
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Tuesday, 26th January 2016

commencing at 10.00 am

(Day 182)

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

1 Tuesday, 26th January 2016

2 (10.00 am)

3 MR STEPHEN DAVIS (called)

4 Questions from COUNSEL TO THE INQUIRY

5 CHAIRMAN: Yes, Mr Aiken?

6 **A. Morning.**

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

8 The first witness today is Steve Davis, who is since
9 June of 2015 the Acting Director of Operational Policy
10 within the Northern Ireland Prison Service. I will say
11 a little bit more about that shortly. Steve is aware,
12 Chairman, you are going to ask him to take the oath.

13 CHAIRMAN: Yes. Just before I do that can I remind everyone
14 that if you have a mobile phone, please ensure it is
15 either turned off or placed on "Silent"/"Vibrate", and
16 I must also remind everyone that no photography is
17 allowed either here in the chamber or anywhere on the
18 premises.

19 MR STEPHEN DAVIS (sworn)

20 CHAIRMAN: Thank you. Please sit down.

21 MR AIKEN: Steve, as we were discussing earlier, you have
22 provided a statement to the Inquiry which sets out your
23 own career.

24 **A. That's correct.**

25 Q. I am going to bring the first page of that up just now

1 at 791, please, but, as I was indicating, you are at the
2 moment the Acting Director of Operational Policy. I was
3 discussing with you earlier that there is a Director
4 General --

5 **A. That's correct.**

6 Q. -- of the Prison Service and then there are three
7 directors who report to that individual.

8 **A. That's correct.**

9 Q. That is the Director of Redressing Offending?

10 **A. That is correct.**

11 Q. The Director of Operations?

12 **A. Correct.**

13 Q. And then the role you are presently dealing with, which
14 is the Director of Operational Policy. That includes
15 policy and systems issues and matters of procedure --

16 **A. That's correct.**

17 Q. -- that you are dealing with, but you were also
18 a governing governor --

19 **A. That's correct.**

20 Q. -- up until June of 2015, and you've set out in your
21 statement the various governor roles that you performed
22 since you joined the Prison Service in 1985 as
23 an assistant governor trainee. If you just can confirm
24 for me, Steve, that is the first page of your career
25 statement that you have provided?

1 **A. It is.**

2 Q. If we move through to 795, please, that will hopefully
3 be the last page. Can you confirm for me you've signed
4 your statement?

5 **A. That is correct, yes.**

6 Q. And you want to adopt it as part of your evidence on
7 behalf of the Department to the Inquiry?

8 **A. I do, yes.**

9 Q. You explain in the statement, Steve, if we go back to
10 paragraph 4, please, at 791, that given that you joined
11 in 1985 and borstal sentences were abolished in October,
12 1st October 1980, you yourself never worked in Millisle
13 Borstal or indeed any borstal.

14 **A. That is correct, yes.**

15 Q. You explain in paragraph 4 that the statements that you
16 have provided to the Inquiry on behalf of the Department
17 of Justice have been compiled by a review of files,
18 reports and literature undertaken by staff under your
19 supervision, but none of the information is from your
20 direct personal knowledge.

21 **A. That is correct, yes.**

22 Q. It is for that reason, as I explained to you, that --
23 you were explaining to me you had to give evidence for
24 three days in the Wright Inquiry -- today will be very
25 different from that. So you will have a short sojourn

1 where you presently sit, you will be pleased to know.

2 In addition to your career statement, Steve, you --
3 I want to briefly deal with ten replying statements that
4 you have signed off on that the Department has provided
5 in response to the statements made by the ten applicants
6 who feature in the Millisle module. I'm not going to
7 pull up each one of those, but you and I looked at them
8 --

9 **A. That's correct.**

10 Q. -- earlier today, and the statements together with the
11 exhibits run from MIL084 to 103, and then there are
12 three more that run from 764 to 771 and from 799 to 828.
13 You have signed each and every one of those ten
14 statements, and you want to adopt those together with
15 the exhibits as your evidence or as part of your
16 evidence to the Inquiry.

17 **A. I do, yes.**

18 Q. Then, Steve, you have provided a detailed general
19 statement about the operation of Millisle Borstal of
20 18th December of 2015. If we can bring up, please, 104,
21 the statement runs from 104 -- and again, Stephen, if
22 you just confirm for me that is the start of the general
23 statement that we are looking at -- runs from 104 to 131
24 and then there are some almost six hundred pages of
25 exhibits that run from MIL132 to MIL705. I outlined to

1 the Panel the themes that that statement covers during
2 the opening, and it is a statement that the Panel have
3 had access to and the opportunity to consider.

4 If we move on to the next page, please, at 105, we
5 will see, all being well, your signature appearing on
6 the screen. Again, Steve, can I ask you to confirm you
7 have signed the statement?

8 **A. I have indeed.**

9 Q. And you want to adopt it as part of your evidence to the
10 Inquiry?

11 **A. I do, yes.**

12 Q. Then in addition to your general statement at the
13 request of the Inquiry the final statement that I want
14 you to deal with is a statement relating to what the
15 Department could say about a series of prison officers
16 who were named in the statements of the various
17 applicants, and because of the time issues and
18 destruction of files that has been a difficult process
19 in terms of trying to identify individuals, and that
20 statement of 11th January 2016 and a covering letter of
21 two pages which preface it, if we go to 782, please, we
22 will see the covering letter from Miss Holmes drawing
23 the Inquiry's attention to some particular issues in
24 respect of those personnel files that could be found,
25 and if we move through, please, to 784, we find the

1 start of the statement, which runs from 784 through to
2 790. Again if we move through to the last page at 790,
3 I trust we will find the -- if we go to 78... -- 785,
4 yes, the statement is on the second page, not the last
5 page. So again, Steve, if you could confirm you have
6 signed the statement and you want to adopt it as part of
7 the Department's evidence to the Inquiry?

8 **A. I have and I do, yes.**

9 Q. The other point that I was discussing with you earlier,
10 Steve, is that the DoJ and the Prison Service is
11 continuing its efforts to assist the Inquiry by doing
12 what it can to trace some of the individuals identified
13 in the statements of the applicants that we have not
14 been able to trace and identify to date so that they can
15 be given an opportunity to respond to what has been
16 alleged and to assist with the provision of documents
17 where they can be obtained and provided to the Inquiry.

18 **A. Yes.**

19 Q. That assistance is something the Department pledges and
20 it is going to continue to provide.

21 **A. It will, yes.**

22 Q. Then there is one last matter that I wanted to deal
23 with, Steve, given that you are here as the
24 representative on behalf of the Department of Justice,
25 and as I have dealt with both in the opening and the

1 witnesses who have attended who used to work in the
2 Prison Service and therefore in the borstal have drawn
3 attention to the reality of life for prison officers
4 during the period the borstal operated, and while the
5 borstal itself may not have been the subject of a type
6 of difficulty that I'm referring to, the documents that
7 are available to the Inquiry, and indeed, for instance,
8 the two officers yesterday each dealt with two perhaps
9 of the most significant events, the Maze Prison escape
10 and the murder of [REDACTED] and the aftermath of that
11 in the prison, and I am just going to show you
12 an example to put it on the record.

13 If we bring up, please, MIL565, this is the Northern
14 Ireland Office Report on the Administration of the
15 Prison Service of 1979, which I am bringing up just as
16 an example. If we move through to the next page, the
17 Panel have seen these types of reports in a different
18 context where we have been looking specifically at what
19 it might have to say about borstals, and in the example
20 here you have chapter 11, which deals with borstal
21 administration, but if we move through to the next page,
22 please, at 567, there is an acknowledgment in the front
23 of the report to the sacrifice of those officers who
24 have died at the hands of terrorism in that particular
25 year.

1 **A. That's correct, yes.**

2 Q. This is but one example, and the discussion we were
3 having is we will find documents like this. The reality
4 of life is that prison officers lost their lives not
5 just in 1979, but in the years that preceded it and that
6 came after it.

7 **A. That's correct, yes.**

8 Q. It's perhaps a reminder of the reality of life as
9 a prison officer during the period of time that the
10 Inquiry is looking at this particular institution.

11 **A. It is, yes.**

12 Q. Steve, I don't intend to ask you any further questions.
13 It may be the Panel want to clarify something. So if
14 you just bear with us for a short moment, we'll see if
15 we need to do that.

16 Questions from THE PANEL

17 CHAIRMAN: Could I just ask you something further about the
18 details we see on the screen at the moment, Steve, just
19 to put it on the record? We can see from the ranks that
20 all levels of the Prison Service were subject to
21 murderous attacks. We have an assistant governor at one
22 end of the scale and what I take to be a clerical
23 officer. Is that correct?

24 **A. That's correct.**

25 Q. In other words, not a prison officer in that sense of

1 the word but a civilian employee perhaps?

2 **A. In those days the clerical officer was actually a prison**
3 **officer.**

4 Q. I see.

5 **A. It wasn't until probably in the late '80s, about '89**
6 **that -- sorry -- just before '89 that there was a change**
7 **and that became purely administrative, but if you're**
8 **actually talking the full span of the Northern Ireland**
9 **Prison Service throughout the Troubles, all ranks,**
10 **including the senior governors and civilian instructors**
11 **were both targeted and subject to attack and murdered.**

12 Q. As we can see, in fact, that threat was not confined to
13 serving officers, because there's a reference to
14 a recently retired officer and [REDACTED] dying at the
15 hands of terrorists.

16 **A. That's correct. That is [REDACTED]. Yes. That's**
17 **correct.**

18 Q. I see. Thank you very much.

19 MR LANE: The point has been made in the evidence that there
20 was no independent Inspectorate until relatively
21 recently. So presumably the Visiting Committee would
22 have been the only external group that had an
23 independent view of what was happening inside the
24 borstal.

25 **A. I'm -- I have to say I didn't join the Prison Service**

1 **until 1985. So --**

2 Q. It was later.

3 **A. -- the examination and independence of whatever**
4 **inspectorate bodies I wouldn't be aware of at that time.**

5 Q. Right. What I was just wanting to ask about was the
6 relationship between visiting committees and governors.
7 Was that close, or cosy, or independent, or critical?

8 **A. My own experience was that they were both supportive and**
9 **challenging in terms of my own experience as a governor,**
10 **a recent governing governor in Magilligan, where there**
11 **was an independent monitoring board, which superseded**
12 **the BoV and IM and visiting committees. So they -- yes,**
13 **they were supportive but also they challenged and they**
14 **have -- and they guard their independence.**

15 Q. Thank you very much.

16 CHAIRMAN: Well, that's the last question we have of you.

17 Thank you very much. We appreciate the very
18 considerable detail that has been provided, but we also
19 understand you can't speak to it personally. Thank you
20 for coming today to acknowledge that material. Thank
21 you.

22 **A. Thank you.**

23 **(Witness withdrew)**

24 MR AIKEN: Chairman, perhaps if we could just take a few
25 short moments to allow a changeover to occur of papers

1 763. The detailed statement that you have provided the
2 Panel have had access to and the opportunity to read,
3 Duncan. So I'm not going to go through it paragraph by
4 paragraph. I going to cover some main issues that arise
5 from the material that's available and the evidence that
6 the Panel have heard.

7 You as best as I can work out with you were the
8 assistant governor in Millisle for three months between
9 November 1972 and January 1973.

10 **A. That's correct, yes.**

11 Q. Then you returned to Millisle as the governor in --
12 towards the end of 1974/start of 1975, and you were the
13 governor up until borstal ended on 1st October 1980.

14 **A. That's correct.**

15 Q. But you continued in what then became, and we were
16 having a discussion about this earlier, Her Majesty's
17 Young Offenders Centre, Millisle from 1st October until
18 its last day, which was 31st December 1980.

19 **A. That's correct, yes.**

20 Q. You were pointing out to me you are not sure you had
21 an official appointment as the governor of a young
22 offenders centre, but you performed that role
23 nonetheless.

24 **A. I did.**

25 Q. You explain in your statement that you go on to become

1 the governor of the Maze --

2 **A. That's correct.**

3 Q. -- and Maghaberry --

4 **A. Correct.**

5 Q. -- as well as being a Deputy Director of Prison

6 Operations --

7 **A. Yes.**

8 Q. -- before retiring from the Northern Ireland Prison

9 Service in 2000.

10 **A. Yes.**

11 Q. You had, in fact, been a social worker for seven years

12 before you entered the Prison Service.

13 **A. That's correct, yes.**

14 Q. After your retirement you continued and have continued

15 in a number of international roles relating to your work

16 in prisons.

17 **A. That's correct.**

18 Q. I was dealing with Steve Davis, as you know, just

19 towards the end of his evidence about the reality of

20 life as working in the Prison Service, and you yourself

21 in the roles -- I think you were in the Maze at the time

22 of the escape as assistant governor.

23 **A. No, I was a deputy governor in the Maze on the escape,**

24 **yes.**

25 Q. And obviously during the period of time as governor of

1 the Maze and Maghaberry the loss of life that came to
2 the Prison Service as a result of terrorism was
3 something you were aware of.

4 **A. I was very much aware.**

5 Q. The period that we are concentrating on today then is
6 that time as governor of the borstal at Millisle. As I
7 was explaining to you, I spent a day on Monday of last
8 week opening a considerable volume of material about the
9 history of and development of Millisle. We are going to
10 cover some of those issues as we go now.

11 The first that I am going to deal with is the layout
12 of the premises just to try and give some further
13 clarification to the Panel on the different aspects of
14 where things were. I am going to bring up on the
15 screen, Duncan -- you use the one you have, which is
16 probably easier than what will come up on the screen --
17 but if we can try to bring up MIL28129 so that those who
18 are in the chamber can see what we are looking at.

19 Maybe if we rotate that round so -- once clockwise.

20 Yes. Perhaps, Duncan, if you can work on the basis of
21 the same angle. I will use my pen just to point to some
22 matters as you clarify for us. Along the bottom with
23 the map oriented --

24 CHAIRMAN: Can I ask it be further rotated as the writing is
25 upside down?

1 MR AIKEN: Yes.

2 CHAIRMAN: We can all work out where north is when we look
3 -- hold it the right way up.

4 MR AIKEN: Right. If we rotate it one more time then.

5 CHAIRMAN: No, no. That's fine the way it is.

6 MR AIKEN: Right. So at the top, Duncan, we have the sea.

7 **A. That's correct, yes.**

8 Q. It separates -- is separated from the Millisle Borstal
9 or what will become the borstal by the main road.

10 **A. That's correct.**

11 Q. We have on the plan marked the main building. That was
12 the Italianate mansion house where you operated the open
13 borstal.

14 **A. That was the centre of the borstal, the open borstal,
15 yes.**

16 Q. Off to the -- off to the left and towards the top of the
17 map --

18 **A. Yes.**

19 Q. -- is where you resided in the governor's residence.

20 **A. That's correct, yes. In those days it was -- I was
21 going say compulsory, but it was expected that the
22 governor lived in that house on site.**

23 Q. If we're using the language on the map, I'm talking
24 about the area where we can see marked "changing area",
25 it's the house that we can see marked above and to the

1 left of the changing area.

2 **A. That's correct.**

3 Q. That's where you resided.

4 **A. Yes.**

5 Q. Then if we come back to the main building and we head
6 south-west, we can see marked on the map "Kennels",
7 "workshop" and "cell block".

8 **A. Um.**

9 Q. If we deal first with the cell block, you were
10 explaining to me that those -- that was a facility
11 provided by the Northern Ireland Office for solitary
12 confinement, as it were.

13 **A. That's correct.**

14 Q. But you didn't use it.

15 **A. I refused to use it.**

16 Q. And instead you changed it into workshops.

17 **A. It became a painting and decorating workshop. So each
18 of the cells became a small room.**

19 Q. Then to the left and now heading north-west we have
20 kennels and workshop --

21 **A. Uh-huh.**

22 Q. -- workshops and classrooms, moving on to the changing
23 area and the gym. Those were facilities that were added
24 to the site. The original site was just the home itself
25 --

1 **A. Yes.**

2 Q. -- and some buildings that were on the closed borstal
3 site marked "Lisnevin" in the bottom half of the map.

4 **A. Could I suggest that you ignore the word "kennels",**
5 **because when Millisle closed, it became the Officer**
6 **Training School and the dog section had a training part**
7 **there. So the area marked "kennels" was used as**
8 **kennels, but not during the life of the borstal. It was**
9 **a workshop for the maintenance staff and a garage for**
10 **the vehicles.**

11 Q. Yes, and you were explaining to me that these were
12 additions, as it were, that had been added to the site
13 which were used by the open borstal.

14 **A. Yes.**

15 Q. That there was initial work done on a swimming pool
16 adjacent to the gym.

17 **A. The swimming pool had been a plan way before my time and**
18 **it went as far as the hole in the ground but never**
19 **progressed beyond that.**

20 Q. Then in the lower half of the map in the centre we have
21 the closed borstal. I appreciate it says "Lisnevin",
22 but we'll work on it as the closed borstal site --

23 **A. Yes, that's correct.**

24 Q. -- that was under construction '75/'76 while you are
25 governor of the open borstal.

1 **A. That's correct.**

2 Q. Then it opens in November 1977.

3 **A. Correct.**

4 Q. You were explaining to me that the access to the closed
5 borstal involved coming up the drive past the main house

6 --

7 **A. Yes.**

8 Q. -- and moving on through to a gateway --

9 **A. That's correct.**

10 Q. -- at the start of where we have the delineated
11 line marking the closed borstal.

12 **A. That's correct, yes.**

13 Q. We were discussing that while there were two facilities
14 that were shared in the sense of kitchens, as in the
15 food was brought up from the open borstal to the closed
16 borstal --

17 **A. Yes.**

18 Q. -- and laundry in the sense that clothing was
19 transferred between the two --

20 **A. That's correct.**

21 Q. -- they were nonetheless two entirely separate
22 institutions, in that while those services were shared,
23 the individuals in the closed borstal did not come over
24 to the laundry to get their laundry --

25 **A. No.**

1 Q. -- and come over to the kitchen to get their food.

2 **A. Quite. There was a clear line of demarcation between**
3 **the two of them.**

4 Q. We'll say a little bit more about the nature of that
5 shortly. Then to the right-hand side of the map --
6 I think it is probably outlined in blue, if I have
7 understood correctly --

8 **A. Uh-huh.**

9 Q. -- was an area of housing that was constructed for staff
10 members who worked in the borstal.

11 **A. That's right. Yes, correct.**

12 Q. So if we can step back before borstal time, what we
13 would have had on this site was the area in the top
14 left, which was the main building, but not with all of
15 the additions that surround it.

16 **A. No.**

17 Q. On the closed borstal site you had a quadrangle of
18 stables.

19 **A. Yes. There were very old style farm buildings that**
20 **included the estate manager's house and the farm**
21 **manager's house and it was -- it was rectangular.**
22 **Perhaps one long side was 100 yards long and laterally**
23 **it was divided by a cross piece. So you had two inner**
24 **sections, yes.**

25 Q. You were saying to me in the cross piece it had a bell

1 --

2 **A. Yes, indeed.**

3 Q. -- that one of your predecessors might have --

4 **A. Borrowed.**

5 Q. -- salvaged from when the --

6 **A. Yes.**

7 Q. -- quadrangle was taken down to facilitate the building
8 of the closed borstal.

9 **A. Yes. Can I say -- sorry -- I'm interrupting here --**
10 **behind the kennels and the workshop and the cell block**
11 **was a walled garden and that was part of the original**
12 **Millisle area.**

13 Q. And that was where -- was that where the vegetables --

14 **A. Yes.**

15 Q. -- were grown that facilitated the --

16 **A. We had a horticultural course there. Sorry.**

17 Q. In the main building itself -- we don't have a footprint
18 for the main building at the moment, and perhaps before
19 you go today we can do a sketch out in the way we were
20 doing earlier --

21 **A. Um.**

22 Q. -- that the Panel can look at, but you were explaining
23 to me that in the main building there was a cell or two
24 cells in behind a room that could be used if someone
25 needed time out.

1 **A. Yes. They were, well, I would say standard cells, but**
2 **they were proper cells, proper walls, proper ceiling.**
3 **They weren't temporary buildings or makeshift buildings.**
4 **They were properly built.**

5 Q. In the main building itself of the open borstal on the
6 ground floor one had the dining room, and if we are
7 looking at the building on the plan as it sits at the
8 moment and we can see the words "main building" --

9 **A. Yes.**

10 Q. -- just beneath the main building in that bottom right
11 corner, as it were --

12 **A. Uh-huh.**

13 Q. -- that is where the dining room was.

14 **A. Yes.**

15 Q. If we move along the wall that separates the main
16 building from the works department --

17 **A. Yes.**

18 Q. -- we can see there you had the dining room and then the
19 kitchen next to it --

20 **A. Yes.**

21 Q. -- and the -- a hatch that facilitated the eating in the
22 dining hall, and then next to -- moving further along
23 that wall that separates the main building and the works
24 department you have the laundry.

25 **A. That's correct, yes.**

1 Q. The laundry was on the ground floor.

2 **A. It was on the ground floor.**

3 Q. I will come back to that with you a little later. Then
4 at the -- if we move to the front of the building now
5 that's adjacent to the road and we have this piece, the
6 long rectangle --

7 **A. Uh-huh.**

8 Q. -- that's moving from south-east to north-west, we have
9 a two-storey floor that had the matron's bay or office
10 --

11 **A. Yes.**

12 Q. -- where she treated any medical conditions, which
13 separated two dormitories.

14 **A. Yes. That's correct, yes.**

15 Q. Then as we move down to the -- what is the top right
16 corner of the main building as we see it on the map, you
17 had another dormitory that came down perpendicular
18 towards the words "main building".

19 **A. That's correct, yes.**

20 Q. On the ground floor beneath the matron's level and
21 dormitories you had the administrative offices that were
22 used as part of the open borstal along with the common
23 room.

24 **A. The common room -- if you imagine where the letter "N"**
25 **is on "main" of "main building", the common room was**

1 **roughly there, and if you go further up towards the sea,**
2 **there was another common room, and between the two was**
3 **a snooker room.**

4 Q. I will come back to the snooker room shortly, but you
5 were explaining to me that if you had -- if you were
6 someone who was removed to one of the two cells, you
7 would be able to hear what was going on in the common
8 room.

9 **A. Yes, you could.**

10 Q. Yes. Why I ask you that will become relevant shortly.
11 So that's the main footprint, and, as you know, we have
12 received a large footprint of the closed borstal, which
13 we can't get on the screen, but which the Panel have
14 access to. Hopefully that's of some assistance in
15 understanding.

16 Now in relation to the buildings there was
17 an individual who gave evidence to the Inquiry, HIA272,
18 who indicated that in a Nissan hut type idea where he
19 could hear what was going on in the common room he was
20 made sit in what might be described as a chicken cage
21 with his back against the shape of the Nissan hut wall
22 and it would have a door on it with chicken wire.

23 Now he was there in 1973. You were a deputy
24 governor for a period, perhaps not precisely on his
25 dates, but that's the suggestion that he was making.

1 Can you remember anything that remotely resembled that
2 in the open borstal?

3 **A. I have no knowledge at all of any structure that would**
4 **match that description, no. The two cells that were**
5 **used had been there for a long time and so they weren't**
6 **new structures at all and they were the only two -- call**
7 **them rooms, if you like -- that had the facility for**
8 **isolating somebody. I just do not recognise in any way**
9 **chicken wire or anything like it.**

10 Q. Those two cells were there and available during your
11 deputy governorship as well as your governorship?

12 **A. Oh, yes. They preceded. I mean, they were there a long**
13 **time.**

14 Q. You were saying to me there was a Nissan hut which was
15 not part of the main building. It was separate, but it
16 was not something that was ever made use of in the sense
17 of being used by trainees.

18 **A. The Nissan hut was a very large Nissan hut and it was**
19 **a bricklayers' vocational training unit.**

20 Q. Yes. So it wasn't somewhere that of an evening --

21 **A. No.**

22 Q. -- people made use of?

23 **A. No.**

24 Q. The individual HIA272 referred to this place where he
25 was made to stay as a "doggy box". I described it as a

1 chicken hut, but you don't remember ever hearing anyone
2 describe anything you had as a "doggy box"?

3 **A. No, no.**

4 Q. Now he -- I think it was him, and we can check this to
5 make sure -- but I think he also said that the laundry
6 was in the converted attic along with the place where
7 the seamstress worked and the doctor. I know when
8 I raised with you the suggestion that the laundry was in
9 the converted attic, you said to me that's not -- it is
10 just not right.

11 **A. It wouldn't have taken the weight of the machinery. The**
12 **upstairs was largely -- the attic was largely condemned.**
13 **It was in a pretty poor state. Some parts of it had**
14 **been renovated slightly and that's where the seamstress**
15 **would have been.**

16 The doctor didn't have an office. The doctor used
17 the surgery that the matron had on the -- when you
18 describe as separating two sides of the dormitories. So
19 the doctor didn't have an office. He operated -- wrong
20 word -- he worked from the surgery --

21 Q. And --

22 **A. -- and the laundry was most definitely on the ground**
23 **floor.**

24 Q. There's another aspect. HIA416 during his evidence --
25 and obviously none of the names, Duncan, that we use

1 will be used beyond the chamber that are covered by the
2 Inquiry's anonymity policy -- he referred to being taken
3 in a tractor and a trailer driven by an officer and
4 accompanied by boys who were said by him to be out to
5 get him into some sort of underground type garage.

6 I wanted to ask you: was there any such facility
7 that might be described as or mistaken for some sort of
8 underground type idea?

9 **A. No, no. The only --**

10 Q. If we look at -- if we look at the plan, Duncan, you
11 were explaining --

12 **A. Um.**

13 Q. -- to me that if one looks at the shape of the site, and
14 one can see the gradient marked on, in effect the main
15 building was on lower ground --

16 **A. That's right.**

17 Q. -- but it didn't have an underground aspect to it.

18 **A. No, no, no.**

19 Q. It was just lower than the ground --

20 **A. No.**

21 Q. -- behind it.

22 **A. No. It was only the building on the site. It was on**
23 **ground level, if you like, the same level as the road.**
24 **Everything else was up a slight incline, as you can see**
25 **from the hatching that surrounds the main building**

1 drawing. The garage -- the only garage was in what is
2 described as "works department" just if you -- between
3 "kennels" and the "main building". That was where the
4 maintenance staff, the trade staff had a small workshop
5 and that's where vehicles, the tractor, and we also had
6 a van of some description, that's where they were
7 parked. There was no underground or that sort of thing.

8 Q. That's what I wanted to ask you. That -- where you are
9 describing where the tractors could be parked in that
10 workshop, there was no underground aspect to that?

11 A. **No, no, no.**

12 Q. Now, Duncan, I am not going to get into the detail of
13 this issue with you, but I wanted just to set the
14 context. In terms of numbers from a document I was
15 saying to you from May 1977 -- and there are other
16 documents that allow this to be done -- there were it
17 appears about 75 individual trainees in the open
18 borstal.

19 A. **Yes. That's correct. That would have been average,**
20 **yes.**

21 Q. There was a lot of coming and going --

22 A. **True.**

23 Q. -- which makes -- I will come to that point in a moment.
24 In addition -- and you said to me you couldn't be
25 precise about the number -- that same record from May

1 '77 records about 60 staff with those 75 trainees.

2 **A. Yes.**

3 Q. But you were explaining to me that staff was not worked
4 out on the basis of, "There are three trainees.

5 Therefore we need one member of staff".

6 **A. No.**

7 Q. There were posts to fill and what those posts required
8 in order to be filled --

9 **A. That's right.**

10 Q. -- that's how the staffing was worked out.

11 **A. That's right, yes. There were a number of what we would**
12 **call fixed posts. Even if you only had one borstal**
13 **trainee, all those posts on the site would have to be**
14 **manned. What happened was that you worked out the**
15 **number of fixed posts. You then worked out how many**
16 **staff on every day of the year. You then made**
17 **allowances for sick leave, for annual leave, for**
18 **training and they were percentages. At the end of that**
19 **you had the total of the number of staff you required to**
20 **run the institution. That is true of Millisle. It is**
21 **true of the Maze and Maghaberry Prisons.**

22 Q. What the same document heralded in May '77 was the
23 closed borstal opening, and that when it did open, it
24 was envisaged to have another 75 places.

25 **A. Yes. Correct.**

1 Q. It was suggested there would be another 60 staff. So
2 you would end up with the period '78 through to --
3 towards September 1980 with potentially 150 trainees and
4 120 staff.

5 **A. Yes, approximately, yes, yes.**

6 Q. Albeit in two separate parts --

7 **A. Yes.**

8 Q. -- on the one site. What I am not in a position to do
9 in terms of to be precise about it, but the numbers of
10 boys who passed through the borstal in terms of over the
11 course of its existence compared to the number of
12 individuals who complain either to the Inquiry or to the
13 police or through civil claims is a small number and
14 they make allegations against what would be a very small
15 number of staff compared to the whole who passed through
16 the borstal during its period.

17 **A. That's my belief, yes.**

18 Q. The other thing that I wanted to do was to ask you to
19 put context in this in terms of while we are talking
20 about a small number making complaints about a small
21 number of a larger whole, this was a small institution
22 compared to, for instance, when you governed the Maze --

23 **A. Um.**

24 Q. -- when you would have had maybe --

25 **A. 1100 staff.**

1 Q. 11... -- so a huge number of staff beyond the number we
2 are talking about here.

3 **A. Correct.**

4 Q. You were drawing that to my attention because it made it
5 less difficult for there to be interaction between you
6 and all of the staff who were there, which wouldn't have
7 necessarily been possible when you had 1100 people under
8 your control.

9 **A. No, because I would walk the place on average twice**
10 **a day, and if you take a seven-day period, allowing for**
11 **the shift systems, I probably met every single member of**
12 **staff in the place and would know their names.**

13 Q. While -- as you do at the end of your statement, and as
14 some of the evidence, as we discussed, makes clear --
15 you couldn't see everything all of the time, the point
16 you were making to me was that it was more difficult for
17 things to go unnoticed than perhaps if you were in the
18 likes of the Maze --

19 **A. That's right.**

20 Q. -- or Maghaberry.

21 **A. That's right. I mean, what I have said is it would be**
22 **a foolish governor who said he knew everything that went**
23 **on in his institution and you can't be everywhere all**
24 **the time, but certainly in a small institution with**
25 **a small number of staff you have a greater chance, if**

1 **you like, of knowing what is going on, but even so you**
2 **still would not know the totality.**

3 Q. Yes. What I want you then to explain to the Panel, if
4 you would, in summary form, and you were doing this for
5 me earlier, the difference between the approach to the
6 closed borstal and the open borstal. So you had the
7 closed borstal, which prior to '77 happened in parts of
8 a prison, in Armagh, the Maze, Magilligan, but it comes
9 on stream under your control, as it were, from late '77,
10 and you have got it now alongside the open borstal that
11 you have been running for a few years. Can you give the
12 Panel an idea of the difference in approach and system
13 that operated there?

14 A. **In essence the closed section was an assessment unit.**
15 **Other than those, boys who may have subsequently gone to**
16 **the open section but returned to the closed section for**
17 **whatever reason. So (inaudible) as an assessment unit**
18 **we did not know people. We could not give the same**
19 **level of trust as we could in the open section where**
20 **they'd come down. They had been assessed. We felt we**
21 **could trust them. In the closed section that was**
22 **a process for us to find out. What it did mean is in**
23 **the closed section you had to exercise more control over**
24 **movement, over levels of supervision whereas in the open**
25 **section much more relaxed. Staff would be with boys**

1 **observing, but in the closed section they would be**
2 **watching very closely, because at a point in time they**
3 **would have to be a part of the decision as to whether**
4 **that boy should go to the open section. In other words,**
5 **"Can we trust him or can we not?" So that, if you like,**
6 **in essence is the difference between two sections.**

7 Q. In the closed borstal they were on landings with
8 individual rooms and that was different from the more
9 dormitory approach --

10 A. **Oh, yes.**

11 Q. -- in the open borstal.

12 A. **Yes. I mean, the closed section overnight could have**
13 **been an adult prison, in English terms a Category 3**
14 **prison for prisoners who could not entirely be trusted**
15 **but didn't need the highest level of security in terms**
16 **of fences and so on. So, I mean, it was a prison in**
17 **that sense.**

18 Q. Whereas what was available and utilised in the open
19 context was very different. I'll give you one example
20 of that that perhaps you can then pick up on.

21 MZ1, when he gave evidence to the Inquiry yesterday,
22 said as a more traditional prison officer he could not
23 adjust to the nature of an open borstal or this open
24 borstal, and he gave an example of you as the governor
25 playing snooker with some of the trainees.

1 **A. Yes.**

2 Q. You were able to say, "Yes. Well, I did play snooker
3 with them", and you could also see MZ1 not seeing
4 himself as --

5 **A. I know MZ1, yes.**

6 Q. -- as fitted for that type of approach.

7 **A. Um, um.**

8 Q. It was very far from the prison type that the closed
9 borstal might have appeared to be.

10 **A. Can I give you a very clear example of the difference**
11 **between the two, that the open -- the main building of**
12 **the open section, the side door, the main door, the key**
13 **was held by a borstal boy. When the boy reached special**
14 **grade, which is often called special privilege of**
15 **licence, special grade, he was allowed certain freedoms.**
16 **Part of that was there was a rota of special grade boys**
17 **who held the key and controlled access to the main door.**
18 **So if you can trust the closed section being a prison,**
19 **if you like, the open section was obviously totally**
20 **different, because clearly a prisoner was not allowed to**
21 **have the key for the main door. So I think that's**
22 **a reasonable description of the difference between the**
23 **two.**

24 Q. In effect am I -- to try to give an analogy, the Panel
25 have dealt with training schools and the open nature of

1 training schools that had absconding. Absconding was
2 a feature of life at Millisle, although it reduced
3 during your time down to five I think in 1979 --

4 **A. Um, um. That's right, yes.**

5 Q. -- the lowest number, but am I right in saying that's
6 perhaps more -- okay, yes, for older boys in the sense
7 they were 16 to 21, boys and men, but that type of home
8 type approach that had facilities such as snooker
9 tables and so on, that they weren't being locked in --

10 **A. No.**

11 Q. -- but they were expected to remain --

12 **A. No.**

13 Q. -- is that an accurate description?

14 **A. Yes. I mean, if you look at the closed section, when
15 the group of borstal boys moved, they worked in a fairly
16 orderly fashion. I am not suggesting they marched as if
17 in the army, but they did. In the open section there
18 was no marching. There was none of this regimental type
19 of doing things.**

20 Q. You have covered to what extent you were around. You
21 were in your office, but you also checked the site twice
22 a day in effect.

23 **A. In addition, a governor grade was detailed to visit the
24 borstal every night before lock-up and occasionally make
25 an unannounced visit in the early hours of the morning.**

1 **That was not a very effective way of doing things,**
2 **because to get into the building somebody had to open**
3 **the door. So people would know you were coming in, but**
4 **it was part of the regime.**

5 Q. What I want to ask you about briefly is we don't have
6 any files on trainees, but it's clear from various
7 references incidentally in documents that there were
8 files kept on trainees and, as I was saying to you, LN20
9 explained in his role as a class officer on a landing in
10 the closed borstal he completed pro forma documents each
11 week --

12 A. **Um.**

13 Q. -- on someone and they were effectively on continual
14 assessment --

15 A. **That's right.**

16 Q. -- towards the review body every month, and I will come
17 back to the review body, but I am right in saying there
18 were files on every trainee.

19 A. **Yes. The main part of the file was the committal**
20 **documents from -- the warrants from the court. If the**
21 **boy was facing further charges, there would be remand**
22 **warrants too as well. There would be the results of the**
23 **assessment process. There would be contributions from**
24 **the education officer or from the senior vocational**
25 **training officer and so on. So you would have that**

1 **part. Then there was an ongoing running record of**
2 **events.**

3 Q. A chronology of their life.

4 **A. A chronology of events in the borstal, yes, yes.**

5 Q. So if I had come in and picked up a file, I'd find in it
6 weekly reports in effect on how that individual was
7 progressing and also key events in their life in the
8 borstal.

9 **A. You should be able to pick up a reasonable picture of**
10 **the -- of the borstal boy from the file.**

11 Q. Unfortunately, as I said, the destruction policy means
12 those unfortunately aren't available.

13 There are some then general matters that have arisen
14 from the evidence that I just want to clarify with you
15 and ask you to comment on. For instance, HIA416 said to
16 the Inquiry that the way officers resolved quarrels
17 between the trainees was to put the boys in the boxing
18 ring to fight it off. I presume he means in the gym, in
19 the boxing ring.

20 **A. No.**

21 Q. Now you had a particular view about boxing.

22 **A. I do.**

23 Q. Can you just explain to the Panel whether boxing ever
24 went on during your time in Millisle?

25 **A. There was no boxing during my time in Millisle. There**

1 **was a boxing ring in a store somewhere that was in**
2 **a fairly poor condition. I was asked I think -- I have**
3 **a vague memory -- it is a memory -- of being asked for**
4 **the money to repair and I said "No", because I wouldn't**
5 **allow boxing.**

6 Q. So that idea of boys getting their steam out using
7 boxing gloves to settle their differences, that's not
8 something you recognise at all?

9 **A. Not only recognise; wouldn't have allowed.**

10 Q. The same individual talked about trainees marching
11 everywhere. That was part of life. Now you have said
12 in the closed borstal there would have been much more
13 structure --

14 **A. Yes.**

15 Q. -- and lining up perhaps to do things or travelling in
16 lines, but that idea of sort of army marching part of --

17 **A. No.**

18 Q. -- either borstal that you recall?

19 **A. No, no.**

20 Q. A different individual, HIA294, talked about taking
21 a lot of drugs in the borstal. Now I was asking LN20
22 yesterday and MZ1, but certainly LN20, and he was saying
23 as a prison officer you knew drugs were in prisons and
24 he had experience of that, but there were no drugs in
25 Millisle certainly that he was aware of. Do you recall

1 that ever being an issue in Millisle?

2 A. I don't. I don't, and I don't recall it -- I mean,
3 okay, we are thirty-five, forty years away from when
4 I was there, but I do not recall drugs being an issue.
5 I mean, they have been an issue in the borstal I served
6 in England. LSD came in. We had postage stamps on
7 envelopes and we had to remove postages stamps, but,
8 I mean, you know, there was no discussion at Millisle.
9 I am not saying there weren't any drugs. I can't say
10 that, but as far as I'm concerned, no.

11 Q. An issue, sectarianism, conflict between the boys,
12 Protestants and Catholics, over religion and the
13 Troubles, and that's a part of life as a fact. So I
14 suppose it's an issue of degree to what extent that ever
15 got out of hand within the borstal. Before you answer
16 that I just want to show the Panel there is a reference
17 on 7th July 1980 in a Visiting Committee minute, if we
18 look, please, at 25005, and this also provides
19 an example of how the minutes were kept. We can see
20 it's minutes of the Visiting Committee and those who are
21 there are recorded, but if we scroll down to the bottom
22 -- we can see just there Miss Orr is the Deputy
23 Governor. She was -- had particular responsibility in
24 the closed borstal. Am I right in that, Duncan, that
25 she -- Irene Orr was in the closed borstal?

1 **A. I can't see. Where is it on here? Yes, Miss Orr, yes.**
2 **Sorry.**

3 Q. Was she involved more with the closed borstal as part of
4 her role?

5 **A. She -- more of her time should have/would have been**
6 **spent in the closed borstal than in the open section.**

7 Q. If we scroll down to the bottom, we can see a particular
8 matter being raised:

9 "Visiting rota reports were read ..."

10 Then if we move down to the next page:

11 "The Chairman asked Miss Orr whether there was any
12 substance in trainees alleging that particular officers
13 discriminated on religious grounds.

14 The deputy governor denied that this was so and
15 added that this sort of thing raised its head when there
16 was an imbalance of religious factions. It also tended
17 to be seasonal -- as at present."

18 I think this is a July 1980 minute.

19 Do you recall sectarianism being a major issue in
20 Millisle during your time?

21 **A. There are two parts to this. The first is mentioning**
22 **officers discriminating and I have no awareness of that.**
23 **The second part would be: was there trouble between**
24 **borstal trainees? I don't recall in fairly simple terms**
25 **any punch-ups or fighting between factions, but**

1 obviously on 12th July or obviously when you get a bunch
2 of boys from the Falls and a bunch of boys from the
3 Shankill, you get an exchange of -- I will say of views,
4 but it was not an issue in the sense that I would sit
5 down and scratch my head and ask the question, "What do
6 I do about this?"

7 Q. Yes. So that might have been the case somewhere else.
8 The reality is you have two different groups with two
9 different sets of views, but that wasn't manifesting
10 itself in major trouble --

11 A. No.

12 Q. -- for you on the ground in Millisle?

13 A. No, no.

14 Q. There was reference in the evidence to a game called the
15 Murder Ball in --

16 A. Um.

17 Q. -- being utilised.

18 A. Yes.

19 Q. Now you remember that concept, but you describe it very
20 differently from it was described in evidence. Can you
21 just describe to the Panel what Murder Ball was?

22 A. It was like a game of football in the sense that you had
23 a ball which you have to get in the opponents' net or
24 end. It was used with a medicine ball, which is a
25 fairly hefty bit of goods, and the teams -- now I can't

1 recall now -- five or six or seven or whatever on the
2 team -- sat on their rear ends and shuffled around and
3 sort of kicked the ball that way or pushed the ball.
4 Why it was called Murder Ball, that goes back in
5 history. I don't know. I mean, it's always been
6 around.

7 Q. You don't recall it being associated with the idea of
8 almost rugby but with a ball with the intention of
9 knocking each other off walls and that type of thing?
10 That's not a -- you don't recall receiving a catalogue
11 of injuries --

12 A. No.

13 Q. -- from the gym --

14 A. No.

15 Q. -- because of some types of games --

16 A. No.

17 Q. -- being played?

18 A. That might have happened from time to time. I can't say
19 someone didn't get a bruise or two. I don't know, but
20 it was never raised as something: "Hang on! We've got
21 to stop this. This is getting out of hand" or whatever.

22 Q. One boy, now man, but one boy in terms of the time he
23 was speaking about talked about the idea of separating
24 boys into those from the city and those from the country
25 and creating that separation between them. I know when

1 I spoke to you about that, that was perplexing to you.

2 Can you explain why that wouldn't have been your
3 approach?

4 **A. Because you could finish up with dozens of boys from**
5 **city at that end of the place and one or two from the**
6 **country at the other end. You could not do it. You had**
7 **a limited number of spaces. You filled the spaces.**
8 **Certainly no question at all, or of religion, or**
9 **different denominations. There's no segregation because**
10 **of that, no.**

11 Q. So you don't recall ever anyone being separated out
12 because they came from the city as opposed to the
13 country?

14 **A. I don't recall anything like that, no, no.**

15 Q. You mentioned already those who attained the special
16 grade.

17 **A. Um.**

18 Q. The reward system moving through the grades.

19 **A. Um.**

20 Q. In fact, there was a special grade building.

21 **A. Yes, but it's not shown on the map. It may have been --**
22 **it may have been demolished, or rather it was**
23 **demolished, because it's not there.**

24 Q. If we just bring up 28129 again.

25 **A. It was adjacent to the cell block or what should have**

1 **been the cell block. Sorry.**

2 Q. So again just if we have the cell block --

3 A. **Yes.**

4 Q. -- if we were south-east of the cell block --

5 A. **Yes.**

6 Q. -- there was a building --

7 A. **Yes.**

8 Q. -- specifically for the special grades.

9 A. **Special grades, yes. They would live there, sleep**
10 **there. Their recreation would be there. They did not**
11 **come down to the open section. There wasn't a rule that**
12 **they couldn't come down to the open section, but they**
13 **tended to spend all of their time, all the leisure**
14 **hours, in that building, yes.**

15 Q. So they were given much greater freedom than even was
16 available generally in the open borstal --

17 A. **Yes.**

18 Q. -- and responsibility.

19 A. **Yes. They were -- essentially they were on their way**
20 **out. They were two or three months -- I can't remember**
21 **now how long -- from release, so that they were given**
22 **much more freedom.**

23 Q. There was reference in the evidence to an officers' mess
24 being somewhere where a special grade boy was given --

25 A. **Yes.**

1 Q. -- staff -- access to this place where he could make
2 himself a cup of tea and he had responsibility for the
3 place and was away from everywhere else. It may be
4 confusing that with the building you are describing, but
5 do you recall there being an officers' mess, a staff
6 mess?

7 A. There was a small room which had a table perhaps
8 a little bigger than this desk and it would have
9 an electric kettle and a microwave or something.
10 I mean, staff would bring in their sandwiches or would
11 heat something up, but "mess" suggests to me some sort
12 of quasi-restaurant of some description. No, there was
13 no officers' mess from that point of view.

14 Q. The officers' mess that you are describing was in the
15 main building?

16 A. Yes. If you go through the side entrance -- if you look
17 at where it says "building", the letter "N" would be
18 roughly the entrance, the side entrance, to the borstal
19 on the main building. You go in there. On your left
20 would be a small office, a glass-fronted office, which,
21 if you like, was monitoring who was coming or going.
22 Behind that was this very small room where it was the
23 mess.

24 Q. And there was no -- in the staff quarters area that we
25 have to the right --

1 **A. No.**

2 Q. -- there was no officers' mess in there?

3 **A. No. There was no separate building. There was no**
4 **separate facility.**

5 Q. So it may be the individual was speaking about what was
6 the special grades building, which would have been
7 a more substantial place where he could be on his own
8 and would have made a cup of tea or ...

9 **A. I think he would be talking about the mess, that room**
10 **behind the office. I think that's what he was talking**
11 **about, because staff would not go into the special grade**
12 **building for their tea or their coffee or their**
13 **sandwiches. That building was nothing to do with staff**
14 **in terms of staff facilities. That was a separate**
15 **living accommodation area for special grade lads.**

16 Q. Duncan, I am going to pause there for now, subject to
17 the Chairman wanting to ...

18 CHAIRMAN: Yes. If we aim to start let's say about 2.15 --

19 MR AIKEN: Yes.

20 CHAIRMAN: -- if that's time enough for everyone.

21 (1.35 pm)

22 (Lunch break)

23 (2.15 pm)

24 CHAIRMAN: Yes.

25 MR AIKEN: Chairman, Members of the Panel, before lunch we

1 were looking at some issues, Duncan, that had arisen in
2 the evidence. There is just two more that I want to
3 address with you. The first of those is bullying, as to
4 what extent bullying was a major issue for you to deal
5 with, bearing in mind it is, as we said already, 16 to
6 21-year-old males coming from a difficult background,
7 many of them, criminal convictions that resulted in them
8 being there in the first place. Was it a major issue
9 that you had to tackle during your time?

10 **A. Are you referring to bullying amongst boys or bullying**
11 **from staff?**

12 Q. Boys to begin with.

13 **A. I have no doubt it was going on, but I have no direct**
14 **knowledge of it. One of the phenomena of prison life**
15 **these days is that the greatest worry for a governor is**
16 **prisoner on prisoner violence, not staff on prisoner**
17 **violence. I have no doubt the stronger guy would try**
18 **and take advantage of the younger guy, but I'm not aware**
19 **of it being an issue as such.**

20 Q. We'll come back and look at any staff on trainee
21 individuals that arose --

22 **A. No, no.**

23 Q. -- that you've dealt with.

24 The other issue is in relation to peer sexual
25 activity, so peer sexual activity between boys

1 consensually, and then sexual abuse as in peer abuse
2 where someone took advantage of someone else. Do you
3 recall that type of issue being alive in Millisle?

4 **A. No, I don't recall it at all, no.**

5 Q. The one -- I think one individual talked about a night
6 watchman, one of the civilians who did the rounds at
7 night-time --

8 **A. Uh-huh.**

9 Q. -- coming in and, having befriended him, touched him
10 under the bedclothes. You don't recall anything of that
11 nature ever coming to your attention, ever being
12 an issue in Millisle?

13 **A. If it happened, nobody told me.**

14 Q. I want to briefly cover with you then, Duncan, the class
15 officer review body grade system --

16 **A. Um.**

17 Q. -- that general theme. As I said to you, LN20 talked
18 about his role on the landing, completing the weekly
19 forms that would then form part of the consideration by
20 the review group, and he outlined the individuals who
21 were involved in the review group meetings.

22 You were explaining to me earlier that there were
23 two sides to the review body. Can you explain the
24 internal and external sides?

25 **A. There was the internal review body and the external**

1 review body. The internal review body would be chaired
2 by myself and it would review progress or lack of it of
3 all the borstal boys, and LN 20 's point about his
4 report, that would be one of the things we took into
5 account. That internal review body would finish up with
6 a number of recommendations, either for promotion in
7 grade, or perhaps for someone to be perhaps warned that
8 things weren't going too well, or it could result in
9 a recommendation for special grade, which would then go
10 to release. So that was the internal body.

11 The formal review body, if that's what you can call
12 it, a member of the Treatment of Offenders branch from
13 the Ministry of Home Affairs, or NIO, as it became, he
14 came down, and I would present whatever the views, the
15 recommendations were, and the assistant governors would
16 be there and one or two other people, but that in
17 a sense was ratifying what the internal review body had
18 recommended, because the person from the Treatment of
19 Offenders branch would not really be in a position to
20 argue this was the particular case.

21 Q. To gainsay what you'd said.

22 A. So that was the two levels. We can [inaudible] the
23 Visiting Committee, because they took the
24 recommendations for release from the review body.

25 Q. In terms of the relationship with the NIO/Treatment of

1 Offenders branch, you obviously had someone coming down
2 then each month to perform that specific role.

3 **A. Uh-huh.**

4 Q. Am I right beyond that, while the centre was there to be
5 spoken to if needs be --

6 **A. Uh-huh.**

7 Q. -- it wasn't that there was a huge amount of interaction
8 going on in the daily life of the borstal --

9 **A. No.**

10 Q. -- from the NIO?

11 **A. No, no, no. I mean, the governor, whoever he happened**
12 **to be, within the rules obviously, had a fair amount of**
13 **latitude as to how he would run the institution. The**
14 **one advantage Millisle had was it was the only open**
15 **borstal. If there had been another open borstal down**
16 **the road, then the two governors would have to work**
17 **together and there would be less flexibility, but since**
18 **it was the only borstal, the only open borstal, there**
19 **was a fair amount of discretion for the governor.**

20 Q. The reviewing body -- and you described the potential
21 for demotion as well --

22 **A. Um.**

23 Q. -- fed into the general disciplinary regime that
24 operated with the grading system --

25 **A. Um.**

1 Q. -- of progression through and earning, as it were --

2 A. That's right.

3 Q. -- progress to potential earning release. Did you find
4 that concept to work effectively in the borstal and did
5 it -- did its effectiveness reduce over time, depending
6 on the nature of the trainees that were coming in?

7 A. I was unhappy with the system, because it was
8 a semi-determinate sentence inasmuch it was six months
9 minimum, maximum two years. There was a lot of
10 subjectivity around in terms of decisions,
11 recommendations that were made, and I think the best
12 example I could give of this was if you had a boy come
13 in, and bearing in mind the majority of boys had been in
14 training schools and where else, if he came in and his
15 friends had been in borstal, they knew there was a game
16 to be played, and the game would be for the first two or
17 three months of your time you would be pretty bad. You
18 were a nuisance and you would cause problems. After
19 that period you would then start to show things were
20 getting better and you behaved yourself, and then staff
21 would say, "Heavens! Look at this! This is the regime
22 is changing this guy and it's working", whereas the guy
23 who wasn't too bright would come in and he would work
24 his way through, but no great progress at all, and then
25 staff would be inclined to say, "Well, it's not working."

1 **He needs more time". So I always thought it was**
2 **an unfair -- I was going to use the word "unjust" --**
3 **an unfair system, that it could be manipulated, and**
4 **I thought that was off.**

5 Q. Part of what you are describing there perhaps feeds into
6 a comment you make at the end of borstal life in
7 December 1980 about rehabilitation and the view you
8 would have on the effectiveness of whether you got
9 rehabilitated or not. What you are saying is someone
10 could mask reality, not genuinely --

11 **A. You could fool the system.**

12 Q. -- yes -- not genuinely be rehabilitated --

13 **A. Um.**

14 Q. -- but give that appearance --

15 **A. Um.**

16 Q. -- and thus they would get early release --

17 **A. Um. Uh-huh.**

18 Q. -- whereas there were others who didn't operate in that
19 way and thus didn't.

20 **A. Because everybody wants to do good things. Everyone**
21 **wants to know that they are being effective and**
22 **successful. So if this particular guy is giving the**
23 **positive signs, you feel yes, you are being effective.**
24 **So ...**

25 Q. What I want to turn to then, Duncan, is what I said to

1 you earlier, to give it the grand title in working
2 through these themes, your approach to violence. I want
3 to bring -- break that down into two parts. Okay? We
4 are going to talk about corporal punishment to begin
5 with and then I am going to look at how you approached
6 the issue of boys potentially being hit by members of
7 staff and how that was dealt with. Then there's a third
8 category you were discussing with me, which was even in
9 this open borstal concept, which was a more relaxed
10 regime, there still on occasions could be the need to
11 use reasonable force to restrain individuals.

12 **A. Yes.**

13 Q. Although LN20, for instance, was saying to the Panel in
14 the closed borstal he didn't remember ever restraining
15 someone in two and a half years, you have an example you
16 will give the Panel of yourself having to be involved
17 with others --

18 **A. Uh-huh.**

19 Q. -- in restraining someone who had lost control, but let
20 me deal with the corporal punishment issue first.

21 I'm not going to spend a huge amount of time on this,
22 Duncan, because you have set it out in paragraph 39 of
23 your statement and the paragraphs that follow that at
24 717. If we just put that on the screen for the moment,
25 please. You explain in the statement, if we just show

1 39 and then just move down on to the next page, that you
2 did not believe in it --

3 **A. That's right.**

4 Q. -- and didn't wish to see it.

5 **A. That's right.**

6 Q. There were three occasions in your recollection that it
7 took place. The first time it went to completion and
8 you were not happy about that. The second time you
9 explain that the medical officer took unwell during it.

10 **A. He had to be present during that.**

11 Q. The rules required him and you to be there --

12 **A. Uh-huh.**

13 Q. -- and for you to record in the book afterwards, and
14 that allowed you to bring the second instance to a stop.

15 **A. Right.**

16 Q. The third instance was stopped following the
17 intervention of, after you communicated to the Northern
18 Ireland Office, the Minister of State expressing his
19 view. He could not stop it himself, but he could
20 express the view, which then was adopted by the Visiting
21 Committee.

22 **A. It was awarded by the Visiting Committee. I said**
23 **I would not apply it. Soon after -- and I can't**
24 **remember if it was weeks or whatever it was -- but soon**
25 **after I was at a reception in Stormont Castle somewhere.**

1 Merlyn Rees, the Secretary of State, and Lord Donaldson,
2 who had the remit for prisons amongst his other tasks,
3 who -- I knew both slightly, and both sort of mildly
4 chided me about absconders (inaudible). I simply said
5 -- and this is not an exaggeration -- I said, "Do you
6 know we flog them?" and that changed the tone of the
7 conversation.

8 Later there was a further example and it went to the
9 Head of I think Ministry of Home Affairs, who went to
10 Lord Donaldson, who then made a request of the Chairman
11 that the award should not be applied and the Chairman
12 agreed.

13 Then some time later it was formally through
14 Parliament -- some -- whatever Act or -- that abolished
15 corporal punishment altogether.

16 Q. Yes. I was saying to you the legislation seems to
17 remain but the policy appears to have become that it was
18 not utilised --

19 A. Um.

20 Q. -- in any prison, certainly not in the borstal.

21 A. Um.

22 Q. But what I wanted to raise with you is that even when it
23 did happen, and this is the mid '70s, when perhaps --
24 it's difficult with hindsight trying to put myself back
25 and remember what life was like at the time -- but when

1 that approach of strapping or caning was much more
2 considered normal, in the context of the borstal it
3 seems to have had a solemnity to it --

4 **A. Um.**

5 Q. -- and it is not something that's happening with
6 regularity, and I say that because the Panel have access
7 to the Administration of the Prison Service reports, and
8 they show, for instance, during the period '72 to '77
9 that there were very few canings taking place. Now
10 I appreciate at that time that would have included the
11 closed borstals in Armagh, the Maze, Magilligan --

12 **A. Uh-huh.**

13 Q. -- as well as the open borstal. So it can't be
14 separated out to be clear how many were taking place in
15 Millisle before your time, but very few canings at all
16 were taking place and more the punishments were
17 withdrawal of privileges, earnings --

18 **A. Yes.**

19 Q. -- and those type of things.

20 **A. That's correct, yes.**

21 Q. Then in the 1979 report, for instance, that we touched
22 on for other reasons we can see similar types of
23 offences were being committed, mostly absconding, but no
24 canings taking place, and therefore I was asking you
25 some of the other institutions the Inquiry has looked at

1 there has been discussion of the liberal access to
2 people having straps to use them and that being a normal
3 part of life, that someone would be struck by something.

4 There was one cane in the borstal --

5 **A. Yes.**

6 Q. -- which the chief officer -- your recollection was it
7 was in his office.

8 **A. That's correct, yes.**

9 Q. Basically you saw it three times during your tenure --

10 **A. Yes.**

11 Q. -- over six years, and it certainly was not the case
12 that there was ever a use of the cane that you are aware
13 of outwith this very formal set of rules that appear to
14 have been --

15 **A. No, no.**

16 Q. -- applied.

17 **A. It could not be applied on a whim. It was very**
18 **structured: a formal charge, a formal hearing by the**
19 **Visiting Committee and then the award.**

20 Q. So it is simply something that you were able to use your
21 influence and bring to an end.

22 **A. Uh-huh.**

23 Q. But one side issue to it is that you explain in
24 paragraph 54 of your statement that **Officer Skillen** or **Punchy**, as
25 his nickname was, administered the corporal punishment.

1 **A.** Officer Skillen

2 Q. Yes. The three occasions that he would have --

3 **A. That's correct.**

4 Q. -- that it took place during your time or potentially
5 was going to take place, he would have been the person
6 executing it --

7 **A. Yes, yes.**

8 Q. -- in the presence of you and the medical officer and so
9 on.

10 **A. Uh-huh.**

11 Q. Can you remember was it unusual that you would have
12 a basic grade officer doing that, the inflicting, as it
13 were, in the presence of the governor rather than the
14 chief officer doing it, or can you explain why it was
15 him?

16 **A. That never occurred to me. I inherited Officer Skillen as the**
17 **person who applied the punishment. I accepted that. He**
18 **was there throughout my time there. I never --**
19 **I never -- well, I didn't think about it.**

20 Q. The point you do make in fairness to him is that it was
21 always done in accordance with the prison rules.

22 **A. Oh, very much so.**

23 Q. There was no -- you had never any concern of him
24 behaving inappropriately --

25 **A. No.**

1 Q. -- while he executed --

2 A. No.

3 Q. -- the corporal punishment.

4 The next issue that I want to deal with is what I am
5 going to call that second category, zero tolerance
6 towards officers lifting their hand to trainees. By
7 that I mean -- you may or may not have been aware of
8 this until I spoke to you this morning -- LN20 gave
9 evidence yesterday when I was asking him who might have
10 been aware of the information that he had come to know
11 about of Officer Skillen being said to hit boys, and we discussed
12 whether it would have been as far as the governor
13 knowing. So that would have been yourself during his
14 time.

15 A. Uh-huh.

16 Q. What he said was he could remember when he came with
17 a group of colleagues in March 1978, when a group came
18 from the Maze to begin their work in the closed borstal,
19 attending a meeting the next day where they were
20 addressed by you, and in his words, whether he is
21 accurate about the precise words, what he said was you
22 made it extremely clear to them that they weren't to
23 lift their hand or weren't to assault a trainee. These
24 were young people, and if they did assault a trainee,
25 then they would be sacked. That was his clear

1 recollection of the view that he regarded you as having
2 towards any suggestion that it was okay to hit
3 a trainee.

4 In fairness to MZ1, who on his own acknowledgment
5 made it clear he wasn't cut out for working in the open
6 borstal, himself being aware of **Officer Skillen** being known as or
7 associated with hitting out at boys, for all the people
8 he believed did know, and we will come back to that
9 shortly, he was clear that you didn't know, because if
10 you had known, you would not have tolerated it.

11 So in that context in the '70s there might have been
12 a more liberal use of the term giving someone "a cuff
13 round the ear". You had a zero tolerance approach to
14 that type of behaviour from staff towards trainees. Is
15 that a fair way of summarising it?

16 **A. I doubt I had the ability to sack on the spot, but yes,**
17 **what he said is true. What I usually said to new**
18 **members of staff, wherever it was, I said, "There is**
19 **a boundary within which is acceptable behaviour and as**
20 **long as you stick inside that boundary, I will support**
21 **you. If you choose to step out of the boundary, well,**
22 **good luck, because I wouldn't be there with you". That**
23 **is always made abundantly clear wherever I've been.**
24 **That is what I believe in.**

25 **Q. And yet when we were speaking about this, you drew my**

1 attention to the need to understand the context as well,
2 that you could have situations not where gratuitously
3 some prison officer would walk down and slap somebody,
4 but where a trainee was sufficiently out of control that
5 in their own interests and the safety of others they had
6 to be restrained, and you had an example, and I'll just
7 ask you to explain it to the Panel, where a number of
8 officers and yourself --

9 **A. Uh-huh.**

10 Q. -- had to engage in that exercise.

11 **A. Uh-huh. That's right. Simply a boy in my terms went**
12 **berserk, just totally out of control, arms flailing,**
13 **legs flailing and whatever, and there were three or four**
14 **members of staff trying to I suppose grab an arm or**
15 **whatever to restrain him, and I finished being involved**
16 **and everyone was on the floor and I simply went on top**
17 **of them, but that was a specific -- that was -- it**
18 **wasn't the use of violence. It was just trying to**
19 **control a borstal boy who was in serious difficulties**
20 **and then would receive medical treatment, yes.**

21 Q. The point you were making to me earlier, Duncan, was it
22 is unrealistic to expect in these types of environments,
23 dealing with what you have to deal with, that there
24 simply can never be contact between trainees and staff,
25 but there's a very distinct difference between somebody

1 gratuitously slapping at somebody --

2 **A. Uh-huh.**

3 Q. -- and the type of reasonable force that has to at times
4 be engaged in for everyone's safety.

5 **A. Yes, yes, yes. Totally unacceptable.**

6 Q. In relation to **Officer Skillen** then --

7 **A. Officer Skillen**

8 Q. **Officer Skillen** he was present in Millisle when you came.

9 **A. That's correct.**

10 Q. If we bring up paragraph 54, please, at 722, he was
11 a basic grade officer.

12 **A. That's correct.**

13 Q. You can't help me -- I was asking you earlier whether
14 you could help me with how long he had been there before
15 you arrived, and you don't know how long that was.

16 **A. I don't know.**

17 Q. But you were making it plain to me that, as you have
18 said in this paragraph, Duncan, but you explained to me
19 in rather more detail, he was from your dealing with him
20 as part of your work a likeable individual.

21 **A. That's correct. Yes, he was.**

22 Q. He was someone -- he had a lovely family.

23 **A. That's right.**

24 Q. One of the concerns you had was knowing his family and
25 the fact he is not here to defend himself.

1 A. I still have that concern.

2 Q. I said to you thankfully the anonymity policy hopefully
3 will assist with that.

4 A. Uh-huh.

5 Q. But that there was humour.

6 A. That's correct.

7 Q. Was that -- you said more he was the subject of the
8 banter, as it were, as opposed to him giving it.

9 A. **Officer Skillen** was rather slow on the uptake at times and a lot of
10 people would make humorous cracks, comments at him. He
11 would always see the funny side of it. I don't recall
12 him -- although I can't guarantee this -- I don't recall
13 him ever losing his temper and if someone had said
14 something that was grossly inappropriate, he
15 might react. I don't recall any of that. He was
16 a likeable guy, but I hate the use of the word **Punchy**.
17 I am sorry.

18 From a layman's point of view, I mean,
19 I've mentioned in my statement that he had been
20 a sparring partner for Freddie Gilroy, who went on to be
21 Commonwealth champion, professional and so on and so
22 forth, and from a layman's point of view had every mark
23 of -- not physical mark -- every sign of taking too much
24 punishment, but he was sincere. He was honest. Beyond
25 that I can't go. What he was like when I wasn't there,

1 **I can't answer that.**

2 Q. But that's how he came across to you.

3 **A. Very much so.**

4 Q. You had -- if I paraphrase it and you tell me if this is
5 fair as to what you are saying -- you had a -- before
6 being made aware of some of the allegations that are now
7 made in respect of him, you had a warm memory of him.
8 He was not someone you had ever had any concerns about
9 his behaviour.

10 **A. That's right.**

11 Q. Nothing had ever made its way to your attention --

12 **A. No.**

13 Q. -- or that you had noticed anything in his attitude or
14 behaviour that caused you any concern. I will come back
15 to that in fairness to him in a moment, but as I said to
16 you earlier, two officers gave evidence in addition to
17 those who themselves say that they were abused by him
18 physically and in some cases sexually.

19 The two officers who gave evidence yesterday, MZ1
20 worked for eight months in '79, February to October '79,
21 as a senior officer in the open, and LN20 in the closed
22 for two and a half years between March '78 and October
23 '80. Both of them gave evidence that they heard -- and
24 I am going to use the word **Punchy**, because that's how
25 they -- while MZ1 referred to addressing him as **Punchy**

1 when he spoke to him, they introduced that.

2 **A. I accept that.**

3 Q. It was a common term applied to him.

4 **A. Yes, I accept that.**

5 Q. They said of **Officer Skillen** that, as far as MZ1 was concerned, for
6 instance, that he was known to physically slap the
7 trainees, and I asked MZ1, "Well, who knew he was doing
8 that?" and he said that the senior officers knew. By
9 that, to be clear, he was talking about the principal
10 officers and the class officer --

11 **A. Uh-huh, yes.**

12 Q. -- and in his view the deputy governor, but he expressed
13 the view you didn't know for the reasons I explained to
14 you earlier. As far as -- and he himself referred to
15 while he never saw **Officer Skillen** hitting anyone, he recounted to
16 the Panel an occasion when during a discussion that
17 sometimes took place in the staff room he said, **Punchy**
18 you are going to have to watch yourself. You can't keep
19 carrying on like that". So whatever was the cause of
20 him, he said to the Panel he could remember having that
21 interaction with **Officer Skillen** about his behaviour.

22 LN20 recounted becoming aware of it in two different
23 ways. He talked about again colleagues in the closed
24 borstal and it being a common knowledge, as it were,
25 between them that **Officer Skillen** would hit the trainees, and that

1 in the occasions when someone who had been in the open
2 borstal would be sent back to the closed borstal or
3 downgraded, as it were --

4 **A. Um.**

5 Q. -- because of their behaviour, they would -- LN20 would
6 have been aware of those individuals talking about, "Now
7 when you go up there, watch out. Watch your man in the
8 laundry".

9 Now both of them made clear there was no suggestion
10 that they had ever heard anything of a sexual nature
11 being alleged against **Officer Skillen**, but that certainly physical
12 assaults were something that they were aware of.

13 **A. Um.**

14 Q. We've walked through already what LN20 said of you --

15 **A. Um.**

16 Q. -- about being aware of that. Now if that's correct
17 that they did know that at the time and they were
18 amongst others who knew that at the time and perhaps
19 more -- and obviously we haven't heard from the more
20 senior officers that MZ1 might have been referring to in
21 order to say, "Yes. Well, they all knew that's what he
22 was like" --

23 **A. Yes.**

24 Q. -- but if that is the case that at least these two
25 officers and others knew, am I right in saying that is

1 something that ought to have been brought to your
2 attention?

3 **A. Oh, yes, very clearly. Very clearly.**

4 Q. And there is a systems problem, a systems failing if
5 officers didn't bring that to your attention?

6 **A. That's right. It's clearly something they should have
7 done that they didn't do.**

8 Q. Because I am right in saying, am I, Duncan, that the
9 officers themselves were under an obligation as part of
10 the code of conduct that prison officers subscribe to
11 that if they are aware of any mistreatment taking place,
12 that should be brought to you, the governor, to deal
13 with?

14 **A. In a sense we are talking about a very theoretical
15 situation, that the code of loyalty amongst staff would
16 prevent them doing that. The only time I was ever
17 informed, and it will come up later on, about -- that
18 led to two officers being suspended was I was told by
19 a junior governor. I wasn't told by a prison officer.
20 The culture of the Prison Service would be that you
21 don't inform on your mates. So that's why I was saying
22 in a sense it's a theoretical situation.**

23 Q. Yes.

24 **A. Yes. I think --**

25 Q. They had an obligation to do it, but it comes as no

1 surprise to you that it didn't happen?

2 **A. No. Absolutely.**

3 Q. If it had happened, if you had been made aware of it,
4 then you would have taken the steps that you've
5 described?

6 **A. I would have had it investigated and, if necessary**
7 **I would have had him suspended. If necessary, I would**
8 **have called in the police, as I did later on with**
9 **somebody else, yes.**

10 Q. In fairness -- and I know you were keen to point this
11 out to me earlier as well -- in fairness to the man who
12 is deceased and can't speak for himself there were
13 a couple of points that in relation to whatever assaults
14 they were talking about that they were aware of him
15 engaging in or that belief that that's what he did --

16 **A. Uh-huh.**

17 Q. -- it doesn't appear to have ever physically injured
18 someone to the extent of them being knocked out or
19 needing medical treatment it appears in the sense that
20 nobody has alleged that, and the point that you made to
21 me was the matron, who was there through your entire
22 time --

23 **A. Yes.**

24 Q. -- most definitely would have told you if someone was
25 coming with some sign of --

1 **A. Yet.**

2 Q. -- being mistreated.

3 **A. Yes. I believe that absolutely.**

4 Q. Can you explain to the Panel why you have that belief
5 about the matron?

6 **A. She was the type of person who, if she was told that
7 sort of information, couldn't hold it, wouldn't have
8 been able to hold it to herself. She would have to pass
9 it on.**

10 Q. So -- as I said, neither of those officers ever heard
11 any reference to anything sexual --

12 **A. No.**

13 Q. -- in relation to **Officer Skillen**

14 **A. No.**

15 Q. It was about physically hitting out at boys.

16 **A. Could I just add that if an injury had been sustained
17 that required hospital treatment, the borstal boy could
18 not have left the place without my authority.**

19 Q. Yes. That's what I am saying to you. I am not sure
20 there is any suggestion --

21 **A. Um.**

22 Q. -- that anyone was injured to that degree --

23 **A. No.**

24 Q. -- in whatever it was that was taking place --

25 **A. Um.**

1 Q. -- as far as they were concerned in what they were aware
2 of.

3 There is one matter that I want to ask you about in
4 addition. If we look at MIL050, please, one boy who
5 spoke to the Inquiry about -- it is in paragraph 16,
6 Duncan. This is HIA374, who said he was the subject of
7 abuse. He talked about simulated sex happening to him
8 with Officer Skillen, but he said:

9 "On one occasion I plucked up the courage to tell
10 a senior member of staff what was taking place. This
11 man was sharp dressed, very presentable looking, had
12 black hair and a black moustache."

13 He said:

14 "He simply dismissed what I told him and nothing was
15 done."

16 Then if we can look, please, at 80020. If we just
17 scroll down a little bit, please. Move on down to the
18 next page. Yes. So he plucks up the courage to tell
19 a senior officer. Move down a little further. He says:

20 "Q. But this person had their own office?

21 **A. I think he had his own little office, yes.**

22 Q. You describe him as being sharp dressed.

23 **A. Yes.**

24 Q. You think he had a black moustache?

25 **A. Yes."**

1 What I wanted to ask you is: who had their own
2 office that this could possibly be, if it happened in
3 the way that's described?

4 **A.** Just the chief officer. He would be the only person who
5 had a designated office for his use. There may have
6 been other offices that were used by different people
7 constantly, but there was only the one office, the chief
8 officer's office.

9 **Q.** Can you remember who -- there was more than one chief
10 officer during your time.

11 **A.** There were two chief officers in my time. Certainly
12 that description didn't fit one of them by no stretch of
13 the imagination. That description could apply to the
14 other chief officer, but I am really reluctant to say it
15 would. I am --

16 **Q.** You can't say that it does.

17 **A.** I can't, no.

18 **Q.** But there's one individual -- if you can give the Panel
19 the name and then it will redacted for now and then we
20 will have to look into further what we do about it.

21 **A.** Well, one was **ML 45**. He is the
22 chap I am saying couldn't. No way would meet that
23 description. The other was a guy called **ML 46**
24 Both those are dead, by the way. It was **ML 46** who, if
25 you stretch your imagination, that might fit with, but

1 **the black hair puzzles me.**

2 Q. Did he have black hair?

3 **A. I think he had greyish hair. I'm really guessing. I am**
4 **guessing at this stage. I just can't remember.**

5 CHAIRMAN: Did he wear a lot of rings?

6 **A. I'm sorry?**

7 CHAIRMAN: Did he wear a lot of rings on his hands?

8 **A. No.**

9 CHAIRMAN: That was a part of the description as well.

10 **A. Uh-huh.**

11 MR AIKEN: The next issue I want to cover with you, Duncan,
12 is that of the Visiting Committee. The Panel have
13 looked at that role in terms of being the guardian of
14 the public interest and supposed to be friendly but
15 independent and effective at challenging issues --

16 **A. Uh-huh.**

17 Q. -- and ensuring that the place was being properly run
18 and the trainees were being properly cared for. Did
19 you -- do you have a view about how effective that
20 Visiting Committee concept was in being an oversight of
21 how the borstal was run?

22 **A. I think it was effective in terms of observing the**
23 **obvious, if you like. They would be in twice a month.**
24 **There could be occasional visits between times, but**
25 **I don't think they would have picked up some of the**

1 things under the surface. I don't think any member of
2 staff would have talked to them about concerns about
3 whatever. So as far as it would go I think they were
4 effective, but the cynical point of view would be that
5 it would be difficult for any visiting committee with
6 lower case "V", if you like, who come in occasionally to
7 really know what's going on in an institution. I think
8 it's valuable that they do come. There has to be
9 a level of supervision, if you like, but occasional
10 visitors, as they were, I don't think it was as
11 effective as it could be.

12 Q. There's a limit to the reality of what they would know?

13 A. Yes.

14 Q. They did come unannounced in the sense they would arrive
15 at the open borstal and had immediate access, as it
16 were, but an unannounced visit to the closed borstal,
17 still someone would have to let them in at the gate.

18 A. Um.

19 Q. There has been some evidence given to the Panel about
20 being -- trainees being warned by staff not to talk to
21 the Visiting Committee, or if talking to them, not to
22 complain to them about matters of that sort that might
23 be concerning --

24 A. Uh-huh.

25 Q. -- such as assaults and so on. You weren't aware of

1 officers doing that?

2 **A. I can't comment on that. I mean, I don't know. That's**
3 **entirely possible, but, I mean, I --**

4 Q. It wasn't something you were ever aware of?

5 **A. It would surprise me.**

6 Q. LN20 gave evidence that he recalled the visitors from
7 the rota, so those who were making their fortnightly
8 visits in, speaking privately to trainees in their --

9 **A. Yes.**

10 Q. -- in their rooms in his terms --

11 **A. Yes.**

12 Q. -- in the cold closed borstal. Is that your
13 recollection, that they had open access to the trainees?

14 **A. Oh, they had -- they had the right. There are certain**
15 **individuals or certain groups of people who could**
16 **interview and can still interview a prisoner out of**
17 **sight and out of hearing of staff. That would apply**
18 **then, as it does now, to visiting committees, yes.**

19 Q. Can you remember the Visiting Committee ever drawing to
20 your attention allegations by trainees about staff? We
21 could -- we saw obviously a reference to whoever it was
22 --

23 **A. Uh-huh.**

24 Q. -- saying something about being treated less favourably
25 on grounds of their religion and referring to staff in

1 that context, but can you ever recall the Visiting
2 Committee bringing to you, "An officer is said to have
3 assaulted X or Y" or anything of that sort?

4 **A. I certainly do not recall the suggestion that an officer**
5 **had assaulted. I don't recall someone raising an issue**
6 **with an officer's attitude, for example. I don't recall**
7 **that, no.**

8 Q. If we can look, please, at MIL733, I am going to look at
9 a couple of specific matters with you, Duncan. The
10 first is a matter that's recorded in your journal in
11 1975.

12 **A. Uh-huh.**

13 Q. If we can scroll down just a little to the bottom of the
14 page, the 8th November entry. If we can show the next
15 part of the -- the first part of the next page. No, we
16 are not -- if we just stay there for now. This records
17 -- and you draw attention to this in paragraph 33 of
18 your statement at 715. You interviewed **ML 47**

19 **ML 47**. You were telling me that's **ML 48**.

20 **A. That's ML 48.**

21 Q. You have a clear recollection of him for reasons that we
22 will come to.

23 **A. Um.**

24 Q. You interviewed **ML 47** at **ML 47** request.

25 " **ML 47** has alleged -- **ML 47** has alleged that

1 **ML 48** had been beaten by staff on Friday, 7th
2 November."

3 So the day before. You in brackets record:

4 "(**ML 48** had been examined by the ..."

5 **A. "MO", medical officer.**

6 **Q.** "... medical officer on that day for punishment
7 himself", I think that is. "No evidence of injuries.)"

8 Does that mean he was one of the individuals
9 potentially to be caned if the medical officer was --

10 **A. No. I don't know whether it still applies, but the**
11 **system was if a trainee or an adult prisoner was being**
12 **adjudicated on and there was a possibility of cellular**
13 **confinement, the doctor had to examine the prisoner**
14 **before to ensure, whatever criteria he used, that he was**
15 **capable of spending that period of a day, two days,**
16 **three days. So that would have been routine.**

17 **Q.** Yes. So it's not -- it wasn't a precursor --

18 **A. No, no.**

19 **Q.** -- to a caning in particular?

20 **A. No.**

21 **Q.** Then it goes on to record:

22 "I saw **ML 48** and could see no marks on ..."

23 If we scroll down, please:

24 "... on his face."

25 So that carries the implication that the allegation

1 was --

2 **A. Um.**

3 Q. -- that he had been struck by a member of staff on the
4 face.

5 **A. Uh-huh.**

6 Q. You had had a contemporaneous -- some contemporaneous
7 evidence for other reasons. That is the medical officer
8 the day before, when it was said to have happened, saw
9 him for a different purpose and had no issue. When you
10 saw him, you didn't see any evidence of injuries --

11 **A. That's right.**

12 Q. -- but you then indicate:

13 "I called the medical officer",

14 who was someone who was on relief, is it?

15 **A. I don't recall the name, but he would have been a locum
16 or relief doctor.**

17 Q. "... and that officer", the medical officer, "confirmed
18 that there was nothing untoward."

19 **A. That's correct, yes.**

20 Q. Doing the best you could, you could not find any other
21 references to this. There are no other documents that
22 you are aware of.

23 **A. Um.**

24 Q. There might have been something on his file that is not
25 there now --

1 **A. No.**

2 Q. -- because there is no file, but whatever it was, it
3 doesn't seem to have merited going any further in the
4 sense that there didn't appear to be any evidence --

5 **A. Yes.**

6 Q. -- to substantiate the complaint.

7 **A. Yes. It would seem that way, yes.**

8 Q. Then in 1980 -- sorry. I should just pause. You were
9 -- you were remembering earlier this particular boy did
10 pose difficulty, but you broke into the cycle and you
11 were saying to me he was the keeper of the donkey.

12 **A. Yes. We lived on site. We had rather a large garden at**
13 **the front and a larger garden at the back and the**
14 **children had a donkey, Paddington, and ML 48 wanted to**
15 **look after the donkey. So I agreed and that changed.**
16 **I am not suggesting it was a long-term gain, but**
17 **he certainly improved in borstal.**

18 Q. You were saying to me that that sense of responsibility
19 --

20 **A. Uh-huh.**

21 Q. -- that he gained out of being given that role --

22 **A. And he had status.**

23 Q. -- changed his behaviour.

24 **A. I believe it did, yes.**

25 Q. That's why he stuck in your mind more so than this --

1 **A. That's right. Sure. Sure. Sure. Sure.**

2 Q. -- particular incident, which is not something you --
3 you can see the record --

4 **A. Uh-huh.**

5 Q. -- and you remember **ML 47** speaking to you, but as
6 to what might have happened after it as to whether
7 an officer was capable of being identified or anything,
8 you don't remember that.

9 **A. No.**

10 Q. In respect of the 1980 one there is an entry, if we can
11 look at 703, please. It is of 14th May 1980. It
12 records that, and you made reference to it:

13 "At approximately 2.15 I was informed by AG ..."

14 Is that Assistant Governor Wilson?

15 **A. Assistant Governor Wilson.**

16 Q. "... that an alleged assault had taken place ..."

17 **A. "... in the closed ..."**

18 Q. Where is that?

19 **A. "... in the closed section ..."**

20 Q. "... in the closed section by Officers **ML 49** and **ML 50**
21 on trainees **ML 51** ..., "

22 and is **ML 51** his initials?

23 **A. I am not sure. I am not sure whether that was two**
24 **trainees or three. ML 51. No, I can't help you there.**

25 Q. Certainly **ML 51** and there's a **ML 52**

1 A. **ML 52** yes.

2 Q. -- referred to. It may be if there was more than one
3 **██████████**, perhaps **██████████** was used to identify him --

4 A. **Possibly. Possibly.**

5 Q. -- because it doesn't seem --

6 A. **Um.**

7 Q. -- from other documents --

8 A. **Um.**

9 Q. -- that there is anyone ultimately beyond **ML 51** that
10 proceeds with this, and that will become clear.

11 A. **Okay.**

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

14 A. **"... the alleged incident ..."**

15 Q. "... the alleged incident, and later that day
16 I suspended Officer **ML 50** from duty. Officer **ML 49**
17 had already left the establishment at the conclusion of
18 his duty and was unable to be contacted."

19 You record the RUC arriving. You were saying to
20 me -- if we can scroll down, I am not sure whether
21 there's -- your recollection is that you --

22 A. **I did.**

23 Q. -- suspended then --

24 A. **Yes.**

25 Q. -- Officer **ML 49** at the first available opportunity as

1 well, and they both remained suspended during the
2 currency of the investigation.

3 **A. That's correct.**

4 Q. What I wanted to ask you was could you remember
5 precisely what type of assault they were alleged to have
6 engaged in on **ML 51** and **ML 52**?

7 **A. No.**

8 Q. You don't?

9 **A. I had forgotten about this until I saw the entry in the**
10 **journal.**

11 Q. What I am able to establish is that you informed the
12 Visiting Committee about this. I am not going to bring
13 up all of the records, but on 2nd June 1980 you informed
14 the Visiting Committee that you had had to suspend two
15 officers because of alleged assaults and the RUC were
16 investigating and it remained to be seen whether there
17 would be charges. The reference for that, Members of
18 the Panel, is at MIL747 and 8.

19 Then on 25th September -- and we're going to look at
20 this, please, at 755 -- there is a note from Dr Jim
21 Patten, who is deceased you were saying to me --

22 **A. Um.**

23 Q. -- who was a psychiatrist.

24 **A. Psychologist.**

25 Q. Psychologist.

1 **A. Clinical psychologist, and he was the official -- at**
2 **that time the official clinical psychologist for the**
3 **Prison Service.**

4 Q. I spent some time last night looking at the handwriting
5 and right at the bottom of the page he's recording
6 a closed rota visit on 25th September 1980 and he
7 identifies a number of issues that he comments on. Then
8 you can see the second item here at the numbered points:

9 "Trainee **ML 51**. This trainee had just returned
10 from", I think it is, "court involving charges against
11 two prison officers. He said that he felt that the
12 court officials and ..."

13 **A. "... personnel ..."**

14 Q. "... personnel of the Service had treated him fairly and
15 that ..."

16 **A. "... appropriate ..."**

17 Q. "... appropriate attention had been given to what he had
18 to say. He ..."

19 CHAIRMAN: "... also ..."

20 **A. "... also expressed ..."**

21 MR AIKEN: "... also expressed ..."

22 **A. "... fears ..."**

23 Q. "... fears, however, that he might be charged with
24 making false accusations against ..."

25 MR LANE: "... officers ..."

1 CHAIRMAN: "... officers ..."

2 MR AIKEN: "... prison officers the two men ..."

3 **A. "... prison", yes, "officers ..."**

4 Q. "... officers ..."

5 **A. "... if the two men ..."**

6 Q. "... if the two men currently being tried were found to
7 be not guilty."

8 **A. "These fears ..."**

9 Q. "These fears were the result of what some other officer
10 had suggested. I tried to reassure him in this matter.
11 He ..."

12 CHAIRMAN: "He has further fears that if he were to receive
13 ...", something.

14 MS DOHERTY: "... another custodial sentence ..."

15 CHAIRMAN: "... another custodial sentence ..."

16 **A. That's right.**

17 Q. "... in the light he still has to face a car theft" --

18 **A. Yes.**

19 Q. -- "charge, he would be intimidated by the staff ..."

20 **A. "... interviewed ..."**

21 MR AIKEN: "... victimised ..."

22 CHAIRMAN: "... victimised by the staff of whatever prison
23 he is placed in. Again I tried to reassure him on this
24 point."

25 MR AIKEN: So he is -- Dr Patten is recording a discussion

1 with trainee **ML 51** that gives certainly the impression
2 that the two officers have been the subject of
3 a criminal trial and at this point, where he regards
4 himself as treated fairly, he is waiting for the verdict
5 of that.

6 **A. Uh-huh.**

7 Q. The -- on 20th October 1980 -- and we are going to look
8 at this for two reasons -- if we look at 25021, please,
9 we are going to see a minute of a Visiting Committee,
10 but you will see that because we have passed 30th
11 September/1st October, it is now the minutes of The
12 Inaugural Meeting of the Visiting Committee at Her
13 Majesty's Young Offenders Centre at Millisle --

14 **A. Um.**

15 Q. -- rather than the borstal.

16 **A. Borstal.**

17 Q. If we scroll down to the bottom, we can see reference in
18 the penultimate paragraph:

19 "Officers **ML 50** and **ML 49** have been acquitted on
20 the assault charge and subsequently transferred to
21 Belfast Prison."

22 Now I was asking you earlier, Duncan, had you any
23 recollection of that, now that you see it --

24 **A. No.**

25 Q. -- and you were saying to me that you don't.

1 **A. No.**

2 **Q.** We have had access to the personnel files of the two
3 officers and unfortunately there's no record on either
4 of them about this particular issue. I have asked
5 Mr Wolfe just to have his client verify that that's
6 correct, but there doesn't appear on the material that
7 has been provided to the Inquiry to be any document that
8 relates to these events.

9 But on 29th October 1980, if we look at 757, please,
10 there is a note in again annotation which you will see
11 and just under the note 29th October 1980. It is:

12 "Trainees ..."

13 Just take it back up, please:

14 "Trainees **ML 53** , **ML 51** and **ML 54** were released
15 on 1st October."

16 I was saying to you that was the date of the
17 changeover, the law under the Treatment of Offenders
18 1980 or Commencement Order (Northern Ireland) 1980 --
19 and I am going to give the Panel the reference for that
20 -- that's at 10998 and 10999 -- which brought into
21 effect the Treatment of Offenders Order that abolished
22 borstal training, and the date set for that being 1st
23 October, but the note goes on then to say:

24 "Trainee **ML 51** has an ongoing criminal injury claim
25 arising out of an allegation of assault against the two

1 officers who were subsequently acquitted."

2 I was asking you: "Do you recognise who the authors
3 of the notes are?"

4 **A. No.**

5 Q. You were saying that you don't.

6 **A. I don't. I don't.**

7 Q. Because in the next note down, which is of the following
8 day, 30th October, whoever is the author of that note is
9 recognising that just because they are acquitted, it
10 does not stop the civil claim proceeding, but there is
11 nothing more you can recollect, Duncan, about what this
12 related to and what it is they were alleged to have done
13 on trainee **ML 51**?

14 **A. No, I have no memory of this. I think, as I said, I had
15 no memory of the allegation in the first place until
16 I saw the entry in the journal, and I think someone
17 asked me what happened afterwards. I said I couldn't
18 recall. I had assumed that it went through the system
19 and the police were not taking their time but, you know,
20 I mean -- during my time there I hadn't had a response,
21 but clearly, clearly I had. I had forgotten that.**

22 Q. I opened to the Panel on the first day of this module
23 that there is evidence that a police file existed --

24 **A. Uh-huh.**

25 Q. -- but unfortunately they are not a position to produce

1 the police file. So it has not been possible to take it
2 any further at this stage. It may be we can seek the
3 court record and see if that may not -- maybe newspapers
4 is one option that might explain what happened.

5 I want to then just -- the last issue I want to
6 cover with you, Duncan, is this issue of the closure,
7 and the Treatment of Offenders (Northern Ireland) Order
8 1980 was made in July of 1980, 28th July, and that
9 brought an end to the borstal sentences. Paragraph 2 of
10 Schedule I to that Order indicated that at the appointed
11 time when the Order would come into force if you were
12 serving a borstal training sentence, it would
13 automatically then become a YOC sentence --

14 **A. That's right.**

15 Q. -- which seems to have been this sequence where we can
16 see one Visiting Committee ending and another starting.

17 If we can look, please, at 25004, this was a special
18 meeting of the Visiting Committee of 1st July 1980. It
19 appears that there are representatives from the NIO and
20 you are present you can see at the meeting as well.

21 **A. Uh-huh.**

22 Q. The NIO official, Mr Truesdale, then sets out the
23 sequence of events that are going to take place in terms
24 of what the arrangements are. If we just scroll down
25 a little further, we can see:

1 "Members have an opportunity for a full discussion
2 at the next meeting."

3 When they do that, they remark on their concern that
4 there would no longer be an open regime --

5 **A. Uh-huh.**

6 Q. -- in Northern Ireland in terms of what was available at
7 the borstal.

8 You record in your diary of 30th September 1980
9 referring to that being the last day of the borstal.
10 I will just show you that. That's at 185. If we just
11 scroll down a little, please, you can see there on 30th
12 September you record:

13 "The last day of borstal training" --

14 **A. Uh-huh.**

15 Q. -- "will be in existence in Northern Ireland. From
16 midnight today the sentence will cease to exist."

17 That's in keeping with the Commencement Order that
18 I have referred the Panel to. Do you want to -- it will
19 be easier for you if you read your handwriting than
20 I do. You make a comment:

21 "My only comment on the abolition ..."

22 **A. My handwriting has changed over a course of months:**

23 "My only comment on the abolition of borstal
24 training is related not to the sentence but to the
25 regime at Millisle. We have shown that both trainees

1 **and staff can experience meaningful relationships. The**
2 **heavy hand has not been needed. The Service has chosen**
3 **to close its only successful establishment."**

4 Q. That's the view you had of the state of affairs as they
5 sat --

6 A. **Uh-huh.**

7 Q. -- at 30th September?

8 A. **I would have been happy if Millisle had stayed but as**
9 **a young offenders centre with the fixed determinate**
10 **sentence as opposed to what I called a semi-determinate**
11 **sentence that the borstal training sentence was.**

12 Q. I am not going to open them, but the Panel has access to
13 the last meeting of the Visiting Committee then had
14 already happened on 1st September 1980 and the --

15 A. **Um.**

16 Q. -- new Visiting Committee we touched on first met at the
17 YOC Millisle --

18 A. **Uh-huh.**

19 Q. -- on 3rd October 1980.

20 A. **Uh-huh.**

21 Q. What I wanted to ask you: when the decision was
22 communicated that borstal would close and the Minister
23 announced it effectively --

24 A. **Uh-huh.**

25 Q. -- in the June 1980 --

1 **A. Uh-huh.**

2 Q. -- and then the legislation was passed in July, was
3 there any noticeable deterioration in your memory in
4 terms of the behaviour of trainees or staff?

5 **A. No. The main change was each member of staff and each**
6 **borstal boy was asking the question, "What does it mean**
7 **for me?" You know, for members of staff, "Where am I**
8 **going?" Some members of staff live in staff quarters.**
9 **The fear was that they would be transferred to**
10 **Magilligan, which would clearly be an inconvenient**
11 **transfer. Borstal boys at that stage wouldn't have**
12 **known what was going to happen to their sentence. Would**
13 **they all be released on the same day? Does borstal go**
14 **on or whatever? So that was a very personal --**
15 **individual personal response, but in terms of change of**
16 **behaviour or atmosphere, I don't recall any.**

17 Q. The last entry in your journal brought the three months
18 of the YOC at Millisle to an end.

19 **A. Uh-huh.**

20 Q. That was of 31st December 1980.

21 **A. Uh-huh.**

22 Q. It is the one document I don't have a reference for at
23 the moment. Perhaps someone can help me with that.

24 Bear with me for a moment, Members of the Panel, just to

25 ...

1 MR WOLFE: Sir, I believe it is 157 for that.

2 MR AIKEN: 157?

3 MR WOLFE: I think so, yes.

4 MR AIKEN: If we try 157, please. I am grateful to
5 Mr Wolfe.

6 **A. Uh-huh. Uh-huh.**

7 Q. This was you recording then the end of the --

8 **A. Yes.**

9 Q. -- YOC at Millisle.

10 **A. Yes.**

11 Q. Then it would become the Training College and Lisnevin.
12 You express similar sentiments, Duncan --

13 **A. Uh-huh.**

14 Q. -- to those that you had dealt with in the September,
15 that there was no longer going to be the open
16 institution.

17 So your reflection on -- however you contrasted it
18 with other institutions that were within the Prison
19 Service at the time, your reflection on the borstal
20 system at Millisle was a positive one. It was not
21 a negative one.

22 **A. Setting aside my reservations about the sentence --**

23 Q. Yes.

24 **A. -- yes, yes. I mean, I have made the comment there**
25 **that:**

1 "Rehabilitation is based on myth and wishful
2 thinking."

3 We do not to this day have the ability to look at
4 an individual prisoner and say, "You need a bit of this"
5 or "You need a course of that" or whatever. All we can
6 reasonably safely say is that everything will work in
7 certain circumstances at certain times with certain
8 people at certain places, but we don't have the ability
9 to isolate like that. So all we can do in my view --
10 and it is not a view shared by everybody -- the task of
11 the prison or the borstal, young offenders centre, other
12 than the security element, is to offer opportunities and
13 make sure that the regime is humane, that people are
14 treated decently and that they have the opportunity of
15 taking up those opportunities. That is in my view as
16 far as we can go. To say we can go further I think is
17 being slightly foolish.

18 Q. You explain at the end of your statement, when reacting
19 to the allegations themselves, that you, as you pointed
20 out at the start of your evidence today, you can't say
21 that and don't say that things didn't happen --

22 A. Quite.

23 Q. -- at times, but what I understand you to be saying,
24 while there may be a systems issue about knowledge about
25 Officer Skillen not being reported to you, that's -- and while

1 other acts of abuse may have taken place, the point you
2 are making is that the system that was set in place was
3 a humane one --

4 **A. Yes.**

5 Q. -- and that in -- for the vast majority of individuals
6 through the period at least when you worked there did
7 what it was set up to do.

8 **A. Uh-huh.**

9 Q. That's not to say that there weren't problems that may
10 not have been brought to your attention, but that the
11 system that operated was a humane one. Is that a fair
12 summary of what I understand you to be saying?

13 **A. It is a fair summary of it. All you can do is set up**
14 **the place in such a way, either written instructions or**
15 **advice or the way you do things, and if you looked at**
16 **some of those earlier entries, you will see the last**
17 **entry was that, "Governor on duty tonight" or "Deputy**
18 **Governor on duty tonight", which meant you visited the**
19 **place and you went round the place.**

20 The sad reality is -- and again it's a nice general
21 statement and you can pick holes in it -- things tend to
22 go wrong in prisons not because of the systems. It's
23 because of the people who operate the systems not doing
24 what they ought to do. I would say 99 times out of 100
25 that is the case. If there is an escape, it is because

1 of the way people have behaved, have not done what they
2 ought to have done. The systems as far as I am
3 concerned very clearly laid down the advice I gave to
4 staff both in writing and in talking to staff was what
5 was tolerated, what was not, but you can't spend
6 24 hours a day walking round the place watching
7 everybody.

8 Q. Duncan, you will be pleased to know I am not going to
9 ask you any more questions. If you don't mind, if you
10 remain where you are for a short while, the Panel
11 Members may want to ask you to clarify certain things or
12 maybe issues I haven't picked up on.

13 A. Can I say one thing, sir? In recent months I have
14 experienced a deterioration in my hearing in my left
15 side and I am having some difficulty in hearing
16 everything.

17 Questions from THE PANEL

18 CHAIRMAN: Well, we will do the best we can to ensure that
19 you can hear everything.

20 A. Thank you.

21 Q. Can I ask you one minor factual question? We have heard
22 these references to the laundry room. Was it also the
23 clothing store where people were issued with clothing?

24 A. No. I am obviously hesitating over that.

25 Q. It is just we have heard references to a seamstress

1 being there --

2 **A. Oh, yes.**

3 Q. -- and somebody going to exchange --

4 **A. Yes.**

5 Q. -- I think it was --

6 **A. Yes.**

7 Q. -- a PT kit or something of that nature --

8 **A. That's right.**

9 Q. -- as opposed to strictly a washing place, if you see
10 the difference.

11 **A. That's right. There is a very clear difference between**
12 **the two. ML 55, who was the seamstress, was on the**
13 **third floor. That's where she operated from. Now**
14 **I can't say that's where clothing was kept. I can't,**
15 **other than clothing for repair. I can't say that's**
16 **where, if you like, the clothing store was. I don't**
17 **know.**

18 Q. The next question may be one that because of the passage
19 of time, you have absolutely no ability to answer, but
20 one of the applicants who gave evidence earlier this
21 week you have been asked about I think indirectly was
22 called HIA248, a rather unusual name in Northern
23 Ireland. He was the person that said he worked in the
24 mess as some sort of orderly or something of that
25 nature.

1 **A. Yes.**

2 Q. If we just look at 738, please, MIL738, it is not
3 terribly easy to read, but if we look down towards the
4 bottom of the page, you will see a paragraph beginning:

5 "There had been two absconders since Christmas and
6 two boys had failed to return from parole. One has
7 since been recaptured. Two brothers [name redacted] had
8 returned early from parole at their own request. These
9 boys would present an accommodation problem ..."

10 **A. "... on release."**

11 Q. "... on release."

12 Then not very long afterwards we have a reference at
13 743, which I don't think we need to bring up, saying
14 they have been placed in digs by Extern and one had been
15 found employment.

16 First of all, arising out of those entries, do you
17 remember those brothers by any chance?

18 **A. I don't remember the name, but I do remember Extern,
19 because it was an organisation that I started with three
20 or four others --**

21 Q. Yes.

22 **A. -- in Northern Ireland. So I remember that bit of it.
23 [Name redacted], as you say, is a very unusual name, but
24 I don't recall --**

25 Q. I think he came from [REDACTED]. He was born in [REDACTED] and

1 his parents came to Northern Ireland.

2 **A. Okay.**

3 Q. But what I wanted to ask really arising out of him were
4 a number of questions. If we take the two boys first,
5 was there a form of structured preparation for life
6 after borstal training for the boys?

7 **A. Other than trade training for occupation there wasn't.**

8 Q. Yes. So the provision that was made on this occasion
9 was presumably facilitated by Extern?

10 **A. Yes. I assume that, yes.**

11 Q. Perhaps somebody informally contacting them; perhaps you
12 yourself since --

13 **A. I may have done it, yes.**

14 Q. A more substantial question relates to the issue of
15 absconders. We have seen various figures that show from
16 time to time, as your records indicate, each day you
17 would record how many were there --

18 **A. Uh-huh.**

19 Q. -- how many were in hospital, and if anybody had
20 absconded, the number of people who had absconded, but
21 there is a reference, which I just can't put my hand on
22 at the moment, which suggests that the level of
23 absconding had reduced considerably as the result at
24 least in part of some form of initiative that had been
25 taken. Can you tell us what those initiatives were; why

1 you were able to bring about a reduction in absconding?

2 **A. I don't think there were any particular initiatives.**

3 **I would like to think that it was because the atmosphere**
4 **in the borstal had changed.**

5 Q. Yes. In fact, I have now found the reference. If we
6 could up bring up 717, please, from your statement, you
7 will see at paragraph 38 the second sentence:

8 "The level of absconding gradually reduced, so
9 strategies in place to manage the issue would appear to
10 have been effective."

11 Can you recall what the strategies were?

12 **A. I can't. I can't. I can't. I can only make general**
13 **comments that we tried to treat people decently and so**
14 **on and whatever. I can't, and I could not think of**
15 **a specific strategy that could you take. I mean,**
16 **clearly you couldn't put physical barriers in place.**
17 **You couldn't reduce or wouldn't reduce the degree of**
18 **freedom, of relaxation of the regime, and bearing in**
19 **mind it is an open borstal, and, I mean, literally it**
20 **was open, I can't think of anything in particular you**
21 **would do to improve things.**

22 Q. It's an issue that is of interest to us, because I think
23 a decade or so later there was a concern about the
24 differential between the absconding rates of
25 St. Patrick's Training School and Rathgael --

1 **A. Uh-huh.**

2 Q. -- and there was a reference to strategies being
3 developed --

4 **A. Ah!**

5 Q. -- in Rathgael which were successful but not apparently
6 widely shared. I just wondered if you had had any
7 experience here --

8 **A. No.**

9 Q. -- in Millisle about that.

10 **A. No, no, nothing in particular.**

11 Q. I see. Thank you very much.

12 MS DOHERTY: Thanks very much. That has been very helpful.
13 Can you hear me okay?

14 **A. I can hear you. Yes. Thank you.**

15 Q. Okay. Good. Can I just -- I have a few questions. Can
16 I ask: were the staff in the closed unit and in the open
17 unit completely separate? Did they have any linkage at
18 all?

19 **A. Unless there was some good reason; if there was
20 a shortage of staff in one or the other. No, they were
21 quite separate.**

22 Q. Can I ask what you felt about the Visiting Committee's
23 role in adjudications? Was that an effective role?

24 **A. I think it was important that we had independent --
25 an independent adjudication. I mean, we often use the**

1 word "transparency" these days and I suppose it would
2 apply then, that the possible punishment of the caning
3 was such that I certainly would not have wanted to have
4 the ability to award it myself I think. So their
5 independence was vitally important for that.

6 Q. Okay. Were they okay about doing it? Was it a role
7 that they were comfortable with?

8 A. They were not comfortable with it.

9 Q. They weren't comfortable?

10 A. From time to time, although I don't think this was
11 recorded formally, but whenever they met anyone from
12 Prison Service headquarters, this would be -- this would
13 be raised, and if you -- again the Boards of Visitors
14 had yearly conferences, and again this would be raised
15 as a function that they just did not want.

16 Q. To have to do that.

17 A. Uh-huh. I can understand that.

18 Q. Yes. This is a practical issue. This is going back to
19 the issue of the underground -- HIA416's evidence.

20 A. Uh-huh.

21 Q. He was a bit unclear in his evidence about whether he
22 was actually underground, but he talked about hiding in
23 the gym and going down to a garage where the trailer
24 would be put in and where the maintenance men would put
25 their tools. I am just wondering if -- would that be

1 possible? Would the gym be above the -- you know, would
2 you go down from the gym towards that garage?

3 **A. Oh, yes, yes. The gym was on the second level, if you**
4 **like, with the main building on the ground level.**

5 **I still -- this doesn't --**

6 Q. It doesn't make ...

7 **A. -- ring any bells.**

8 Q. He talks about the trailer driving into it and it is
9 where the maintenance men kept their tools and things,
10 but when he said -- he said about underground, he said,
11 "I'm not sure", but I got the sense that he had the
12 experience of being driven down towards this garage.

13 **A. They would have to have driven down the grassy bank at**
14 **about 45 degrees.**

15 Q. Right.

16 **A. I mean, it is just not possible.**

17 Q. Okay. Okay. Can I ask: did you arrange for the key to
18 be given to the trusted trainees? Was that your
19 initiative?

20 **A. No, I inherited that.**

21 Q. You inherited that. Can I just ask how the officers
22 dealt with you playing snooker in the evening with --
23 I mean, what was their reaction to you having that level
24 of contact with the trainees?

25 **A. Oh, yes, yes, yes. I didn't see it as being unusual,**

1 you see. This is my problem. I mean, obviously, as
2 **MZ 1** would suggest, he was shocked by this.
3 Others -- I think those who have worked in an open
4 borstal for a long period of time would not have been
5 surprised if anyone had come in and had a game of
6 snooker. I think MZ1's problem was coming from a Maze
7 situation and there is a governor playing with the
8 prisoners I think.

9 Q. Okay. So that was more his reaction than the general
10 reaction to you?

11 A. Yes, I would have thought so. I would have thought so.

12 Q. So would it have been generally -- apart from you
13 obviously as the governor, but would that have been the
14 sort of interchange you would have had between officers
15 and trainees, that they would have played snooker
16 together?

17 A. Yes, indeed, yes, yes.

18 Q. Okay. The issue about the possibility of some of your
19 senior colleagues knowing about **Officer Skillen**'s behaviour towards
20 the trainees, did you have meetings with your senior
21 colleagues? Was there separate meetings there where
22 there would have been discussions about ...?

23 A. There was a morning meeting every morning.

24 Q. Every morning between three or four of you?

25 A. Yes, or we would bring in the educational officer or we

1 would bring in whoever for that particular topic that we
2 needed, yes, yes.

3 Q. Presumably that's somewhere where you would have
4 expected if there were concerns about officers that that
5 might have been raised or did the loyalty factor kick in
6 at any level below governor?

7 A. I think at the governor grades the loyalty factor was
8 definitely there. For the prison officer grades I don't
9 think that -- I don't think they would be willing to
10 drop a colleague into trouble if they could avoid it.
11 I mean, if there had been a severe assault, well,
12 I think it might have been a different situation, but if
13 someone, for example, got a clip behind the ear, the
14 attitude of some staff would be, "Well, he deserved it",
15 you know. So I think that's the level they would see it
16 as, which I wouldn't see it that way, but ...

17 Q. They would have?

18 A. Yes.

19 Q. With Officer Skillen can I just be clear with you was there a sense
20 in which he was maybe indulged in terms of how he came
21 over? He was seen as somebody who was maybe -- we heard
22 of him being a joker and being seen by some people to be
23 a joker --

24 A. Um, um, um.

25 Q. -- and that if he was behaving in certain ways to some

1 trainees, they could find it funny if it wasn't them it
2 was happening to. Would that ...?

3 **A. I -- I think they felt sorry for him in many ways, but**
4 **underlying it all he was still a colleague of theirs.**

5 Q. So there was a loyalty?

6 **A. Yes. So I don't think they would keep quiet because of**
7 **Officer Skillen I think it was because he was a fellow prison**
8 **officer.**

9 Q. Okay. Just the last one. If it is possible to bring up
10 742, please. Actually it is just the top line there.
11 I mean, I was just interested where you as part of the
12 Visitor Committee meeting on it is March 1980 and you
13 are questioning the hypothesis that treatment in
14 training programmes could bring about behavioural
15 changes in the trainees --

16 **A. Uh-huh.**

17 Q. -- which I think probably links to your earlier point.

18 **A. That's right. That's right. That's right.**

19 **A particular treatment or training programme might well**
20 **have had a good effect on an individual. I doubt very**
21 **much if at the start of the day they could have said of**
22 **that individual, "He needs ..." or whatever. I mean, it**
23 **is very clear if a person is lacking in work skills, you**
24 **can definitely say, "Well, if he does a course of",**
25 **whatever, "that's going to improve things", but I mean**

1 **-- and people talk about cognitive training. I mean,**
2 **I ...**

3 Q. So I suppose my question is then as the governor of the
4 borstal what -- in a sense the whole notion of bringing
5 people in for training, for, you know, to help them be
6 more responsible --

7 **A. Uh-huh.**

8 Q. -- do you think that was kind of a flawed concept to
9 begin with?

10 **A. I would hate to condemn any concept in terms of trying**
11 **to change people's behaviour, and again I can only come**
12 **back again to say everything works at certain times.**
13 **Beyond that I really can't dwell on.**

14 Q. Okay. Thank you very much. You have been very helpful.

15 MR LANE: Do I understand that the trainees went out to
16 local churches for services on a Sunday?

17 **A. Open section.**

18 Q. The open section?

19 **A. Yes. They would be taken out to the nearest churches.**

20 Q. And they weren't held at all actually in Woburn House or
21 anything?

22 **A. No.**

23 Q. In which case did all of them go or just a few of them?

24 **A. I can't remember.**

25 Q. We have heard -- we have heard the one report of Officer Skillen

1 taking them out.

2 **A. Oh, he took the Roman Catholic boys into Donaghadee.**

3 Q. Yes. Right.

4 **A. I cannot remember whether it was compulsory or not.**

5 **I would have been surprised if -- I can't answer that.**

6 **I can't remember.**

7 Q. No, and were there other community links or was that the
8 only occasion when they would leave the premises like
9 that?

10 **A. It would be the only occasion. There might be the**
11 **occasional football match with some local club, but**
12 **there was nothing programmed or timetabled in that way**
13 **or a regular occurrence. What did happen from the open**
14 **section was a thing called the Mourne Walk. Every year**
15 **they would do that. Also we made canoes out of**
16 **fibreglass and so on and they would go on sort of**
17 **canoeing things, but that was the borstal going**
18 **somewhere else to do that.**

19 Q. Yes.

20 **A. It wasn't the borstal going to meet other people.**

21 Q. Was the beach used a lot?

22 **A. Not a great deal. It was foul. Sorry. It was. It was**
23 **full of sewage and stuff.**

24 Q. A very different topic. On being discharged were the
25 trainees supervised under licence?

1 **A. Yes, they were attached to a probation officer in the**
2 **community, yes.**

3 Q. Right. That then became the responsibility of the
4 Probation Service?

5 **A. Yes, yes.**

6 Q. To go back to the question of -- raised about the
7 complaints that got made, if we ignore the ones
8 concerning **Officer Skillen**

9 **A. Uh-huh.**

10 Q. -- nearly all of them relate to the closed unit in the
11 last year or two --

12 **A. Uh-huh.**

13 Q. -- and very few in relation to other years, you know,
14 going right back to the 1950s.

15 **A. Uh-huh.**

16 Q. Have you got any explanation at all for that? Can you
17 help us understand that?

18 **A. I don't think the closed section had time to settle**
19 **down.**

20 Q. Right.

21 **A. It was only open for about two -- three years I think.**
22 **We had lots of staff coming in from other institutions**
23 **who had never seen a borstal boy ever, had never been**
24 **in -- not that it was totally relaxed, but a less prison**
25 **atmosphere. I don't think it had time to settle down.**

1 Q. Right.

2 A. But I think certainly some staff -- I mean, we have
3 mentioned MZ1. I think if MZ1 had worked in the closed
4 section --

5 Q. Uh-huh.

6 A. -- he would have had -- he would have had problems,
7 because by the shape of the buildings and design of the
8 buildings he was in a prison whereas clearly he wasn't
9 in a prison. So, no, I just think over a period of time
10 that would have decreased.

11 Q. Right. Okay. One of the punishments I think you could
12 award was loss of association. Is that correct?

13 A. Yes.

14 Q. If so, what would a trainee actually do if they lost
15 association?

16 A. He wasn't allowed to take part in -- for example, the
17 gym would be open at night or if in the summer months,
18 you might have football taking place. So you restricted
19 his access to the privileges -- I'll call them the
20 privileges anyhow; they weren't -- but football or use
21 of the gym or whatever.

22 Q. Where would he actually be? Would he stay in his room
23 or something?

24 A. Yes, usually stay upstairs in the dormitory or you would
25 let him sit in the common room --

1 Q. Right.

2 A. -- but not go out of it.

3 Q. Yes.

4 A. So, as I say, he lost the privileges, if you like to
5 call them those things.

6 Q. Just now you were mentioning about the distinction
7 between the two groups of staff in the two units --

8 A. Uh-huh.

9 Q. -- but you also made a statement I think when you were
10 first appointed about the unity of the borstal. I just
11 wasn't sure how those two bits of thinking fitted.

12 A. Sorry. Could you ...?

13 Q. I don't know whether I can find the quotation, but you
14 actually said you wanted the borstal to be united in
15 serving --

16 A. Yes, because it was one unit.

17 Q. Did people perceive it as one or did they really --

18 A. Oh, yes.

19 Q. Oh, right.

20 A. Oh, yes, very much so. They had one governor --

21 Q. Yes.

22 A. -- and they saw me every day. So, no, very clearly it
23 was one institution and never -- we never saw it as two
24 separate -- separate institutions.

25 Q. Okay. Thank you. I think that's fine. Thank you very

1 much.

2 CHAIRMAN: I am sure you will be relieved to hear that
3 that's the last question we have to ask you about your
4 time at Millisle so many years ago, Mr McLoughlin.

5 **A. Very many years.**

6 Q. Thank you very much indeed for coming to speak to us
7 today.

8 **A. Thank you.**

9 Q. Thank you.

10 (Witness withdrew)

11 CHAIRMAN: Now that, subject to what I am about to say, is
12 the last sitting of this module relating to the borstal
13 at Millisle. There is a matter that has come to our
14 attention today which may require us to look at Millisle
15 again, but we don't know what the position is in
16 relation to that, but subject to that caveat, this is
17 the last day we are allocating to our investigations to
18 Millisle.

19 We will now adjourn. The next module, which will
20 deal with the Roman Catholic Girls' Training School at
21 Middletown, Co. Armagh, will start on Monday, 8th
22 February, and we will adjourn until then.

23 (3.45 pm)

24 (Inquiry adjourned until 10 o'clock
25 on Monday, 8th February 2016)

I N D E X

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MR STEPHEN DAVIS (called)2
 Questions from COUNSEL TO THE INQUIRY2
 Questions from THE PANEL9

MR DUNCAN McLOUGHLIN (called)12
 Questions from COUNSEL TO THE INQUIRY12
 Questions from THE PANEL94