.

16 Further, it is difficult to accept the
17 uncorroborated statements of these three boys in view of
18 the untrue allegations they so confidently made in
19 regard to paragraphs (a) and (b)."

20 The things that were said to have occurred in the
21 dining room and the school room:

22 "On Officer **ML 33** evidence and Officer **ML 32**
23 own admission two beds in number 12 dormitory were
24 searched without authority or lawful reason. The fact
25 that the boys in number 12 dormitory were in

1 an aggrieved mood and that beds had been wrecked should
2 have been reported by Officer **ML 32** to the Acting
3 Principal Officer on duty **ML 34** before the
4 night guards took over. Officer **ML 32** had not been
5 able to explain this",

6 ie him not reporting. Then these observations are
7 made:

8 "No bruises or signs of being beaten were on or
9 reported by ...", the particular boy. "The evidence
10 of", another, "must be treated with the greatest
11 reserve. He is without doubt slightly subnormal
12 mentally.

13 On first appearing before me he indicated that he
14 had claimed to have a bruise as a result of being hit by
15 Officer **ML 32**. No bruise or mark of any kind was
16 visible. On checking with Hospital Officer **ML 35** and
17 the matron I found that no mention had ever been made to
18 them in regard to injuries of any kind by these two
19 trainees.

20 Allegations of incitement to abscond were not
21 specified by either time or date, nor was any other
22 evidence called in support of allegations made.

23 The incident of 'the dormitory door held shut'
24 referred to by Officer **ML 32** is not mentioned by any of
25 the boys in number 12 dormitory and in view of the

1 foregoing I did not see any point in questioning them
2 upon it.

3 It was not substantiated that Officer **ML 32** was
4 responsible for the burning of pyjamas or mattress and
5 tearing of a sheet. These articles were not produced
6 nor any complaint made until 9.00 am the following day
7 to the chief officer."

8 Then if we move on to the next page, please:

9 "No officer on early shift duty was made aware of or
10 noticed any damage in number 12 dormitory."

11 He discounts the evidence of the boy who complained
12 on these three's behalf as being hearsay with the
13 exception of the incident in the dining hall:

14 "I find no evidence in corroboration of specific or
15 general allegations made by these four trainees against
16 Officer **ML 32**."

17 Then he says this:

18 "I feel that some provocation by Officer **ML 32**
19 searching their beds and the resentful mood of these
20 trainees at that time as a result of punishment
21 following absconding led them to make their original
22 complaints -- possibly encouraged by **ML 36**", the
23 fourth boy, "who is also an absconder. Subsequently
24 with the opportunity to confer together they felt bound
25 to attempt to substantiate rather than to withdraw

1 completely when given the opportunity. The wider scope
2 of allegations indicates that they felt unable to
3 establish any individual allegation, and that when
4 offered the chance to commit their complaints to paper,
5 each wrote of these matters they had discussed
6 together."

7 That came out in the interviews, that they agreed
8 they'd sat down and talked about the things they would
9 complain about:

10 "I propose to inform these trainees in due course of
11 my opinion of their allegations as a result of these
12 investigations.

13 I feel certain that Officer **ML 32** has by his
14 general attitude towards trainees on this occasion shown
15 lack of tact which was provocative to these trainees at
16 that time, and I have taken the necessary action in
17 regard to the infractions of regulations committed by
18 him."

19 That is Governor Haines reporting to the Ministry of
20 Home Affairs.

21 CHAIRMAN: Well, do you know what he actually did?

22 MR AIKEN: With him?

23 CHAIRMAN: Yes.

24 MR AIKEN: What the punishment ultimately was? No. There
25 is -- in the original charges which were proffered there

1 is an annotated sheet, but those were the charges that
2 were -- if we look at 663, please, these were the
3 original charges that formed the investigation, and they
4 do record what Officer **ML 32** had to say about them and
5 the conclusions reached by Governor Haines, but as to
6 what precisely was done in respect of the ones -- it
7 looks like the charge in relation to provocative
8 behaviour that I referred to on 15th came out as
9 a result of the conclusions that had been reached and
10 what ultimately the punishment was isn't clear from the
11 document.

12 The 1963 annual report doesn't make any mention of
13 the investigation. That annual report is at 23991 to
14 24002. However, the matter was reported to the Ministry
15 of Home Affairs at the time that it was occurring.

16 The third (sic) incident that was drawn to the
17 Inquiry's attention is from 1966. On 17th January 1966
18 Mr Anderson, who was one of the teachers in the
19 borstal -- he dealt with the remedial class -- asked an
20 Officer **ML 38** to deal with a trainee by the name of
21 **ML 39** because of his insolence in class. You
22 can find the reference to that at MIL686. He was
23 removed by Officer **ML 38** and ultimately placed in
24 a cell. He was placed on report as a result of the
25 incident and was dealt with by the governor the

1 following day by having his grade reduced. During that
2 process he alleged that Officer **ML 38** had assaulted him
3 during the previous night's incident.

4 The deputy governor then, because the governor had
5 dealt with the adjudication presumably, interviewed
6 trainee **ML 39** about his allegation on 19th January
7 and a statement was recorded from him, if we can look,
8 please, at 700. So he records from his perspective
9 being removed from the class and you can see he says
10 then:

11 "At the billiard hall Mr **ML 38** slapped my --
12 slapped me twice on the face with the palm of his hand.
13 Then at the common room door he hit me again with his
14 fist. I told him to leave me alone or I would see the
15 governor, and when I told him this he replied, 'If you
16 don't shut up, you will need to see someone else'.
17 After that he went to the common room and asked the
18 principal officer Mr **ML 40** to see me. Mr **ML 40** went in
19 to see the school master what he wanted me to leave the
20 room for, and when he returned, Mr **ML 38** said that he
21 had seen another boy and I skylarking about, which was
22 not true. Then I was put in the cells. At least
23 five minutes later while I was in the cells I grabbed
24 a table and a chair and I threw them at the door."

25 On the same date a statement from the matron was

1 recorded and that confirmed that she had seen the
2 trainee the previous day, so 18th -- this incident said
3 to have happened on 17th -- and he had some slight
4 swelling on upper cheek below the right eye, if we look
5 at 699, please. So the incident happened on the evening
6 of 17th. Then placed in the cell. He has wrecked the
7 cell. The following morning on 18th at 9.30 am he asked
8 to see the matron. The matron says:

9 "There was some slight swelling on the upper cheek
10 below the right eye. The eye was not involved and in my
11 opinion required no treatment."

12 That's from the matron. We will come to see that
13 doubt then was cast on whether that swelling was caused
14 by Officer **ML 38** or in some other way, given the timing
15 of the report.

16 The deputy governor then formally reported the
17 allegations to Governor Haines on 19th January, if we
18 look, please, at 697, having gathered the statement from
19 the trainee, and this is the -- on the right-hand side
20 of the page the deputy governor reporting the matter to
21 the governor on 19th. He is setting out what the
22 complaint is and enclosing with his covering note:

23 "Herewith report by trainee **ML 39**", which we
24 have looked at, "in writing, reports by the matron and
25 Principal Officer **ML 40**."

1 We are going to look briefly at Principal Officer
2 **ML 40** statement.

3 CHAIRMAN: Well, what was the outcome of this?

4 MR AIKEN: The --

5 CHAIRMAN: It was reported to the Minister, was it?

6 MR AIKEN: This is on the left-hand side of the page --

7 CHAIRMAN: What did the Minister do?

8 MR AIKEN: The governor draws it to the Ministry's
9 attention. The Ministry then refer the matter to the
10 Visiting Committee, who appear to have been asked to or
11 have given consideration to whether the trainee should
12 face charges. So the conclusions that the governor
13 reaches, which he reports to the Ministry, is what's on
14 the left-hand side of the page. If we just maximise the
15 left side of the page, please.

16 CHAIRMAN: Yes, I know, but what did the Ministry do? This
17 is his investigation. What was the outcome of it?

18 MR AIKEN: The Ministry wrote to Officer **ML 38** assuring him
19 that his reputation was untarnished. If we look,
20 please, at 690, you can see on the right side of the
21 page -- unfortunately not all of it is -- some of it has
22 been cut off in the copying, but it's a letter to
23 Officer **ML 38** from the Ministry of 28th February:

24 "Regarding allegations made against you I am to
25 inform you that the Visiting Committee investigation of

1 the matter found no evidence", that's presumably,
2 "against you whatsoever.

3 You can rest assured therefore that as a prison
4 officer it has not been jeopardised -- your career as a
5 prison officer has not been jeopardised or ... so far as
6 the Ministry is concerned it is as if the allegations
7 had never been made."

8 So he has been exonerated as a result of the
9 investigation. Then on the left-hand side of the screen
10 we can see the letter written by the Secretary at the
11 Ministry to the governor and he is:

12 "... informing you that while the evidence would
13 certainly not seem to support **ML 39** allegations,
14 the fact remains that the Visiting Committee were not
15 able to disprove them and consequently no charge can be
16 brought against him", as in the trainee **ML 39**, "in
17 this instance."

18 So consideration was being given to whether he
19 should be charged by the Visiting Committee with making
20 these false allegations, given that it was his behaviour
21 in class and his removal from class that necessitated
22 the interaction.

23 So all the papers relating to that can be found at
24 685 to 700. Unfortunately the Inquiry hasn't got the
25 annual report for 1966 in the way we have for other

1 years. So it is not possible to look at what might have
2 been said about this incident, if anything, in the
3 governor's annual report or the Visiting Committee's
4 annual report or the Medical Officer's annual report.

5 There is reference in the -- if we look, please, at
6 23253 in the governor's -- I have given you a wrong
7 reference. Take that down. From the annual report for
8 1972 then Governor Cunningham explained that one officer
9 had been dismissed, having been found unsuitable.
10 I will have to come back to you with the correct
11 reference for that. Unfortunately there is no other
12 reference in the report as to what that relates to and
13 there is nothing else that has been produced that
14 explains it..

15 You saw reference earlier in an annual report to
16 a riot occurring in May 1972. I will just give you the
17 reference. It is at 24253. In that annual report
18 Governor Cunningham explains the events of
19 14th May 1972, when considerable damage was done to the
20 borstal accommodation. That, in fact, is probably the
21 reference I was looking for for the -- I will check it
22 and come back.

23 I want to draw your attention then to a paragraph in
24 the third statement by Stephen Davis to the Inquiry of
25 11th January, where he summarises what can be said of

1 the eight officers. If we look, please, at 789, and
2 this is paragraph 2(xi) where he refers to a particular
3 officer, and explains that that officer:

4 "... worked in Millisle between February '79 and
5 October '79 as a senior officer.

6 In his annual report in August '78 to August '79 the
7 Chief Officer noted that he had an 'overbearing manner'
8 and did not fully meet 'the requirements of a borstal
9 regime'. Governor **ML 71** noted that he had 'neither
10 the personality or the flexibility of attitude which is
11 required to be a successful officer in the borstal
12 concept' and 'he is not suited to work with young
13 offenders'."

14 Ultimately the decision was taken by the governor to
15 transfer that officer out of Millisle. He is someone
16 who faced I think it is two allegations. So that will
17 be of relevance to the Panel as they consider those
18 matters in the coming days.

19 The final matter that I want to draw to your
20 attention, if we look, please, at MIL130 and
21 paragraph 93 of the statement, this is the general
22 statement from the Department of Justice, and they draw
23 attention to an entry in the governor's journal dated
24 14th May 1980, which:

25 "... evidences that the governor", which is Governor

1 McLoughlin, "referred an alleged assault to the police
2 for investigation and suspended officers when he
3 believed they may have been guilty of assault."

4 If we look, please, at 703, we can see the
5 governor's journal. If we can make that section that's
6 on the screen as big as possible for me, please. Thank
7 you.

8 So he is informed at approximately 2.15 by
9 a particular officer that an alleged assault had taken
10 place by it seems to be two officers on possibly two
11 trainees or possibly three trainees. It has three
12 names.

13 "On making an initial investigation I decided to
14 call in the RUC to investigate."

15 CHAIRMAN: I think it is possibly one applicant with his
16 initials. In other words, there may be more than one
17 person of that name.

18 MR AIKEN: Yes. Then the second name is on the next
19 line down.

20 CHAIRMAN: Exactly.

21 MR AIKEN: So it is two officers and two -- alleged to have
22 assaulted two trainees, and they are investigating it.
23 He calls in the police. Later that day he suspended one
24 officer, whose name appears, from duty, and the other
25 officer having already left the establishment at the end

1 of his duty. Then the police are recorded as having
2 arrived.

3 Now we can see -- we have corroboration for the fact
4 the matter was reported to the police if we look at
5 MIL30069, because having had this entry drawn to the
6 Inquiry's attention by the Department of Justice, albeit
7 it is not referred to in Duncan McLoughlin's own
8 statement -- we can obviously ask him about what he
9 remembers about it -- we can see the extract the police
10 have been able to produce. You can see that there was
11 a file reference number C278/3/80. Unfortunately to
12 date the police have not been able to trace the actual
13 file either on their estate or on PRONI, which would
14 occasionally hold some police material, and I believe
15 that the Department of Justice has now produced the
16 personnel files of the two officers who are named. This
17 particular officer whose name is on the screen, his file
18 was produced, and then two files, because the surname of
19 the other officer -- there were two individuals it may
20 be. I believe I am right in saying, although we will
21 check this and have the Department of Justice also
22 confirm it, there is nothing in any of their personnel
23 files about this incident. So what happened I can't
24 take any further beyond the material that I have
25 presently shown you. Whether --

1 CHAIRMAN: Well, one would assume that if there's a police
2 file, it was ultimately -- this was 1980 -- submitted to
3 the DPP for a direction --

4 MR AIKEN: It may --

5 CHAIRMAN: -- or at least considered by senior officers.

6 MR AIKEN: One would have hoped in the normal form we would
7 have got a covering report --

8 CHAIRMAN: Yes.

9 MR AIKEN: -- and some statements potentially if it got that
10 far and perhaps an interview. Unfortunately the police
11 have been asked on a number of occasions now and are
12 saying they just cannot find this file. So it may have
13 been destroyed if nothing came of it in terms of the
14 ultimate outcome, but if the Department are in
15 a position to take the story any further forward, then
16 I will try and bring that to your attention.

17 CHAIRMAN: Yes.

18 MR AIKEN: So those are the known incidents that arise from
19 the papers that are available, and I appreciate it is
20 4.20. So I don't intend -- unless there is any
21 particular matter that I can assist you with at this
22 stage -- obviously the documents in relation to the
23 investigation are there to be considered. Unless there
24 is anything else that I can assist you with, those are
25 the opening remarks I am going to make about Millisle.

1 CHAIRMAN: Thank you. Well, we will adjourn now and resume
2 tomorrow, when we will hear the first of the witnesses
3 in this module. We will adjourn until tomorrow morning
4 at 10 o'clock.

5 (4.17 pm)

6 (Inquiry adjourned until 10 o'clock tomorrow morning)

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