

**Historical Institutional Abuse Inquiry**

**Submissions on Behalf of the Department of Justice**

**Module 10**

**HM Borstal Woburn, Millisle**

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**Introduction**

1. The Department of Justice (hereinafter, “the Department”) welcomes this opportunity to provide written submissions to the Inquiry in response to the issues raised by the Applicants to the Inquiry concerning their experiences at HM Borstal Woburn, Millisle.
2. The Department would wish to reaffirm the key messages which it has expressed in the course of previous submissions to this Inquiry. The Department recognises the significance of the Inquiry’s role and the work which it has undertaken. The Department has applied significant resources in its efforts to assist the Inquiry in the discharge of its important functions. At all times it has endeavoured to co-operate with the Inquiry and to work with it in an open and collegiate fashion.
3. In particular the Department has ensured that the Inquiry has enjoyed unhindered access to available documentation, and it has worked diligently to provide the Inquiry with witness statements, to trace former Officers, to uncover for the Inquiry specific documents of interest and to address requests for information or clarification.
4. The Department will use these submissions to explain some of the obstacles which have been faced when trying to respond effectively to the allegations which have been made in the course of this Module.
5. Before confronting those allegations it will also be necessary to provide a description of how the borstal system operated at Millisle and to emphasise some of the positive and constructive work which was undertaken by those employed to work with trainees.

6. It will be important to examine the allegations of abuse against the culture and ethos which was promoted at Millisle particularly during the last 5-6 years of the operation of the Borstal, the period from which the majority of the complaints have emerged.
7. Finally, to the extent that the Department can offer a meaningful response to the complaints, and there are a number of difficulties in doing so, the submissions will address the allegations that have been raised by the Applicants.
8. The Department would wish to emphasise that having given careful consideration to the evidence the Inquiry has received during this Module, it would wish to submit that this evidence does not reveal any systems failure, nor does it suggest that there was any systemic abuse of trainees held in custody at Millisle.
9. The Department cannot of course exclude the possibility that some trainees may have been the subject of abusive behaviour on the part of staff. Such behaviour would not have been condoned by the responsible Government department then and would not be condoned now. If any trainee was abused in any manner whatsoever, the Department would unequivocally condemn that abuse and apologise for it.

### **Obstacles**

10. The Department is on record as stating that it is important that those who say that they have been harmed by their experiences within the juvenile justice system should be given an opportunity to speak about their experiences and listened to. They have been given that opportunity in a special and constructive way by the protective arrangements surrounding this Inquiry.

11. However, the Inquiry will no doubt accept that not every Applicant to the Inquiry has proved himself or herself to be a reliable witness, and sometimes the stories of abuse which are told are inaccurate whether because of the frailty of memory, or in some cases because of a determination to exaggerate or embroider.
12. The problem of memory is not limited to those who have raised allegations. Throughout this Inquiry a common obstacle encountered by those who have faced allegations of abuse has been their genuine inability to recall their accusers. The position has been no different during Module 10. For example MZ1 has explained in his statement that he has no recollection of dealing with trainee HIA 374 (MIL-796). Likewise, LN20 has explained that he faces a similar difficulty in addressing the allegations of HIA 320 (MIL-829).
13. It is submitted that it can hardly be surprising that former prison officers who are being asked to recall particular individuals many years after they are alleged to have encountered them, are unable to do so. They will have worked with hundreds of trainees and prisoners in the course of their careers. Faced with allegations of abuse, allegations which are themselves often bereft of specific detail, they have been limited to applying broad brush strokes of denial in order to defend their position. The response of LN20 is perhaps typical of the approach which is necessarily adopted:

*“[2] I have read the relevant portion of the statement made to the Inquiry by [HIA 320]. I have no recollection whatsoever of any young man of that name during my time at Millisle.*

*[3] I never at any stage slapped or physically abused any young person under my control and categorically deny the allegation made. I certainly was never approached by or spoken to by a colleague who had concerns over my treatment of a young person.” (MIL-829)*

14. It is regrettable that with the passage of time former prison officers such as LN20 are unable to colour their accounts with the kind of factual detail which would naturally flow if they were asked to address make recent incidents. It is respectfully submitted that it would be unfair to expect them to do more, and unfair to draw any adverse inference from their inability to do so.
15. The Inquiry faces a thankless task in the assessments which it must make in order to separate the reliable from the unreliable. It will not be helped in this task during this Module by the absence of contemporaneous complaints or investigations in relation to those matters which, many years later, it must now grapple with.
16. The opportunities which were available to trainees to make complaints about their treatment within the Borstal are analysed elsewhere in these submissions. Had formal complaints been made by any of the ten complainants who have presented their allegations to the Inquiry, it is almost certain that those complaints would have been the subject of investigation and that some trace of those investigations would have survived.
17. It is the case that only two complainants to the Inquiry (HIA 374 and HIA 272) have alleged that they made complaints about their treatment to a person in authority at the Borstal. However, HIA 374 could not identify the person he complained to. As much as

he could say was that he made a verbal complaint about LN17 to a man who was “*sharp dressed, very presentable looking and had black hair and a black moustache*” (MIL-50, para 16), and who had his own office (see transcript for day 179, page 48). He was unaware of anything having been done about his complaint.

18. It is notable that in his police statement HIA 374 added number of details to his account which he did not provide to the Inquiry. In particular he described the person to whom he reported as the “*Deputy Governor or Senior Officer*” and he indicated that he wore a number of gold rings. He also added that this person just laughed at him when he made his complaint (MIL-30187). Why he failed to provide those details to the Inquiry has not been explained.

19. For his part HIA 272 indicated that he complained to the Governor (ML 18) and was told that the matter (an alleged assault by LN17) would be investigated (see transcript for day 178, page 31). He did not give evidence to suggest that he followed up his initial complaint.

20. It is simply not possible for the Department to confirm or deny whether HIA 374 or HIA 272 raised complaints as they have claimed. There is no record of such complaints having been made. However, it is submitted that there is clear evidence before the Inquiry to show that where trainees raised complaints about their treatment, staff took steps to ensure that their complaints were recorded, brought to the attention of the Governor, and then passed on to the Ministry of Home Affairs to be investigated. The materials which have survived help to demonstrate that complaints were always taken extremely seriously: see the documents at MIL-23452 - MIL-23616.

21. These complaints and how they were investigated are the subject of further analysis elsewhere in these submissions. It is helpful to look at just one typical example in this context. In 1963 when four trainees made a complaint in relation to the conduct of an Officer, they were brought to the Chief Officer's office where they were issued with pen and paper and asked to make statements in writing (MIL-23527). Their statements were forwarded to the Governor who notified the Ministry, which in turn delegated to the Visiting Committee the task of carrying out further investigations and adjudicating upon the complaints.
22. It is submitted that it would have been inconsistent with the established practice at Millisle Borstal for a complaint to be ignored in the manner suggested by HIA 374.
23. The Department wishes to reiterate a point that was made as part of its submissions for Module 7. The Department accepts that there may be many good reasons why a young person may not have felt inclined or able to complain at the time when they were in detention at Millisle, although it is quite clear that others did complain. Moreover, as will be discussed in more detail below, there were a number of persons to whom complaints could have been made outside of the Borstal itself, and senior management at the Borstal were receptive to complaints and tended to handle them in a procedurally proper manner.
24. The key point, however, is that where complaints are made for the first time many years after the event, as has been the case with each of the Applicants in Module 10, the opportunity for gathering the most reliable evidence will have been lost, and documentary records will not have been generated.

25. It is submitted that this risks creating unfairness since those who are being invited to confront historic allegations are now deprived of the benefit of context, or of reaching for other forms of supportive evidence such as eye witness accounts which may have existed at the time of the alleged incident and which might have enabled them to more fully explain or defend their actions.
26. The position is even more difficult because the personal files which would have been maintained in respect of each of the Applicants, and which would have recorded significant developments and incidents during their detention at Millisle, are not available to the Inquiry.
27. Therefore, it has not been possible for the Department to say very much at all about the behaviours, activities, state of health or progress of any of the Applicants in relation to their time at Millisle.
28. The same difficulty applies in equal measure with regard to those former staff members who are accused of perpetrating abuse. The personnel files for many of these officers have also been destroyed pursuant to the provisions of the applicable records management systems, so that quite often the Inquiry has nothing of substance against which to measure the alleged behaviours of Officers. There are some exceptions to this state of affairs which will be addressed below.
29. The name of Officer LN17 has punctuated much of the evidence received by the Inquiry, but the Department in its response statement was compelled to indicate that it had no record at all of his employment:



*"...we have not been able to identify from our personnel records when Officer [LN17] worked at Millisle or what role/grade he was..." (MIL286)*

30. Of course there is no doubt that Officer LN17 worked in Millisle, and was well known to some of the witnesses who gave evidence, particularly Mr. Duncan McLaughlan, the last Governor at Millisle. Regrettably, however, the point remains that the Inquiry does not have access to the kind of documentary material which would help it to see how Officer LN17 was viewed by his employer during his time spent working at Millisle.

31. It is a measure of the extent of this difficulty that it was only following a close scrutiny of the available documents since the conclusion of the oral evidence that the Department was able to establish when LN17 commenced his employment with the Northern Ireland Prison Service. A document to be found at MIL-20305 shows that LN17, whose date of birth was the [REDACTED], joined the Service on the 30 June [REDACTED].

32. The Inquiry will recognise that as was the case for the institutions considered during Module 7, the destruction of documents generated by the Borstal at Millisle was a normal process within the overall context of the State's management of records generated by its activities and those of its agencies. The Department has explained its position in the statement of Mr. Steve Davis (MIL-106 & 107, paras 1-5).

33. The Inquiry is also invited to recognise that the Department has actively participated in this Module despite the fact that it did not itself exist during the temporal reference period within which the Inquiry conducts its work. It is perhaps worth recalling what Mr. Nick Perry (Permanent Secretary, DOJ) said in his statement in relation to the

Department and its officers: *“there is limited institutional knowledge of events which took place during the Inquiry’s terms of reference”* (SPT - 1592, para 1).

34. As appears from the analysis which will be set out later in this submission, all of this unhelpful backdrop necessarily inhibits what the Department can meaningfully say to the Inquiry in response to some of the issues which have been raised. This is exacerbated by the passage of time between the date of the incidents which give rise to the allegations of abuse and the date when the Inquiry is considering those incidents - a period of between 40-50 years.

35. Happily, the Department has been able to identify and locate Mr. Duncan McLaughlan who was Governor of the Borstal at Millisle from 1974 until it closed in 1980, and the person in charge of the institution during the period from which the majority of the complaints to the Inquiry have emerged. The Inquiry will note that six of the ten complaints which have been received in relation to Millisle relate to that period.

36. Mr. McLaughlan has been able to provide a detailed account of life at Millisle, the work that was done with the trainees, the ethos he sought to promote and the standards he demanded from his staff. However, he has been unable to comment directly upon any of the allegations of abuse advanced by any of the Applicants because they were not brought to his attention at the time.

37. Furthermore, it is understood that the Inquiry has only been able to communicate with a very small number of those who have been accused of abuse. Some are ill or deceased, some could not be located and others who have been contacted have refused or found themselves unable for whatever reason to assist the Inquiry.

38. The Department trusts that when the Inquiry comes to analyse the evidence, it will take into account the very real obstacles which have stymied a fuller response to the allegations of abuse, and which have also adversely effected the Department's ability better explain the systems which were in place to protect trainees from harm and to ensure that they were provided with an opportunity to address the problems in their lives.

### **Historical Overview**

39. The Inquiry is referred to the statement of Mr. Davis on behalf of the Department of Justice (from MIL-107, paras 7 - 39) which sets out in detail, the background and history of Millisle Borstal. For the purposes of these submissions, it is intended only to summarise the key historical developments.

40. The need for a special regime in a separate penal establishment for young offenders, was identified by the Gladstone Committee in 1895. The Committee suggested that this institution be:

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

41. Mr. McLaughlan explained to the Inquiry that the thinking expounded by the Gladstone

Committee, *“in essence....remained the philosophy of Borstal training at Millisle until its closure at the end of 1980”* (MIL-709). The regime which he oversaw and the thinking which he deployed is the subject of more detailed analysis below.

42. There were several means by which a person could have been made the subject of a sentence of Borstal training. Firstly, under section 1(1) of the Prevention of Crime Act 1908:

*“Where a person is convicted on indictment of an offence for which he is liable to be sentenced to penal servitude or imprisonment, and it appears to the court:*

*(a) That the person is not less than sixteen nor more than twenty-one years of age*

*(b) That, by reason of his criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime;*

*it shall be lawful for the court, in lieu of passing a sentence of penal servitude or imprisonment, to pass a sentence of detention under penal discipline in a Borstal Institution for a term of not less than one year nor more than three years.”*

43. Secondly, under section 2 of the Act, where someone was in a reformatory school (latterly a training school) their behaviour (eg. through escaping or breaking the rules), could cause them to be brought back before the court and instead sent to Borstal to

complete the remainder of their sentence.

44. Thirdly, under section 3 of the Act, it was open to the Secretary of State to transfer to the Borstal, someone serving a sentence of imprisonment.
45. Borstals were introduced in Ireland in 1906 following the English system that had developed over the previous few years. Following partition, boys sentenced to Borstal were transferred to England and in 1923, the report to the Ministry of Home Affairs of the Departmental Committee on Reformatory and Industrial Schools in Northern Ireland (the Moles Committee) recommended that a male borstal institution should be provided in Northern Ireland.
46. The first Borstal institution for Northern Ireland was therefore established in 1926 at Malone Training School. By 1929, the Borstal element was structurally separate from the reformatory school on the Malone premises.
47. Over the following years, the Ministry continued to supervise the Borstal institution. However, it periodically examined whether any reform or improvement was required. In 1935, the Lynn Committee was established to enquire into the protection and welfare of the young and the treatment of young offenders and to report on what changes, if any, were required.
48. The Lynn Committee provided a detailed report in October 1937 (MIL-10232) which contained a host of significant recommendations including some relating to Borstal training. The Inquiry has previously heard (in Module 7) that the intervention of World War II interrupted attempts to implement the changes recommended by Lynn. A White

Paper was produced after the War in 1948 (MIL-10483). The Department submits that these developments demonstrate that the Ministry was continuously evaluating the policies and structures in place to improve the system so far as possible.

49. Woburn House, Millisle was acquired by the Northern Ireland Government in 1952, and the Ministry of Home Affairs decided, pursuant to its powers under the Prison Act (Northern Ireland) 1953, to use the premises as an open Borstal institution. It opened on 27<sup>th</sup> July 1956 and those attending Malone were transferred to the new institution at Millisle.

50. Northern Ireland was served by a closed (secure) Borstal within the premises of a number of adult prison establishments including HMP Magilligan and Armagh, until a purpose built closed Borstal was established on the Millisle site. It became operational from the 14 November 1977.

### **Legislative Developments**

51. The Inquiry is again referred to the statement of Mr. Davis on behalf of the Department of Justice. His statement sets out, from paragraphs 32 to 39, the legislative provisions relating to the operation of Borstals in Northern Ireland.

52. By the time the Millisle Borstal opened in 1956, section 7(1) of the Criminal Justice Act (Northern Ireland) 1953 (MIL-10664) had replaced the 1908 provisions which had established in law the conditions for sentencing a young person to Borstal training.

53. For the period in which Millisle Borstal was in existence (1956 to 1980) it was subject to the control and oversight mechanisms set out in the Prison Act (Northern Ireland)

1953. Section 47 of the Act explicitly provided that references to “prisons” within the Act included Borstals.

54. The Ministry was under a duty, pursuant to Section 5, to provide a report annually on the administration of the Act including the numbers held in various institutions and incidents of discipline and punishment. The Inquiry can see that this requirement was satisfied by the annual publication of reports generally referred to as “Report of the Administration of the Prison Service.” The content of some of these reports is further discussed below.

55. Certain parts of the Act referred specifically to Borstals. Section 11 of the Act required the appointment of a Visiting Committee (of at least six members) at each Borstal.

56. Section 14 of the Act set out the requirement that it was for the Visiting Committee (not the Ministry) to authorise corporal punishment in the Borstal setting. Section 14(2) specified that a maximum of 12 strokes with a cane were allowed if corporal punishment was ordered in the Borstal, a milder form of punishment than was permissible in the prison system where the cat o’ nine tails could be used (or a birch rod in the case of those aged under 18).

57. Section 14 supplemented section 2 of the Criminal Law & Prevention of Crime Amendment Act (Northern Ireland) 1930 which allowed corporal punishment in Borstals at the direction of the Visiting Committee, and the Corporal Punishment in Borstal Institutions (Northern Ireland) Regulations 1930 (MIL-10228) which provided detailed conditions regarding when corporal punishment could be used in Borstals, and the safeguards which had to be implemented.

58. It is submitted that the Ministry had legislated carefully to ensure that the use of corporal punishment in Borstals was restricted and, where it was to be used, steps were to be taken to ensure that its effect would be minimised and not subject to abuse.
59. Section 17 provided for transfer from prison to Borstal institutions and vice versa.
60. Section 21 dealt with the aftercare or supervision element of a Borstal sentence.
61. Generally, section 13 empowered the Ministry of Home Affairs to make "*prison rules*".
62. Further legislative developments during the years of Millisle's existence included the Prison Amendment Rules (Northern Ireland) 1957 which removed the time limit which could previously have been applied to a reduction in grade punishment, and provided that the Reviewing Body would decide on a monthly basis when the previous grade would be restored (MIL-10716).
63. Schedule 5, paragraph 11 of the Children & Young Persons Act (Northern Ireland) 1968 provided a route to Borstal by court order for a young person guilty of serious misconduct in a Training School. Furthermore, section 140 of the Act provided that a young person who had escaped from a training school could be sent for Borstal training.
64. The Treatment of Offenders (Northern Ireland) Order 1968 provided for the introduction of Young Offenders Centres. Section 10 of the Order reduced the maximum Borstal sentence from 3 years to 2 years and the minimum period from 9 months to 6 months (MIL-10950). Borstal training was eventually abolished under section 3 of the



Treatment of Offenders (Northern Ireland) Order 1980 (MIL-10975).

## Regulation

65. The Ministry of Home Affairs used its powers under section 13 of the Prison Act (Northern Ireland) 1953 to enact the Prison Rules (Northern Ireland) 1954 (MIL-10675).

66. The Prison Rules, and the oversight of the application of those Rules which was exercised by the Visiting Committee, were at the very heart of the Ministry of Home Affairs (and subsequently the NIO's) efforts to regulate the operation of the Millisle Borstal.

67. Some of the Rules applied to all institutions, including Borstals, but Part VI of the Rules related specifically to Borstal training. The Department submits that the fact that the Prison Rules included some specific provisions applicable only to Borstals, demonstrates that the Ministry recognised the special position of Borstals and the young people cared for within those institutions.

68. Rule 15 (supplemented by Rule 172) provided that trainees in a Borstal institution were to be provided with information relating to "*the proper methods of submitting petitions to the Minister and of making complaints...*"

69. Rule 174 gave to the Governor the responsibility to investigate every offence against discipline and to determine the appropriate award to make. Specific punishments were set out in the Rules, and these ranged from a caution to reduction in grade and confinement to a room.

70. Rule 175 identified a specific list of serious disciplinary offences, which the Governor could refer to the Ministry for investigation. In practice this function was delegated to the Visiting Committee which would enquire into the matter and reach a decision on the appropriate punishment. The punishments which could have been awarded included stoppage of earnings, reduction in grade, delay in grade, confinement to a room and corporal punishment.

71. This was a careful and sensible approach: MOHA was prepared to set down the precise circumstances in which corporal punishment could be applied, and it was subject to the procedural requirements of an investigation and decision by the Visiting Committee, which operated independently of Borstal staff and management and the Ministry itself.

72. Rules 176 to 179 set out the system for the grading of trainees and provided for the establishment and membership of a Reviewing Body, and set out the “ground rules” for their work.

73. Rule 177 emphasised that *“the conduct and progress towards rehabilitation of any Borstal prisoner shall be periodically considered”* by the Reviewing Body. According to Rule 176, trainees were to be encouraged to develop responsibility by using a system of Grades (and associated privileges) as set out in a scheme approved by the Ministry. This went to the heart of the Borstal’s objectives: the progressive development of a trainee as he worked towards release.

### **Visiting Committees**

74. In the statement of Mr. Davis on behalf of the Department, it was recognised that

during the period when the Millisle Borstal operated, regulated or formal systems of inspection did not exist:

*“[45] It would appear that inspection regimes were not well advanced during this period throughout the Prison System. We have not identified any statutory or regulatory requirement to carry out inspections at that time. It was not until the formation of Her Majesty’s Chief Inspector of Prisons, in 1981, that regulated independent inspections were carried out” (MIL-118).*

75. Instead, the cornerstone of the arrangements which were in place for supervising the operation of the Borstals was the Visiting Committee. At Chapter 12 of the 1979 Report on the Administration of the Prison Service, Boards of Visitors and Visiting Committees were described in the following terms:

*“12.2 Boards of Visitors and Visiting Committees have no managerial responsibilities. Their function is to act as independent overseers of the penal establishments which they serve, in order to ensure that the inmates are treated in accordance with the requirements of the Prison Rules. Under these Rules they also have a duty in appropriate cases to adjudicate on prisoners who have been reported for disciplinary offences. Boards and Committees have a duty under Prison Rules to bring to the notice of the Secretary of State any abuse in connection with their establishment which comes to their knowledge” (MIL-27781).*

76. Plainly, key to the work of the Committees was their independence from the Ministry, and from the institution it was their responsibility to oversee.

77. Rules 203 to 219 of the Prison Rules delineated the powers and duties of the Visiting Committees (as well as Boards of Visitors).

78. Rule 208 provided that at least one member of the Visiting Committee had to visit the institution at least once a fortnight, and had to report to the Committee at its monthly meetings.

79. Rule 209 provided that the work of the Visiting Committee was to be facilitated with the provision of open access – both to the institution itself, and to inmates, who could be interviewed privately (out of sight and hearing of the Officers) by the Committee or any of its members.

80. Importantly, Rule 210 provided that it was the duty of the Committee to notify the Ministry of *“any abuse in connection with the prison [or Borstal] which comes to their knowledge.”*

81. Furthermore, under Rule 216, the Committee had to provide an annual report to the Ministry to keep it informed of any matter relevant to its responsibilities under the Rules, as well as their *“advice and suggestions upon any such matter.”* Provision was also made for the Committee to provide such other reports *“as they consider necessary concerning any matter relating to the prison to which, in their opinion, attention should be drawn.”*

### **The Work of the Visiting Committee at Millisle**

82. It is submitted that there can be little doubt that the Visiting Committee which oversaw the operation of the Millisle Borstal was rigorously independent. It went about its

business seriously and tenaciously, and was unafraid to express strident views if it detected a shortcoming operationally or in policy. It asked difficult questions and didn't attempt to paper over any cracks. It appeared to take a pride in exercising its challenge function, and was not at all concerned that it might be perceived as speaking out of turn.

83. The reports of many of the member visits to Millisle, and the minutes of many of the monthly meetings of the Visiting Committee are available to the Inquiry. The independence of the Committee's approach is revealed in these documents. A number of examples serve to illustrate the point.

84. Firstly, there was an ongoing concern amongst the Visiting Committee that the Prison Rules had become outdated in terms of their application to Borstals. The Committee sought assurances from the Ministry that the Rules would be revised. The issue was first raised with the Ministry in June 1971 and again in July 1972 (MIL-24648). The Ministry assured the Committee at a meeting on the 5 January 1972 that the issue would be given urgent attention and by the time of the meeting of the Visiting Committee on the 4 September 1972 the Deputy Governor was able to report that a draft copy of the new Borstal Rules had been considered by the Governor who had returned to the Ministry with his observations (MIL-24654).

85. However, there was no further progress on this issue by the 1 January 1973 when the Visiting Committee decided that after such a delay it would be appropriate to send a letter to the Ministry asking the Minister to receive a delegation to discuss the issue (MIL-24671). The Committee appeared determined to drive the change that it thought was necessary.

86. It would appear that a meeting proved to be unnecessary because at their next meeting on the 5 February 1973 it was indicated that proposed changes to the Prison Rules were imminent (MIL-24678), and at its subsequent meeting in March 1973 the Committee was shown the amended Prison Rules which incorporated changes to the Rules affecting the Borstal which came into operation on the 5 March 1973 (MIL-24681). Further small amendments were made by the Prison Amendment Rules (Northern Ireland) 1973 (MIL-10969) and the Prison Amendment Rules (Northern Ireland) 1976 (MIL-10971), in relation to the Reviewing Body and Visiting Committee respectively.
87. A further example of the Committee's determination to ensure that things were done properly emerged in 1974. At that time the Visiting Committee raised the issue of understaffing in a letter to the NIO's Treatment of Offenders Branch. In a letter dated the 7 May 1974 the Committee reported that the workforce at Millisle was depleted by 10 officers. The NIO was asked to provide a date when the staffing would again reach a full complement (MIL-24761).
88. A concern was also expressed at that time about the pressures being faced by the closed section of the Borstal at Armagh. The NIO was told that the Visiting Committee would not tolerate all trainees coming to Millisle in the absence of a closed unit. Accordingly, the NIO was asked what contingency plans it had in place if Armagh was unable to provide a closed section.

89. The NIO responded by letter (erroneously) dated 4 May 1974. It explained to the Committee that there was a recognised problem in recruiting prison service staff and that an intensive recruitment campaign was being pursued vigorously.
90. With regard to the issue of accommodation, the point was made that it was planned that a closed Borstal would be constructed at Millisle and that this was due to become operational by July 1976. In the meantime a cell block would be established at Millisle as a contingency (MIL-24765).
91. However, it is clear that the reply from the NIO did not satisfy the Committee, and it was quite prepared to say that it was dissatisfied. It was resolved at a special meeting on the 14 May 1974 to write back to the NIO to express the view that the establishment of a cell block was not an adequate substitution for a closed Borstal ((MIL-24772).
92. The NIO responded on the 17 May 1974 to explain that it was not intended to close the Armagh Borstal facility. It explained that there were pressures at Armagh due to the increasing numbers of women in the prison population, and that in those circumstances the erection of a cell block at Millisle was intended as a short term measure to relieve the pressures at Armagh (MIL-24774). Nevertheless, it is a testament to the sense of duty and energy of the Visiting Committee that it continued to record its unhappiness (MIL-24786), although the NIO took steps to try to provide reassurance (MIL-24792).
93. As noted above, the Inquiry has been furnished with the minutes of many meetings of the Visiting Committee at Millisle. Typically, the Committee would meet once per month and it was normal for the Governor and/or his Deputy to be in attendance. The Governor was expected to report recent developments to the Visiting Committee,

including the number of trainees in the custody of the Borstal, the number of absconders and developments within the staff.

94. Members of the Committee, who had carried out visits of the Borstal since the Committee's last meeting, were expected to make a report on their findings and to raise any issues of concern.

95. It is quite clear that the Visiting Committee did not see it as any part of their function to afford an easy life to the Governor and his staff. Difficult issues were confronted and tested.

96. For example, at the meeting of the Visiting Committee held on the 7 July 1980, the Deputy Governor (Miss Orr) was asked by the Chairman "whether there was any substance in trainees alleging that particular Officers discriminated on religious grounds" (MIL-25006).

97. The context in which this allegation arose is not made clear in the minute of the meeting, and nor is any detail provided to explain the precise nature of the discrimination which was being alleged or the circumstances in which the complaint arose.

98. The question was posed to Miss Orr (according to the minute) after the visiting rota reports were read to the Committee. This suggests that the allegations were made to one or other members of the Visiting Committee by a trainee during a visit to the Borstal, and captured in their visiting rota report. However, the reports from that time are not available to the Inquiry.



99. The question of whether sectarianism was a serious problem within the Millisle Borstal is dealt with separately below. However, at this juncture the Department wishes to emphasise that this example illustrates an important truth: the Visiting Committee were prepared to bring forward the issues and concerns of trainees and to raise challenging questions where it was appropriate to do so.

100. It is right of course to acknowledge that when Mr. McLaughlan was asked to comment on the effectiveness of the Visiting Committee in the course of his oral evidence, he indicated that occasional visits would make it difficult for Committee members "to really know what is going on in an institution" beyond observing the obvious (see transcript for day 182, pp 72-73). He also suggested that staff at the Borstal would be unlikely to talk to the Visiting Committee.

101. The Department recognises that the teeth of a Visiting Committee carrying out its work 40-50 years ago, would not have had the same reach and bite as a modern day Chief Inspector of Prisons, for example.

102. It is the case that the systems of regulation and inspection now in force within the criminal justice are of a different calibre altogether. However, it is respectfully submitted that there is nothing to be gained by attempting a comparison between those systems and the powers exercised by the Visiting Committees, and in many respects it would be unfair to do so.

103. The Visiting Committee at Millisle took its role seriously and clearly endeavoured to be as effective as it could be. The Prison Rules provided the standards against which the treatment of trainees was to be measured, and the Rules provided the Visiting

Committee with the powers necessary to challenge and report abuses where they to be found.

104. As an indication of its interest in ensuring that the Borstal at Millisle operated in accordance with the standards practised elsewhere, it organised visits to institutions in Great Britain to see if there was anything to be learnt from experience there. A report was furnished to the monthly meeting of the Visiting Committee on the 1 May 1972 following a visit to some English Borstals. It was recorded on behalf of the delegation that "HM Borstal Woburn compared most favourably with the best they had been privileged to visit in England" (MIL-24635). In 1977 a further fact finding trip was planned to penal institutions in Scotland (MIL-24941).

105. The documentary evidence before the Inquiry tends to show that, in compliance with the Rules, at least one member of the Visiting Committee would arrange to carry out a visit to the facility at least twice per month.

106. Crucially, it is also clear that members of the Visiting Committee made efforts to engage with trainees during their visits to Millisle. The very first annual report of the Visiting Committee for Millisle (for year ending 31 December 1956) emphasises the point:

*"Two members visited the school as Visiting Rota, one attending in the first half and the other on the second half of each month. The primary purpose of these visits being the inspection of school premises and ensuring the boys were being properly cared for. Every boy had the option of consulting with the [Rota member] in case of a grievance, but not one complaint was put forward" (MIL-23686).*

107. This approach of being a visible and accessible presence to the trainees continued throughout the life of the Millisle Borstal: on the 7 February 1972 a member of the Committee visited a boy in the sick bay and established that he was happy and well cared for (MIL-24620); on the 3 July 1972 a member of the Committee recorded that he “*spoke to many trainees and without exception they all seemed happy*” (MIL-24643); in January 1980 a member of the Visiting Committee remarked that during his visit he interviewed 5 boys “*who had no unfavourable comments to make and who appeared to be content with their situation*” (MIL-24979); following his visit to the Borstal in March 1980, a member of the Visiting Committee was able to report that he had enjoyed lunch with some of the trainees (MIL-24994).

108. Some of the Applicants to the Inquiry claimed that they had no memory of the Visiting Committee working in Millisle. Indeed HIA 162 seemed to be confident that there was no Visiting Committee at Millisle (see transcript for day 178 at page 75). However, the records show that the Visiting Committee was very active within the borstal during his period in detention (see MIL-24888 to MIL-24915). One of these records demonstrates that a Visiting Committee spoke with boys having their lunch and with some of the boys who were in the cells. They had two complaints – that no newspapers were allowed in the wing and a request that television viewing hours could be extended as the popular programmes (Top of the Pops, Opportunity Knocks, etc.) were on after the current viewing hours.

109. HIA 248 stated that he had no memory of the Visiting Committee. (transcript for day 180, page 67). Again, it must be said that the records show that the Visiting Committee was at work within the Borstal during the time when HIA 248 was detained there (MIL-24977 to MIL-24991). Elsewhere in these submissions, the point is made that the

Visiting Committee took a very close look at the circumstances of HIA 248 and his brother when they were found suitable for release, and took active steps to try to find them suitable accommodation. However, it is accepted that he may not necessarily have been aware that he was the focus of the Committee's helpful intervention.

110. It is also clear from many of the reports furnished by the rota members of the Visiting Committee that members were keen to observe and understand the nature of the relationships which existed between trainees and staff of the Borstal. The comments which Committee members advanced in this context were consistently positive.

111. Following a visit on the 1 January 1973 a Committee member commented, "*The relationship between the staff and the trainees appeared to be very good and discussion with trainees appeared to confirm this*" (MIL-24674).

112. On the 28 June 1973 a Committee member made the observation that, "*the co-operation between the trainees and staff is a tribute to the staff in view of the situation in our Institutions*" (MIL-24695). A few months later on the 30 August 1973, it was said that "*the relationship [between staff and trainees] would appear to be excellent, producing a relaxed atmosphere*" (MIL-24706).

113. On the 4 April 1974 a member wrote that the more he saw of the Borstal at Millisle, the more impressed he was. He concluded that "*there can be very few institutions to measure up to this one*" and that the institution was "*a credit to staff and boys alike*" (MIL-24835).

114. On the 21 November 1974 a member of the Visiting Committee remarked in his report that he had been "*impressed by the pleasant atmosphere prevailing*" and that the "*relationship between staff and trainees seemed to be good - relaxed yet disciplined*" (MIL-24808).
115. The Visiting Committee gave some thought to improving how they might reach and communicate with trainees within the Borstal. At some point in the mid-seventies, the visiting Committee adopted a practice (possibly in 1976) of meeting with new trainees during their monthly meetings. At that time the Governor would absent himself, and the Committee would proceed to "*interview*" each new trainee. See for example, the procedure followed at the meeting on the 1 November 1976 (MIL-24927).
116. However, at a meeting of the Committee on the 4 January 1977 one Committee expressed reservations about the arrangement and suggested that trainees were unlikely to gain anything from being brought into a room "*to be confronted with a sea of faces*" (MIL-24935). She suggested that it would be better if a smaller number of Visiting Committee members made arrangements to come to the Borstal for the purposes of speaking to new trainees at some other point.
117. Another Committee member suggested that it would be useful if the trainees were notified in advance of any visit by a Committee member. However, the Committee was reminded by a member that trainees were well aware that the Visiting Committee met on the first Monday of every month and, moreover, that if they had any issue "*they can ask to see a Committee member at any time*" (MIL-24935).

118. At the next meeting on the 7 March 1977 it was decided in principle to discontinue with the practice of interviewing new committals before the Committee (MIL-24938), and this decision was confirmed at the next meeting (MIL-24940).
119. In his evidence HIA 400 claimed that the arrangements around the the Visiting Committee were "*rendered farcical*". He explained that no one was supposed to know when a Committee member was due to visit, but Prison Officers found out and would come around the night before to threaten trainees that if they said anything negative, they would be beaten to death. He did not say anything as he was afraid of being beaten (transcript for day 179, page 30-31).
120. The difficulty in responding to this kind of allegation is that HIA 400 did not put any substance or detail to it. Plainly, if Officers were behaving in this way it would be unacceptable. If such threats were widespread, and there is no evidence to suggest that they were, it certainly didn't deter other trainees from speaking to the Visiting Committee and raising concerns or from raising complaints through other channels.
121. Generally, it might be said that the Visiting Committee appeared to be anxious to take steps to improve the welfare and conditions of trainees. For example, on the 4 June 1973 it was decided that a proposal should be put forward to the Ministry in order to request the provision of 12 or so single dormitories (MIL-24694 and 24698). This received a prompt response from the Ministry which indicated (in a letter dated 29 June 1973) a preparedness to conduct a feasibility study (MIL-24699).
122. This sense of responsibility for improving the lot of the trainees also extended to after-care. For example, at a number of meetings in the early seventies members of

the Visiting Committee showed themselves to be extremely interested in ensuring that when a trainee was released from the Borstal, he would have worthwhile employment to engage in.

123. This crystallised in 1973 when members discussed the need to ensure that the trainees received trade union recognition for the vocational training undertaken in Millisle. A member agreed to meet with the Irish Congress of Trade Unions to advance this matter (MIL-24613). Subsequently a delegation from the ICTU visited the Borstal (MIL-24715).

124. At another meeting there was a discussion about whether trainees might be employed by Enterprise Ulster during the latter stages of their training (MIL-24744).

### **Ethos and Culture**

125. As has been mentioned already, the Inquiry has received relatively few complaints about the Borstal at Millisle. Of the ten complaints received by the Inquiry only one dates from the late sixties. The rest of the complaints have been made by Applicants who were trainees at the Borstal during the nineteen seventies, with the majority of the complaints emerging from the period after 1974.

126. This was the period when Mr. McLaughlan was Governor at Millisle. In his statement prepared for the Inquiry Mr McLaughlan described the ethos which he sought to promote at Millisle:

*“My philosophy was based on the hope that trainees would leave the Borstal in no worse condition than when they arrived and hopefully better equipped to lead a*

*meaningful life after release. In my final entry in the Governor's Journal dated 31 December 1980 - the date when Borstal was abolished - I expressed the hope that we 'have shown what can be achieved when one attempts to establish a humane regime that treats both staff and inmates as human beings....we have tried to show that imprisonment need not be a totally negative experience.' That aspiration was expressed in a Notice to Staff on the opening of the closed section - 'there is one management, one staff and one task which is to provide Borstal training in the best and most humane manner possible' (MIL-711, at para 19)*

127. The Inquiry has heard that Mr McLaughlan developed close relationships with the trainees, often coming into the facility in the evening and playing snooker with them (see transcript for day 181, page 31). He treated trainees with respect. He entrusted them with responsibilities (even keys were held by Borstal trainees - see transcript for day 182 at page 34) and freedoms which would have been anathema to most penal institutions. He eschewed corporal punishment and used his influence to ensure that it wasn't applied (see his statement at MIL-717 - 719, paras 39 - 41, and transcript for day 182 at pages 53-58).

128. It was an approach which one witness to the Inquiry, more used to the structure and discipline of adult prisons, found bewildering.

129. MZ1 gave evidence to the Inquiry on day 181. He worked in Millisle for a period of approximately 6 months in [REDACTED] having previously served in a number of adult prisons, including HMP Belfast and the Maze. He agreed with the characterisation of the Millisle Borstal as "a very lax operation in terms of the free roaming about of trainees and the youth club type facilities." It was a place which was "very different from the regimented



*life of working in a prison*" (see transcript for day 181, page 9). He felt that he did not fit in with what was required there.

130. His difficulty in adjusting to the life of the Borstal at that time is neatly captured in a contemporaneous note made by Mr. McLaughlan:

*"This officer feels that he is not cut out for Borstal life - I am inclined to agree with him. His general performance on duties has been satisfactory but his attitude and manner suggests that he is not fully able to enter into the more relaxed relationships one would hope for in a young offenders institution"* (MIL-21952)

131. Officer MZ1 initially made application for a transfer out of Millisle because he found himself to be "not suited to work with borstal trainees" (MIL-21952). However, shortly after seeking a transfer he thought better of his decision and sought to withdraw his application (MIL-21950).

132. It is an important feature of the evidence that management at Millisle refused to permit the withdrawal of the application because they had independently deemed MZ1 to be unsuitable for work in the Borstal.

133. At that time prison officers were the subject of an annual report and in the annual report relating to his service in Millisle the following comments were reserved for MZ1:

*"PO MZ1 is inclined to over react in his dealings with Borstal trainees. However, one cannot fault him for lack of effort but to date his overbearing manner and*

*attitude have prevented him from fully meeting the requirements of a Borstal regime*" (MIL-21949)

134. Other observations referred to his inability to "*adjust to the demands made of staff in a more liberal regime*" and described a lack of "*flexibility of attitude which is required to be a successful Officer in the Borstal context*" (MIL-21949). Despite his change of mind, it was decided that MZ1 could no longer be retained as an Officer at the Borstal.
135. This evidence establishes two significant points.
136. Firstly, the regime at Millisle was identifiably different from other penal institutions. It was looser and more liberal than the regimes to be found at adult prisons, and staff who were inflexible and overbearing in their manner, perhaps because of their over emphasis on discipline and structure, "*would not gain the confidence of staff or the respect of trainees*" (MIL-21950).
137. The second point which flows from the experiences of MZ1, is that the Northern Ireland Prison Service had a system in place which was designed to assess the suitability of Officers to carry out the very particular duties which were required of them in the Borstal. If, as in the case of MZ1, evidence came to light which properly established that an Officer was unsuitable for that work, the likelihood was that he would be required to leave.
138. Clearly, even relatively experienced Officers (at that time MZ1 had been employed in the Service for over █ years) could fail the suitability test set by those who oversaw the system. It is submitted that the fact that MZ1 was compelled to leave his post at

Millisle is illustrative of the fact that Mr. McLaughlan and his senior colleagues were intent on administering a liberal regime which was particularly focussed on the needs of young people.

139. There are other examples to be found on the documents available to the Inquiry which show that this process of determining suitability was in place before Mr. McLaughlan took up post: in the Governor's annual report for year ending 1972, it is indicated that an officer was dismissed because he was "unsuitable" (MIL-24253); records for the Visiting Committee meeting of the 3 September 1973 show that Temporary Officer [REDACTED] "was dismissed as unsuitable" (MIL-24711); similarly, Temporary Officer [REDACTED] was "dismissed as unsuitable" in early 1974 (MIL-24737).

140. While the documents which are available to the Inquiry do not describe why these Officers were found to be unsuitable, the more significant point is that the Northern Ireland Prison Service had in place for some time a system which was designed to assess the suitability of Officers to carry out the very particular duties which were required of them in the Borstal, and to identify those who couldn't.

141. The standard set for Officers who worked in Millisle during the term of Mr. McLaughlan's Governorship was described by Officer LN20 when he gave evidence on day 181. it was a message which explicitly emphasised to the officers who were employed to supervise trainees that mistreatment would not be tolerated:

*"When we were first transferred from the Maze Prison down to the closed borstal, the governor had us all in a common room and he explained, "Coming from an adult prison, you are coming to a borstal where there's trainees who are young*

*people. If any -- I catch any person or hear of any person lifting their hand or physically abusing any borstal boy, they will be sacked on the spot* (transcript for day 181, pages 77-78).

142. MZ1 was asked whether Mr McLaughlan would have tolerated any member of his staff lifting a hand to a trainee. His answer was emphatic - "*definitely not*" (transcript for day 181, at page 39).

143. For his part, Mr McLaughlan recalled in his evidence that what he usually said to new members of staff was,

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

144. Mr McLaughlan was not distant from his staff. He told the Inquiry that he walked the site on average twice per day, seven days a week, and he was on name terms with all of the staff and would talk to them frequently (transcript for day 182, page 31). It is submitted that the ethos which he was trying to promote and the standards which he expected from his staff are unlikely to have gone unheard.

145. It was certainly clear to the Visiting Committee, what Mr McLaughlan was about. In its annual report for 1978 following the opening of the closed section at Millisle, the

Visiting Committee commended Mr. McLaughlin on the progress which he had overseen at Millisle during his four years in post:

*“He, first and foremost, has the welfare and rehabilitation of the trainees at heart. He combines this with a very significant gift for organisation. He obviously has the respect and engenders an enthusiasm in them for the training programme. Whilst it is known that absconding by trainees comes in spells, it is surely significant that the abscond rate has consistently fallen during the four years of the present governorship, to what would have been thought of as the impossibly low figure of 5 in 1978” (MIL-27709).*

146. Further praise was bestowed upon Mr. McLaughlan and the institution which he was responsible for governing, following a visit by the Chairman of the Visiting Committee on the 28 June 1978 (MIL-28062). In a thoughtful report, she reflected upon her experience of the operation of the Borstal during her fifteen years of serving on the Committee. She commented that,

*“while the institution has always been run efficiently and smoothly from an administrative point of view, I think it could be said that there is evidence of a new dimension in training. This is hard to define, but mainly involves attitudes and rapport between Staff and Trainees. Also, Trainees have been given more freedom in certain areas and have been encouraged to be more creative and develop any potential they may have. The fact is that they are being ‘stretched’ rather than merely conforming. This has perhaps entailed an element of risk and I must admit to having been initially opposed personally to the introduction of certain changes. In a large measure I feel that these changes have been brought about through the*

*enthusiasm of the present Governor and I hope that he will be with us for a long time to come to exercise his obvious gifts in the running of a training establishment such as Woburn” (MIL-28062).*

147. The Visiting Committee, in one of its last monthly meetings before the Borstal sentence was repealed, spoke highly of Mr. McLaughlan’s approach. The copy of the document which is available to the Inquiry is of poor quality, but the broad sense of what has been recorded is clear. The Committee expressed “*their appreciation of Mr. McLaughlan’s period of Governorship*” during which time they indicated there had been a shift “*from the functional to the humanitarian and this was appreciated by the Committee*” (MIL-24993).

148. As an indicator of the high regard which the Borstal at Millisle was held, the Inquiry will note that when the Northern Ireland Office signalled that the Borstal Training Sentence was to be abolished, the Visiting Committee elected to write in order to express its concerns.

149. While the Committee recognised that the abolition of the sentence was a matter for Parliament, and that sentencing was ultimately a matter for the Judge, it advanced the following reservations:

*“1. Many members are concerned that many of the positive aspects of the training programme at Millisle could be lost with the expansion of the Young Offenders Centre. In particular reference was made to the involvement of staff and trainees in projects such as the adventure training programme, the conversion of play buses,*

*the use of staff in the teaching role as practised in the first aid classes, car mechanics course and pre-release programme.*

*2. Concern was expressed at the loss of the competitive and incentive traits inherent in the Borstal system. It is felt that this element represents life in the community, an element that does not exist in the prison regimes. The Committee would, therefore, recommend that whatever new regime is introduced that consideration should be given to this need.*

*3. Members of the Committee have visited the Y.O.C. at Hydebank Wood and it is felt that training in the Centre is more aimed at enabling people to live in Prison than to live in the Community. It is felt that that element that presently exists at Millisle will be lost under the new arrangements.*

*Perhaps the simplest statement of the Committee's attitude would be that members see the advantage of the change in that it would appear to make for a just determination of sentence, but that deep regret is felt for the loss of many of the positive elements in the Millisle regime" (MIL-24982).*

150. The Northern Ireland Office was concerned to learn from the experiences of those who had served on the Visiting Committee at Millisle and it can be seen that arrangements were made for a delegation to be received by the Minister in April 1980 (MIL-24997). Unfortunately, a copy of the submission which was made to the Minister does not appear to be available. However, in a subsequent meeting between a NIO official (Mr. Barry) and the Visiting Committee to discuss the process associated with the closure of the Borstal, he explained that "*prisoners in the YOC benefit from a*

*similar regime to Borstal and the positive ideas already put forward by this Committee will be implemented” (MIL-25004).*

151. In the Report on the Administration of the Prison Service 1980 the closure of the Millisle Borstal was noted with “*a considerable measure of regret.*” In the report it was observed that the Borstal “*had carried out fine work over the years and had justifiably gained a high reputation both among sentencers and among organisations concerned with the treatment of offenders*” (at paragraph 1.3 of the report - BATES number not yet available).

152. Finally, the point has been made in the previous section of these submissions that the Visiting Committee took an interest in addressing issues in order to improve the prospects of trainees upon leaving the Borstal. It is submitted that they were supported in this pastoral approach by Mr McLaughlan and his staff.

153. An illustration of this can be found in the record of the Visiting Committee for the 3 March [REDACTED] when the Committee determined that HIA 248 and his brother were suitable for release. However, it was recorded in the minutes that, “*the plight facing [HIA 248 and his brother] was illustrated by Mr. Brown. They were homeless and had no prospects of (immediate) employment. Despite efforts by staff and Probation Service their situations was unchanged. The Governor explained that the boys had hoped to live in Bangor, but the best that could be hoped for was accommodation in Belfast. He would not be releasing them until he had something definite. Members were perturbed at the lack of hostel type establishments*” (MIL-24990).



154. It is submitted that the ethos of the Borstal, both within the membership of the Visiting Committee and within the staff of the institution, was such that it caused them to strive to protect the interests of the trainees at all times, even at the point of release, to ensure that they obtained the maximum benefit from their training and in the hope that they might make a better life for themselves.

### **Absconding**

155. Until the building of the secure 'closed' unit in 1977, Millisle was an 'open' Borstal. From 1977, there were two sections to the Borstal at Millisle, with the open unit within Woburn House and the closed unit on the same site and under the control of the same Governor.

156. As an 'open' borstal, there were no physical barriers to prevent trainees from absconding. This can be seen most obviously in the description given by Duncan McLaughlin of the fact that, during his time as Governor, the entrance to the building was controlled by a Special Grade trainee rather than a member of staff:

*"...the main building of the open section, the side door, the main door, the key was held by a borstal boy. When the boy reached special grade, which is often called special privilege of licence, special grade, he was allowed certain freedoms. Part of that was there was a rota of special grade boys who held the key and controlled access to the main door"* (see transcript for day 182, page 34).

157. The closed Borstal received its first trainees on the 14 November 1977 (MIL-27750), and could accommodate 75 trainees. The 1978 Report on the Administration

of the Prison Service provides some photographs of the comfortable rooms and the stimulating activities which were provided at the closed Borstal (MIL-27690).

158. In a paper prepared by Mr. McLaughlan, setting out the regime in the closed Borstal he explained that,

*“The unit will be a quite separate section of the establishment and every effort will be made to minimise contact between trainees in the unit and trainees in other sections of the establishment...the ‘regime’ will be a vigorous one. The task of the unit will be threefold: to introduce trainees to Borstal Training and its implications for them; to assess the trainee’s need for open or closed conditions; to prepare a training plan that the trainee will follow during his training period”* (MIL-20899).

159. The document indicated that at the end of the assessment period trainees will appear before an Allocation and Training Board one of whose functions would be *“to recommend to the Review Body the trainees allocation to the open or closed sections”* (MIL-20899).

160. In the 1977 Report on the Administration of the Prison Service it was observed that *“the objective is still to transfer all trainees to the open part of the establishment as soon as possible...”* However, it was recognised that this was not possible in the case of all trainees *“because of their negative behaviour in closed conditions, abuse of open conditions or - exceptionally - the nature of their offence, have to spend a prolonged period, perhaps the whole of their training, in closed conditions”* (MIL-27750).

161. It was the view of the Visiting Committee in their annual report for 1978 that after an initial settling down period when staff who were new to Borstal *“were feeling their way,”* it had been possible to find *“a good balance [between] the stricter discipline of the closed section and the more relaxed atmosphere of the open section”* (MIL-28060).

162. It is submitted that the development of the secure Borstal on the Millisle site provided for an increasingly integrated Borstal system within which trainees could see, at relatively close quarters, the benefits to be achieved from working to achieve progression to the open section. It was also possible with the introduction of the secure facility, to provide trainees with a stern reminder of the implications of abusing the open facility.
163. Before the closed facility was made available, interested observers frequently found themselves discussing whether increased security was necessary. For example in 1973, the Visiting Committee discussed "*the subject of freedom for the trainees within the institution*", including whether a perimeter fence was required. Various views were expressed, but ultimately the Committee concluded that the system in place was similar to that being used in England and "*in comparison to other similar institutions the abscond rate was acceptable.*" (MIL-24687).
164. When a trainee did abscond, staff would carry out searches of the immediate area of the Borstal, and if unsuccessful, police would have been notified. They would then take over the search. (MIL-717).
165. Absconders would face formal disciplinary proceedings upon their capture and return, which would be adjudicated upon by the Visiting Committee. Absconding was considered one of the more serious disciplinary offences within the Borstal, given that it could be punished by corporal punishment, loss of grade or loss of privileges.
166. Absconding episodes were recorded in the Governor's Journal and numbers of absconders were recorded in the annual reports as shown below:

**Absconding numbers by year (numbers taken from annual reports)**

<b>Year</b>	<b>Adjudications against trainees for absconding</b>	<b>Inquiry Reference</b>
1956	13	MIL-23672
1957	5	MIL-23723
1958	5	MIL-23742
1959	25	MIL-23779
1960	15	MIL-23806
1961	10	MIL-23833
1962	32	MIL-23892
1963	15	MIL-23957
1964	10	MIL-24027
1968	20	MIL-24089
1970	27	MIL-24116
1971	27	MIL-24218
1972	7	MIL-24262
1973	8	MIL-205
1974	19	MIL-24282
1975	38	MIL-205
1976	27	MIL-760
1977	8	MIL-728
1978	9	MIL-211
1979	5	MIL-732

167. While it was recognised by Mr. McLaughlan that absconding from the open section was a “*regular occurrence*” (MIL-717), it is submitted that during his time as Governor

the numbers fell considerably, a fact recognised by the Chairman of the Visiting Committee in 1978 (MIL-28260).

168. Writing in March 1969 as a preface to his 1968 annual report, then then Governor at Millisle described abscondings as a “*set back*” which could not deflect from the overall success of the institution. In his view abscondings had to be “*accepted as the natural order of events if self-reliance is to be encouraged in the overall training and the ‘few’ cannot be allowed to overshadow the ‘many’ who do really settle and endeavour to take advantage of the facilities provided to acquit (sic) them for a full life on return to the outside community*” (MIL-24091).

169. Viewed from the proper context of a penal institution quite different in outlook and philosophy (as well as in its security arrangements) to an adult prison, it is submitted that absconding from the Millisle Borstal was a relatively insignificant feature of its history.

### **Civil Unrest and Sectarianism**

170. The observations set out above suggest that until a change in Government policy in 1980 brought about the abolition of the Borstal sentence, the Millisle facility not only survived but flourished. This would appear to be in no small measure due to the management style and philosophy of the Governor and the preparedness of his staff to implement the regime, and is consistent with the availability of adequate resources and effective governance arrangements.

171. The Inquiry has heard during the oral evidence of the threats to which prison officers were frequently subjected during the nineteen seventies when the Borstal was

in operation (see for example the evidence of Officer LN 20 during day 181). Set against this backdrop of violence and the threat of violence, it is all the more creditable that the Borstal continued to operate so efficiently and successfully.

172. The Inquiry has received some evidence which suggests that sectarianism was a marked feature of the landscape at Millisle. The Department believes that such accounts overstate the extent of the problem. It would be surprising if sectarianism did not manifest itself from time to time in the relationships between trainees at Millisle, but there is no evidence that it became a major problem.

173. In his report for year ending 1970, the Catholic Chaplain remarked upon the good relations within the Borstal despite the tensions being experienced within the Northern Ireland community at that time:

*“With the increase of turmoil in the community, it is pleasant to note that there are no such problems in HM Borstal. Rather the opposite is the case, with an immense amount of goodwill and co-operation among all members of staff. It is a pity that such good relations never reach the headlines”* (MIL-24173).

174. Reflecting upon his time as Governor, Mr McLaughlan indicated that he was not aware of significant sectarian tensions:

*“I don't recall in fairly simple terms any punch-ups or fighting between factions, but obviously on 12th July or obviously when you get a bunch of boys from the Falls and a bunch of boys from the Shankill, you get an exchange of -- I will say of views,*

*but it was not an issue in the sense that I would sit down and scratch my head and ask the question, "What do I do about this?" (transcript for day 182, page 40-41)."*

175. That is not to say that the Borstal was immune from the upheaval experienced by the community at large. The violence and tensions on the streets of Northern Ireland had direct implications for the Borstal as the Governor made clear in his annual report for year ending 1971:

*"The general unrest and lawlessness in the province has made itself felt in the Borstal, and day after day the need for a closed institution has become increasingly apparent. The number of trainees requiring training in a closed environment tends to increase, giving a corresponding lowering of the general standard of conduct. During 1970 the number of offences against discipline, apart from absconds, committed by trainees was 98. In 1971, 140 such offences were committed" (MIL-24132).*

176. In a report following a routine visit on the 7 July 1972, a member of the Visiting Committee remarked that,

*"...any tension which does exist in the Institution seems to centre around the sectarian/political inclinations of some trainees. If the Provisional IRA Group are unwilling to accept and abide by the principles, objectives and rules of Borstal Training their request for removal to another institution should be seriously considered in order to avoid serious friction and conflict at Millisle" (MIL-24647).*

177. The Governor's report for 1972 indicates that a serious riot took place on the 14 May 1972 when 35 trainees gained access to the roof and caused considerable damage. It was necessary to summon police and the Army to quell the riot and those involved were transferred to a secure unit at HMP Magilligan the next day (MIL-24253):

*"...the tensions within the community at large were reflected in the behaviour of many trainees. These attitudes led to disturbances at Millisle Borstal (Woburn House) in May 1872 [and later at Armagh]. Nevertheless, the fact that a high proportion of trainees continued to complete their courses successfully during this period is a tribute to the dedication and hard work of those directly concerned with their training"* (MIL-27716).

178. By 1974 tensions appear to have eased significantly. A member of the Visiting Committee wrote the following after a visit on the 24 April 1974:

*"Governor and staff deserve credit for boys of both religions working, living and playing together over the last few years when this has been impossible in other penal institutions and indeed in the community at large"* (MIL-24758).

179. Few of the Applicants to the Inquiry raised sectarianism as an issue of concern. HIA 262 said in his statement that *"because we were Catholic we were seriously under the heel"* (MIL-036, para 37) but he did not elaborate on his allegation, and he did not attend the Inquiry to give oral evidence.

180. HIA 416 recalled an incident following an attack on some soldiers that an unnamed Prison Officer came into his room and referred to him and another trainee as *"Fenian"*



*bastards*" (transcript for day 180, page 29). This appears to have been an isolated incident and while such behaviour would clearly have been unacceptable and unprofessional, it perhaps reflects the serious tensions which effected the community at that time.

181. HIA 162 recalled a sectarian division within Millisle when he was detained there in [REDACTED]. He illustrated the problem as follows: "*They had one half of the canteen and we had the other half. They had half of the common room and we had the other half of the common room*" (transcript for day 178, page 70). However, he went on to make the point that this division was not caused by those who were in charge, but by the boys gravitating towards "*their own type*". He added that boys still mixed together despite the religious divide (transcript for day 178, pp.69-70).

182. Given the situation in Northern Ireland in the 1970s and the backgrounds of those sent to Millisle, the Department would submit that the tendency for trainees to gravitate towards members of their own community was understandable, but it is clear that the situation did not require any significant intervention or management.

183. The Department has only identified one suggestion that members of staff exhibited a sectarian bias. As has been referred to elsewhere in this submission, at a meeting of the Visiting Committee in 1980, the Deputy Governor was asked whether there was any substance to the view that staff members behaved in a discriminatory fashion.

184. The Deputy Governor denied that there was a religious discrimination problem in the institution. She suggested that such complaints were not unheard of "*when there*

*was an imbalance of religious factions” and she went on to explain that such complaints “tended to be seasonal” (MIL-25004).*

185. It is noteworthy that these issues were being discussed by the Committee at the height of the marching season when sectarian tensions are generally at their highest in Northern Ireland. It is submitted that penal institutions such as the Borstal, were unlikely to have been immune from such tensions, but it is quite a different matter to suggest that officers working in the Borstal were actively discriminating against certain trainees although that might well have been a perception.

186. The nineteen seventies were clearly a challenging time for the Northern Ireland Prison Service in general. A report on Prison Administration in Northern Ireland (1972-76) indicated that *“the civil unrest and the associated problems of law and order have led both to an increase in the size of the prison population (some 400% increase since 1969) and to changes in the types of prisoners for whom provision has had to be made” (MIL-27709).*

187. In turn, these dramatic changes caused the Service to have to grapple with *“acute problems of accommodation, staffing, education, training and discipline” (MIL-27709).*

188. Despite all of this, Mr. McLaughlan and his staff, supported by the resources advanced by the Northern Ireland Office, built and sustained an environment in which trainees were given an opportunity to learn and to take steps to address the problems in their lives.

189. It is submitted, that one of the more remarkable aspects of the institution's history was that the upheaval and strife of the Northern Ireland of that time was largely kept outside of the Borstal's walls, so that the trainees could more effectively utilise the facilities and opportunities available to them

### **Facilities and Opportunities**

190. The statement of Mr Steve Davis on behalf of the Department, dated 18 December 2015, provides details of the facilities/opportunities which existed at Millisle for the benefit of the trainees: see, for example, paragraphs 49-55 in relation to education and vocational training (MIL-119 – MIL-120), paragraph 58 in relation to physical education (MIL-121), and paragraph 59 in relation to religious instruction (MIL-121).

191. Mr McLaughlan has also addressed the facilities/opportunities in his statement, commencing with a description of the training regime (MIL-711, paras 20-21), the training programme (MIL-712, paras 22-28), medical care, dental care and welfare services (MIL-714, paras 29-30) and food and clothing (MIL-715, para 32).

192. A number of the former trainees who gave evidence to the Inquiry spoke positively about the facilities on offer at Millisle. For example, HIA 374 commented that they had "*good facilities*," that the food was good and that they were well looked after (transcript for day 179 at page 43).

## Education

193. From the outset, the regime at Millisle placed a strong emphasis on education and vocational training.

194. This focus was described in the following terms in a Ministry of Home Affairs document dated 24 January 1958, which discussed a number of policy matters pertaining to the Borstal:

*“in Borstal he can “learn” as well as “learn his lesson” and this learning includes not only the lessons of the kind already mentioned but also general school lessons...and vocational instruction which will fit him for taking up free life again able to fend for himself economically”.* (MIL-20241)

195. The documents available to the Inquiry also reveal the value which was placed on education and learning within the institution. In a minute to the Ministry dated 18 December 1961, the Governor set out a request for an improved Induction Centre noting that, *“The quiet room is very necessary, and the lads should be encouraged to use the library which is stocked with suitable books”* (MIL-20199).

196. The determination to foster an environment in which educational opportunity would be valued undoubtedly presented a challenge to staff at Millisle. It is quite clear that during most of its history, trainees at the Borstal were found to have a below average intellectual ability. For example, between 1966 and 1968 those who were categorised as *“educationally retarded”* stood at between 69% and 74%. This was said to have required *“additional effort in the sphere of remedial education”* (MIL-24083).

197. The challenges faced by the education system within Northern Ireland Borstals was expressed in even more graphic terms in the 1970 Report on the Operation of the Home Office Services:

*"56% of the total Borstal population had an academic standard comparable with that of an average child of 8 years with 3 years formal school attendance. This group requires special educational treatment, through remedial teaching techniques and individual attention to the personal problems which are disclosed by the diagnostic nature of the test material"* (MIL-27937).

198. There was little variation in the intellectual ability and educational attainment of the trainees throughout the period with which the Inquiry is concerned. Of the 131 new committals received in 1976, only 35 showed average or above average educational attainment. The rest were found to be educationally retarded or worse (MIL-27739). The position was somewhat better in 1977 (78 new committals out of 135 showing average or above average educational attainment - MIL-27764), but in 1978 the poor educational attainment of the vast majority of Borstal trainees was again in evidence (MIL-27701).

199. In the 1979 Report on the Administration of the Prison Service the following observation was made:

*"11.10 The pattern of ability and attainment levels of trainees remains fairly constant from year to year. Trainees are, on average, just slightly below the population at large in terms of mental ability, but considerably below the national average in attainment in the basic skills. This is probably because of unsettled*

*home and school backgrounds, poor school attendance, emotional disturbance, aggressive tendencies, withdrawal from normal relationships and non-acceptance of the general standards both at school and outside” (MIL-27780).*

200. Those tasked with the provision of education opportunities at Millisle had necessarily to adopt an imaginative and sophisticated approach to encourage trainees to participate. This is reflected in the Education Officer’s report for 1970:

*“Essentially education is a continuing process throughout life and as such it should include education for leisure. The approach should have an adult status, not a repetition of the failure and frustration many inmates recall from previous experiences of formal education. There should be a greater element of choice in the way an individual spends his time after work, and some measure of responsibility for determining the evening activity would increase the inclination to participate” (MIL-24132).*

201. At all times there appears to have been a recognition that the specific requirements of the individual trainee had to be identified and catered for. In the 1971 Report on the Operation of the Home Office Services it was emphasised that standardised tests to assess intellectual capacity and level of academic attainment were administered to all trainees for the purpose of *“ensuring that a suitable educational programme was provided” (MIL-27949).*

202. The annual reports provide a clear indication that educational provision was well resourced: day and evening classes were provided for those in need of remedial provision; all trainees attended education classes for 2 hours on 2 evenings per week, with the other three evenings devoted to specific activities of interest including first aid training, car maintenance and physical education (MIL--27780); a number of boys had

achieved 'O' level passes (for example, MIL-27688 and MIL-27780); external teachers and special tutors were brought in; use was made of a large library with a stock in 1979 of 6,500 books (MIL-27777); educational television programmes and radio broadcasts were utilised; boys were permitted to engage in correspondence courses and were given time off training for this purpose (MIL-27716).

203. The 1977 Report on the Administration of the Prison Service indicated that the opening of the closed Borstal provided an opportunity to improve the educational provision available to trainees still further:

*"[70] The opening of the new establishment at Millisle was a significant event in the field of education as well. With all borstal trainees at Millisle, co-ordinated programmes of education and training covering both closed and open institutions are provided and breaks in a trainee's progress are therefore minimised" (MIL-27750).*

204. As a measure of the success of the educational programme adopted at Millisle, the Inquiry might consider the comments made at a meeting of the Visiting Committee at its meeting on 12 May 1980, as the institution was in the final months of its existence.

205. The Visiting Committee considered the Education Officer's Annual Report, and one of its members, describing himself as an educationalist, commented that

*"[he] was impressed by the level of activity and organisation in this department. He felt Mr. Anderson and his staff were worthy of the highest praise and the remarks of the Department of Education Inspectors bore this out."*

206. The minute goes on to record that members felt that the "*life and social skills*" training was an important aspect and worthy of continuation. It was felt that the female influence in education was beneficial to boys (MIL-24998).

207. The Report on the Administration of the Prison Service for 1980, the year of the Borstal's closure, shows that during that year there were 19 teaching staff (one Education Officer, three full-time teachers and 15 part-time teachers) as well as 20 part-time teachers on a call-off panel.

### **Vocational Training**

208. The Annual Reports on the Administration of Home Office Services / the Prison Service covering the period 1954-1979 all comment on the efforts to extend the range of vocational courses provided, the valuable experience boys gained from their involvement in maintaining the grounds/on-site construction projects, the good health and physique of the boys, their enjoyment and the benefits they gained from recreational activities and community projects and the securing of employment for boys leaving the institution (despite periods of high unemployment in Northern Ireland as a whole).

209. The document, Vocational Training General Instructions for Millisle Borstal (MIL-27608 – MIL-27621), sets out the curriculum of vocational courses on offer, those being General Engineering, Horticulture, Bricklaying and Woodwork that led to recognised qualifications. Welding and sheet-metal work had been added as a vocational course by 1979 (MIL-27780).



210. In his statement to the Inquiry Mr McLaughlan also indicated that training opportunities were available in painting and decorating (MIL-713), and he later referred to the opportunities which existed for trainees to work in the kitchen, laundry and in the grounds of the Borstal (transcript for day 182, page 17, lines 16-18).
211. The 1970 Annual Education Report described the vocational opportunities on offer at that time and made suggestions on how such training could be further developed (MIL-560 – MIL-563).
212. The allocation of education and vocation training courses was determined by reference to the outcome of assessments which were carried out on each trainee when they came into Millisle and at intervals as the Trainees progressed through the system (see MIL-713 and the transcript for day 182, pages 36 and 37).
213. Mr McLaughlan also explained in his statement (at MIL-713) that if a trainee had already commenced an apprenticeship before his committal, that was not catered for at Millisle, arrangements would be made for him to attend a local technical college. He remembered this being done for one boy who had come in as an apprentice electrician.
214. The observations of members of the Visiting Committee provide a strong indication that vocational training was provided to trainees in an appropriate manner and that trainees enjoyed the opportunities afforded to them: the record for the 13 November 1972 documents some "*interesting work*" being carried out in the workshop under "*excellent supervision*" (MIL-493); on the 14 December 1973, training was found to be "*proceeding well*" (MIL-357); the record for the 21 November 1974 documents, "*Boys working in an apparently interested and enthusiastic manner*" in the workshop (MIL-

357), and the Visiting Committee praised the willingness of staff to become involved in evening activities and unanimously recorded their appreciation of this effort.

215. Efforts were made to try to engage trainees to use the skills acquired during the vocational training courses, to carry out work in the community. For example, it was noted during a meeting of the Visiting Committee in March 1980 that discussions were taking place with a local special care school in relation to the possibility of allowing two special grade boys to provide assistance in the work of the school (MIL-24995). In 1979, trainees converted an ambulance into a mobile toy library for the VSB (MIL-27780).

216. The success of vocational training at Millisle was recognised in the 1979 Annual Report on the Administration of the Prisons, which paid tribute to the Governor and his staff for their efforts in *“creating an environment and atmosphere in which staff and inmates relate well with one another and in which most trainees can respond constructively”* (MIL-- 27780).

217. When the Borstal closed in 1980 it was running eight vocational courses, five in the open section and three in the closed section. Each could cater for 12 boys and lasted 20 weeks with the exception of General Construction Operatives which ran for 16 weeks (Report on the Administration of the Prison Service 1980, pages 24-25).

### **Recreation / Sporting Activities**

218. In his statement Mr McLaughlan explained that within the Borstal there was a Monday to Friday routine (during which time trainees would attend at vocational training) which *“resembled that of a normal working week”* (MIL-713, para 28).

However, in the evenings there was an opportunity to relax and take part in group activities. The weekends offered an opportunity for sports such as cricket and football, as well as church attendance, and on occasion excursions were organised (see MIL-713 at para 28, and transcript for day 182, page 106).

219. It is evident from the Annual Reports that a wide range of leisure, community and recreational activities were provided at the Millisle Borstal , including art and pottery, first-aid, motor maintenance and venture training. These activities were described as “*highly popular*” and instrumental in developing a “*sense of responsibility and self-reliance*” in the boys (MIL-27688).

220. Visiting Committee minutes for the 5 May 1975 show that special grade boys were permitted to go for walks on a Sunday afternoon under the supervision of two members of staff. Boys could also go to play football at Rathgael and plans were being made to give boys opportunities for work placements in the community (MIL-407).

221. A “*special feature*” of the recreational activities provided at Millisle was the involvement of discipline staff in a teaching role, which became “*an important factor in strengthening relationships*” between inmates and staff (MIL-27780).

222. The Annual Reports also comment on the benefits of the recreational activities to the boys. For example, at MIL-27972 it is stated that, “*The health and morale of the inmates continues to be good, due, no doubt to the energetic participation in the sporting activities of the school and varied and well-cooked meals prepared by kitchen staff.*”

223. A proposed swimming pool at the Millisle site was never completed and the plans were abandoned altogether in 1975 (see MIL-24831, and transcript for day 182, page

18). However, the Visiting Committee minutes for the 2 April 1974 (MIL-24755) recorded that boys were to commence trips out to the swimming baths that month.

224. It is submitted that the range of recreational and leisure activities which were available to the trainees, and the willingness of staff to engage them in those activities, was indicative of a regime which was ambitious to provide stimulation and a sense of purpose to those under its care.

225. This was not an institution where the staff were simply content to see trainees “*do their time.*” It is plain that staff were sympathetic to the needs of the young people and determined, as was noted in the comments of the Visiting Committee cited above, to stretch them in a positive direction.

### **Food and Clothing**

226. The Inquiry has not received any complaints about the quality of the food which was available to the trainees at Millisle. The only concern of significance was raised by HIA 400 who arrived at Millisle shortly after the opening of the closed Borstal. He recalled that there were early teething problems with the catering arrangements and he was left feeling hungry to the extent that he had to eat his toothpaste (MIL-017, at para 25).

227. The Visiting Committee was charged with a specific responsibility under the Training School Rules to inspect the food of trainees from time to time (Rule 211). If the Committee was to find the quality unsatisfactory they were required to report the matter to the Governor.

228. It is clear that the Visiting Committee complied with this aspect of their duties regularly and intensively. The kitchen and food were the subject of frequent

inspections, with such inspections producing positive comments such as “*clean and tidy, varied menu, food very good*” (14 December 1973, MIL-423), “good menus” (7 January 1974, MIL-422), “*up to the normal high standard*” (28 May 1975, MIL-386), “*usual high standard of menu available*” (29 January 1975, MIL-351) and “*kitchen [was] scrupulously clean and food attractive and appetising. Menus varied and suitable*” (21 November 1974, MIL-24807).

229. In his evidence to the Inquiry HIA 374 freely expressed the view that, ‘*the food was good*’ and that in this respect trainees “*were well looked after*” (transcript for day 179, page 43).

**230.** The Borstal trainees wore a uniform consisting of denims and clothing required for work. There was a laundry on-site as well as a seamstress to ensure the boys were provided with clean, appropriate clothing.

### **Medical, Dental and Welfare**

231. In his statement on behalf of the Department, Mr. Davis has outlined the medical facilities which were available to the trainees at the Millisle Borstal (MIL-124, paras 70 – 71).

232. Mr McLaughlan has explained that in practice the medical services were developed around the presence of a fully trained Matron who arranged daily sick parades and oversaw the treatment of minor ailments (MIL-714, para 29). She lived on campus and was available at all times to provide medical care as required in the sick bay (transcript for day 182, page 23).

233. In his oral evidence, Mr McLaughlan explained that if the Matron had any concern that any trainee with whom she came into contact was being ill-treated, it would not have been in her character to ignore it, or to sweep it under the carpet:

*“She was the type of person who, if she was told that sort of information, couldn’t hold it, wouldn’t have been able to hold it to herself. She would have to pass it on”*  
(transcript for day 182, page 69).

234. Mr McLaughlan explained that the same Matron was employed during the entirety of his time as Governor. On no occasion did she raise any concern of ill treatment with him.

235. A local doctor was utilised if more significant medical issues arose, and he attended the Borstal on a part time basis. He worked from the surgery which the Matron ran on the first floor of Woburn House (transcript for day 182, page 26). The Governor would authorise transfer to hospital in appropriate cases. Dental services were provided by a community practitioner.

236. The Visiting Committee regularly inspected the surgery and generally found it to be operating to an appropriate level. The inspection of the facility on 28 May 1975 drew the comment that it was *“up to the usual high standard”*(MIL-386) and on the 16 November 1973 it was described as *“spic and span as usual”* (MIL-431).

237. Psychiatric services were provided at Millisle by a psychiatrist from the Downshire Hospital who visited the facility every week. All new admissions were the subject of assessment by the psychiatrist (MIL-288).

238. Mr McLaughlan has explained that during his time as Governors, welfare services were provided by Assistant Governors, and while the Probation Service did not

maintain a presence in Millisle, the facility could access the services of the Welfare Officer in Rathgael if support in the community was found to be necessary (MIL-714, para 30).

239. As has already been described above, Mr McLaughlan's evidence demonstrated that he was a highly visible presence on the Millisle campus, walking the site at least two times per day. He was not remote from his staff or indeed the trainee population.

240. In his evidence on day 178, HIA 162 recalled the ease with which it was possible to obtain a meeting with the Governor, or indeed the doctor or the welfare people:

*'If you wanted to see the governor, you just made a request that morning and then you would see the governor, you know, or the doctor or the welfare, you just made the request in the morning ...'* (transcript for day 178, page 75).

241. It is submitted that there can be no question that medical, dental and welfare services at Millisle were provided to a very high standard.

242. Moreover, it is submitted that if a trainee was suffering from ill treatment or abuse, it should have been a straightforward matter to make complaints to the persons who provided those services.

### **Chaplains**

243. Section 9 of the Prison Act 1953 provided for the appointment of prison Chaplains. In practice all of the major Christian religious denominations were represented by Chaplains at Millisle during the period of its operation. The Chaplains provided annual

reports, which in general reflected the good relations which existed between them and the Borstal.

244. In his annual report for 1957 the Catholic Chaplain indicated that he visited the Borstal every week, sometimes twice a week and found himself "*deeply impressed by the co-operation of both officers and boys.*" He indicated that he could not "*speak too highly*" of the [REDACTED] ML 29 and his officers (MIL-23690). He went on to say that the attitude of the staff and their treatment of the boys "*is something to be admired*" (MIL-23691). Likewise, the report from the Church of Ireland Chaplain praised the work of the Borstal staff (MIL-23693).

245. Appreciation by the Chaplains for the work of the Borstal was maintained throughout the years of its operation. It is clear from some of their remarks, that the Chaplains perceived themselves to be engaged in a co-operative enterprise with management at the Borstal to improve the lot of the trainees.

246. In his 1971 report, for example, the Catholic Chaplain thanked the Governor for the "*courtesy and kindness*" which had been extended to him, and he remarked that "*sometimes we may think our work a thankless task, but even if we are successful with only one boy, we will have achieved a great deal*" (MIL-24241).

247. In his report for 1970 the Presbyterian Chaplain recorded that the mainstay of his work with trainees was engagement in "*discussion groups almost every week, personal interviews and if required, sick visitation*" (MIL-24177).

248. Reports from the Catholic Chaplain (MIL-24241), the Church of Ireland Chaplain (MIL-24180) and the Methodist Chaplain (MIL-24231) all identified a similar approach to their work, engaging trainees in group discussions and individual meetings.



249. The potential for an individual meeting with a Chaplain undoubtedly presented a safe and reliable conduit by which trainees who were experiencing any difficulty in the Borstal, could with confidence discuss their problems and advance a complaint if necessary. It is submitted that it is plain that the work of the Chaplains was not only about securing Church attendance on a Sunday.

250. The Chaplains knew the regime and how the system worked, but they were not part of it in the way that Prison Officers were directly part of it. They provided a secure and non-threatening avenue by which any grievance could have been discussed.

### **Allegations of Abuse**

251. During the operation of any penal institution, it is perhaps inevitable that complaints of ill treatment will emerge. The Millisle facility was no different in that respect. The Borstal at Millisle operated for a period of just over 24 years, and a number of grievances and concerns were made known to the Governor. It is instructive to examine how these complaints were dealt with.

252. In [REDACTED] a trainee complained that he was the subject of an assault by a senior member of staff [REDACTED] ML 29 [REDACTED]. The allegations were contained in a letter sent by his sister to the Ministry of Home Affairs on the 20 February [REDACTED] (MIL-23455).

253. Importantly, an official from the Ministry wrote back to the sister of the trainee on the 27 February, to indicate that the matter had been the subject of an "*immediate enquiry*." Plainly, there was no question of such complaints being ignored or disregarded. The enquiry concluded that the allegation that violence had been perpetrated against the trainee "*could not in any way be substantiated*" (MIL-23453).

Unfortunately, the nature of the enquiries which were conducted were not otherwise explained, although the correspondence would appear to suggest that they have were undertaken by Ministry officials as opposed to staff of the institution itself.

254. The importance of the correspondence also lay in the fact that the Ministry made it abundantly clear to the Governor that allegations of abuse were viewed extremely seriously and would be investigated thoroughly. The letter to the Governor went on to say,

*“The Ministry suggests, therefore, that you take this opportunity to remind all staff of the importance of avoiding, in all circumstances, conduct which could give rise to any allegations of ill treatment and the use of unnecessary force” (MIL-23453).*

255. It was implicit in this message that there would be a zero tolerance for the ill treatment of trainees, and staff were to take steps to avoid even a suggestion of impropriety. As has been explained above, Mr McLaughlan articulated a similarly shrill message to his Officers when he took up the role of Governor in 1974 and when new Officers came to work at Millisle.

256. The papers available to the Inquiry also indicate that sexual contact between trainees was reported to the Ministry in October 1963 (MIL-- 23457). It is submitted that having become aware of the matter, the Governor addressed it an appropriate and transparent manner: he reported the concern to the Ministry and he proposed carrying out an investigation and providing a report. He didn't seek to hide or avoid the issue even though he considered the issue of “*indecent*” between boys to be a rare event (MIL-23458).

257. As will be observed in the analysis which follows, the evidence provided to the Inquiry by the Applicants does not suggest that sexual interaction between trainees was a significant problem at Millisle. The Ministry was no doubt aware of the potential for sexually abusive incidents to occur in training school and similar environments such as a Borstal at that time, but it does not appear on a fair consideration of the evidence that any particular initiative was necessary at Millisle.

258. There is also some evidence before the Inquiry that Officers at Millisle were prepared to raise issues about the behaviour of their colleagues. On the 7 January [REDACTED] an Officer provided a statement to the Governor to assist an investigation which had been triggered by complaints raised by four trainees that an [REDACTED] ML 32 [REDACTED] was guilty of assault and verbal abuse, and that he had interfered with a number of their beds and belongings and had damaged property (MIL-23496). In his statement the Officer concerned revealed that he had witnessed [REDACTED] ML 32 [REDACTED] in a dormitory “*upsetting two beds*” (MIL-23460).

259. [REDACTED] ML 32 [REDACTED] was charged with a number of offences: deliberately acting in a manner calculated to provoke a prisoner; using force unnecessarily; damaging clothing and a mattress; discreditable conduct by acting in a disorderly manner; improper relations with prisoners by becoming unduly familiar with prisoners (MIL-23499).

260. The matter was investigated by the Governor who gathered statements from relevant witnesses and carried out interviews. He suspended [REDACTED] ML 32 [REDACTED] on a precautionary basis. He prepared a report setting out his conclusions which he transmitted to the Ministry of Home Affairs (MIL-23514 & 23515).

261. It is submitted that the Governor conducted an investigation which was rigorous and fair. The available papers demonstrate that he subjected the evidence to a detailed analysis in his search for the truth. He concluded that with the exception of the complaint regarding the upsetting of the beds, none of the complaints could be upheld. On the contrary, the Governor found evidence to suggest that the complainants had “*confidently made untrue allegations*” (MIL-23514).

262. The Governor found that **ML 32** had conducted a search of the beds “*without authority or lawful excuse*” (MIL-23514). He also concluded that the Officer had been neglectful of his duty and had demonstrated a lack of tact “*which was provocative to these trainees*” (MIL-23515). As a result the Governor issued Officer **ML 32** with a severe reprimand (MIL-23555).

263. It is of interest to note the steps that were taken when the trainees first indicated that they had a complaint to raise about **ML 32**. They were brought to the Chief Officer’s office where they were issued with pen and paper and asked to make statements in writing (MIL-23527).

264. The handling of the complaints against **ML 32** and the incident generally, serves to correct the misapprehension that an Officer will always be protected. Not only was a fellow Officer willing to provide an account to the investigation which highlighted inappropriate aspects of **ML 32**’s behaviour, but the Governor was prepared to make findings against him notwithstanding that other aspects of the complaints were unworthy of belief.

265. In January [REDACTED] a trainee **ML 39** raised a complaint of assault against an **ML 38** (MIL-23596). When he was interviewed by the Governor two days after the incident he complained that the Officer had struck him twice with the palm of his hand and once with his fist. The Governor observed a slight swelling on the trainee's cheekbone (MIL-23602), a fact confirmed by the Matron (MIL-23604). Again, this allegation was reported to the Ministry (MIL-23588), who asked the Visiting Committee to conduct an investigation (MIL-23561).

266. For his part **ML 38** set out the background to his involvement. He had been summoned to a classroom where the trainee was said by the class teacher to be misbehaving. He had to use what he described as a "*minimum amount of force*" to remove **ML 39** from the classroom when he twice refused to comply with an instruction to leave. He placed him in a cell. Then upon discovering that **ML 39** was violently interfering with furniture in the cell, he had to take steps (along with another Officer) to restrain him while the furniture was removed for his own safety (MIL-23603).

267. The Visiting Committee heard from **ML 39** and **ML 38** and took the view that the allegation of assault was "*not proven*" (MIL-23563). There was clear evidence from a number of sources (including the class teacher and the second Officer) that the trainee had acted in a disruptive as well as a dangerous manner which necessitated the forcible intervention of the Officer concerned. However the minor injury was caused, and the Visiting Committee do not record how they reached their decision, it might be inferred that they could not have been certain that it hadn't been self-inflicted or caused during the exercise of reasonable restraint.

268. In December 1970 a trainee complained to the Governor that he was being subjected to “*unfair treatment*” by an [REDACTED] and blamed in the wrong (MIL-23573). The Governor followed the appropriate procedure and sent a report to the Ministry, summarising the issues and setting out his views (MIL-23575). The Visiting Committee was asked to investigate the complaints and the Committee arranged to hear from the Officer and the trainee. The Committee concluded that the allegations were “*groundless*”, and indeed it was recorded that the trainee agreed with this conclusion and offered to apologise to the Officer (MIL-23584).

269. The Department submits that it is again important to note that complaints put forward by trainees, no matter how apparently trivial, were taken seriously and investigated. This approach continued during Mr. McLaughlin’s tenure as Governor. His evidence recalled how he dealt with a number of complaints from trainees. He noted at MIL-715 that his Governor’s Journal (at MIL-733) referred to an allegation of assault which had been raised by the mother of ML48 on the 8 November [REDACTED]. During a meeting with Mr McLaughlan she claimed that her son had been beaten by staff.

270. Mr McLaughlan explained in his statement that,

*“The entry in the journal at the time shows that ML48 had been examined by a Medical Officer on 7 November [REDACTED] to assess his fitness for punishment and that there was no evidence of injuries at that time. I then interviewed ML48 and could see no injuries myself; the Medical Officer also attended and confirmed this on 8 November...”* (MIL-715)

271. In his oral evidence Mr McLaughlan was unable to take the matter any further, because of the absence of documentation (see transcript for day 182, page 75-77). However, the clear implication of his evidence would appear to be that had ML48 been assaulted in the manner alleged, he would have sustained some injury which would have been detected by the Medical Officer who saw him for other reasons on the day of the alleged incident. It is submitted that Mr McLaughlan was entitled to conclude that there was no reasonable basis to substantiate the allegation which had been raised.

272. In [REDACTED] Mr. McLaughlin recorded in his journal that he had received a report from the Assistant Governor that ML 51 had alleged that he had been assaulted by Officers ML49 and 50 (MIL-703). Mr. McLaughlan suspended both officers (see transcript for day 182, pages 80-81) and informed the police who conducted a detailed investigation. He also reported the issue to the Visiting Committee in the following way:

*“On the more negative side [the Governor] stated that he had to suspend two members of staff during the preceding month. This arose from alleged assaults on two trainees. The RUC were investigating the matter and it remained to be seen whether charges would ensure.” (MIL-25002).*

273. It would appear from what has been recorded in a number of documents at that time (e.g. a medical report at MIL-755, a note at MIL-757 and a Visiting Committee minute at MIL-25021), the two officers concerned were prosecuted although they were ultimately acquitted at their trial.

274. As appeared from his oral evidence to the Inquiry on day 182, Mr McLaughlan has no independent memory of the circumstances surrounding this complaint or the

subsequent prosecution. He cannot remember, for example, the nature of the allegations of assault (see transcript for day 182, at page 86).

275. However, what does emerge from the records which have survived (and it will be noted that a personal file for ML51 no longer exists, and there are no relevant entries on the personnel files of the two officers) is that the allegations which were made against the Officers were taken seriously, and that appropriate procedures were applied. Complaints from trainees, such as ML51, were investigated in an appropriate way. Prison Officers in the Borstal could not expect to act with impunity.

276. Indeed, it was recorded by a psychologist who was in contact with ML51 at the time, that although he was concerned that he might be the subject of ill treatment for having raised a complaint, he felt that court officials (and crucially) "*personnel of the [Prison] service*" had "*treated him fairly and that appropriate attention had been given to what he had to say*" (MIL-755).

### **The Allegations Raised by the Applicants**

277. Counsel to the Inquiry properly acknowledged during his opening statement in respect of this Module that having regard to the total number of trainees who were the subject of Borstal training at Millisle during the 24 years of its operation, those who have raised complaints to the Inquiry is "*perhaps much less than 1%*" of that total (see transcript for day 177, at page 4).

278. It is impossible to be absolutely precise about the total number of young people who experienced Borstal training at Millisle. The number sent there fluctuated over time,



and the statistics which are available are not presented in a form (at least until 1978) which would enable the Millisle figures to be extracted from the total number of persons sentenced to a Borstal. We know that the open Borstal was designed to cater for 75 trainees, and that at times it was said to be overcrowded. When the closed Borstal opened in 1977 it was capable of holding an additional 75 trainees.

279. Accordingly, in round figures (and perhaps conservatively) it would not be unfair to suggest that Millisle was home to at least 100 trainees during each of the years of its existence. The fact that only 10 Applicants have registered their concerns with the Inquiry, and that only one person has raised a civil claim (MIL-70003), would suggest that the "*much less than 1%*" analysis is entirely reasonable.

280. The Department readily accepts that it does not automatically follow that those who believe that they have been ill-treated will want to bring their accounts to the attention of the Inquiry. These submissions have already addressed the complaints which were brought to the attention of the authorities and investigated at Millisle during the sixties and seventies, and it is notable that not one of those former trainees has engaged with the Inquiry.

281. However, even allowing for the fact that there could in theory be some measure of under-reporting to the Inquiry, the Department believes that the small number of complaints overall is testament to the fact that throughout its history the Millisle Borstal was a well disciplined and well run institution with effective systems, and which employed dedicated and caring staff who took seriously the welfare of the trainees and sought to advance their interests in the course of their daily work.

282. In 1977, just before the secure Borstal commenced operations, 70 members of staff were employed at Millisle. It was estimated that ultimately a total of 120 staff would be required to run both facilities (MIL-139), a fact confirmed by Mr McLaughlan in his evidence (transcript for day 182, at page 30).

283. It is quite impossible to say how many employees worked in the Borstal at Millisle over the years but it can be said with certainty that those who have not been subject to any complaint, massively outnumber the few who have been implicated in alleged acts of ill treatment.

284. The Department recognises that it may well be the case that some members of staff conducted themselves in breach of their obligations and abused trainees under their care. As Mr McLaughlan properly acknowledged in his statement to the Inquiry, no matter how attentive a Governor might be in the discharge of his duties, he cannot claim to know everything that might be happening in his Establishment:

*“It would be unwise in the extreme for any governor to maintain that every member of his staff was incapable of inflicting abuse on an inmate - I am not an exception to that” (MIL-723 & 724, para 55).*

285. However, the weight of the evidence which has been considered in this Module suggests to the Department that incidents of abuse, if they occurred, were small in number and likely to be restricted to very few members of staff who acted in a manner which they must have known was unacceptable.

286. The abuse of trainees was not routine and nor was it systemic. Any member of staff who departed from proper standards of behaviour was clearly acting in defiance of what they would have understood was expected of them by Governor Mr. McLaughlan and his predecessors.
287. The Department has given consideration to the allegations of abuse which each of the Applicants have raised. As stated above, there are a range of obstacles in play which prevent the Department from responding effectively to what has been alleged.
288. The Department would make the point again that it is unfortunate that none of the Applicants before this Inquiry were prepared to raise any complaint contemporaneously, with the possible exceptions of HIA 374 and HIA 272 (although no record of complaints has been found in respect of either of them).
289. As has been established in the foregoing, complaints from trainees were taken seriously by the Governors, they were the subject of investigation and in appropriate cases action was taken against staff.
290. The Department can accept that some trainees may have had reservations about making complaints directly to the Officers employed within the institution itself, for fear of retribution. However, there were other options available by which complaints could have been registered: trainees could have raised complaints with the Matron, the doctor, a family member, a Chaplain, the Visiting Committee, or the Review Panel. In exceptional cases a petition could be made to the Minister. Furthermore, each of the trainees in the Borstal would have had some relationship with a solicitor to whom a complaint could have been referred.

291. When a complaint is made in a timely fashion it opens up the possibility of a full and detailed investigation by which both sides of a story are exposed to scrutiny. Take for example, one of the complaints which was considered above, that of the trainee called **ML 39** who raised allegations against **ML 38**.

292. If **ML 39**'s allegation of assault had not been investigated at the time, it is likely that he could have come along to the Inquiry to present an unchallenged account that he had been assaulted. In **ML 39**'s case the Inquiry has the benefit of seeing what **ML 38** and others had to say about the incident, and the circumstances in which the admitted altercations occurred.

293. The Inquiry is deprived of that kind of background where the Applicants are concerned. There is little in the way of contemporaneous material against which to assess their accounts.

### **Complaints Against LN17**

294. A number of Applicants have raised complaints against Officer LN17.

295. This man died over **█** years ago on the **██████████** (MIL-28068). So far as anyone is aware he was not the subject of any complaint during the course of his long employment in the Northern Ireland Prison Service, and it has not been suggested that he had any criminal record at the time of his death. Unable to defend himself, LN17 has been vilified before the Inquiry.

296. Before exploring the allegations which have been raised in connection with LN17, Mr McLaughlan's experience of him is worthy of consideration (see transcript for day 182, commencing at page 61 through to page 66).

297. He knew LN17 extremely well. He regarded him as a "*likeable*" character, a man who was "*sincere*" and "*honest*" and who had a "*lovely family*." LN17 was known to Mr McLaughlan as "*rather slow on the uptake*" and it was Mr McLaughlan's impression that perhaps as a result of this, he was often the subject of banter as opposed to being the person who handed it out.

298. Referring to LN17's previous role as [REDACTED], Mr McLaughlan suggested that LN17 showed "*every sign of taking too much punishment*." Overall, Mr McLaughlan had "*warm memories*" of LN17 and never had any concerns about his behaviour.

299. It seems clear that LN17's primary role was to oversee the management of the Borstal's laundry, although personnel records in relation to him no longer exist. The laundry was on the list of locations which members of the Visiting Committee were encouraged to attend. They appear to have inspected the laundry on a regular basis and have reported positively on its appearance and performance, and the role of LN17 within it. The following comment relating to their visit on the 12 February [REDACTED] is typical:

*"Laundry machine had broken down a few minutes before my visit. LN17 getting the best from his boys as usual"* (MIL-24685).

300. LN17 had other duties as well. An incidental aspect of the record contained at MIL-23530 indicates that he worked late duty in the Montgomery House section of the Borstal. It is not known how regularly this duty would have been performed, but presumably such work would have allowed him access to the dormitories at night. There there are no complaints about his conduct in that context.

301. It was also part of LN17's duties to escort Catholic trainees to Church. It would appear that he was well thought of in that context. In his 1963 report the Catholic Chaplain made positive remarks about LN17 and others:

*"If I mention Mr. Doherty, Mr McVeigh, Mr Adair, LN17 and Mr McWilliams it is only because I come more in contact with them than the others, and so experience their help and kindness more"* (MIL-24020). (Emphasis added)

302. Presumably, if trainees were upset about the behaviour of LN17 they could have raised their concerns with the priest. There is no suggestion that this was done.

303. Two former Officers of the Borstal explained to the Inquiry that LN17 had a reputation for physically abusing trainees. However, they never personally witnessed this behaviour themselves. It would appear that to a degree, rumour and speculation has attached itself to the conduct of LN17.

304. In his evidence MZ1 recalled that LN17 was "*a bit rough with them*" and on one occasion he heard from a member of staff (who he did not name) that LN17 had done something. He emphasised that he was not aware of any suggestion that LN17 had sexually abused any trainee. MZ1 (who only worked at Millisle for several months)

claimed that he took it upon himself to speak to LN17 and told him that his behaviour was not acceptable, and that he needed to watch himself (transcript for day 181, page 36).

305. MZ1 went on to say that some members of senior staff (but not Governor McLaughlan) would have known about LN17's behaviour, although how they would have known was not otherwise explained. With reference to Governor McLaughlan, he stated that if the "*number one had of knew about it, there would have been hell to pay*" (transcript for day 181, page 38).

306. LN 20 in his evidence explained that he became aware of trainees warning other trainees that they were to be wary of LN17 if they ever got down to the open Borstal (transcript for day 181, page 75). The basis for this warning was not clarified. He also stated in his evidence that since he was based in the closed Borstal he never encountered LN17 himself, but he heard from colleagues that LN17 had a reputation for hitting boys. Whether any of those informants had themselves witnessed this behaviour is not known. He suggested that it was fairly common knowledge, at least amongst staff in the closed Borstal that LN17 behaved like this. Of course LN17 did not work at that location. He did not hear any suggestion that LN17 behaved in a sexual manner towards trainees (transcript for day 181, page 76).

307. Neither LN 20 nor MZ1 tendered any explanation for their failure to comply with their obligations as prison officers to report to management their concerns that LN17 was behaving in the manner suggested. When advised by Counsel to the Inquiry that LN 20 and MZ1 had given evidence which indicated that LN17 had a reputation amongst his colleagues at the Borstal for physically slapping trainees, Mr McLaughlan

agreed that they should have brought their concerns to his attention (transcript for day 182, at page 67).

308. It was suggested to Mr McLaughlan (at page 67) that prison officers were obliged by their code of conduct to report ill treatment if they were aware of it taking place, and that there was a systems failure in this instance. He agreed with that analysis but described it as “*a very theoretical situation*” because “*the code of loyalty amongst staff would prevent them doing that.*”

309. Mr McLaughlan stated that had he been made aware of the allegations which have now been raised against LN17 he would suspended him and if necessary he would have called in the police.

310. On the basis of the evidence now provided by LN20 and MZ1, the Department accepts that there was a failure on their part to comply with their obligations to report evidence of ill treatment to the Governor or other Officer in authority, although in fairness to them their evidence suggests that they were relying on information supplied by others and did not directly witness any incident.

311. The Department would submit that it is to misdescribe the nature of their failure to label it as a systems failure. Instead this was a people failure - a failure on the part of Officers to carry out what they knew to be their duty.

312. The system itself was appropriately constructed: Officers were made aware of the rules and were explicitly told that ill treatment of trainees would contravene the rules and would not be tolerated; they knew that violations of the rules by colleagues should



be reported to management, and Officers were aware that disciplinary and potentially criminal sanction would be visited upon those who committed acts of ill treatment.

313. No system can operate effectively if there is a failure on the part of the key personnel who operate that system to provide information to those (such as the Governor in this instance) charged with operating that system.

314. The Department submits that the Inquiry should proceed cautiously before concluding that senior officers were aware that LN17 was ill-treating trainees. Of course there is no suggestion that Mr McLaughlan knew about this behaviour. On the contrary, the evidence is that if Mr McLaughlan had been made aware of it he would have done something about it.

315. It is strange therefore, that MZ1 asserted that some of the Governor's most senior colleagues did know. This does not seem convincing. It suggests that senior Officers presided over a state of affairs which allowed LN17 to proceed unchallenged to physically abuse trainees. It also implies that not only did they know of and tolerate this grave breach of the rules but they decided not to inform the Governor. This does not ring true.

316. Crucially, however, MZ1 did not provide evidence to the Inquiry to explain how these senior officers would have known what he claimed they knew and at best he seemed to be surmising that they had this knowledge.

317. Interestingly, he commenced this part of his evidence (see transcript day 181, at page 37) by recognising that he could stand accused of not doing enough to challenge

LN17. In essence his answer to that appears to have been that as far as he was aware more senior people than him knew what was going on, and he was the only one to challenge LN17.

318. The Department accepts that although aspects of the complaints against LN17 may well be exaggerated, the evidence against him suggests that he had an outlandish and deeply inappropriate sense of humour which caused him to embarrass, upset and sometimes humiliate boys in front of their peers with sexually suggestive behaviour. The Department admits that if he did behave in this way it was wholly unacceptable even if it was intended as a joke. Such conduct had no place in the Borstal. Steps ought to have been taken to prevent it.

319. A description of this outlandish sense of humour is to be found in the evidence of HIA 162. He described how trainees would find LN17's activities to be hilariously funny, unless you were the subject of his attentions (transcript for day 178, pages 66-67). He took the view that while LN17 engaged trainees in simulations of sexual activity, they were done "*in jest*" (transcript for day 178, page 68) and were not sexually motivated (transcript for day 178, page 74).

320. HIA 400 also recalled that LN17 would stand behind a boy, grab him and simulate sex with him. HIA 400 did not consider that this was sexually motivated at the time, but in his evidence to the Inquiry he indicated that he has now reached the view that it was:

*"here is this man behind me thrusting his groin into my back and when -- you have to grab him hard by the nipples to -- so that he can go into this game of freezing.*

*Do you know? In retrospect it seems ridiculous that it was not seen as sexual abuse and physical abuse” (transcript for day 179, page 17).*

321. In essence the story told by HIA 400 about LN17 is not dissimilar to that told by HIA 162. At the time of their detention in Millisle they were both aware of the tendency of LN17 to engage in what they regarded as a game, an exercise in jesting. They were both reluctant participants in it. At that time they didn't view the exercise as sinister, and that remains the case for HIA 162 although it seems clear that he would have preferred not to have been engaged in it. Only now, the perceptions of HIA 400 have changed and he views the behaviour as sexualised.
322. In his account to the Inquiry HIA 272 stated that upon being brought to the laundry by another officer, LN17 proceeded to grab him by the testicles, squeezed him and head-butted him (transcript for day 178, page 27). With the assistance of a special privilege boy and the other Officer who was present, LN17 placed HIA 272 in the washer/dryer machine and briefly turned it on.
323. HIA 272 explained that he interpreted this behaviour on the part of LN17 as part of a “*ritual*” (transcript for day 178, page 27) and as an aspect of his efforts to control trainees (transcript for day 178, page 29). However, as was the case with HIA 162, he did not regard the behaviour of LN17 as being sexually motivated in any way (transcript for day 178, page 29).
324. It is relevant to note that the complaint made by HIA 272 of being head butted and placed in a machine has not been repeated by any other Applicant. No one else has suggested that the conduct formed part of a ritual to “*welcome*” new trainees.

325. Moreover, in his account HIA 272 referred to the laundry as being located in the attic of Woburn House (transcript for day 178, page 25-26), whereas it is clear from Mr McLaughlan's evidence that the laundry facility was situated most on the ground floor (transcript day 182, page 26).
326. HIA 374 appeared to consider that the conduct of LN17 was sexually motivated (transcript for day 179, page 46). He recalled that trainees went to the laundry once a week with their bed linen and once there, LN17 would try to put his arm round him and kiss him. He felt his erect penis against him (transcript for day 179, page 45) and he simulated sex. HIA 374 indicated that although LN17 was performing in this way in front of others, he did not see it as a joke, it wasn't funny to him and in fact he felt devastated by it. He didn't witness LN17 behaving like this with anyone else, but he claimed it was the talk that he was doing it to others (transcript for day 179, page 47).
327. In his witness statement HIA 416 recalled LN17 as "*the main guy in the laundry*" who "*would always punch you when you walked past him.*" He explained in his statement how on a particular day at dinner time he went to the laundry to help himself to a new denim jacket. One of the boys who was there shouted that he was stealing jackets and called for LN17. At this, two boys held him over the press and "*LN17 took [his] trousers down and shoved the shaft of a brush up my backside*" (MIL-072, para 15) Emphasis added
328. During his oral evidence HIA 416 added important caveats to his written account. He agreed with Counsel's suggestion that LN17 was not trying to penetrate him with the brush but rather, he probably thought his behaviour was funny in front of the other

two boys (transcript for day 180, page 15). He explained, "*that was his reputation*" - that is, the reputation of LN17 was to try to be funny.

329. He went on to clarify that his underwear wasn't removed during this attack and while his written statement stated expressly that the brush shaft was shoved up his backside, this clearly wasn't the case. In fact the brush shaft "*only penetrated me a wee bit and that was it...*" (transcript for day 180, page 16). HIA 416 confirmed that he was able to walk up to his room where he waited for the workshops to commence.

330. Needless to say had he maintained his account that the brush had been shoved up his backside he would have had to explain the absence of any significant injury. Instead, he only experienced some soreness and did not require any medical treatment. Strangely, he didn't report this bizarre and abusive incident to anyone. He explained that he was fearful of losing his privileges. However, it is submitted that if a significant event such as this had occurred it would in all likelihood have been reported to a friend or family member even if no complaint was forthcoming. It would appear that these limited steps were not taken.

331. In summary, the Department accepts that the evidence presented to the Inquiry suggests that the conduct of LN17 was wholly inappropriate for the environment in which he was working. However, all of the misconduct alleged took place in a public setting or in the presence of witnesses. There is no clear evidence that it was sexually motivated, and it certainly appeared to some that it was intended in jest. If this was the intention it certainly does not excuse the behaviour, and nor does it excuse those Officers who were aware of it and who failed to take effective steps to prevent it or to ensure that it was drawn to the attention of the Governor. It is submitted that some of

the accounts which have been given, particularly those of HIA 272 and HIA 416, should be treated with caution.

### **Sexual Abuse**

332. It is submitted that peer sexual abuse was not a significant problem at Millisle. As has been discussed elsewhere in these submissions, the available documents would suggest that only one incident of peer sexual abuse was reported to the Governor during the operation of Millisle (MIL-23457), and in turn that incident was referred to the Ministry for its consideration.

333. HIA 272 has stated that he saw inmates abusing each other, though he was not himself a victim of this abuse when he was detained in Millisle in [REDACTED] (MIL-081). In his oral evidence he stated that this activity was going on in the beds beside him in the dormitory and in the showers (transcript for day 178 at page 16), and he went on to say that he became aware that one boy in particular was the subject of multiple instances of abuse by other trainees (transcript for day 178, page 54). He claimed that staff were aware that it was happening because trainees were warned to be careful because there was a predator about (transcript for day 178, page 54).

334. HIA 272 indicated that staff patrolled the shower area for the purpose of giving out razor blades but did not actually go into the showers, and while there were patrols at night it was more for security purposes than to check for abuse (transcript for day 178, page 55-56). It is submitted that if staff were aware of sexual abuse as HIA 272 suggests, it would be incredible if they did not take steps to try to detect the perpetrators and hold them to account.

335. It is notable, however, that HIA 272 did not name either the perpetrators or the victims of this abuse, and nor was he able to name the staff members who advised boys to be careful. It is also significant that the only other Applicant who was detained at Millisle in or about [REDACTED] did not make the case that sexual abuse was prevalent. HIA 262 claimed that he experienced sexual abuse during his time in St. Patrick's Training School, but he made no such complaint about Millisle.

336. HIA 212 also asserted that sexual activity between boys was a feature of his time in detention at Millisle in [REDACTED]. Like HIA 212, however, his evidence was short on detail - he could not name the abusers or the targets of the abuse.

337. He stated that there were boys abusing other boys during the night, although he was not interfered with in this way (transcript for day 178, page 6). He claimed that when the night watchman came around he would have ignored the problem even if he saw it, because he was simply interested in a head count (transcript for day 178, page 18).

338. It is submitted that it is scarcely credible that a watchman would turn a blind eye to acts of sexual abuse if he was aware that this was happening. To do so would have represented a significant dereliction of duty.

339. HIA 212 claimed in his evidence that he stood up for the bullied against the bullies:

*"I never let anybody bully me, but I took sides with the ones who were being bullied, you know. The ones that were bullying them I'd have said, "Leave him*

*alone", you know, and they listened to me. They were afraid of me maybe because with the life that I had led...."* (transcript for day 178, page 16)

340. Strangely, having claimed that he performed this role in support of those who were physically bullied, he did not go on to say that he tried to intervene to protect those who were being sexually abused even though he alleged that he was aware that this abuse was taking place in the bed near him. His evidence in this respect appears to be inconsistent and lacks credibility.

341. Apart from the suggestions by some of the Applicants that LN17's conduct amounted to sexual abuse, only HIA 248 has made such a complaint about a staff member. He recalled in his statement that a night watchman on a couple of occasions touched his private area when he was in bed in the dormitory at night (MIL-062, para 13). He was unable to identify this individual by name or even description, and nor did he speak to anyone about it, even though his brother was in detention at Millisle at the same time (transcript for day 161, at page 61). He did not hear any other boys discussing any member of staff being involved in sexual behaviour towards trainees and nor was he aware of any peer sexual abuse (transcript for day 161, at page 66).

342. The allegations of sexual abuse raised by HIA 248 are isolated and unusual in the context of the Millisle Borstal. His experience was not shared by any other Applicant, and the Department is unaware of any other allegations or complaints in relation to a night watchman. His account is uncorroborated and he appears not to have confided his experiences in any other person at the time. The account lacks detail to the extent that a name or description of the perpetrator has not been forthcoming. If a night watchman employed at Millisle was indeed a sexual predator it would be surprising,



perhaps, if his abusive behaviour was limited to one victim and yet there appears to be no other victim. For these reasons there must be some significant degree of doubt about the complaint which HIA 248 has raised.

## **Bullying**

343. When asked by Counsel to the Inquiry whether bullying was an issue at Millisle, Mr McLaughlan gave a straightforward answer:

*“I have no doubt it was going on, but I have no direct knowledge of it. One of the phenomena of prison life these days is that the greatest worry for a Governor is prisoner on prisoner violence, not staff on prisoner violence. I have no doubt the stronger guy would try and take advantage of the younger guy, but I'm not aware of it being an issue as such”* (transcript for day 182, page 47)

344. A number of Applicants complained that bullying was a feature of life at the Millisle Borstal. While HIA 212 did not raise the issue in his witness statement, he did respond to a panel question by saying that he was aware that bullying was a problem although he denied being a victim of bullying (transcript for day 178, p.16).

345. HIA 400 felt that bullying was 50-50 between staff and boys. He said there were lots of times he was beaten, and beaten unconscious, but it paled into insignificance compared to the mental abuse of constantly being called names and being tripped up everywhere you went. Verbal abuse from the officers and the boys. Lots of the officers were very decent and good – he gave one example of a really decent and good officer. But there were a few who were just evil and got kicks from verbally and physically abusing boys and setting up other boys to abuse boys and that was the daily struggle.

346. In his evidence HIA 416 explained that there was a country - city divide and that trainees were housed separately based on where they were from. He claimed that he suffered bullying on a daily basis because he was from the country (transcript for day 180, page 21). He said that ML9 picked on him in particular (transcript for day 180, page 24), and that he was in league with a prison officer. He claimed that staff knew that bullying was going on but would not intervene to prevent it (transcript for day 180, page 35). He told the Chairman that rather than stopping boys from fighting, staff would bring them to the gym where the matter would be resolved with a boxing fight (transcript for day 180, page 36).

347. The evidence of HIA 416 was unconvincing in a number of respects. Firstly, it is very unlikely in an environment such as Millisle, with Mr McLaughlan in the role of Governor, that staff would not intervene if they were aware that bullying was taking place.

348. Moreover, it seems incredible to suggest that not only did a staff member not intervene to prevent bullying, but in the memory of HIA 416, a staff member promoted a culture of bullying by joining forces with a trainee to make life a misery for another boy.

349. By contrast it is notable that while HIA 248 gave evidence which confirmed that bullying occurred at Millisle, he was also clear that staff would step in when boys were being bullied and give warnings to the perpetrators (transcript for say 180, at page 62). The Inquiry will observe that it is probable that HIA 416 and HIA 248 have crossed paths in Millisle as they were detained there during roughly the same period in [REDACTED]

350. The idea that staff directed trainees to sort out their differences over a fist fight in the gym is also far-fetched. The Inquiry will recall that Mr McLaughlan made it clear that he disagreed with boxing and simply wouldn't allow it to take place within the Borstal (transcript for day 182, page 38). He also made it clear that the idea of separately housing boys from the country and boys from the city was a nonsense transcript for day 182, page 43).

351. It is submitted by the Department that while bullying was undoubtedly a fact of life at Millisle staff would have worked to try to prevent it if only to ensure that good discipline was maintained and to avoid a loss of control. It is much to be regretted if any trainee's life was rendered miserable because of prolonged bullying. However, in key respects it is likely that the evidence of HIA 416 was at odds with the reality of life at Millisle.

### **Physical Abuse by Staff**

352. The Department has heard with concern the complaints that some Officers visited physical violence upon trainees. These submissions do not address every individual allegation of physical abuse. The Department recognises that many of the Applicants have raised such allegations, although the number of Applicants is of course small.

353. The Department accepts that in a penal institution there is always a risk of physical altercations between staff and prisoners / trainees, but it is confident that the rules which were in place and the leadership shown by successive Governors ought to have limited the number of such incidents.

354. While he did not name the officers responsible or provide detail of any specific incident, HIA 212 described being beaten, punched and kicked regularly for no apparent reason (see transcript for day 178, pages 7-8). He described the officers and their violence as “*sadistic*” although he explained that not every officer treated him in this fashion (transcript for day 178, page 9).

355. When pressed to explain why he didn’t raise any complaint about his experiences he countered by saying that the Governor would not have listened to him (transcript for day 178, page 14-15). Indeed he claimed that if he had reacted to the beatings that he received he would have been charged with insubordination and put on report. He would be brought before the Governor who could have put him on 8 ounces of bread and water for three days or given him some other punishment (transcript for day 178, page 8).

356. The picture which HIA 212 sought to paint of a relentlessly abusive environment does not ring true. Indeed the manner in which he gave his evidence revealed a telling lack of substance. If he was brought up before the Governor regularly was this because Officers were inventing charges to create trouble for him, or was it because he was himself badly behaved? The passage in his evidence commencing on the transcript at the bottom of page 8 and on to page 9 is indicative. While he refers to what the Governor “*would have give you*” at no point does he say what he was actually given, apart from a vague reference to losing fourteen days earnings when Counsel asked him to be more specific (transcript for day 178, page 9).

357. Moreover, his reference to the Governor awarding the number 1 diet as a punishment appears to be untrue, unless the Governor was acting in contravention of

the provisions regulating punishments. In his book, Niall Osborough explained dietary punishment was forbidden and that the last year in which it was awarded appeared to be 1946 (see page 41 of Borstal in Ireland). The Inquiry will no doubt consider the documentary evidence which is available to show how Governors behaved towards trainees, and the evidence given by other Applicants. This material would tend to suggest that Governors acted fairly towards trainees, and on occasions had a tendency to take their side.

358. The Inquiry is in possession of a number of reports relating to the year [REDACTED] when HIA 212 was in custody at Millisle: MIL-24083 - 24114. By contrast with his experience of life at Millisle those who provided services to the Borstal during that year described a positive experience. For example, the Church of Ireland Chaplain spoke of a friendliness on the part of staff which helped to generate "a happy atmosphere" which was "*conducive to the trainees contentment and well being*" (MIL-24093).

359. As Mr McLaughlan indicated in his evidence, it would be naive to suggest that no Officer ever ill-treated a trainee. It was simply not possible to supervise every corridor and every room, and the Department accepts the possibility that an Officer could disregard the discipline which the Rules imposed upon him. However, that said, HIA 212 appears to have greatly exaggerated his experiences.

360. In his statement to the Inquiry HIA 320 alleged that he was assaulted upon his arrival at Millisle by LN18, and after that incident a number of Officers took against him (at MIL061, paras 12 and 13). While his statement was not phrased altogether straightforwardly it appeared to suggest that LN 20 was one of a number of officers

who “slapped [him] in the face or put [him] in the punishment block or made things very difficult for [him].”

361. In his statement LN 18 strongly denied the allegations of HIA 320. He explained, quite properly, that the punishment block was seldom used and that staff couldn't place a trainee there without the approval of the Governor.

362. It is notable that HIA 320 has claimed in his statement that the Governors were on his side and that a [REDACTED] LN 21 (who was in charge of him) was a kind man. It appears implausible that HIA 320 could have been treated in the way he alleges without the Governor being aware.

363. In his statement at MIL-829, LN 20 has also denied the allegations of HIA 320. He was one of only two Officers accused of ill-treating trainees who appeared before the Inquiry to give evidence. In his evidence to the Inquiry LN 20 explained that the allegations raised by HIA 320 were the only allegations of ill treatment ever raised against him in his [REDACTED] years of unblemished service. He denied assaulting any trainee or prisoner during his career (transcript for day 181, page 65). He went on to confirm what LN 18 had said in his statement, that junior Officers did not have the authority to commit trainees to the punishment block. He stated that a trainee could only be sent to the punishment block as an outcome of an adjudication conducted by the Governor or Visiting Committee (transcript for day 181, page 66-67).

364. When assessing the veracity of the allegations raised by HIA 320 the Inquiry is reminded of the fact that at no time before engaging with the Inquiry did he raise a complaint. Yet, it would have been an extremely straightforward matter to raise one.

He has claimed that the Governors were on his side, so why did he not press his concerns with them? Alternatively, he could have asked his solicitor to raise a complaint on his behalf. The discharge records show that he was required to attend court on seven occasions between [REDACTED] and [REDACTED] when he was bound to have had access to legal advice (MIL-40025 - 40035).

365. HIA 248 alleged that two particular prison officers who were brothers were violent towards him (MIL-055). He was unable to name these two individuals and the Department has no knowledge or record of two brothers working in Millisle (MIL-096, para 3).

366. It is accepted, however, that in this context HIA 248 gave his evidence in a modest way and did not seek to exaggerate the degree of ill treatment. He accepted that Officers were not gratuitously violent towards him, but might only slap him as a punishment if he did not do something right:

*“Like, I mean, if you didn't do something right, obviously, you know, you are going to get taught how to do it, like, or get a slap if you don't do it right the first time, you know. It depends on the humour of the staff that day, you know, who was on”*  
(transcript for day 180, at page 57).

367. The absence of any contemporaneous complaint from HIA 248, and his inability to identify those who allegedly abused him in this way, renders it difficult for the Department to engage fully with his account. However, the Department wishes to be unequivocal in its condemnation of any physical violence towards a trainee. If HIA 248 was slapped for failing to adequately complete a task this was wrong and should not

have happened. Officers were trained to know that trainees should be held to account by reference to the code of discipline and within the terms of the Prison Rules. There was no ambiguity - Officers were not permitted to mete out physical punishments or apply their own rules.

368. In his evidence to the Inquiry HIA 400 claimed that he made every effort to remain in the closed Borstal because he was determined to avoid trainees who had bullied him when he was a resident at Rathgael Training School (transcript day 179, pages 5-7). In order to do so he explained that he walked a "*fine line*" - if he fully co-operated he would be promoted to the open Borstal but if he took it too far, indiscretions would be punished by being put on "*the board*" and beaten (transcript day 179, pages 6). He claimed that although he was beaten up several times he succeeded in his plan and remained in the closed Borstal for about 9 months (transcript day 179, pages 7). He claimed ML17 was sympathetic to him and facilitated his stay in the closed Borstal (MIL-209, para 29) by allowing him to work in the office.

369. However, he then described a bizarre incident when, without warning, he was forcibly removed from his cell and placed in a van and brought to the open Borstal. During the altercation he alleged that a nurse tried to make him consume some form of medication, and that he had to fight against six prison officers who verbally abused him and pulled his hair. One of these officers, LN 22, punched him repeatedly and he lost a tooth. (transcript day 179, pages 9-13). He claimed that in a subsequent conversation with the Governor he expressed his shock and anger at what had happened and promised that these Officers would be severely disciplined (transcript day 179, pages 14).



370. The account provided by HIA 400 is completely out of keeping with any other allegation which has been brought before the Inquiry. It has a number of strange aspects to it not least his assertion that he was able to maintain his detention in the closed Borstal by a combination of tactics including adopting a practice of non co-operation so that he couldn't be progressed to the open section, and by ingratiating himself with the Governor. It is highly unlikely that this could have happened without questions being asked.

371. Plainly, if HIA 400 was medicated and beaten in the manner alleged, the Department would not seek to justify the behaviour. It would be worthy of clear condemnation, and those participated in the assault should have been severely disciplined. Such behaviour would have represented a gross violation of the rules and would have been anathema to the culture which Mr McLaughlan was working assiduously to promote.

372. However, the tendency of HIA 400 to exaggerate and to stretch a point must raise question marks around all of the allegations which he has made. This tendency is to be found in the very first paragraph of his statement on Millisle at page MIL-017 where he recounts that during the first few weeks he was so deprived of food that he took to eating tooth paste to relieve his hunger, before going on to assert that he was placed on 23 hour lock up and only allowed out of his cell at meal times. It seems highly unlikely that the Visiting Committee would have tolerated trainees being placed into such an environment.

373. The allegations raised by HIA 294 implicate Officers ML7 and ML14 in acts of physical abuse. However, HIA 294 is now dead and his allegations have not been

probed before the Inquiry. For their part both of the former Officers have communicated with the Inquiry and while neither of them have provided statements, it is clear that they have denied abusing HIA 294 (see the remarks of Counsel during day 179 at pages 65 and 68).

374. Moreover, each of them have claimed that on no occasion during their careers in the Prison Service were they ever accused of abusive behaviour. It is known to the Inquiry that ML14 was interviewed by police in 2013 (MIL-30079 - 30081) in connection with the allegations and it is clear that upon consideration of the file the PPS directed no prosecution (MIL-30082).

375. As noted above, part of the Department's difficulty in responding to such allegations is the absence of contemporaneous reporting or complaints, and the fact that relevant documents have now been destroyed. In fairness to the Officers concerned it is entirely reasonable for them to make the point that they have enjoyed unblemished careers. Indeed, the absence of any prior complaints, investigations or disciplinary sanction throughout long careers provides these Officers with a convincing basis for their claims that they are innocent of any wrongdoing.

376. The Department is aware that HIA 374 raised complaints in connection with the conduct of of MZ1 when he was employed as a Prison Officer at [REDACTED] (MIL-049). These are serious complaints which have been denied by MZ1 (at MIL-796). The Department does not wish to comment further upon those allegations as they relate to an institution which lies outside of the Inquiry's terms of reference.

377. HIA 416 also raised allegations against MZ1 (at MIL-074) which he has denied (MIL-798). In particular HIA 416 alleged that MZ1 would have punched and slapped him. During his oral evidence MZ1 made it clear that he never hit his own children and would certainly not hit any trainee (transcript day 181, pages 31).

378. It is plain that MZ1 did not have a model career in the Prison Service. There are a number of disciplinary issues recorded on his personnel file. The Department has acknowledged "*his performance appears to have been inconsistent throughout most of his service, with comments varying from being hardworking and helpful, to having an aggressive and overbearing attitude.*" [REDACTED] [REDACTED] (MIL-782).

379. Elsewhere in these submissions it was explained that the Northern Ireland Prison Service removed from the Borstal those Officers who were found to be unsuitable. MZ1 was one such Officer. He was said to be overbearing and lacked the kind of flexibility required to work in such an environment. It was recorded that he had a tendency to over-react in his dealings with trainees (MIL-21950 - 21952). In his oral evidence MZ1 did not seek to challenge these comments.

380. However, it is appropriate to acknowledge that there is nothing in his personnel record to suggest that MZ1 ever ill-treated trainees or prisoners. It is clear that Mr McLaughlan was closely engaged in the process of determining whether MZ1 could remain at Millisle. He knew MZ1 and his characteristics and the issues of concern. He had a track record at that time of suspending Officers who were alleged to have assaulted trainees and he reported allegations to police.

381. It is submitted that it is highly likely that Mr McLaughlan would have taken a similar approach with MZ1 if he considered that he had overstepped the mark and had engaged in physical abuse of trainees. That no such steps were taken would tend to suggest that Mr McLaughlan believed that MZ1 had a poor attitude towards some trainees, not that he was assaulting them.

### **Other Allegations**

382. The Inquiry received some complaints about the punishments which were said to have been applied in Millisle.

383. HIA 262 recounted an episode where he attempted to abscond, but was caught. He stated that he received corporal punishment by way of the cane from two members of staff, including LN17. HIA 262 has not made any complaint about LN17. While records in relation to this episode have not survived, this appears to have been a case in which the punishment was applied in accordance with the procedures established under the Rules.

384. In 1970, amongst the recorded offences against discipline committed during training in the Borstals in Northern Ireland, there were 25 offences of violence and 27 escapes or attempted escapes. The punishments awarded included 25 canings (MIL-27951). A similar picture emerged during 1971 when there were 27 incidents of violence and 27 escapes/attempted escapes. The punishments included 29 canings, although depriving a trainee of privilege and stoppage of earnings continued to be the most commonly used punishments (MIL-27962).

385. However, there was a change in attitude towards caning which was reflected in

evidence given to the Inquiry by Mr. McLaughlan (see for example his statement at MIL-717, paras 39 - 41). It will be recalled that he assumed the role of Governor of Millisle in late 1974. He was opposed to caning and made his position known to the Northern Ireland Office. The number of canings awarded during 1974 stood at 15. However, in 1975 there were only 3 canings and none at all in 1976 (MIL-27738).

386. More generally, during Mr. McLaughlan's tenure as Governor there was a marked reduction in the need for adjudications for disciplinary offences. In the 1979 Report on the Administration of the Prison Service it was remarked that the number of adjudications in 1979 was "*considerably lower*" than in 1978 and that this trend reflected "*the success of the Governor and his staff in creating an environment and atmosphere in which staff and inmates relate well with one another and in which most trainees can respond constructively*" (MIL-27780).

387. In his evidence HIA 272 provided an account of being in what he described as a "*doggie box*" – a Nissan hut with chicken wire on the door where he was forced to spend his evenings (day 178, pages 43-44). No other witness has given evidence in this respect or made similar allegations, and there is no record of such structures existing. Mr McLaughlan confirmed that such structures did not exist, and that Millisle already had facilities for isolating boys when required with the two cells situated within the main Woburn House building (transcript for day 182, at page 25). There were Nissan huts but these were used for bricklaying training, and not this purpose.

388. It is notable that when HIA 272 was interviewed by police in relation to offences committed while he had absconded from Millisle (MIL-60344). He did not take this opportunity to make any complaint about any treatment he was receiving at Millisle, or

any other issues he had. Probation reports were also prepared, and again no complaints are recorded as having been made by HIA 272 in relation to Millisle (MIL-60324).

389. Some Applicants gave evidence about the harshness of the regime which they encountered. HIA 416 who was detained from January [REDACTED] until January [REDACTED]. He explained that the closed Borstal operated on a model of strict order and discipline: he had to make his bed in the Army "6 pack" format; a fellow trainee was directed to show you how to keep your property in the expected order; you had to stand to attention when you encountered a member of staff, and you had to give your name; you were required to carry out tedious manual tasks such as buffing the floor; he was not allowed to sit on his chair in his room; there were a Saturday morning parade/inspections (see transcript for day 180, pages 4-8).

390. It is undoubtedly the case that the closed Borstal operated a stricter regime than the open Borstal. The Borstal was not a children's home or a training school; it was a form of prison and operated on that basis. As Mr McLaughlan observed, it "*had all the appearance of a secure prison and had the locks, bars and a perimeter fence*" (MIL-710, para 15). Trainees were placed there in the closed section in the first instance to determine whether they were suited for the open facility. They were expected to comply with a set of rules and were tested for compliance with those rules before they could progress.

391. The Inquiry is referred to the evidence of LN20 who worked in the closed Borstal. He explained the arrangements in some detail:

*"when the trainee first came on to the landing, I would explain to him that, "You have possibly a month to be on this landing. If you behave yourself, I will do weekly reports. I will be supervising you at all times, watching your behaviour, getting reports from the assistant class officer and from different other areas throughout the closed borstal", where I have to make up a report every week, and every month there was a meeting where you had the assistant governor, principal officer, PTIs, education and myself as a class officer and the other class officers where we discussed which trainees were eligible to go to the open borsta" (transcript for day 181, page 68).*

392. LN 20 went on to address what was expected of the trainees:

*"The policy in the closed borstal was everything had to be neat and tidy. Your made your bed up in the morning. You actually made what was known as a bed pack. Everything was laid out on top of the bed...I'll explain exactly how my landing worked. When the trainees were opened up in the morning, the door was unlocked and I would shout the instruction "Trainees stand by your doors". Then it would have been "Left and right turn. Trainees move up to the grille". That's like a part of a drill. They moved on to the grille and then they were escorted out by myself and the assistant class officer to get their breakfast. That's mainly — that was mainly it" (transcript for day 181, pages 72-74)*

393. The Department submits that there is no reasonable basis to complain about a regime such as this. Moreover, if trainees failed to comply with the rules it would have been entirely appropriate to sanction them. LN 20 explained that there was formal process which was adopted for this (transcript for day 181, page 82-83) but it involved

putting a trainee on report and bringing the matter to the Governor. It was not permissible for individual Officers to award punishments unilaterally.

394. However, HIA 416 for example, has alleged that the reality was somewhat different and that individual Officers would did take the law into their own hands and punish infringements of the rules on the spot. Sometimes their approach was petty: they would find a speck of dust in the trainee's room and proceed to wreck or upset the bed so that the trainee would have to repeat the exercise of tidying and cleaning the room (MIL-070, para 7). At other times, according to HIA 416 an Officer would react violently, such as the time he was punched for failing to stand to attention (MIL-073, para 17).

395. The Department can accept that there were undoubtedly some Officers who were excessively demanding of trainees and who were determined to ensure that they knew that they must comply with the rules precisely. However, if the kind of emotional abuse and physical abuse described by HIA 416 and others actually occurred, it cannot be condoned. It would have been unacceptable.

396. More positively, HIA 416 described how when he sustained a back injury (sciatica) the Governor listened to him and told the staff to put him on lighter duties (see transcript for day 180, page 39-40). Despite his complaint that he had been assaulted by a group of six Officers and forcibly removed to the open Borstal against his wishes, HIA 400 commented that, "*Lots of them (Prison Officers) were really decent and good. There was one guy in particular ... he was the most loving man I came across. He was supporting and he listened and he was really anti-abuse*" (transcript for day 179 at page 24). HIA 374 commented that apart from his interaction with LN17 at Millisle he



*“never had any problems with any staff. They all treated me with respect ...2*  
(transcript for day 179, page 42).

397. At the end his evidence HIA 416 raised an unusual allegation which had not been previously outlined in his statement (see transcript for day 180, from page 37). In what became a rather incoherent account, HIA 416 recalled that he had been hiding from fellow trainees for 2-3 days when they found him and placed him on a trailer which was attached to a tractor which was being driven by an unnamed Officer. On his account he was brought into a building which he described as a garage which you had to “*drive down into.*” He could not recall what if anything happened to him at that location.

398. Mr McLaughlan was asked to clarify whether there was a building on the premises which matched the description given by HIA 416 (see transcript for day 180, page 27-28). He was sure that there was no building on the site which was underground. There was a garage where vehicles and a tractor would be housed but it was on ground level.

399. It is impossible for the Department to provide any substantive comment in response to HIA 416. He seemed to suggest to the Inquiry that something sinister had happened to him but he was unable to provide any useful detail to explain what had occurred. His description of the building which he claims to have been brought to was not recognised by Mr McLaughlan.

### **Summary of Key Submissions on Behalf of the Department of Justice**

- The DOJ has co-operated fully with the HIAI in this Module and has rendered whatever assistance it could with regard to the conduct of document searches, the delivery of

documents, tracing of former Officers, clarification of points of detail and the provision of witnesses.

- Unfortunately, the DOJ has been unable to provide the Inquiry with all of the relevant documentation which must once have existed in relation to the operation of the Millisle Borstal, its staff and trainees, since many documents have been legitimately destroyed pursuant to applicable destruction policies.
- A large number of young men passed through the doors of the Millisle Borstal and benefitted from a well-resourced, imaginative and humane process of training in order to address their offending. The HIAI is asked to consider that many will have drawn some degree of advantage from their experiences in Millisle.
- Compared with the significant numbers who have served a Borstal sentence at Millisle, only a very small number (10) have come forward to make a complaint to the Inquiry that they suffered abuse at this institution. Only one of this 10 has raised a complaint with the police. None of the Applicants have lodged a civil claim.
- Compared with the significant number of Prison Officers and support staff who worked at the Millisle Borstal between 1956 and 1980, very few are alleged to have participated in abusive behaviours towards trainees. The vast majority of staff who worked at Millisle conducted themselves in a manner that was beyond reproach and they can be justifiably proud of the work which they carried out.
- The Department does not have a record of receiving any contemporaneous complaint from any of the Applicants to this Module of the Inquiry.

- The Applicants who now claim before the Inquiry that they were abused by Borstal staff had numerous vehicles by which they could have registered contemporaneous complaints if they were not confident that a report to a staff member would be effective. Complaints could have been registered with legal representatives, family members, to the Visiting Committee or the Reviewing Panel, to politicians (including by way of petition to the Minister) and to Chaplains. It is regrettable that contemporaneous complaints were not made.
- The contemporaneous complaints which were raised with the management of the Borstal were appropriately dealt with. Those complainants have not come forward to the Inquiry. One such complaint led to the suspension of the Officers involved and their prosecution (and eventual acquittal) before a criminal court.
- Those former Prison Officers who now face complaints about their conduct, as well as the Department, have faced significant challenges in their efforts to defend or explain their position, since they have been deprived of many of the evidential materials that might well have been available to them had the complaints been raised in a more timely fashion.
- The Inquiry's ability to fully and effectively investigate the complaints is stymied by reason of the death or illness of important witnesses, an inability to trace all of the relevant witnesses, the frailty of memory and the destruction of documents, amongst other factors.

- The material provision and facilities at Millisle was of a high standard, as was the food, the vocational training, education, recreation, health and medical facilities.
- The Prison Rules provided for a Visiting Committee which was an independent means to ensure compliance with the Prison Rules and to ensure that standards at the Borstal were maintained and that it operated as it was intended to do. The Visiting Committee performed its role conscientiously and was a frequent presence in the Borstal. Staff and trainees had access to the Committee and could meet with its members in relative privacy. The operation of the Borstal was also the subject of scrutiny and annual report from a range of conscientious people including the Chaplains. Taken together, these systems ensured that the Borstal was effectively regulated and there is no doubt that issues of concern were raised and addressed at appropriate times.
- It is accepted, however, that the Visiting Committee could not have provided the kind of rigorous system of inspection and scrutiny which would be commonplace in penal institutions today. The nature of their work could only allow for broad impressions of life at the Borstal.
- In his six years as Governor, Duncan McLaughlan promoted a humane regime which treated trainees with care and respect. He provided effective leadership and disseminated a clear message to his staff that ill treatment of trainees would not be tolerated. He was a visible presence on the campus and he took steps to ensure that the Rules were complied with and proper standards of conduct upheld.

- The regime established by Mr. McLaughlan eschewed the use of corporal punishment even where its application could be justified by the standards applicable at the time. A range of alternatives to corporal punishment were used.
- The regime established by Mr. McLaughlin eschewed the use of punishment cells.
- The training process established at the Borstal focussed on an established programme of progression in response to acceptable standards of behaviour by the trainees following periods of assessment, with an emphasis on promoting trust between staff and trainees and the provision of rewards and privileges for those who complied with the Rules.
- The operation of the the closed Borstal consciously promoted a regime which concentrated on discipline, structure and order, but trainees were given the opportunity to progress through to the more relaxed regime of the open Borstal once they had demonstrated that they could be trusted to be compliant with the Rules and expected standards of behaviour.
- The evidence has suggested that some officers had a suspicion that LN17 may have engaged in physical assaults on trainees but they failed to act on their suspicions by reporting the issue to senior management. This failure to act may have been due to a misplaced sense of loyalty on the part of some officers towards a colleague. Nevertheless, it represented a breach of their obligations as Prison Officers.
- It is a matter for the Inquiry to determine whether there is sufficient evidence to determine that allegations of abuse by Officers towards trainees is likely to be true.

Many of the allegations of abuse heard by the Inquiry appear to be untrue or to have been much exaggerated. There are clear evidential difficulties in trying to make findings in individual cases. Nevertheless, Mr. McLaughlan's evidence suggests that it would be naive to think that no abuse occurred.

- If abuse did occur it was in spite of the clear direction issued by the Governor and others, that trainees were to be treated with respect, and that those who ill-treated trainees would not be protected. Judged by the small number of complaints which have been raised, and the small number of staff who are the subject of complaint, abuse was not endemic and nor was it systemic.
- Any abuses which did occur would be condemned by the DOJ without equivocation.
- The performance of Officers was the subject of annual review, and where there was clear evidence that Officers were unsuitable for working with young offenders they were transferred to other establishments or released from the Service.
- There may have been instances of peer sexual activity -- but there is no evidence to suggest that this was a widespread problem.
- While it would be unsurprising if sectarianism manifested itself in the life of the Borstal, the evidence suggests that it was not a significant problem at Millisle.
- Absconding was not a significant problem at the open Borstal having regard to the nature of the regime and the efforts to engender an atmosphere of trust and personal responsibility.

### **Concluding Remarks**

The Department understands that there are a number of residual issues concerning the Millisle Borstal which the Inquiry intends to address at a future public hearing. Accordingly, it may be necessary for the Department to supplement these submissions in due course.

The system of Borstal training, which was once a central component of youth justice arrangements in Northern Ireland has passed into history. Borstal training had many supporters and the closure of Millisle in 1980 was regretted by some because of the valuable work that was carried out in that facility.

There are of course lessons to be learned from the operation of even the best run institutions. While Borstal training itself is no longer relevant to the Department's activities, how young people are cared for within the justice system is a core responsibility and forms a key component of its current and future strategies. The Department, therefore, has a keen interest in examining the findings of this Inquiry when they are produced.

The Department wishes to reiterate what it said in its concluding remarks for Module 7. Practices in relation to the care of young people in state institutions has undergone significant change over the last 20 years, and indeed in the period since the Borstal closed its doors.

The Department recognises that the findings of this Inquiry will provide a welcome opportunity to learn lessons from the past, and these lessons may help to further improve contemporary systems and practices.

