

Thursday, 5 October 2023

1

2 (10.00 am)

3 LADY SMITH: Good morning. We return today to oral evidence
4 and more evidence, I think, about prison and young
5 offender institution governance.

6 Ms Forbes, our witness is ready, is that right?

7 MS FORBES: He is, my Lady. Good morning.

8 His name is Alec Spencer and I would call him.

9 Alec Spencer (affirmed)

10 LADY SMITH: The first question I hope is an easy one.

11 I'm happy to address you using your second name or your
12 first name, which would you prefer?

13 A. First name would be fine.

14 LADY SMITH: Thank you for that, Alec.

15 The red folder has your very helpful statement in it
16 and we'll be looking at that this morning and no doubt
17 asking you to expand on some of the aspects of it.
18 Thank you for providing that.

19 Otherwise, please don't hesitate to ask if you have
20 any questions or if you're not understanding what we're
21 asking you. It's our fault not yours if we don't make
22 sense.

23 We'll have a break at around 11.30 am in any event,
24 but if you want a break at any other time do let me
25 know. Please speak up if you do, will you?

1 A. Thank you.

2 LADY SMITH: I'll hand over to Ms Forbes now, if you're
3 ready, and she'll take it from there.

4 Ms Forbes.

5 MS FORBES: My Lady.

6 Questions from Ms Forbes

7 MS FORBES: Good morning, Alec.

8 A. Good morning.

9 Q. You have given a statement to the Inquiry and that can
10 be found at WIT-1-000001166.

11 If we go to the last page of that statement,
12 page 39, I think we can see there that you state you
13 have no objection to your witness statement being
14 published as part of the evidence to the Inquiry and you
15 believe the facts stated in the witness statement are
16 true and you've signed it?

17 A. That's correct, thank you.

18 Q. If we can go back to page 1. I want to just start by
19 going over your extensive professional background, if
20 I may.

21 I think first of all we can see that you joined,
22 paragraph 2, the Scottish Prison Service in 1972?

23 A. Yes.

24 Q. But that was after having undertaken a postgraduate
25 degree in criminology?

1 A. Yes.

2 Q. What was your undergraduate in?

3 A. That was in law and economics.

4 Q. You joined the Scottish Prison Service as an assistant
5 governor; is that correct?

6 A. That is correct.

7 Q. Was there a training programme at that time for
8 assistant governor?

9 A. Yes, there was. Being a junior management grade the
10 Prison Service gave I think about nine months' training,
11 in those days that was undertaken at Wakefield, which
12 was the Home Office Prison Service College.

13 Q. That is in England?

14 A. In England, in Wakefield, sorry.

15 Q. Did that serve all three prison services at that time?

16 A. It did, yes.

17 Q. If I could briefly turn to look at a document that you
18 helpfully provided the Inquiry with. It is
19 WIT-3-000001309. If we go to page 41 of that, this
20 is --

21 A. I think that is a different document.

22 Q. Is this a document you provided, Life in the Scottish
23 Prison Service --

24 A. Yes, that is, yes.

25 Q. Page 41. The front page is "Life in the Scottish Prison

1 Service". If we could go to page 47, it looks like
2 a blank page but it's actually the back page of the
3 booklet. If we zoom in, I think we can see in the
4 bottom right there is a date that is maybe March 1972?

5 A. Yes, that is correct.

6 Q. Is that something you were given before you joined the
7 Scottish Prison Service or on joining them?

8 A. I'm not sure whether I was given it or whether I found
9 it and acquired it.

10 Q. But you kept it anyway?

11 A. But I kept it.

12 Q. If we just go to page 43, if we can go to the right-hand
13 side. I think it's a double-page document. About
14 halfway down it is talking about prison officers, who
15 can train as a prison officer. It's quite small writing
16 there, but if I can perhaps just read out what it says:

17 "There are of course certain basic requirements
18 which you must fulfil before you can train as a prison
19 officer, quite apart from the fundamental matters of
20 character and personality, you must be over 22 and not
21 over 35 (unless you have had long service in the armed
22 forces). You must be at least 5-foot 7 inches without
23 shoes, with proportionate weight and chest
24 measurements."

25 Then it talks about being of good health, sound

1 hearing and good eyesight. If we look at the bottom of
2 that paragraph, it says:

3 "You must also be educated at least to normal school
4 leaving standards, although if you have higher
5 qualifications these will certainly help you in your
6 career."

7 At that stage anyway there was an age range for
8 which prison officers would be recruited; is that
9 correct?

10 A. Yes.

11 Q. However, there was a difference if you had been in the
12 armed forces they would take you older than 35?

13 A. Yes. I'm basing it on this document as well, yes. But
14 that was my experience, yes.

15 Q. I think later in your statement you say that there were
16 quite a lot of prison officers who were from the armed
17 forces background in your experience?

18 A. Yes.

19 Q. The education standards there are for a prison officer
20 obviously, were there any particular qualifications that
21 you require to have to apply to be an assistant
22 governor?

23 A. No, not that I'm aware of.

24 Q. If we just look over to the right-hand side of that page
25 and there is a section that says "What the training

1 covers."

2 Again, this relates to prison officers not assistant
3 governors, but we can see after the first sentence it
4 talks about instruction being given:

5 "... in matters such as security, prison
6 classification, escorts, supervision, and party control.
7 In addition, there are lectures on a wide variety of
8 relevant and interesting subjects, including the
9 structure of the service, the treatment of prisoners,
10 problems of reform and training and the principles of
11 leadership.

12 "You will take part in discussion groups,
13 instruction is also given in judo, self-defence and
14 first aid. The course lasts for seven weeks. During
15 the course visits are arranged to other establishments
16 and institutions where the work of these institutions
17 can be seen at first hand."

18 Again, that is for prison officers in this booklet.
19 I take it that your training, which lasted for nine
20 months, was a bit different from that?

21 A. Yes, it was. If you wish I'll try and recall what it
22 was, but it did include issues, I suppose, about
23 security and classification and so on. But it also
24 included aspects about sociology and criminology --
25 which I probably knew a bit about -- about prisoners'

1 rights, about management issues and so on. So there was
2 a range of issues that were covered.

3 Q. During your training period, did you spend time in any
4 particular prisons or institutions?

5 A. Yes. So we undertook prison visits, but we were
6 given -- I think I spent a couple of periods at
7 Barlinnie prison on attachment there.

8 Q. Was it thought that if you spent attachment at
9 a particular prison that's where you might start off or
10 was that not the thinking?

11 A. Well, I didn't decide on those allocations, so I don't
12 know what the thinking was. I think that there might
13 have been the assumption that if you had experienced one
14 place that you would go there, but I don't think that
15 was necessarily the case and people just sent to other
16 places, and there were four people on my year course.

17 Q. If I can turn to page 42, just briefly. Again, it's
18 a two-page document. If we go over to the right-hand
19 side. It states:

20 "Types of establishment where you may serve."

21 Prisons is the first one. I think with that, it is
22 referring to adult prisons.

23 If we go down we can see it says "borstals", and
24 describes borstals, saying:

25 "Are for youths from 16 to 20. The object of these

1 establishments is to train young people to develop
2 self-discipline and to instill a sense of
3 responsibility. Polmont institution, near Falkirk, is
4 the main borstal and there are open institutions at
5 Cornton Vale, Castle Huntly and Noranside and
6 a semi-secure institution at Friarton, Perth."

7 This is the situation in 1972.

8 A. Thank you, yes.

9 Q. Is that right?

10 A. Yes.

11 Q. You have told us later in your statement, but youths in
12 those borstals were serving indeterminate sentences of
13 six months to two years, is that right?

14 A. Yes. I think originally it had been to three years and
15 then the legislation changed before I came to the prison
16 system and it was up to two years. Then there was
17 supervision on release for a year afterwards.

18 Q. That was statutory supervision with possibility of
19 recall?

20 A. Correct, yes.

21 Q. The idea of borstals, was it supposed to be an emphasis
22 on education and training?

23 A. That's correct. So courts had a choice of shorter
24 sentences or longer ones and I suspect that if the
25 thought was that the individual needed some education,

1 some training, reformation as opposed to punishment, if
2 one can distinguish that when you are sending somebody
3 to a penal establishment, then they would be sent to
4 a borstal for that extended period of training.

5 Q. Then if we look further down it says:

6 "Detention centre. A detention centre is provided
7 for youths between 16 and 20."

8 So the same as for borstals:

9 "... who are serving a period of three months'
10 detention. They have a brisk and exacting regime in
11 which work, physical training and education play
12 an important part. The centre is at Glenochil, Alloa."

13 A. Yes, that is correct.

14 Q. These were the specific sentences at that time of
15 detention for three months; is that correct?

16 A. 1972, I think so. There was just the one sentence at
17 that point.

18 Q. There was a possibility of a one-month remission, so you
19 could leave after serving two-thirds?

20 A. One third remission, yes, at that point, yes.

21 Q. Was the idea for it to be a short, brisk sentence?

22 A. Yes, it was. I don't know if you want expansion at any
23 point, but, yes.

24 Q. Is the phrase "the short, sharp shock" one that you are
25 familiar with from that period?

1 A. I am, yes.

2 LADY SMITH: I think that came from the mouth of Government
3 Ministers, didn't it?

4 A. Yes, who -- I think it came from Gilbert and Sullivan
5 originally, but, yes, it did, yes, it was certainly the
6 Conservative governments that supported that idea, yes.

7 MS FORBES: From your experience, was this disposal usually
8 to first-time offenders as the experience was to try and
9 shock them out of embarking on what might be a life of
10 crime?

11 A. Well, that was the intention, that it should be for
12 people who were new to crime, who hadn't really had
13 experience of the care system and hadn't had experience
14 of the criminal justice system. So, yes, that was the
15 intention, but I think there were in fact very few of
16 those individuals around, so that the people who were
17 sentenced generally had experience of the care system or
18 perhaps had even undertaken some shorter sentence before
19 that.

20 Q. This sentence also came at that time with a one-year
21 supervision on release with possibility of recall?

22 A. Yes, at that point.

23 Q. So quite a short sentence, but actually there was still
24 the one-year supervision, the same as borstal training?

25 A. Yes.

1 Q. Below that, we have young offenders institutions:
2 "Young offenders institutions provide places for
3 persons between 17 and 20, who are not sent to either
4 borstal or detention centres and who are sentenced to
5 a period of detention equal to the period of
6 imprisonment they would have received if they had been
7 over 21. The routine of these establishments is brisk
8 and varied. The institutions are Edinburgh, Dumfries
9 and Barlinnie."
10 A. Yes, that is --
11 Q. I think you describe it later in your statement as in
12 essence a junior prison, with sentence ranges from short
13 term to long term, including life?
14 A. Yes. I think the original intention of reformers over
15 the years or decades before was really to keep young
16 people out of prison, and I think that was interpreted
17 literally. That is not to keep them out of custody, but
18 to avoid contact with adult prisoners, adult offenders,
19 so they therefore served sentences in a junior prison,
20 if we can call it that, which was a young offenders
21 institution.
22 Q. Once they reached what was considered to be the age for
23 adult prison, as in 21 and over, they would then
24 invariably be moved?
25 A. Yes, they would be transferred to an adult

1 establishment, yes.

2 Q. At that time a sentencer would have those three options
3 available to them when dealing with someone who came
4 before them aged between 16 and 20?

5 A. Those options if they wanted to send somebody to
6 custody, yes. They had other options if they didn't.

7 Q. Of course.

8 If we could just quickly have a look at page 46.

9 We can see just on that page that it lists really
10 the prisons at that time, the borstals, the one
11 detention centre in Glenochil and the three young
12 offenders institutions?

13 A. Yes.

14 Q. That is a snapshot, isn't it, because it changed after
15 that at different times?

16 A. Yes, I recognise that as what was in existence in 1972.

17 Q. That would have been what you were looking at when you
18 joined the Scottish Prison Service?

19 A. Yes, correct.

20 LADY SMITH: That is 18 different places, is that correct?

21 MS FORBES: I haven't counted, my Lady.

22 LADY SMITH: Rather a lot.

23 MS FORBES: Let's have a look.

24 LADY SMITH: The exact number doesn't matter --

25 A. Yes.

1 LADY SMITH: -- but do you recall there being quite a lot of
2 them?
3 A. Yes, there were, yes.
4 LADY SMITH: Thank you.
5 A. For example, Penninghame, which was an open prison, had
6 been open, so there were some smaller places as well,
7 yes.
8 MS FORBES: If I could just go back to your statement, then,
9 which is WIT-1-000001166.
10 If we go to paragraph 3, you state that you were
11 assistant governor of Polmont borstal from 1973 until
12 1975, and that was your first placement as an assistant
13 governor?
14 A. Correct, yes.
15 Q. At that time you were in charge of a borstal wing and
16 then I think later the allocation centre?
17 A. Yes.
18 Q. First position and then you moved on to the allocation
19 centre?
20 A. Yes, that's right.
21 Q. At that time, as we have seen, Polmont was the main
22 borstal, is that right?
23 A. Yes, it was. That was the place that the court
24 sentenced people sentenced to borstal to.
25 Q. We have just looked at it, youths aged 16 to 20?

1 A. Yes.

2 Q. However, there were also the open borstals at Noranside
3 and Castle Huntly?

4 A. Yes.

5 Q. Those arriving at Polmont would be placed in
6 an allocation centre first; is that correct?

7 A. I think so. I think for the first two months or so in
8 that unit, yes.

9 Q. After that period of time they would then either be
10 moved on to a borstal wing at Polmont or out to one of
11 the open borstals?

12 A. Yes.

13 Q. Whilst you were in those two roles at Polmont, you were
14 also a member of an organisation called Youth at Risk?

15 A. Yes, that's correct.

16 Q. That was an external community organisation; is that
17 right?

18 A. Yes, it was. To explain, the governor at the time, who
19 was somebody called Charles Hills, was keen that his
20 staff also involved in community organisations and he
21 suggested I join this organisation, which was run
22 I think or chaired by the Countess of Mar and Kellie, at
23 the time, who had a group of people, of professionals of
24 social work and so on, who would have events where young
25 people could come together and discuss some of the

1 issues that concerned them.

2 Q. Was that mainly professionals from the criminal justice
3 sphere who were interested in listening to what young
4 people had to say?

5 A. I think mostly from the criminal justice system, yes.

6 Q. Then going on, just to continue with your professional
7 background, you then moved in 1975 and became assistant
8 governor of Perth prison until 1976?

9 A. Yes, that's correct.

10 Q. Was that an adult prison or did it have anyone under the
11 age of 18?

12 A. Now, you are stretching my memory. I'm trying to think
13 if there were any remands that were there. I don't
14 think so, but I couldn't swear to that. But I was in
15 charge I think of C hall, which was generally a short
16 sentence and remand wing.

17 Q. Is it the case at that time that in these other prisons,
18 which would be predominantly adult prisons, there could
19 sometimes be those under the age of 18 who were there on
20 remand until convicted and sentenced?

21 A. Yes, that could be the case.

22 Q. Thereafter you go in 1976 to Glenochil, and I think at
23 that time the full title of Glenochil would have been
24 Glenochil Detention Centre and Young Offenders
25 Institution?

1 A. I think it may have been called the other way round
2 actually, but that's probably my fault in that
3 particular statement. I think it was Glenochil Young
4 Offenders Institution and Detention Centre.

5 Q. But there was the two distinct parts. There was the
6 detention centre and the young offenders institution and
7 they were separate from one another?

8 A. Yes, in legal terms, yes.

9 Q. However, it might be that someone from a detention
10 centre would be transferred to the young offenders, for
11 a variety of different reasons?

12 A. It depends what time you are talking about. Certainly
13 after 1980 there was a change in legislation that
14 allowed for that, but I think that would be rarely the
15 case before then.

16 Q. Glenochil had opened as a detention centre in 1966; is
17 that correct?

18 A. Yes.

19 Q. Then in 1975 it was extended to also become the young
20 offenders institution?

21 A. Yes.

22 Q. You were deputy warden of the detention centre at that
23 time?

24 A. Yes.

25 Q. Just so I'm clear about the titles, so the "deputy

1 warden" is that a term that's applied when referring to
2 detention centres?

3 A. Yes, it was. I think it was later changed so that
4 everybody was known as "governors", but I think
5 historically, certainly from the English detention
6 centres system, those in charge were called wardens and
7 I think we adopted that in Scotland in 1960, when the
8 detention centre opened in South Inch House at Perth.
9 Therefore there was a warden of the detention centre,
10 when it opened in 1966, in Glenochil, and that title
11 carried on and when the young offender institution
12 opened, so there were about 180 detention centre places
13 and then an establishment of I think of about 496 young
14 offenders opened next to it, it became a joint complex.
15 So there was a more senior governor in charge of the
16 whole complex, but there was also a warden appointed who
17 was in charge of the detention centre part, so
18 a separate entity, and they had a deputy who was the
19 deputy warden. But at that stage all people were part
20 of the joint management team of the whole organisation.

21 Q. As deputy warden you say that you were second in charge
22 of the detention centre and that meant you had the daily
23 oversight of it?

24 A. Yes, or joint daily oversight, yes.

25 Q. You also say you were assistant governor of the young

1 offenders institution. Was that at the same time as you
2 were deputy warden or was this a progression after?

3 A. No, that was at the same time. As I said, the staff
4 then, it was a larger institution with a governor,
5 a deputy governor, I think somebody called a training
6 governor, so a more senior governor, and then assistant
7 governors. So there were a large number of governors,
8 and everybody took their part, as it were, as being part
9 of the whole management team so that one might be on
10 duty at a weekend and have more wider responsibilities
11 than just the responsibility of the detention centre.

12 Q. It was dual titles and dual responsibilities in both
13 parts?

14 A. Yes.

15 Q. I think you say you undertook general duties in the
16 young offenders institution at that time?

17 A. Yes.

18 Q. There would have been youths aged between 16 and 20 in
19 the detention centre on the short, sharp shock at that
20 time?

21 A. There certainly were, yes.

22 Q. In the young offenders institution there would have been
23 those between 17 and 20 who had not been sent to borstal
24 or detention centre but to a young offenders
25 institution?

1 A. That's correct, yes.

2 LADY SMITH: Just anchoring this in the stage of your
3 career, you were just in your early 30s at that time, is
4 that correct?

5 A. Thank you, my Lady.

6 LADY SMITH: I think you have given us 1976 to 1978, you may
7 have only been 30 when you began the job?

8 A. Yes, 32, yes, correct.
9 Is that a comment of surprise or?

10 LADY SMITH: Well, not surprise so much as just noting that
11 still as quite a young man you were taking on
12 significant responsibilities.

13 A. That's correct, yes.

14 MS FORBES: You remained, I think you tell us there, on that
15 occasion, until you went to Aberdeen prison in 1978?

16 A. Yes.

17 Q. There you were deputy governor between 1978 and 1981?

18 A. That's correct, yes.

19 Q. Just thinking then about that move, was that seen as
20 a promotion, a significant promotion then from deputy
21 warden, assistant governor up to governor of prison?

22 A. I think it was seen as advancement rather than
23 promotion, in the sense that you were the second in
24 command of an institution.
25 As I explained here, in this particular one, at

1 Glenochil, there is a large team, so although you were,
2 as it were, number two to the warden of the detention
3 centre you were one of a large number of managers of the
4 establishments, so it was seen as something better to be
5 aiming for if one was interested in pursuing a course as
6 being a governor -- a career, sorry, not a course.

7 Q. Were you? It seems that you were interested obviously
8 in pursuing that goal?

9 A. I suppose so, yes, yes.

10 Q. Aberdeen then would have been predominantly an adult
11 prison, even if it sometimes held those under 18 on
12 remand?

13 A. Yes, it was. It was a local prison serving that area
14 and so it held a range of adults, but also held remands
15 and it had a very small women's section, predominantly
16 again remand.

17 Q. Then in 1981 you go to Scottish Prison Service
18 headquarters to undertake a role in administration and
19 case work?

20 A. That's correct, yes.

21 Q. That role included reviewing complaints by prisoners?

22 A. Yes, that was one of the functions. The complaints were
23 sent to Prison Service headquarters I suppose on behalf
24 of the Secretary of State at that time and there were
25 civil servants there who dealt with it, but they also

1 needed professional advice I suppose of what was going
2 on in prisons. So that was one of the areas that we
3 would work in and work with professional civil servants.
4 Q. Just so I understand the process, these were complaints
5 from prisoners, is that right?
6 A. Yes. Sorry, the job wasn't only about complaints. It
7 is case work looking at people's progression through the
8 system and all sorts of other areas, but it did -- if
9 somebody had a complaint that they forwarded externally
10 from the prison, then that had to be answered so they
11 needed to also have professional advice.
12 LADY SMITH: What else did the job involve?
13 A. I'm trying to think, my Lady. It involved looking at
14 some of the longer-term prisoners' case work. There
15 were sometimes security issues. We liaised with I think
16 at the time security services and so there were a number
17 of issues that we were involved with. It was
18 an operational job, but it involved case work.
19 LADY SMITH: Thank you.
20 MS FORBES: Just to finish up on the issue about complaints,
21 these were complaints that prisoners sent to the
22 Secretary of State under the rules that were allowed at
23 that time?
24 A. Yes.
25 Q. The Secretary of State's department would then ask for

1 advice from the headquarters of the Scottish Prison
2 Service on those complaints?

3 A. It didn't go as far as that, if I may say so. It was
4 that the civil servants in headquarters responded on
5 behalf of the Secretary of State. I don't think the
6 Secretary of State actually dealt with the matters
7 himself.

8 Q. No, his department?

9 A. It wasn't his department in St Andrew's House that dealt
10 with it. In those days I think it was in St Margaret's
11 House, which was another one of the Government offices
12 and that's where the Prison Service had its headquarters
13 and so it was a civil servant there that signed it on
14 behalf of the Secretary of State.

15 LADY SMITH: Where was St Margaret's House?

16 A. I'm trying to think. It's near Jock's Lodge, I'm trying
17 to think where that area is.

18 LADY SMITH: The Government offices out there, just past
19 Meadowbank, that sort of --

20 A. That's it, thank you. Meadowbank, yes, area.

21 MS FORBES: That role then to the Secretary of State's
22 department, that was an advisory role on how to respond
23 to the prisoners' complaints, just so I understand?

24 A. Well, I don't think about how to respond, but it
25 certainly tried to clarify whatever the issues were and

1 we would get information from the prison that would
2 comment on the -- it could be a request equally, but
3 a complaint and we would give advice, yes.

4 Q. Can you remember examples of the types of complaints
5 that you would receive?

6 A. No, I don't think I can, although I happened to see
7 yesterday, I was just looking through some old
8 correspondence, something which was amusing, I couldn't
9 remember what the complaint was about, it might have
10 been to do with a kettle or something, but I think the
11 governor had written back saying it was lovely
12 terminology that was used and I had to say that it
13 wasn't mine, but we were pleased that the response was
14 satisfactory or whatever.

15 No, the process was that people could complain so
16 there could have been serious issues but I think I tried
17 to think in terms of this Inquiry and there was not, to
18 my recollection, any particular complaints about abuse.

19 Q. You were in that role at headquarters until 1983. If we
20 go over to page 2 in your statement, we see then you go
21 to Glenochil and you are there from 1983 to 1987. At
22 that time then there had been a change in law that you
23 spoke about earlier, is that right, the change that came
24 in with the 1980 Act?

25 A. Yes.

1 Q. Is that section 45 of the Criminal Justice (Scotland)
2 Act 1980?

3 A. That's correct, yes.

4 Q. That came into force on 15 November 1983?

5 A. Yes.

6 Q. So just the same year that you are taking up the
7 position of governor of Glenochil detention centre --

8 A. Yes.

9 Q. -- that change came into effect?

10 A. That's right, and the change was that, if I recall, the
11 sentence of borstal had been abolished, so that was no
12 longer available to the courts and that therefore -- and
13 that detention centre itself I think although it should
14 still be or was recommended to be three months, it could
15 be of less determinate nature, so judges could sentence
16 to longer.

17 Q. Yes, was it between 28 days and four months?

18 A. Yes.

19 Q. There was that specific detention sentence that
20 remained, sentences of between 28 days and four months.

21 There was also the young offenders institution
22 possibility, which could be any length of time?

23 A. Correct.

24 Q. But there was no longer the borstal training option
25 available?

1 A. Yes, that is correct.

2 Q. On this occasion, when you go back to Glenochil, you are
3 governor of the detention centre this time. I think you
4 have explained that the word "warden" was used up to
5 a certain point, but by that stage it had changed, to
6 "governor", had it?

7 A. I think so.

8 Q. There would also then have been a governor and assistant
9 governors of the young offenders institution at the same
10 time in Glenochil; is that right?

11 A. That's correct, yes.

12 Q. As governor of the detention centre, did you hold the
13 dual role in relation to the young offenders institution
14 this time or not?

15 A. Yes, again it was -- you are part of a management team,
16 although there is still a governor and deputy governor
17 and other governors for the young offenders institution.

18 Q. Do you remember if you were a deputy governor, assistant
19 governor or something of the young offenders institution
20 at that time?

21 A. I don't think there is any terminology for that, I think
22 I was just part of the team.

23 Q. You tell us that between 1981 and 1985 there were sadly
24 seven suicides in the young offenders institution and
25 detention centre at Glenochil. As a result of that

1 a working group -- just to be clear, it's the young
2 offenders institution and the detention centre, between
3 the two of them, there were seven suicides between 1981
4 and 1985?

5 A. That's correct. I can comment that there were initially
6 four in the young offenders institution, then two in the
7 detention centre and then one more in the young
8 offenders institution, yes.

9 Q. Five altogether in the young offenders and two in the
10 detention centre?

11 A. Yes.

12 Q. You tell us that you were appointed to the working group
13 on suicide precautions at Glenochil and acted as its
14 secretary?

15 A. Yes.

16 Q. That was chaired by Dr Chiswick; is that right?

17 A. Yes.

18 Q. The Inquiry has already heard some evidence from
19 Dr Chiswick about that and we can come back your role in
20 that later.

21 A. Okay.

22 Q. Just moving on then, you left Glenochil that time in
23 1987 and you became governor of Low Moss prison as part
24 of a temporary secondment?

25 A. That's correct, yes.

1 Q. Was that low category adult prisoners who were in Low
2 Moss at that time?

3 A. Yes.

4 Q. Thereafter you go back to Glenochil again in 1987 and
5 you're there as deputy governor of Glenochil Prison and
6 Young Offenders Institution is how it is said there, but
7 was that the title at the time?

8 A. Yes, perhaps I should explain that I think at that stage
9 there were the various categories of governor and
10 I think it's easier to think about five, four, three,
11 two and one, that as an assistant governor one was the
12 governor grade five, it's going from the bottom.

13 I then I think returned when I was a deputy -- when
14 I was governor of the detention centre as a governor
15 four. I had been promoted.

16 Then I was on promotion or temporary promotion,
17 I can't remember what it was at the time, to Low Moss as
18 governor three, so that when I returned as that level of
19 governor, governor three, I was deputy governor at the
20 complex.

21 Q. Did the name change as well from Glenochil Prison and
22 Young Offenders Institution, is it right at that time
23 that perhaps the option of detention was being removed,
24 maybe 1988, and Glenochil had also started taking male
25 adult prisoners?

1 A. Yes. I think actually in 1987 there was a changeover at
2 the young offenders institution, so I think until about
3 April it held all young offenders and then there was
4 a gradual change so the young offender institution
5 became a prison and the young offenders were decanted
6 elsewhere.

7 Q. The detention part is no longer, from 1988, is that
8 right?

9 A. That's also the case, yes. I think that was in
10 November 1988 and I think it officially closed as
11 a detention centre in December 1988, but it still held
12 other --

13 Q. It still held young offenders?

14 A. Young offenders and I think in fact some adults as well
15 on remand.

16 Q. At that time you were second in charge of the complex?

17 A. Yes.

18 Q. The facility, prison and young offenders institution
19 together, and also acted as interim governor?

20 A. Yes. There had been difficulties I think with two
21 governors over a period and so at various stages
22 I covered in that role, yes.

23 Q. Just to continue, you then go to Dungavel and were
24 governor there between 1989 and 1992. At that stage,
25 was Dungavel an adult prison?

1 A. Yes, it was, yes.

2 Q. I think you tell us that you introduced family visits
3 and play areas at that time to Dungavel, which hadn't
4 existed before?

5 A. Yes.

6 Q. You also founded and became the chair of an organisation
7 called Families Outside?

8 A. Yes. It later became that name. It started off with
9 a more complex name, yes.

10 Q. Can you briefly tell us what Families Outside is?

11 A. Yes. Families Outside is a charity that supports the
12 families of people who are in prison.

13 From my experience in prisons, it was clear that
14 families had difficulties in visiting, long journeys,
15 not very good conditions in prison when they arrived and
16 so on, so there was some thought about trying to support
17 them and the organisation tried to then support people
18 with information about how to get to prisons and maybe
19 if they weren't clear about what some of their rights
20 were or where they could go for support, then the
21 charity would signpost them to that, so that was the
22 initial idea.

23 Q. That was trying to perhaps fill a role that wasn't
24 provided for by the Scottish Prison Service, at that
25 time anyway?

1 A. That's correct, and I'm not sure whether that was a role
2 for the Scottish Prison Service to look after the
3 families of prisoners.

4 Q. Whilst there you thought that was something important
5 that you felt you wanted to be involved in?

6 A. Yes.

7 Q. In 1989 to 1992 you tell us whilst you were in Dungavel
8 you undertook some research into detention centres and
9 I think you tell us a little more about that in your
10 statement.

11 A. Yes. I was interested in detention centres and how they
12 came about.

13 Q. We can come back to that later on if you want.

14 A. Sorry, yes. The answer is yes, I did.

15 Q. Then 1992 to 1996 you were governor of Peterhead prison?

16 A. Yes.

17 Q. Was that a prison that predominantly had to deal with
18 sex offenders who were serving long-term sentences?

19 A. When I came there it was a mixture of still some of the
20 very difficult and dangerous prisoners that had been in
21 the system and there were also a lot of sex offenders
22 there as well, yes.

23 Q. Were these adult prisoners?

24 A. These were all adult prisoners, yes.

25 Q. 1996, you go back to headquarters again and you were

1 an operational adviser on custodial contracts. Just
2 briefly, what are custodial contracts?

3 A. At that time the Prison Service was considering its
4 first PFI prison, which was at Kilmarnock, and so
5 I think they wanted someone who could help with the
6 team. They had a team of people there looking at how to
7 establish the contracts and looking at what the
8 operational requirements of such a prison was. So
9 I acted in that role for a while.

10 Q. Then, the same year, you move and become governor of
11 Edinburgh prison and you are in that role until 2000?

12 A. Yes.

13 Q. You tell us in your statement that you established there
14 the first throughcare link centre?

15 A. Yes.

16 Q. And also built the first visitor centre?

17 A. Yes.

18 Q. That was the first visitor centre in the Scottish Prison
19 Service estate?

20 A. I think so, yes. I can explain if you wish why.

21 Q. Yes. If you want to just explain briefly how that came
22 about.

23 A. One of the things -- I tended to work late and so
24 I might leave the prison at 6 o'clock at night and there
25 would be a queue -- and in winter and it's cold and it's

1 dark and it's raining and I would go -- I would have to
2 try and get out of the front gate, because there was
3 a queue of people standing there, not let in, because it
4 was too early, but queueing for visits and these might
5 be partners, wives, might be with children, but
6 families, people wanted to come and visit the prison and
7 really I thought this was not a way to deal with the
8 public. As you know, I had already had an interest in
9 visits and family visits and so on.

10 So I contacted a charity -- people have sometimes
11 asked me where is the paperwork? What did you do? And
12 I didn't do much. I sort of rang a particular charity
13 that I knew about and they came along and initially it
14 was going to be with another charity that had some
15 money, but then it was the Tudor Trust eventually agreed
16 that they would help fund a visitor centre. In fact,
17 they built the whole thing, it was over 1 million. My
18 problem I think was trying to persuade the prison
19 management, my bosses, that they should allow this
20 centre to be built and it would be run independently,
21 which I think was the problem for the Prison Service at
22 the time.

23 We were able to look at other models in England and
24 we came back and the first centre was built there.
25 I gather it's still going well and it performs the

1 function, so that visitors can go to this place first,
2 they can relax, they can prepare themselves for a visit,
3 which might be quite a difficult thing. It might be
4 traumatic for the individual if they're seeing their
5 loved one in prison or if there are problems and so on.
6 I think it's useful to have somewhere that they can go.

7 Part of the processing of visits was also undertaken
8 in the centre, so that they would then go through to the
9 prison, have the visit and return back. I think as part
10 of the deal, when I was able to get this built by
11 someone else and not with Prison Service budget, was
12 that the Prison Service then improved the visit
13 facilities in the prison, so that we had a slightly
14 better arrangement.

15 Q. Was the throughcare link centre the same thing as the
16 visitor centre or was that something different?

17 A. No, that was something different and I suppose I -- to
18 explain it, I was sitting in my office thinking that the
19 prison was going quite well at some point and I thought
20 it's not really because we're getting back the same
21 people all the time. So we had the revolving door
22 problem that people kept on coming back.

23 I thought what we needed to do was to somehow get
24 all the processes that they need in place, so that when
25 they come in they don't lose their accommodation, if

1 they have a job they maybe can talk with their
2 employers. If they need support outside that some of
3 that can be arranged and so on. So it was the
4 development that I contacted Apex, another voluntary
5 sector organisation, and got them to come in and they
6 helped with employability and so on. We had this little
7 area as part of the prison where prisoners would come
8 in. And, as part of the initial assessment, we would
9 look at a whole range of issues, including their
10 accommodation and work and so on, and from day one plan
11 for when they're released rather than nothing happens
12 until the day before and then you have the problem
13 starting again.

14 That was the concept and later on that was then
15 adopted by the Prison Service for the rest of the
16 system.

17 Q. At first that was a voluntary service that was being
18 provided but within the actual prison, not a separate
19 centre that was built?

20 A. Yes. We created a facility -- I think it was an old
21 reception area and stores area -- so that social work
22 and housing could come along and Apex were there on
23 employability and then I think other groups and drug
24 support and other areas could come and populate that
25 area, so it became quite a useful part of the process.

1 Q. At that time, 1996 to 2000, did Edinburgh prison have
2 young persons under 18?

3 A. We did, yes. We had them both as -- yes, under 18 in
4 two categories. We had children but we also had young
5 offenders or remand young people there.

6 Q. When you say children, are those people that you are
7 referring to under the age of 16, on unruly
8 certificates?

9 A. That is correct, yes.

10 Q. Were they invariably 15-year-olds who were declared
11 unruly by a court and sent there for a period of time?

12 A. Yes. I think they were people who originally may have
13 been in the Children's Hearing System, who were declared
14 unruly. I think there was even once a 14-year-old as
15 well as 15-year-olds, but that process eventually ended.

16 Q. Then we see that from 2000 to 2001 you go back to
17 Glenochil again and you are governor there?

18 A. Yes.

19 Q. At that time it still had young offenders as well as the
20 adult population?

21 A. Yes, although it was predominantly then an adult prison
22 with just a small number of young offenders, yes.

23 Q. Was there a particular reason at that time why there was
24 a small number of young offenders?

25 A. Yes, just simply because they were then housed in the

1 former detention centre and the adults were in what was
2 the former young offenders institution, which was the
3 large institution.

4 Q. Was there any particular reason why they would be placed
5 at Glenochil as opposed to another young offenders?

6 A. I think simply because of the lack of space elsewhere.

7 Q. It wasn't to do with their level of offending or
8 sentence, it was simply to do with --

9 A. No, it wasn't to do with the regime. I think they may
10 have been serving shortish sentences, but it wasn't, no.
11 No.

12 Q. From what you've just said, at that time then what used
13 to be the detention centre had in effect become the
14 young offenders institution and what used to be the
15 young offenders institution became the adult prison at
16 Glenochil?

17 A. Yes.

18 Q. Thereafter, you tell us between 2001 and 2006 you were
19 director of rehabilitation and care at the Scottish
20 Prison Service prison board and you were involved in the
21 formulation of policy. You have listed a number of
22 areas of policy that you were involved in formulating.

23 Did any of those specifically relate to young
24 persons under the age of 18 or were these just general
25 policies that might well affect them but not directed to

1 them specifically?

2 A. I think they were, yes, that is correct. They were

3 policies which encompassed all inmates, be they young or

4 old or male or female.

5 Q. There are a number of policy areas that you have listed

6 there?

7 A. Yes.

8 Q. That includes mental health and education, skills and

9 employability, risk and needs assessments and

10 psychological services?

11 A. Yes.

12 Q. I think you also say on page 2 at the bottom that you

13 chaired the Scottish Prison Service suicide prevention

14 group. Was that a national group at that time?

15 A. Yes, it was. I think it had been in existence or

16 started before I came along, but it had on it I think

17 somebody from Families Outside but also the Samaritans

18 were involved, so there was external, and it also had

19 medical nursing support and the head of the medical

20 services was on it.

21 Q. A multi-disciplinary team --

22 A. Yes.

23 Q. -- to discuss issues about suicide prevention?

24 A. Yes.

25 Q. Was that the first time then that what was called, at

1 that time, the ACT2CARE regime or approach came in?

2 A. I think ACT & CARE had already been around. I'm trying
3 to think. Yes, we then introduced the refined version,
4 ACT2CARE, yes.

5 Q. That was to monitor prevention strategies in response to
6 incidents --

7 A. The group was, yes.

8 Q. I think you tell us about that later in your statement,
9 we might come back to that.

10 If we go over to page 3. You talk about at
11 paragraph 4 that in addition to roles within the
12 Scottish Prison Service you were chairman of a review
13 group on the future management of sex offenders within
14 Scottish prisons?

15 A. Yes.

16 Q. That reported to the Minister for Justice In 2002?

17 A. Yes.

18 Q. You published in 1999 Working with sex offenders in
19 prison and through release into the community,
20 a handbook?

21 A. Yes.

22 Q. I think you tell us again about Families Outside.

23 You were the vice chair and chair of an organisation
24 called Includem, from 2001 until 2012?

25 A. Yes.

1 Q. Is that a Scottish youth support charity that works with
2 young people and families?

3 A. It is indeed, yes.

4 LADY SMITH: Was that actually until 2010?

5 A. Yes.

6 LADY SMITH: That is what the statement says.

7 MS FORBES: Apologies, my Lady, apologies.

8 LADY SMITH: Don't worry, just to get the note correct.

9 MS FORBES: 2001 until 2010.

10 You are currently a trustee of the Lucy Faithfull
11 Foundation, is that a child protection charity?

12 A. It is indeed, yes.

13 Q. It relates to preventing child sexual abuse?

14 A. Yes.

15 Q. I think currently you are a non-executive director of
16 Community Justice Scotland?

17 A. Yes.

18 Q. Is that an appointment by --

19 A. It's a ministerial appointment.

20 Q. Yes. Has that been recently renewed until 2024?

21 A. Yes, you are correct. Thank you. Yes. I served for
22 three years and it was renewed for another three years
23 and that will be my term up next year.

24 Q. Community Justice Scotland, is that the national
25 leadership body for community justice in Scotland?

1 A. You say the national leadership body, I wish it were to
2 be the case. I think maybe it was intended to be, but
3 certainly, yes, its task is to try and encourage the use
4 of community sentences and maybe hopefully even
5 discourage the use of custodial sentences and talk about
6 the effectiveness of community disposals.

7 Q. It is something that has a statutory duty to promote
8 that strategy?

9 A. Yes.

10 Q. It is involved in monitoring the performance of Local
11 Authority areas in relation to various community justice
12 outcomes as well?

13 A. Yes, it is.

14 Q. It is involved in trying to promote good practice and
15 provide advice and guidance to community justice
16 partnerships?

17 A. Yes. Thank you, yes.

18 Q. And also involved in making recommendations, nationally
19 and locally, where appropriate, on these issues?

20 A. That is correct, yes.

21 Q. That is something that you are still currently involved
22 in at the moment?

23 A. I am, yes.

24 Q. You are still also involved in Families Outside?

25 A. No, I'm not. In 2010 -- sorry, in 2000 I demitted

1 chairmanship of that and I haven't been involved since
2 with it.

3 Q. Are you currently still an honorary professor at the
4 faculty of social sciences at the University of
5 Stirling?

6 A. Yes, I am.

7 Q. Has that been since 2005?

8 A. That is correct, yes.

9 Q. I think you also tell us that you have been involved in
10 a number of other organisations, the Scottish
11 Association for the Study of Offending?

12 A. Yes.

13 Q. Scottish Consortium On Crime and Criminal Justice?

14 A. Yes.

15 Q. Adviser to Scottish Parliament, Justice Committee on
16 their inquiry into child sex offending?

17 A. Yes.

18 Q. Audit Scotland's advisory panels?

19 A. Yes.

20 Q. The Scottish Accreditation Panel for Offender Programmes
21 in the past?

22 A. Yes, that was my first, I suppose, appointment after
23 leaving the Prison Service, yes.

24 Q. I think at one time you were Temporary Chief Officer for
25 Tayside Community Justice Authority?

1 A. Yes.

2 Q. You were asked, amongst other things, by the Cabinet
3 Secretary for Justice to review issues about
4 a particular person relating to open prison conditions
5 and provide a report that was published in 2009?

6 A. Yes, that is correct.

7 Q. You provided evidence to both the McLeish Commission on
8 Scottish prisons and the Angelini Commission on women
9 offenders?

10 A. Yes.

11 Q. A long career in prison management and continuing
12 involvement in offending issues and criminal justice
13 reform?

14 A. Yes. Thank you.

15 Q. If we go to page 3, paragraph 7 of your statement,
16 I think you start by making some general observations
17 about prisons.

18 If I can just take you to that, it starts:

19 "Prisons are by nature coercive, probably the most
20 coercive institution in a democratic state. People do
21 not want to be in prisons. There is deprivation of
22 liberty and loss of individual agency. Prisoners are
23 locked in cells, have to follow rules and routines which
24 they may not like, are moved around the institution and
25 are imprisoned with others whom they may not like."

1 You go on at page 4, one more paragraph, to give
2 your view:

3 "Prison authorities have power over inmates, can
4 lock them up, order them to strip and be searched, may
5 control by force, and punishments can place prisoners in
6 separation."

7 Then you talk about what separation involves and say
8 that that is being in even more sparse conditions with
9 loss of association with others.

10 Then you explain:

11 "In the past, it was also possible to extend
12 sentences through awarding loss of remission."

13 A. Yes, maybe I should correct that and say it's the length
14 of time served in custody that was extended rather than
15 the sentence, so it's loss of remission.

16 Q. Yes:

17 "Staff are responsible for writing reports on
18 prisoners and for parole boards who read these reports,
19 which can affect the length of time a prisoner spends in
20 prison. While all prisoners should be treated fairly
21 and equally, it is possible by their actions for staff
22 to impact on how an inmate experiences his time in
23 prison. Clearly, when one group is dependent on another
24 abuses can occur."

25 A. Yes.

1 LADY SMITH: Alec, do I take it from your list that you
2 consider it important to set out the essential aspects
3 of being in custody in circumstances where the general
4 public just don't understand that that is what it
5 involves?

6 A. I think what I was trying to do, my Lady, was that in
7 relation to this Inquiry, which is about abuse and it's
8 difficult sometimes to define that, and what I was
9 trying to indicate was that prisons are a very coercive
10 environment. You are absolutely right that people
11 perhaps don't understand that and that institutions are
12 areas where things are controlled and therefore
13 prisoners are not always the masters of their own
14 destiny.

15 LADY SMITH: Maybe that it's always important to reflect on
16 what it really means to be deprived of your liberty,
17 even for a short period.

18 A. Yes. Thank you.

19 LADY SMITH: Thank you.

20 Ms Forbes.

21 MS FORBES: My Lady.

22 If I can then go back to your first posting after
23 your initial training period, which was Polmont.

24 You tell us about that again at paragraph 9 on
25 page 4. You were the assistant governor at Polmont,

1 which was a junior management post. If we go over the
2 page, to page 5, paragraph 11, you tell us about the
3 staffing structure at that time in Polmont.

4 There was a governor, a deputy governor and a number
5 of assistant governors. They were the non-uniformed
6 grades?

7 A. Yes.

8 Q. Going in as an assistant governor, you would have been
9 the first grade of the non-uniformed grades?

10 A. Yes.

11 Q. Then you say there was the uniformed staff, which
12 comprised chief officers -- is that the top?

13 A. Yes.

14 Q. Principal officers and ordinary prison officers?

15 A. Correct.

16 Q. In relation to how those compared to one another, can
17 you give us an idea of who was in charge in that respect
18 of the uniformed staff or the non-uniformed staff or if
19 one was more senior than the other?

20 A. That's always interesting, isn't it? I think there are
21 parallels in the military, where junior officers or
22 officers who have just been created officers and
23 sergeant majors and so on, who is in charge? So the
24 theory is, of course, that in the management structure
25 the management or the non-uniformed personnel are more

1 senior and in charge.

2 The reality is, I suppose, that where you have
3 somebody who is early on in their career and in a junior
4 grade and you have uniformed staff who have been there
5 many years and they're very senior, then there's clearly
6 going to be some sort of tension and if you can work
7 together that's good, and one has to respect each
8 other's contribution.

9 Q. On paper though would assistant governor be higher up
10 the pecking order than a chief officer?

11 A. On paper, yes. And legally in terms of the legislation,
12 governors are the people who at the end of the day are
13 charged by the Secretary of State to run institutions.

14 Q. You have said there in paragraph 11 that the staffing
15 structure changed in 1987, with something called the
16 Fresh Start Initiative?

17 A. Yes, although I may be mistaken as to the title, I think
18 "Fresh Start" may have been an English one and it was
19 the staffing structure review, but it's the same thing.
20 There was a gradual change.

21 Q. How did that change the staffing structure, anything
22 material?

23 A. It was designed to reduce the number of grades and
24 ranks. If I told you that there were five grades in the
25 governor grades and then there were basic staff, senior

1 officers, principal officers, chiefs, chief 2s and chief
2 ls, so that's five. So that would be ten sets of grades
3 and the idea was that it would be reduced and they
4 became -- I think the operational officer was called
5 C-band and the more experienced officers working with
6 prisoners were D-bands. There were then unit managers
7 and so on. So there was a reduction in the management
8 grades.

9 I'm trying to think where principal officers fitted
10 in, but there were no more chief officers or senior
11 uniform grades.

12 Q. In relation to the non-uniform grades, did the names
13 remain governor, assistant governor?

14 A. No, they didn't remain assistant governor. I think they
15 were -- I suppose there's always been a confusion about
16 governor grades because "governor" sounds sort of
17 an impressive term and everybody wants to be a governor.

18 There were generally a governor in charge, so
19 somebody appointed to run the establishment and that
20 generally then under the new system was a G-band,
21 an H-band or an I-band, depending on the size of the
22 establishment generally an H or an I-band, so the two
23 bands really of governors in charge.

24 Then below that were other governors. So there
25 would be a deputy governor normally and there may or may

1 not be other governors or unit managers below them.

2 I don't know if that in any way helps.

3 Q. Would that depend on the size of the establishment?

4 A. It would depend on the size of the establishment, yes.

5 Q. I think you tell us that there were a number of prison
6 officers, you mentioned this earlier, that were still
7 ex-military, come from that background?

8 A. Yes. If you think of the time then, I'm trying to think
9 when conscription ended, I think it was in the 1960s or
10 something like that, so lots of people went through
11 military service and then moved on to careers. Some
12 stayed in the military longer and so on. So these
13 people then often looked for similar hierarchical
14 structures, so they might have then joined the Prison
15 Service or police force, so there was a sort of career
16 path.

17 Q. They were all men at that time?

18 A. At that time and certainly ex-military were all men,
19 yes.

20 Q. You tell us that the borstal system did have female
21 matrons and there was one for each work, so a female
22 member of staff in each wing?

23 A. Yes.

24 Q. To clarify the term "matron", what did that actually
25 mean in practice? They weren't prison officers, is that

1 right?

2 A. They were -- I think they were female prisoner officers
3 who had, I suppose, a maternal role within the unit.

4 Q. Those were only in the borstal system?

5 A. Yes.

6 Q. You then go on to tell us about arrival at borstal for
7 a young person, at paragraph 12, and say that they would
8 first go to a reception area and staff would check first
9 that there was a legal warrant for them to be there?

10 A. Yes.

11 Q. And then try and look at whatever documentation they may
12 or may not have come with?

13 A. Yes.

14 Q. Invariably was the position that they didn't come with
15 much, if anything?

16 A. I think that's generally the case, yes.

17 Q. At that time, there wasn't an awareness about, as there
18 is now, people who were more vulnerable or may be
19 suicidal?

20 A. Not as much. There would have been some, but, yes, we
21 are much more aware nowadays.

22 Q. There was no formal assessment on intake at the
23 reception, it was just checking they were legally
24 supposed to be there and having a look at whatever they
25 might have come with?

1 A. That's correct.

2 I think that subsequent technology has helped,
3 because the prison system eventually had a computer
4 system that logged everybody in and therefore for
5 example flags could be on the system so that if somebody
6 was already known and they had suicidal risks or they
7 were security risks, then that would be in the system.
8 But somebody would come fresh, unknown and especially if
9 they're a youngster who had perhaps not been in the
10 system before, then very little was known about them.

11 Q. On arrival their own families might not even know where
12 they had been taken to?

13 A. That's correct. It depends whether they were there with
14 them in court and so on.

15 Q. You tell --

16 LADY SMITH: Even if they were there in court, they wouldn't
17 necessarily know which particular young offenders
18 institution or borstal they were being taken to, would
19 they?

20 A. Generally, I think people knew, depending on where they
21 were, which court, where the individual would be taken
22 to. Certainly for borstal there was only one principal
23 borstal, so that if they were sentenced to borstal
24 people knew they would be going to Polmont. I think it
25 would be harder to know necessarily if they were

1 remanded, or if they were sent to a young offenders
2 institution, where that might be.

3 LADY SMITH: Post-borstal, as I recall, certainly from my
4 era of being in practice and being a judge, once we
5 moved to the post-borstal era the language used by the
6 judge, sheriff or High Court, would be "detained".

7 A. Yes.

8 LADY SMITH: The judge hasn't a clue actually where the
9 system is going to be able to take the young person, but
10 it is important to recognise it's not a prison sentence
11 if it's somebody under 21.

12 So if all the information the family had was what
13 the Judge on the bench had said that wouldn't get them
14 very far?

15 A. That is correct. I think therefore generally there was
16 an understanding that a young offender would either be
17 taken back to -- if they were in Glasgow perhaps back to
18 Barlinnie or if they're in Inverness they would go back
19 to the local prison, before being transferred down.

20 In those days, the transfers were undertaken by the
21 prison system. We had our own escorting system, so --
22 and resources were not always available, so they would
23 be at their local place until such time as moved to the
24 place where the sheriff or judge had indicated they
25 should go.

1 LADY SMITH: Thank you.

2 Ms Forbes.

3 MS FORBES: My Lady.

4 I think you told us earlier that they would spend

5 a period of time in the assessment part of Polmont

6 before it was decided -- I think you said it was two

7 months -- if they would stay there and go to the borstal

8 section of Polmont or whether they would be allowed to

9 go to an open borstal?

10 A. Yes.

11 Q. You tell us they would be given their borstal equipment

12 and clothing, would that be things like a chamber pot

13 and things like that?

14 A. Yes.

15 Q. Probably the next morning they would be seen by the

16 doctor, who would just check and see if they were well?

17 A. Yes.

18 Q. That wouldn't be at reception time, it would be the next

19 morning?

20 A. I'm trying to think back. There may well have been

21 a nurse officer who would have seen them initially or

22 given a cursory check, but the proper medical

23 examination was undertaken by a medical practitioner.

24 Q. Over to the next page, I think you tell us that the

25 doctor would have been an external practitioner who had

1 a contract with the borstal and would just come in?

2 A. Yes.

3 Q. Wasn't on site?

4 A. Yes, that is correct.

5 Q. There was also a forensic psychiatrist and

6 a psychologist who were in the same position, they were

7 external and would come in on occasion?

8 A. Yes.

9 Q. Paragraph 13, you tell us about the daily routine at the

10 allocation unit and explain that at their induction they

11 would come into the hall or wing and staff would show

12 them the ropes, tell them what the routine was and what

13 they had to do.

14 A. That is correct.

15 Q. And that the allocation centre was more regimented and

16 routinised than later in the sentence?

17 A. Yes.

18 Q. At this stage, is this when they're being told things

19 like how to make their bed, what time they'll be

20 expected to be up and ready to come out of their rooms?

21 A. Yes, early on they would have been, yes, given that

22 instruction, that advice.

23 Q. Was there a reason why the allocation centre was more

24 regimented and routinised than when you actually moved

25 to the borstal part?

1 A. I'm not sure I know.

2 I suspect that if there's going to be discipline or
3 control or whatever imposed it's going to be done
4 earlier in sentence and then relaxed, rather than the
5 other way round, which would be very difficult to do.
6 So that I think when people come in they're told what is
7 to happen.

8 It is also in a way -- I'm not suggesting this is
9 a reason for it -- it is a support mechanism if things
10 are prescribed, so that people know exactly what it is
11 they have to do and when and so on. The initial stage
12 maybe if people are feeling lost and so on, then knowing
13 the routine and understanding the structure is helpful.

14 Q. You tell us that inmates would be woken up at 6 o'clock
15 in the morning and then they would have to clean
16 themselves, wash and tidy their cells?

17 A. Yes.

18 Q. You mentioned chamber pots, so there is no sanitation
19 inside the rooms. They would have to have a chamber pot
20 and have to empty that every morning?

21 A. That is correct.

22 Q. They would then have their breakfast before going off to
23 work, education or physical training?

24 A. Yes.

25 Q. In the borstal there were different options depending on

1 your age; is that right?

2 A. Yes, and if you are talking about borstal in general,
3 then also, depending on what stage of the sentence you
4 are at, initially it was one more of about assessment
5 and they would perhaps go to education and be assessed
6 and so on.

7 Once an individual had passed through that stage
8 they would be then -- the idea was more of training, so
9 there would be vocational training courses and education
10 or they would be going to an open borstal where there is
11 less of the support facilities like education available
12 and there would be things like farming or bricklaying
13 courses or vocational courses for car maintenance and so
14 on.

15 Q. You go on to tell us about work in the next paragraph.

16 A. Yes.

17 Q. At Polmont at that time, that included vocational
18 training, so courses like bricklaying and motor
19 mechanics?

20 A. Yes.

21 Q. Was there other work, for example things like laundry,
22 cleaning and cooking?

23 A. I mean there would have been -- I'm trying to think --
24 I'm just thinking back, there might well have been
25 joinery, vocational training and painting and

1 decorating, these sorts of thing, but, yes, there are
2 other sorts of work.

3 There is the domestic work, laundry and the kitchens
4 and so on.

5 Q. Was that done by those who were within the borstal?

6 A. Yes.

7 Q. There weren't staff coming in to do that, that had to be
8 done by the young people themselves?

9 A. Sorry, do you mean staff to do what?

10 Q. Cooking, cleaning, laundry?

11 A. The borstal inmates and in prison generally the kitchens
12 aren't run by the prisoners, so there are staff there to
13 supervise, but a lot of the work is undertaken by the
14 prisoners or inmates.

15 Q. You don't mention it here, but we may look at it later,
16 are you familiar with the term "fatigues"?

17 A. Yes.

18 Q. What did that refer to?

19 A. I think -- I'm not sure if I've used that term. But
20 I think fatigues are extra work, or I suppose that could
21 be extra punishment, that is given to an inmate.

22 I presume that if they're not responding or if they've
23 been punished in some way then I'm not sure who would do
24 it, but somebody would get them to do extra things.

25 Q. The extra things would be things like cleaning?

1 A. Would be cleaning, yes, or working in the kitchen, yes.

2 Q. If I stay on that page, you talk about education. There
3 was a head of education, you tell us, and some teachers
4 who were on secondment from the Local Authority?

5 A. Yes.

6 Q. And some inmates then -- most inmates, you say, not
7 all -- were assessed for their educational achievement
8 and some priority given to those with literacy problems?

9 A. Yes.

10 Q. You say that those keen to continue with studies were
11 welcome?

12 A. Yes. I think they were few and far between, but I think
13 youngsters -- if young men, if they had already
14 undertaken some studies at school or something and were
15 keen to continue them, then I think the staff would try
16 and help if they could.

17 Q. Education was good but basic, you tell us?

18 A. For the majority, yes.

19 Q. I think the way you describe it is the teachers that
20 were providing education would be considered nowadays as
21 perhaps special needs teachers or some other formulation
22 of that description?

23 A. Yes.

24 Q. The understanding of things like dyslexia and additional
25 needs developed your career, but at that time it wasn't

1 well known?

2 A. Yes, I think that is the case for the educational system
3 in Scotland, yes.

4 Q. Go to page 7, the section on healthcare.

5 You tell us at paragraph 16 that there was the
6 doctor that you have talked about and also the nurse
7 officers who you have mentioned.

8 These nurse officers, they were enrolled nurses, is
9 that right?

10 A. Yes.

11 Q. They were staff, prison staff, who were involved in
12 healthcare but weren't necessarily nurses who came from
13 the outside to work in the prison?

14 A. That's correct, yes.

15 Q. The difference is to do with the qualifications, is that
16 correct, at that time the level of the standard of
17 qualifications you would need to be an enrolled nurse or
18 a nurse?

19 A. Yes, I think the enrolled nurse didn't have exactly the
20 same level of qualification as a registered nurse in the
21 Health Service, but, as I indicated, they were staff who
22 decided that they thought this might be a good vocation
23 for them and so they got involved in nursing and then
24 took that qualification.

25 Q. You have already mentioned the psychiatrist and

1 psychologist who came in from time to time as well.

2 A. Yes.

3 Q. Paragraph 17, you tell us that those in the borstal

4 could request to see a doctor, but they would be triaged

5 by the nurse officer initially and they would then

6 decide whether the young person could wait to see the

7 doctor next morning or whether, if it was something

8 serious, they would have to call the doctor in or even

9 arrange for the person to be taken to hospital?

10 A. Yes.

11 Q. You have already mentioned this, but in paragraph 18 you

12 tell us that you don't think there were routine health

13 checks on admission and that those coming into the

14 borstal would be seen by doctors the morning after?

15 A. Yes, not full health checks on admission, if you defined

16 it as when they come in, but certainly if the doctor was

17 there on duty then maybe he would have been seen at that

18 point or normally the next morning.

19 Q. You mention there was no regular dental checks, but

20 a doctor might have looked in their mouths on intake and

21 if something irregular found, then they were referred to

22 a dentist and there was a room with a dental chair?

23 A. Yes, we had a dental room, a dental surgery, but I don't

24 think there was an official process for -- I mean, there

25 wasn't a regular screening. It was on need, I think.

1 Q. Any medical records were kept and would have been held
2 in the medical unit within the borstal?

3 A. Yes.

4 Q. When you refer to medical records at that part of your
5 statement, that would be any records that the borstal
6 had created themselves, it wouldn't be what we now have,
7 National Health Service medical records?

8 A. No, it wasn't. That's correct, yes.

9 Q. You wouldn't have access to that information?

10 A. No. In fact, running forward in my career, when I was
11 the director in the Prison Service I thought that
12 actually what we needed to do, we still had the
13 situation of contracting staff in and that wasn't really
14 a very satisfactory system. So I started the process,
15 although it concluded I think in 2011, after I left, of
16 getting the National Health Service to take over the
17 functions of healthcare in prisons.

18 So it was quite a while later before they were
19 integrated.

20 LADY SMITH: You said, Alec, you, as assistant governor at
21 that time, I think, had no access to the medical
22 records. Who did?

23 A. I'm not sure I said I didn't have.

24 LADY SMITH: I thought you did.

25 A. But on the other hand, you are correct that these would

1 be kept in the medical unit. They were accessed by the
2 medical staff, but I presume that if there was
3 a requirement to find out more about an individual then
4 they might be accessible.

5 In the sense that if somebody said, "Look,
6 I'm concerned about this individual, can we get
7 a psychologist or psychiatrist in?" There might be
8 discussion, then these papers would be taken out and
9 looked at.

10 LADY SMITH: The team of governors would be dependent really
11 on the medical personnel to bring any significant
12 problem to their attention; is that really it?

13 A. That would be the medical ethics as well, wouldn't it,
14 yes.

15 LADY SMITH: Thank you.

16 MS FORBES: I think lastly on page 7, paragraph 19, going on
17 to page 8, you talk about when you and other staff would
18 be concerned about individuals who might have appeared
19 to be depressed and you would refer them to the
20 clinicians, you are talking about the consultant
21 psychiatrist and clinical psychologist, and pass on your
22 concerns to the medical team?

23 A. Yes, that's correct.

24 Q. Those young people would then be interviewed by those
25 individuals and if there were mental health problems

1 identified then they could be transferred to a hospital
2 for treatment or Carstairs, but that would be unusual?

3 A. Yes.

4 LADY SMITH: Carstairs being a reference to the State secure
5 hospital?

6 A. Correct, yes.

7 LADY SMITH: It's 11.30 am, Ms Forbes.

8 I promised you a break at 11.30 am, Alec. Let's
9 take it now and I'll sit again in about a quarter of
10 an hour.

11 (11.32 am)

12 (A short break)

13 (11.50 am)

14 LADY SMITH: Welcome back, Alec. Are you ready for us to
15 carry on?

16 A. Yes, thank you.

17 LADY SMITH: Thank you very much.

18 Ms Forbes, when you're ready.

19 MS FORBES: Alec, just to pick up on something we just
20 finished speaking about before the break, just one
21 question really about the concern you might have about
22 somebody's mental well-being.

23 At that time, there was no ACT & CARE or ACT2CARE or
24 suicide prevention strategies, is that right, in the
25 Scottish Prison Service?

1 A. That's correct, yes.

2 Q. We're at a stage pre those policies coming in force?

3 A. We are, yes.

4 LADY SMITH: We are talking here about the 1970s?

5 A. Yes, for Polmont, yes. But, sorry, those strategies
6 didn't exist for the system.

7 LADY SMITH: Of course, yes.

8 MS FORBES: We are on page 8 of your statement, at the part
9 that deals with visits, paragraph 20. You tell us that
10 in Polmont at that time visits were allowed and
11 arranged. You are not sure about the time that was
12 allocated, but it would certainly be less than would be
13 allowed now.

14 Arrangements and facilities have obviously improved
15 over the years, but visits, you say, were encouraged and
16 families encouraged to come?

17 A. Yes.

18 Q. However, visits were seen at that time as a privilege
19 and something extra?

20 A. Yes. Although they're in the rules as being available,
21 I think the rules also allowed for them to be stopped if
22 there was misbehaviour. I think that was one of the
23 punishments. I think it was just that the culture was
24 there that it could have been that they were seen as
25 a privilege -- not to be earned, but something that

1 could be lost.

2 Q. Depending on behaviour, as a punishment?

3 A. Yes.

4 Q. You say there that for certain individuals it might have
5 been the case that visits were stopped?

6 A. Yes. I'm trying to recall. It's 50 years ago, but
7 I don't recall that happening, but it certainly was
8 possible. As I indicated, in that actually for somebody
9 who maybe was misbehaving because of personal factors,
10 then a family visit might have been or a visit with
11 family might have been something that would have helped
12 them to behave better. So it might have not been
13 helpful to have stopped it.

14 Q. The attitude seemed to be at that time if you didn't
15 behave, you didn't get your visits, but actually that
16 might be to the detriment of your continuing good or bad
17 behaviour?

18 A. Yes.

19 Q. You say that personally you were very keen on family
20 visits and family contact and of course you have talked
21 already about Families Outside and the visitor centre at
22 Edinburgh prison that you were able to build?

23 A. Yes.

24 Q. In paragraph 21, you talk about social workers and that
25 they did visit Polmont on occasion, but it was really

1 only if there was a need for it or a requirement to do
2 so, for example to write a report for court or if
3 a young person was about to be released into the
4 community and would require supervision?

5 A. Yes.

6 Q. You mention that there was -- sorry, did you want to --

7 A. No, I was going to say that was my impression from then
8 that because -- I mean Polmont was an institution,
9 a single institution, and it served the whole country.
10 So that a busy social worker might not want to just pop
11 along, quite a long distance, to see somebody who might
12 be part of their case work for when they're released.
13 We already established that they were subject to
14 supervision on release, so that link wasn't always
15 established until very late on.

16 LADY SMITH: Alec, it seems to follow that in the event that
17 the young person did have an established relationship
18 with a social worker before they went into Polmont, it
19 would come to an end, inevitably?

20 A. It often might. There would be the social worker who
21 was dogged and decided that they would try and see their
22 client, but I think generally you are absolutely right,
23 that in most cases that fell by the wayside.

24 LADY SMITH: Thank you.

25 MS FORBES: Those social workers that were attending, apart

1 from the dogged ones that you've mentioned, they would
2 have been ones specifically for writing reports and for
3 dealing with the supervision on release. They wouldn't
4 necessarily be social workers that would have been
5 involved with a family, for example, before the person
6 went into the borstal.

7 A. Correct, yes.

8 Q. But they would have been from their local area or the
9 court for which they would have to be supervised under,
10 is that right?

11 A. Yes, it would be their Local Authority area, that their
12 home was situated in.

13 Q. If we go on to page 9, paragraph 22, you talk about
14 contact with families and you say that in those days
15 correspondence was a privilege and there was the
16 potential, like with visits, to stop prisoners
17 communicating by letter if they misbehaved?

18 A. Yes, I think that's correct. I haven't checked the
19 rules, but I think that was the same situation, yes.

20 Q. We'll have a look at the rules later, but that's what
21 you tell us there and I think that's correct.

22 You say that prisoners were allocated one free
23 letter a week?

24 A. Yes. They could write. The postage was paid for by the
25 State, by the borstal.

1 Q. We can come back to it later, but it might be that the
2 rules that we look at say it was only actually one
3 letter a week they were allowed to send. Does that
4 accord with your recollection at that time?

5 A. I'm not sure of that. Because the postage was paid for
6 one letter, say they wanted to write to their parents
7 and their granny and they were two separate ones, then
8 maybe they could purchase the stamp from their earnings.

9 Q. Anyone they did write to had to be approved by the
10 staff, they couldn't just write to anyone?

11 A. Yes.

12 Q. But they were expected to write to their families?

13 A. Yes.

14 Q. Correspondence was read and censored prior to being sent
15 out?

16 A. Yes.

17 Q. There was a record kept of all the letters that came and
18 went?

19 A. Yes.

20 LADY SMITH: I realise it's a long time ago, Alec, but can
21 you give me examples of the type of thing that might be
22 censored and taken out of a letter?

23 A. Now, that is a long time ago.

24 I think generally letters were let through. I think
25 that if there was a complaint, then maybe the person

1 would be questioned about that first, to find out what
2 it was before that thing went externally.

3 Also, I suppose if there was a threat made to
4 a member of the public or to the family, or I suppose if
5 there was a suggestion of criminality in there, so bring
6 in something for me. That sort of thing.

7 LADY SMITH: Thank you.

8 MS FORBES: Just on that point, the Inquiry may hear
9 evidence from applicants that letters in which they talk
10 about mistreatment at the prison were censored. Is that
11 something that you were ever aware of?

12 A. No, I'm not aware of it, but I suppose it depends what
13 mistreatment is. If, for example, they were alleging
14 assault, then that would be certainly something that
15 I've already covered in the sense of a complaint, so if
16 there was a complaint, yes, then that might be
17 something.

18 I'm not saying -- I can't remember 50 years ago
19 whether I came across that, but that's the sort of
20 category that might be included, yes.

21 Q. That would be censored?

22 A. Yes, "censored" means read, but then what happens to the
23 letter afterwards, so I think they're probably told to
24 rewrite it or something like that.

25 LADY SMITH: Who would do the censoring?

1 A. That would be the basic staff on the wing or
2 accommodation unit or hall.

3 MS FORBES: Uniformed prison officers?

4 A. Yes.

5 Q. It's not something you were ever involved in personally?

6 A. I'm trying to reflect back. We might have been
7 consulted on something if there was a particular issue,
8 but, no, the censoring was undertaken by staff.

9 Q. Something like an allegation of assault, for example, by
10 a member of staff, if that was to be censored or taken
11 out of a letter or them to be told to write it again,
12 was there a reason as to why that approach was taken at
13 that time?

14 A. I'm inclined to say you better ask the person who did
15 it. I think that if there was a suggestion of
16 an assault and the member of staff was not keen that
17 this went anywhere, then that would be a reason, then
18 I wouldn't have heard about it.

19 Sorry, that's probably not very helpful.

20 Q. You go on to a section:
21 "Leaving Polmont."
22 In paragraph 23 you tell us that you moved to Perth
23 prison after being at Polmont. You were assistant
24 governor in C hall and you tell us about a time when
25 a prisoner requested to see you; is that correct?

1 A. Yes.

2 Q. Was this a prisoner who was about to be released and he
3 was concerned that he didn't want go back to the
4 workshop that day because he was worried some kind of
5 ritual would take place, because he was about to leave?

6 A. Yes.

7 Q. You agreed that he could stay in his cell?

8 A. Yes.

9 Q. You talk about that being one of the tests as a junior
10 manager at that time, because other staff didn't approve
11 of your decision. Is that right?

12 A. Yes. I'm not sure whether it was a test or not, but at
13 the end of the day if you make a decision I think staff
14 would be interested to see whether you sustain it and
15 are consistent about it. So I -- whether it was
16 a correct one, whether that was going to happen or not,
17 I had made that decision and I think then I stood by it.

18 Q. I think you explain in that paragraph that the staff
19 culture was that at that time that you should is let him
20 go back and take whatever ritual would have taken place?

21 A. I think that was -- I think they probably would have
22 said it wasn't likely to happen and if it did well that
23 was something that was expected, but I wasn't going to
24 share in that approach.

25 Q. You comment that that is an indicator of what might

1 happen if there was abuse or something else going on?

2 A. I think what I was trying to say was you had asked

3 earlier about the relationship between non-uniformed and

4 uniformed staff, and I think that if you are given

5 a managerial task, if you are in charge, then you

6 sometimes have to make decisions and sometimes other

7 people think that it may or may not be the correct

8 decision, but you have to -- if you believe it's

9 correct, then I think you have to ensure that it's

10 carried out.

11 Q. I think if I can just read part of what you say in that

12 paragraph to explain that:

13 "These incidences were very trivial but part of

14 understanding how to manage things. They were

15 an indicator of what would happen if there was abuse or

16 something else going on. I never walked past something.

17 As a manager, if you saw something that was broken or

18 a behaviour that wasn't quite right, you might not want

19 to deal with it at that particular moment. But, if you

20 walked past it, especially if you'd seen it, it

21 signalled to others that it was okay."

22 A. Yes. Did you want me to amplify on that point?

23 Q. No, does that sum it up?

24 A. Thank you.

25 LADY SMITH: I would like to know what you're thinking about

1 in saying you mustn't walk past. I get that if you
2 recognise something could be wrong, what is it you do at
3 that point.

4 A. I think I indicated it might be at that point or it
5 might be -- if it's not appropriate to talk to the
6 member of staff with a prisoner present, then it would
7 be done afterwards. But I think the thing is that if
8 you -- to put an extreme case, if you saw a member of
9 staff punch a prisoner, let's say, and you just walked
10 past it, you saw it and you turned away and staff know
11 that you saw it, then they are going to say, "Oh, well,
12 he doesn't mind. We can carry on in this way".

13 I think if you see something that is not right, if
14 staff know you've seen something that is not right and
15 you walk past it, then that sends a signal that it's
16 okay. So I think unfortunately as a manager it can be
17 demanding, in the sense that you have to model
18 appropriate behaviours and appropriate values.

19 LADY SMITH: Am I right in thinking also that in the dynamic
20 circumstances of being in a prison, there are fast
21 decisions to be made as to whether you can move quickly
22 to condemnation, as a leader, or whether the right thing
23 to do is find out more -- make it clear to the staff
24 that you will question what's been going on and you need
25 to know exactly what has been happening?

1 A. Absolutely, yes, thank you for clarifying that.

2 LADY SMITH: There are two possible reactions --

3 A. Yes.

4 LADY SMITH: -- and the challenge for the good leader must
5 be to decide in a particular case, in a very short space
6 of time, which is the right one?

7 A. That relates to behaviours. I think later on I talk
8 about conditions and the same thing applies really if
9 you're walking past and you see things that are broken
10 or damaged or whatever it is and you just sort of ignore
11 it and go on, then the standards could drop in that
12 sense.

13 I think if you want to make sure that if it's about
14 cleanliness, that the place is clean, or if it's about
15 mirrors on the wall to allow people to shave, then there
16 have to be mirrors on the wall.

17 If you go past ablutions and there are no mirrors
18 there and people can't -- there is nowhere for them to
19 shave, then things will carry on in that way. So it's
20 about I suppose picking up on small detail as well as on
21 culture and behaviours.

22 LADY SMITH: Thank you.

23 Ms Forbes.

24 MS FORBES: Is that the idea -- a simple way of putting
25 it -- of leading by example perhaps?

1 A. Thank you, yes, that would be sufficient.

2 Q. I think this Inquiry has heard from several witnesses
3 about the importance and significance of good leadership
4 and that really being the key in some of these places.
5 I take it you would agree with that?

6 A. Yes, I would, wholeheartedly.

7 Q. Looking at your statement again at page 9, you talk
8 about the history of detention centres in Scotland and
9 that starts at paragraph 24 and goes into page 10.

10 You told us that you had carried out some research
11 into detention centres.

12 If we go to paragraph 25, you tell us that in the
13 first half of the 20th century there was discussion
14 about detention centres and the regime that was finally
15 decided upon was a compromise between those who wanted
16 to maintain corporal punishment and somewhat brutal
17 deterrent regimes and those who wanted more reforming
18 regimes. Is that right?

19 A. Yes, that is correct.

20 Q. It was meant to be for people who hadn't got into
21 trouble before, who were the first-time offenders, and
22 were to be given that brutal wake-up call?

23 A. Yes.

24 Q. As you have already said, there weren't many of those
25 around and most detainees had already been involved in

1 criminal activity. The ship had effectively sailed for
2 many of these people; is that right?

3 A. Yes.

4 Q. It also wasn't meant to be for people who couldn't
5 undertake the brutalising physical programme?

6 A. Yes, that is correct.

7 Q. There is a whole range of people who weren't suited to
8 it, you tell us?

9 A. Yes.

10 Q. You then go on at paragraph 26, and you mentioned this
11 earlier, that the first detention centre opened at South
12 Inch House within Perth prison, 1960. That was a senior
13 detention for youths between 17 and 21 and there had
14 been some talk of junior detention centres for 14 to
15 17-year-olds, but that didn't materialise?

16 A. Correct.

17 Q. It was intended to be a separate establishment but that
18 didn't happen. When you say "separate establishment",
19 do you mean separate from an adult prison or separate
20 from other offenders of that same age?

21 A. I think I meant physically. It was separate in the
22 sense of a separate entity, but it was within the
23 grounds of the larger Perth prison.

24 Q. You say something about the routine, that started at
25 6 am, people cleaned, had breakfast, did physical

1 training and drill, but by 1962 there were complaints
2 about prisoners being beaten repeatedly, being subjected
3 to treatment designed to break their spirits, not
4 getting proper medical treatment and that seven youths
5 had tried to commit suicide?

6 A. Yes.

7 Q. In your research, you saw correspondence between the
8 Secretary of State and others?

9 A. Yes.

10 Q. An inquiry was set up and held by the local visiting
11 committee?

12 A. Yes.

13 Q. And there was proceedings against two members of staff
14 for assault at Perth Sheriff Court, but both were
15 acquitted --

16 A. Yes.

17 Q. -- and the Scottish Office ended up reimbursing their
18 legal costs?

19 A. That is correct.

20 Q. We have already mentioned this, but you tell us that
21 detention centres ceased as a sentence in 1988?

22 A. Yes.

23 Q. That gives us some useful background as to how they came
24 about?

25 A. Yes. They came about as a tension between two opposing

1 views.

2 One was the need for corporal punishment and
3 imprisonment and sort of a fairly brutalising way of
4 treating offenders and corporal punishment itself in
5 England, there was an Act in the 1930s to end corporal
6 punishment, so that that wasn't available as a disposal.
7 In those days, generally acts of Parliament were under
8 one umbrella, even though we had a distinct legal system
9 here.

10 There was discussion, but the Second World War
11 intervened so the discussion continued at the end of the
12 Second World War and this particular camp of wanting to
13 sort out a way of inflicting a brutal regime on
14 individuals to shock them was one of the views.

15 The other was that actually you needed reformation
16 and training and support.

17 But one of the problems about the reformation and
18 training and support was that these generally were
19 considered to be -- they necessitated long sentences, so
20 you couldn't provide people with education and training
21 and ... I don't mean welfare support, but the sort of
22 support systems in a short sentence. For example,
23 borstal was an example of where the courts were able to
24 give a training sentence, but it was a longish one.

25 So you had various competing demands but in short

1 and long sentences and so on and at the end of the day
2 the detention centre was conceived as being shortish.
3 It was meant to be a deterrent and it was not meant to
4 have reformative elements to it, but in the private view
5 thought that once people were in then you could do --
6 staff would be recruited who could be a little bit more
7 reformative and they would try and put some of that into
8 it.

9 But there was dialogue so that the Government at the
10 time, in the 1950s, was saying we don't want to have
11 short prison sentences, because they don't do any good.
12 You have other people saying in the House of Lords you
13 have stopped us inflicting pain, you have stopped us
14 committing ridicule, making ridicule of individuals,
15 what you are suggesting is boredom and I think that you
16 should be sending them up the Cairngorms in mid-winter
17 to camp or putting them on boats and making them work
18 hard for a month in extreme conditions.

19 So you had these sort of polarising views and at the
20 end of the day the Government chose detention centre.

21 LADY SMITH: Am I to take it from what you tell us is that
22 it seems clear, at least by the time the detention
23 centre system had been in operation for a short time,
24 that it involved a high risk of abuse?

25 A. It started off as -- I suppose the emphasis was on

1 physical training and on drilling and on regimentation

2 and that I think involved also the chance of abuse.

3 LADY SMITH: From your description, it looks inevitable that

4 this system was going to require the use of force of

5 some sort to achieve compliance by inmates?

6 A. That's right, because although some of the youths might

7 have been fit and able to do what was required of them,

8 others weren't. I think in the initial days -- because

9 I've seen correspondence that seems to indicate that

10 things changed over a period -- the youths were expected

11 to do everything from day one.

12 They were expected to be fit and performing,

13 excessive physical training, as it were, from very early

14 on in their sentence and of course they weren't and

15 couldn't and therefore they were cajoled in whatever way

16 the staff did.

17 LADY SMITH: Thank you.

18 Ms Forbes.

19 MS FORBES: My Lady. If we go over to page 11, this is the

20 section of your statement that you tell us about when

21 you go to Glenochil Detention Centre and Young Offenders

22 Institution -- I think you said it was the other way

23 round as well, perhaps -- in 1976 and at that time then

24 you still hadn't been in the Prison Service for long.

25 Is that right?

1 A. Yes. When are we talking about?

2 Q. 1976.

3 A. Yes.

4 Q. It was a new young offenders institution and had become
5 a detention centre and when you were there there was
6 a senior governor, a deputy governor, some in between
7 governors, assistant governors and then the chief
8 officer 1, chief officer 2, principal officers and
9 prison officers, in that same structure that you told us
10 about earlier, but perhaps with another level?

11 A. Yes, probably I should have added -- I think I have
12 missed out "senior officers" I think were between
13 principal and officers, yes.

14 Q. There was a lot of staff at Glenochil at that time and
15 a large staff structure?

16 A. Yes.

17 Q. You were assigned to be number two in charge at the
18 detention centre?

19 A. Yes.

20 Q. You told us earlier you were part of the management team
21 though for the whole complex, which included the young
22 offenders institution as well?

23 A. Yes.

24 Q. By the end of it you tell us at paragraph 28 you had
25 spent about a third of your career at Glenochil?

1 A. Yes.

2 Q. Because you later returned there, and we went through
3 the postings that you had earlier.

4 A. Yes.

5 Q. If we go down to the regime at the detention centre,
6 paragraph 29, you say that Glenochil was a fairly brutal
7 and militaristic type of regime?

8 A. Yes.

9 Q. By the time that you went there in 1975 you suspect it
10 was less brutal and militaristic than it had been?

11 A. Yes.

12 Q. We talked about the fact that this regime was intended
13 to be a deterrent and one of military-type discipline,
14 focused on physical education and cleanliness?

15 A. Yes.

16 Q. We have been through the research that you discovered
17 and the correspondence about what was envisaged by the
18 regime and the 6 o'clock rise, followed by the washing
19 and the physical drill?

20 A. Yes.

21 Q. That didn't happen, but that was what was being
22 discussed before the detention centre was established?

23 A. Yes.

24 Q. Some of the ideas that were coming forward were, in your
25 opinion, really abusive and brutalising?

1 A. Yes. Those were the initial discussions, perhaps,
2 before detention centres were established.

3 Q. Paragraph 30, you say that because it was supposed to be
4 short, sharp shock, it wasn't possible to do anything
5 reformative in the period of time. A sentence of mostly
6 three months, with remission, which meant two months,
7 and little possible by way of education in that time.

8 By the time people had settled down it was time to
9 leave?

10 A. Yes.

11 Q. You go on to tell us that that meant it remained
12 a strict military regime of physical education, drill
13 and marching and cleanliness?

14 A. Yes.

15 Q. You talk about two manuals from that time that were
16 published for officers entitled "Drill Movements".

17 Before we turn to those, can we just look firstly at
18 another document you provided us with. The reference
19 for it is WIT-3-000001309, page 3.

20 This is the abstract of rules and regulations for
21 detention centre inmates. If we look at the top of that
22 page, we see it's November 1976.

23 A. Yes, I think I put that in, but it's on page 10 as well.

24 Q. Is that from Glenochil?

25 A. On the basis that that was the only place that had

1 a detention centre, yes. It's Scottish, because it
2 refers to "visiting committees" and not "boards of
3 visitors", which would be the English version, so that
4 helps.

5 Q. If we turn to page 4 of that document, we can see that
6 it provides the rules first of all as to what would
7 happen on reception, including at number 1, it says that
8 no parcels or periodicals were allowed to be sent in and
9 that inmates must write to their parents or guardian?

10 A. Yes.

11 Q. Pausing there for a second. At that stage, it may well
12 be that the families of the young person wouldn't
13 actually know where they were and was that supposed to
14 tell them in this letter?

15 A. Yes, and I think that also included information how to
16 get to Glenochil and how to visit.

17 Q. We can see on that same page that it talks about inmates
18 being photographed on reception and at other times

19 A. Yes.

20 Q. There are some rules about when an inmate shall be
21 stripped, that they shouldn't be searched in sight of
22 another inmate?

23 A. Yes.

24 Q. Then we go on to cleanliness at 4. It talks there about
25 having arrangements for every inmate to wash at all

1 proper times, to have a bath or shower on admission and
2 thereafter to shower daily and to shave or be shaved and
3 have his hair cut as required?

4 A. Yes.

5 Q. Also at 5 -- to pause there, the phrase "be shaved",
6 that might imply that if they didn't do it themselves it
7 might be done for them, would you agree?

8 A. I suppose it could be implied that I hadn't noticed that
9 subclause before, but I think it's probably if somebody
10 was incapable of it. I don't think it was in the sense
11 of making them. I think it was to help, but I hadn't
12 noticed that before, and neither had it ever come to my
13 attention.

14 Q. The Inquiry may hear evidence from applicants about
15 their heads being shaved for example for things like
16 lice on admission.

17 A. Yes.

18 Q. Is that something that you are familiar with at that
19 time?

20 A. Yes, I think that did occur.

21 Q. It might well refer to that?

22 A. Except that the last bit says:

23 "... and have his hair cut as required."

24 I think it probably refers to that rather than the
25 head shaved.

1 Q. But there is certainly provision in those rules for
2 someone else to be doing that and not the young person
3 themselves?

4 A. In terms of the hair, yes.

5 Q. At 4(b) it talks about every inmate being provided with
6 toilet articles that are necessary for health and
7 cleanliness. Would this be the chamber pot?

8 A. It would be a range of things. It would be a towel,
9 shaving equipment, a toothbrush and toothpaste and
10 including a chamber pot -- well, chamber pot or it might
11 be already in the cell, but, yes, it would be part of
12 the equipment.

13 Q. Would any of these articles that were provided that
14 you've mentioned, chamber pot, toothbrush, things like
15 that, would they be new or would they just be what was
16 there?

17 A. I think the toothbrush would be new, so items for
18 personal use in that sense would be new. In those days,
19 razor blades were not of a plastic nature. They were
20 the old-fashioned ones with a Gillette razor put into
21 a metal razor blade, so the razor would be new -- the
22 razor blade would be new, but the razor probably would
23 be cleaned and put back into the system.

24 The pot would be probably cleaned from the previous
25 inmate and then put back into the cell.

1 Towels would be fresh and laundered in that sense.

2 Q. At 5, it allows the warden to take charge of things in
3 the person's position like money, clothing and articles
4 and keep them from the inmate and keep an inventory of
5 that.

6 If we go over to page 5, it talks about prohibited
7 articles that would be confiscated. Do you know what
8 type of things they would be?

9 A. For example, I think it would probably be cigarettes if
10 they were not purchased. I'm trying to think of that
11 age group. Smoking for example, most inmates, if they
12 were permitted to smoke, I'm trying to think then they
13 probably were, would have a tin of tobacco so for
14 example if suddenly if some miraculous nice cigarette
15 was seen that wasn't part of issue, then that would be
16 confiscated.

17 A weapon of some sort or ... no, there weren't many
18 things that were circulating or confiscated I think.

19 Q. Number 7 talks about search and that every inmate and
20 his clothing shall be searched on admission by
21 an officer and at such times subsequently as may be
22 directed.

23 That allowed for searches whenever an officer
24 thought it was necessary?

25 A. Yes, but there had to be a reason for it, but, yes.

1 LADY SMITH: Not according to the rule, the terminology of
2 the rule would allow for random searching.

3 A. As may be directed, yes.

4 Yes, you are right that if they are directed to
5 undertake a random search then, yes, it may not be for
6 that individual a specific reason, but the member of
7 staff is directed so to do.

8 LADY SMITH: Yes.

9 Ms Forbes.

10 MS FORBES: My Lady.

11 Who would make that decision? Who would be
12 directing whether searches were to take place and on
13 whom?

14 A. I think generally that would probably have been at the
15 time of the principal officer, so it would have been the
16 head of that shift of staff.

17 Q. In Glenochil at that time there would be the prison
18 officer, uniformed, the senior officer and then the
19 principal officer above?

20 A. Yes.

21 Q. At number 8 it talks about clothing and essentially
22 states that clothing is provided and so the person isn't
23 allowed to wear their own clothes, but it would also
24 include work clothes and the inmates were expected to
25 maintain normal repairs on the clothing themselves?

1 A. Yes.

2 Q. At 9 it says tidiness:

3 "Every inmate shall keep his cell, utensils, books
4 and any other article issued for his use and his bedding
5 and kit clean and neatly arranged, as may be directed by
6 the warden."

7 A. Yes.

8 Q. We may look at photographs later, which show something
9 which might be referred to as a bed block, is that
10 a term that you are familiar with?

11 A. Yes.

12 Q. Is this something that was required in the detention
13 centre for inmates to do?

14 A. Yes. There was a prescribed way of laying out their
15 property, which was called their kit, and of putting
16 spare sheets and blankets and so on together, yes.

17 Q. That had to be done in a very exacting way; is that
18 right?

19 A. Yes. There were not measurements in terms of a ruler,
20 but they had to be precisely folded, yes.

21 Q. It says there:

22 "As may be directed by the warden."

23 This wasn't something that was laid down by the
24 rules; is that right?

25 A. Yes. It wasn't directed, not individually by me or by

1 management, but, yes, these are the -- yes, it was
2 directed by the warden. There is no specific rule in
3 the rulebook or in prison or detention centre rules that
4 explains how things should be laid out.

5 Q. From your experience, was it the case that a young
6 person would come in to the detention centre initially
7 and be shown, for example, a photograph of what was
8 expected of the bed block and how they should lay out
9 their room and then be expected to follow that regime?

10 A. Yes, but I think there was support given initially also
11 by staff in trying to show them, not only a photograph,
12 and also I think that another detention centre inmate
13 who was more senior might be also asked to help them, so
14 that their first day or two, until they got used to it,
15 they would get a little bit of support.

16 Q. Rule 10 deals with food and talks about sufficient
17 quantity of plain and wholesome food, which was to be
18 approved by the Secretary of State, according to dietary
19 scales, and no inmate was allowed to have any other food
20 than the normal diet, unless it was authorised by
21 a medical officer?

22 A. Yes.

23 Q. If we go over to the right-hand side of the page. At
24 the top, at 11, it talks about food complaints and any
25 complaint about food must be made to the warden or

1 officer delegated to receive those complaints as soon as
2 possible after they've received the food.

3 However, it goes on to say that repeated groundless
4 complaints made with the evident purpose of giving
5 trouble will be regarded as breaches of centre
6 discipline?

7 A. Yes.

8 Q. So you could complain about the food, but if you
9 complained and they didn't agree there was something
10 wrong with it then you may well get yourself into
11 trouble?

12 A. That's what the rule says, but in my experience I don't
13 think I ever dealt with anybody who had repeated and
14 groundless complaints about the food. So if they did
15 complain then that was dealt with.

16 One of the duties of whoever was on duty in charge
17 that day -- governor, warden or the deputy warden or
18 whoever -- was to go and taste the lunchtime food, and
19 it seemed to be satisfactory.

20 Q. Would you agree that that rule, with the caveat that you
21 may get into trouble if it's found to be groundless,
22 would perhaps dissuade some people from making
23 a complaint about food if there was one to be made?

24 A. It might do, but it does say "repeated and groundless",
25 so presumably if there was a genuine reason for the

1 complaint then it wouldn't be groundless and if it was
2 dealt with, it wouldn't be presumably repeated. So,
3 yes, I accept that wherever you put in anything that if
4 you -- if you abuse this then you might be subject to
5 discipline, then that could deter somebody.

6 Q. Rule 12 talks about recreation and that at least one
7 hour a day shall be devoted to physical training or to
8 organised games and such periods shall be deemed to form
9 part of the normal working week?

10 A. Yes.

11 Q. It then goes on to talk about work at 13, so every
12 inmate in the detention centre, unless excused by the
13 medical officer on medical grounds, shall be employed on
14 useful work?

15 A. Yes.

16 Q. It says further down:

17 "Arrangements shall be made as far as practicable
18 for inmates to work for at least eight hours outside
19 their rooms in association with other inmates."

20 A. Yes.

21 Q. "Inmates who are idle, careless or negligent at work or
22 refuse to work are liable to punishment."

23 A. Yes.

24 Q. So unless you were excused on medical grounds, you had
25 to work in the detention centre and it was for at least

1 eight hours a day?

2 A. Yes, although the work might vary. Work would include
3 perhaps education, would include physical training, but
4 an activity had to be undertaken during that time.

5 LADY SMITH: That was in an era where eight hours was the
6 normal working day, I think?

7 A. Yes.

8 MS FORBES: Just going back to that recreation point, was
9 the one hour a day physical training part of that eight
10 hours of work or --

11 A. Yes. Although then added to that I think there were
12 evening recreation, which included evening classes and
13 opportunity also to do additional physical education or
14 games, but physical training was part of the day and
15 indeed parading and marching and so on, it was all seen
16 as part of those activities.

17 Q. It was all seen as work?

18 A. Yes.

19 Q. 14, there is a rule about earnings and that inmates
20 could receive payments related to their industry in
21 accordance with the rates approved by the Secretary of
22 State and might spend money on articles and subject to
23 such conditions again as the Secretary of State
24 determined.

25 Then there is something about sweets not being able

1 to be eaten at work that were bought from the canteen?

2 A. Yes, I see that.

3 Q. If we go over to page 6.

4 At the top left, it talks about Sunday work, that if
5 you were religious, of the Christian religion, that you
6 wouldn't have to work on Sundays and if you were of
7 a different religion and had a different day of worship,
8 that you didn't have to work on on that day either.

9 At 16 it states that inmates shouldn't be required
10 to attend any religious service against their wish.

11 Go down to 17. It talks about remission and states:

12 "Arrangements shall be made by which an inmate
13 ordered to be detained in a detention centre may be of
14 good conduct and industry become eligible for release
15 when a portion of his term of detention, not exceeding
16 one third of the whole term of detention, has yet to
17 run."

18 That was after two-thirds you could be released
19 early?

20 A. Yes, or I would put it the other way, that you would be
21 released unless --

22 Q. You had had some days taken off?

23 A. Unless remission was taken from you, yes.

24 Q. I think we'll see in a minute, that was one of the
25 punishments, wasn't it?

1 A. Yes.

2 Q. It talks about education at 18, that those of school age
3 would be able to have their full-time education within
4 the normal working week and those not of school age
5 could have part-time education, either within the normal
6 working week or outside it.

7 It then goes on to visits --

8 LADY SMITH: I hope it doesn't, but does that provision
9 conflict with the provision about working for eight
10 hours every day or was education regarded as work?

11 A. I think my recollection firstly is that education was
12 not available full-time. It was there for those who
13 required remedial education in the detention centre.
14 That would be maybe one period, so it wouldn't be
15 a whole day. Inmates of school age, I'm just looking at
16 this afresh and thinking that the school leaving age
17 then was -- it may have been 15 and raised to 16 in --
18 no --

19 LADY SMITH: 1976 I think it was either 15 or 16.

20 A. I think raising school leaving age happened in about
21 1972/1973, yes, I think. So they would have been 16.
22 So everybody there I think in the detention centre would
23 have been -- they may have been of school age, but they
24 could well have left.

25 LADY SMITH: If you weren't of school age, under (b), there

1 was supposed to be arrangements made for part-time
2 education?

3 A. Yes.

4 LADY SMITH: Just going back to the provision about working,
5 can we go back to that one? I can't remember what
6 number it was.

7 MS FORBES: Page 5, rule 13 on the right-hand side, halfway
8 down.

9 LADY SMITH: Thank you.

10 We have a "so far as practicable" exception, does
11 that mean in reality you would read those together and
12 if you had a young person -- on the education paragraph,
13 every inmate was entitled to at least part-time
14 education?

15 A. Yes.

16 LADY SMITH: So if it was an education week, let me put it
17 that way, maybe fitting with normal term times or
18 whatever, they couldn't do both the eight hours work and
19 the education.

20 A. No, no, education was considered part of work. So it's
21 one of the activities, so they would be doing physical
22 training, drill, education, if that was required. They
23 would be working perhaps in the kitchens or working in
24 a workshop or cleaning, so it's all part of activity,
25 which is classed as work.

1 LADY SMITH: Thank you. That has solved that conundrum for
2 me. I'm grateful.

3 MS FORBES: If we can go back to page 6 and to the left-hand
4 side, if we go down to rule 19, letters and visits.

5 At (a) it says:

6 "Every inmate shall be allowed to write and receive
7 a letter on reception and thereafter to write one letter
8 each week and to receive a visit once in four weeks.
9 The warden may allow an inmate to write a letter in lieu
10 of a visit."?

11 A. Yes.

12 Q. On the face of it, this rule would seem to suggest at
13 that time anyway that all that was permitted was one
14 letter to be written a week by the inmate?

15 A. Yes.

16 Q. And a visit just once in four weeks?

17 A. Yes. Although I know that later on, so I don't know --
18 this is the sort of rules that are the sort of minimum
19 rules and I know that -- I'm trying to think when, but
20 I think it's later on in my spell at Glenochil,
21 certainly the minimum provided was two half-hour visits
22 per month and it was dependent on grading, so it would
23 be up to two one-hour visits a month.

24 Q. There was a period, I think in the 1980s perhaps, when
25 they were allowed more than what we have here in the

1 rules, but at that time it was only one letter a week
2 and one visit every four weeks?

3 A. Yes, that is what this says. That is correct, in terms
4 of visits certainly, that that was the case. I really
5 don't know whether we limited it to one letter if there
6 was a need or somebody requested more, but that is the
7 minimum there that's stated.

8 Q. I think if we go over to the right-hand side of the page
9 at the top, to (b) and (c), we'll see that there are
10 some exceptions.

11 (b) talks about letters being subject to censorship
12 and the warden having the right to stop any letter if he
13 considers the contents to be objectionable, and we
14 talked about that.

15 Then (c) states:

16 "The warden may for special reasons allow an inmate
17 to receive or write additional letters or receive
18 additional visits."

19 A. Yes.

20 Q. (d):

21 "These letters and visits are privileges which may
22 be deferred at the warden's discretion when the inmate
23 is at the time in a detention or a special room, until
24 the period in the detention or special room has
25 expired."

1 A. Yes.

2 Q. If there were special reasons then perhaps a young
3 person may be allowed to receive or write additional
4 letters or receive additional visits --

5 A. Yes.

6 Q. -- but the standard was just the one time a week and
7 once every four weeks?

8 A. Again, I think it really depends on the individual.
9 I think that there might have been cases where an inmate
10 wanted to write more, I don't think it necessarily would
11 have to come to the warden for that. Again, I think
12 a decision would be made by staff if it's necessary or
13 valuable, that might even have been paid for by State or
14 if they needed to have an extra letter they might have
15 paid for the postage, but I don't think it was as stark
16 as it is written on the regulations. These are the
17 minimum requirements.

18 Q. Certainly if you were in a detention or special room you
19 may well not receive your letters or be able to write
20 them and visits would be removed?

21 A. Yes. I was going to say I think on reading this, in (d)
22 it says "these letters", but it doesn't say which it
23 refers to, it doesn't say whether that refers to the
24 original entitlement of one a week or whether it is for
25 special reasons to allow extra and so on.

1 But I have already indicated elsewhere that I think
2 the whole business of letters and visits is a little bit
3 murky, in the sense that although there is a feeling or
4 culture that these things are earned and are privileges,
5 essentially they were never really stopped and where
6 they were that was very rare occasions, I would think
7 that there were special reasons for it.

8 Q. Rule 20 talks about being transferred to hospital, being
9 able to inform the family.

10 21 talks about complaints or requests.

11 A. Mm hmm.

12 Q. And states that -- we touched on this earlier:

13 "An inmate may request to see the warden or
14 an officer of the Secretary of State visiting the centre
15 or a member of the visiting committee, sheriff, justice
16 of the peace visiting, and that the warden shall at
17 a convenient hour every day, other than Sundays and
18 public holidays, see all inmates who have requested to
19 see him."

20 (c):

21 "An inmate wishing to submit a petition to the
22 visiting committee or the Secretary of State should
23 apply to the warden."

24 And that application should not be refused?

25 A. Yes.

1 Q. "... if the inmate elects to close the envelope it shall
2 not be opened by the warden."

3 A. Yes.

4 Q. I think you said when you were at the Scottish Prison
5 Service headquarters dealing with the complaints you
6 would be told about them by the Secretary of State's
7 department, the nature of those complaints, and be in
8 liaison with the prison about what that entailed?

9 A. I'm not sure I recall any coming from detention centres
10 at the time, but certainly if there is a complaint then
11 somehow it needs to be looked at. So it can't just be
12 dealt with as a paper exercise by a civil servant
13 without understanding what the issue is and what needs
14 to be done.

15 Q. I think some of the complaints would go to the visiting
16 committee, not all would go to the Secretary of State,
17 is that right? I think there is the option there?

18 A. That's right. I recall reading somewhere some
19 correspondence early on where the visiting committee
20 were concerned that even though there was the rulebook
21 that in the induction of inmates to the detention centre
22 this wasn't explained properly that they had these
23 avenues to see the visiting committee.

24 This I think was redressed so that they were
25 informed and advised about that as well.

1 Q. At 21(d):

2 "An inmate may be interviewed if he so wishes by
3 a social worker, who will be prepared to offer him help
4 on such matters as finding employment after release.
5 A social worker will also see any inmate who asks to do
6 so, at any time during his sentence, for guidance on
7 domestic or personal problems."

8 We heard earlier in your evidence that social
9 workers were usually only there if there was a reason to
10 do so and normally that would be if they had to do
11 a court report or if the person was about to be released
12 and were needing to be supervised.

13 This suggests that a person could ask to see
14 a social worker if they were having difficulties for
15 guidance on domestic or personal problems. Is that
16 something in your experience that happened?

17 A. I'm not sure about individual cases, but there was
18 a social work unit which was located I think in the
19 young offenders institution side, or serviced more the
20 young offenders institution. That comprised a senior
21 social worker and some social workers from the Local
22 Authority, which was Clackmannanshire. So if an inmate
23 requested to see a social worker it wouldn't be that
24 word would go to wherever the person came from, it would
25 be that the social worker who is based at the

1 establishment would see that person and maybe that would
2 be referred on, through social work contacts, to whoever
3 was necessary for whatever the problem was.

4 Q. A social worker based at the young offenders institution
5 that neighboured the detention centre?

6 A. Yes. I really can't remember whether we had a dedicated
7 social worker or not at the time in the detention
8 centre. I don't think so, but I might be wrong.

9 Q. At (e):

10 "An inmate may also make an application to see the
11 chaplain, priest or educational organiser if he has
12 anything he wishes to discuss."

13 A. Yes.

14 Q. Who is the educational organiser?

15 A. The educational organiser, there were a couple of
16 teachers who came in and in fact once -- I see these are
17 the 1976 rules -- the young offenders institution was
18 established there was an education unit there. They
19 again were seconded from Local Authority, as it were
20 they were then seconded up from the bigger unit of the
21 young offenders institution to the detention centre, so
22 there would be one or two of those staff on duty in the
23 detention centre. So the inmate would then see one of
24 the educational staff.

25 Q. At 22 it talks about reporting sick and that if

1 an inmate wishes to report sick he should do so on his
2 room being opened up on the weekday morning, so that
3 would be the 6 o'clock in the morning, is that right?

4 A. Yes.

5 Q. He would see the medical officer that day or in
6 an emergency he may report sick at any other time?

7 A. Yes.

8 Q. Unless it was an emergency you should wait until the
9 morning when your room was opened up to report that you
10 were sick?

11 A. Yes.

12 Q. We then go on to offences at rule 23:

13 "An inmate shall be guilty of an offence against
14 centre discipline if he ..."

15 Then there is a list:

16 "Disobeys any lawful order or refuses or neglects to
17 conform to any centre rule or regulation."

18 2:

19 "Treats with disrespect any officer or any person
20 visiting a centre.

21 3:

22 "Is idle, careless, negligent at work or refuses to
23 work."

24 4:

25 "Uses any abusive, insolent, threatening or improper

1 language."

2 5:

3 "Is indecent in language, act or gesture."

4 6:

5 "Commits any assault."

6 7:

7 "Communicates with any other inmate without
8 authority."

9 If I stop there for a moment. We might hear some
10 evidence about this later, but was it the case in the
11 detention centre that unless you were allowed to speak
12 you shouldn't be communicating with another inmate?

13 A. I think it's probably more about when rather than who,
14 so at recreation times, then people are allowed to
15 freely talk with each other. I think if for example
16 they're in a work setting and they're not meant to, then
17 it depends on the setting, then that would be
18 communicating with somebody when you shouldn't be.

19 Q. These periods of recreation you have mentioned when they
20 were allowed to talk, they were very short periods, were
21 they not?

22 A. Recreation was in the evening, but I think during work,
23 unless there was a reason why not working in the
24 kitchen, laundry or workshop or whatever, then I would
25 think that they probably were allowed to chat or talk,

1 as long as it didn't affect what they were doing.

2 Q. Your understanding is it's not a complete ban on
3 talking?

4 A. Oh absolutely not, no. It wasn't a silent system, no.

5 Q. At 8:

6 "Leaves without permission any place in which he is
7 required to be."

8 9:

9 "Loses by neglect any centre property."

10 10:

11 "Wilfully disfigures or damages any part of the
12 centre or any property which is not his own. Any
13 writing or marking of walls on any part of the centre
14 will be regarded as a serious breach of discipline and
15 will be punished accordingly."

16 That would include writing or scraping things into
17 desks and things like that, of that nature, would it?

18 A. It could do, but I suppose if somebody was locked up in
19 a cell and they scratched something on the wall I don't
20 think they would have been punished separately for doing
21 that, but it depends what the damage was, I suppose.

22 Q. 11:

23 "Commits any nuisance."

24 A. Yes.

25 Q. There isn't an explanation of what that might be. Do

1 you know what that was referring to, the phrase?

2 A. Not especially, no. I think these are 19 sets of
3 offences, like in any system I suppose they're meant to
4 be catch all at the end of the day, so --

5 LADY SMITH: How would the young person know what would and
6 would not amount to a nuisance, so as to avoid doing it?

7 A. I think that's probably very difficult for the person to
8 know:

9 "Commits any nuisance."

10 Yes, I think that's probably a difficult one to
11 know, but, again, I can't recall, from memory, anybody
12 being brought on a charge for that and there may be
13 records that show what misconduct reports were brought
14 at the time.

15 MS FORBES: Potentially quite a wide scope with that word?

16 A. Yes, I think the wide scope with quite a number of the
17 regulations. About refusing to do what you're told to
18 do and so on. There are a number of rules that --
19 I think common sense has ... this is one of the
20 difficulties, and it's about leadership again and what
21 is enforceable and what isn't. If those in charge are
22 reasonable about what this is, then there won't be
23 abuses. If they're not, then very little things might
24 become offences and therefore that committing any
25 nuisance becomes a much wider category.

1 Q. Does the importance then of leadership in the culture
2 that's fostered become quite important then with
3 something like this?

4 A. I think so. We have said so before, yes.

5 Q. Just to take the rest of that.

6 12:
7 "Takes improperly or is in unauthorised possession
8 of any prohibited article."

9 13:
10 "Gives to or receives or in possession of any
11 prohibited article."

12 14:
13 "Absconds from the centre or from legal custody."

14 15:
15 "Mutinies or incites other inmates to mutiny."
16 Is the phrasing that is used there --

17 A. Yes, it is.

18 LADY SMITH: Would the term have been readily understood by
19 the average youngster.

20 A. Probably not, but in my experience I don't think
21 I've ever seen a charge for that.

22 LADY SMITH: They might have understood "rioting",
23 I suppose?

24 A. Yes, I suppose -- these rules were created from previous
25 sets of rules, and so they might seem a bit archaic to

1 us now but that is what was there at the time and you
2 are absolutely right that people might not understand
3 what they mean.

4 Also, if you think that quite a number of the
5 individuals, I'm not sure now what percentage were
6 illiterate or had very poor reading ages, then giving
7 them this book might not mean much to them anyway.

8 MS FORBES: "Mutiny" sounds like something you might do on
9 a ship, for example?

10 A. Yes, well maybe the Earl of Selkirk was right about
11 people being on a boat then for a month.

12 Q. 16 says:

13 "Makes repeated and groundless complaints."

14 I think this harks back to the earlier rule about
15 food complaints, but this one is in general, about
16 repeated and groundless complaints. That would be
17 an offence that could be punishable?

18 A. Yes.

19 Q. As you said earlier, that would depend on whether they
20 were found to be groundless?

21 A. But in a lot of these rules I don't recall ever
22 an inmate being charged with them, but they're there and
23 therefore you are absolutely right that they might deter
24 people.

25 Q. The next step we have 17:

1 "Makes false and malicious allegations against
2 an officer."

3 It may be if you made a complaint of assault and
4 that was found to not be proved or not to have happened,
5 that then would make it false?

6 A. Yes.

7 Q. The question I suppose would be malicious, whether that
8 came into it, but again would you agree that might be
9 something that would deter, if this is an offence,
10 an individual from making a complaint?

11 A. Absolutely. I think I've referred elsewhere about the
12 imbalance of power and so somebody who makes a complaint
13 against a member of staff really needs to have good
14 supporting evidence before they can believe that it will
15 be heard, I suppose.

16 Q. Just to finish off this part, 18:

17 "In any way offends against good order and
18 discipline."

19 Again, that's quite far reaching?

20 A. Yes.

21 Q. 19:

22 "Attempts to do any of the foregoing ..."

23 A. Absolutely, yes, that is all in the book.

24 MS FORBES: I'm not sure if your Ladyship wants me to finish
25 this bit or just ...

1 LADY SMITH: Two minutes do we have to go?

2 MS FORBES: Yes, I think if we break now ...

3 LADY SMITH: It may be better.

4 If it works for you, Alec, I'll take the lunch break
5 now and I'll sit again just after 2 o'clock.

6 A. Thank you.

7 LADY SMITH: Thank you.

8 (1.04 pm)

9 (The luncheon adjournment)

10 (2.00 pm)

11 LADY SMITH: Welcome back, Alec. Are you ready for us to
12 carry on?

13 A. Yes, thank you.

14 LADY SMITH: Thank you.

15 Ms Forbes.

16 MS FORBES: My Lady.

17 I think if we could have back on the screen the
18 previous document and I think we're at page 7. We had
19 just finished with the offences in the rules and I think
20 we reached rule 24, defence. It states:

21 "An inmate shall, before a report is dealt with, be
22 informed of the offence for which he has been reported
23 and shall be given an opportunity of hearing the facts
24 alleged against him and of being heard in his defence."

25 A. Yes.

1 Q. Is it the case invariably that the offence was found to
2 be proved most of the time, that was the position, is
3 it?

4 A. Are we talking now about detention centre?

5 Q. Yes.

6 A. I think that's probably the case, but I mean it is
7 possible and I think I recall that certainly an inmate
8 I think brought in some evidence or another person to
9 support their case, so they did use this provision, yes.

10 Q. If we look at the punishments at rule 25 and there is
11 a list of punishments which were authorised. The
12 difference between whether the warden or the visiting
13 committee -- how long they could impose or how much. If
14 we look at a caution, first of all, either and then (b):
15 "Forfeiture of such activity of the centre other
16 than work for a period not exceeding [for a warden]
17 14 days and [for the visiting committee] 28 days."
18 So double the period of time.
19 That would be in circumstances where the visiting
20 committee were imposing the punishment?

21 A. Yes.

22 Q. Is that on occasions when they had heard the offence
23 themselves?

24 A. That would be the case, but in my tenure there the
25 visiting committee was never called in for an inmate of

1 the detention centre. I'm not sure if they were ever
2 involved in anything in the young offenders institution.

3 Q. Page 8 and to the left-hand side, at the top it says
4 (c):

5 "Extra works or fatigues [the phrase we talked about
6 earlier] outside normal working hours for not more than
7 two hours per day for a period not exceeding ..."

8 The top of that line would be warden, 14 days and
9 visiting committee, 28 days. One punishment would be
10 extra work or, as you said, extra cleaning or duties,
11 something like that.

12 Outside of the eight hours, at least eight hours
13 normal working hours, for not more than two hours --

14 A. Yes.

15 Q. -- a day? That could be for two weeks or four weeks?

16 A. Yes, but I think that would probably have been for -- if
17 it occurred -- for maybe one or two evenings normally.
18 I think they were done during the recreation period and
19 that would normally have been -- I'm trying to recall
20 here, that an inmate would be asked to clean a floor or
21 something like that instead.

22 That would be the way that extra fatigues was
23 carried out I think and that wouldn't have been
24 an extensive period.

25 Q. (d):

1 "Forfeiture of the privilege of payment for work."

2 Even though they would still be working they
3 wouldn't be paid for that. Again the warden 14 days and
4 the visiting committee 28 days.

5 (e):

6 "A reduction in grade."

7 We will see that there were the three grades, as we
8 come to the end --

9 A. Yes.

10 Q. There were the three grades in the detention centre.

11 (f):

12 "Removal to a detention room under such restrictions
13 of activities, including work and with stoppage of
14 earnings."

15 For a period not exceeding 14 days for the warden,
16 28 days for the visiting committee. So not only you
17 would be removed to a detention room, but you could also
18 have your activities restricted, such as the recreation
19 time?

20 A. Yes.

21 Q. (g):

22 "Confinement to a detention room for a period not
23 exceeding ..."

24 Three days for the warden and seven days for the
25 visiting committee?

1 A. Yes, but I'm not entirely clear what the distinction
2 between that and the one above is, but, yes.

3 Q. One seems to be segregation full stop?

4 A. Yes.

5 Q. The other one seems to be segregation, but you might
6 still get to do some things?

7 A. Absolutely, yes. It depends on the individual
8 determination at the time.

9 Q. (h):

10 "Forfeiture of remission of a period not exceeding
11 ..."

12 For the warden seven days and for the visiting
13 committee no limit, so that could essentially be the
14 whole month of the three months?

15 A. Yes.

16 Q. And the Secretary of State also had the power to make
17 the same awards.

18 Rule 26, "Grading":

19 "Inmates of a detention centre will be graded as
20 follows."

21 Then 1, on reception they'll be automatically
22 grade 1, when they come in, is that right?

23 A. Yes.

24 Q. Then 2, after three weeks he may be considered for
25 grade 2?

1 A. Yes.

2 Q. Number 3, three weeks before discharge he may be
3 considered for grade 3?

4 A. Yes.

5 Q. You needed to be grade 3 if you were to be released; is
6 that correct?

7 A. No.

8 Q. What grade did you need to be?

9 A. Whatever -- I mean, the release didn't depend on the
10 grading. The date of release, if there was a punishment
11 attached it did not necessarily follow, but I think
12 failure normally to obtain a grade might have resulted
13 in the loss of one, two or three days' remission, so
14 that if there were three attempts and three losses that
15 would be maybe nine days then that somebody would do
16 longer.

17 Sorry, I'm just inventing this as a hypothesis. So
18 that wouldn't mean that their release date was stopped
19 or they worked to the end of their sentence, it would
20 just be the amount that was taken off.

21 Q. If we go to the top of that page, to the right, I think
22 we see some more information about that:

23 "Promotion from grade to grade will only be awarded
24 if reports by staff on general all-round ability and
25 behaviour are all very satisfactory. Failure to reach

1 grade 2 at the third attempt will result in the loss of
2 three days' remission."?

3 A. Yes. Thank you. That clarifies it, sorry, I hadn't
4 recalled.

5 Q. After the three weeks, you could be considered for
6 grade 2, is that the first opportunity to be considered
7 for grade 2?

8 A. Yes.

9 Q. But if you failed to reach that grade three times then
10 you would lose three days' remission?

11 A. Again, I don't think automatically. I think often
12 information was taken into consideration about the sort
13 of nature of why somebody failed, so that I think if we
14 felt for example that it really -- they were trying
15 their hardest and that they couldn't achieve the
16 standards that were required, that maybe they didn't get
17 their grade but they didn't necessarily then lose
18 remission, but that was a provision in the regulations.

19 So it didn't always result in a removal of
20 remission, a loss of remission.

21 Q. Reading the words there "will result", it does sound
22 absolute on reading it?

23 A. Yes, it does.

24 Q. If we go forward then to 27, that talks about national
25 insurance and payment of that. If we go over the page,

1 it talks about 28, discharge grant on liberation.

2 A. Yes.

3 Q. That was just something you could apply to get if you
4 were leaving so you would have something to get yourself
5 back to where you came from and sorted out, is that
6 right?

7 A. Yes.

8 Q. If we go to page 12 of that same document, I'm not going
9 through these in detail like we have just done for the
10 rules, but this is Glenochil detention centre Drill
11 Movements, it's one of two booklets which are quite
12 similar that you provided to the Inquiry, is that
13 correct?

14 A. Yes.

15 Q. If we go over to page 13, it sets out the drill
16 movements, the parade and drill instruction and gives
17 some information about qualities of an instructor and
18 what that would involve, what that would require.

19 Go over to page 14, it gives some examples of when
20 drilling a party and what to do and notes for inspecting
21 officers.

22 Then, on the right-hand side of that page, it talks
23 about the body of the inmate and what their clothing
24 should look like.

25 At the bottom right it talks about words that should

1 be used, short, precise words which convey the speed of
2 a good drill, words like, crack, drive, force.

3 I think the rest of the booklet, if we go through to
4 page 20 of this document, but on the booklet it's
5 page 15, it talks about time and pace of the marching,
6 markers on command.

7 On the right-hand side, the top, on the command
8 markers and quite detailed instructions about what
9 should be said and how the marching and the parade
10 should take place?

11 A. Yes, and this is a manual for the staff.

12 Q. Yes. This is a manual for the person who would be
13 carrying out the drill with the inmates?

14 A. Yes.

15 Q. And to try and teach them how to do it properly?

16 A. And ensure consistency, I presume, as well, between
17 instructors.

18 Q. I think, as you've said before, quite a militaristic
19 regime that we're dealing with?

20 A. Yes.

21 Q. The other booklet starts at page 23, but it's almost
22 identical I think in its terms, it's just another very,
23 very similar booklet with detailed instructions about
24 what should be said and what should be looked for from
25 the inmates.

1 I think we talked earlier about the morning routine,
2 the daily routine. I think it was after breakfast in
3 the morning, or before breakfast, there was to be the
4 drill and the parade. Is that correct or do I have that
5 wrong?

6 A. I think things changed. That was the initial drill in
7 South Inch House and it may have been the initial way
8 things were done at Glenochil in 1966, I'm not sure, but
9 that might have been inherited from there.

10 But later on, I think in the 1970s and so on, and
11 I have a note somewhere of the routines, but I'm sure
12 there was just the ordinary getting up and washing and
13 cleaning and having breakfast first, before all the
14 other activities took place.

15 I think initially there was the idea that you would
16 do things, wake them up and they'd start off with drill
17 and PT and things and then have breakfast. That then
18 changed to what is a more normal set of routines,
19 I suppose.

20 Q. How long in an average day during the working week would
21 drills be carried out for?

22 A. I think normally drill was about one hour or one hour
23 a day for new recruits, new inmates.

24 Q. On top of that there would also be work that day --

25 A. Yes.

1 Q. -- and also physical training as well?

2 A. Yes.

3 Q. On top of the drill movements?

4 A. Yes.

5 I'm presuming so, in the sense that that was the
6 normal requirement, but it might be that if timetables
7 crossed they might miss something, but that was part of
8 the repertoire drill movement training for the people
9 that had come in and then physical training and so on
10 for everyone.

11 Q. Would that be every day, apart from a Sunday, or just
12 during the week?

13 A. That was during the week and I think in terms of
14 learning drill movement, that was for early on, first
15 week or two.

16 Q. There would be some extra instruction the first week or
17 two to learn the drill movements?

18 A. Yes, that's what the manual is about. After that, the
19 drill was really just part of the parading or moving
20 around the institution that was part of the normal
21 routine.

22 I don't know if you wanted me to add that generally
23 speaking the inmates were moved around the institution
24 in a marching manner, so that they would move from A to
25 B with the usual marching movements.

1 Q. We might come to that when we talk about the article you
2 tell us about in your statement, that was written for
3 the German Times.

4 A. Yes.

5 Q. I think you mention that at page 13, paragraph 37 of
6 your statement. This was a situation where a journalist
7 contacted or came to Glenochil, I presume with
8 authority, and a photographer to take pictures and
9 observe the routine or the regime at Glenochil?

10 A. Yes.

11 Q. That was in 1982, the German journalist was
12 Reiner Luyken and he came with a photographer,
13 Michael Lange, I think. The purpose was to write
14 an article about the detention centre regime?

15 A. Yes.

16 Q. Is that because at that time Glenochil had become quite
17 well known because of some suicides in the early 1980s?

18 A. That's correct, yes. The institution, although at that
19 point it wasn't the detention centre, had become well
20 known for the suicides, but the detention was an aspect
21 that was of interest. I think it was also something
22 that was politically interesting in terms of certain
23 governments or parties were promoting that sort of
24 regime as the sort of thing that was required, maybe, in
25 the rest of the United Kingdom.

1 Q. You have provided the Inquiry with a number of black and
2 white photographs that were taken by this photographer
3 in conjunction with the journalist, that show a number
4 of aspects of the detention regime. As well as the
5 article itself, this can be found WIT-3-0000005577.

6 If we go to page 5 first of all --

7 LADY SMITH: At this point could I just say that we decided
8 not to black out the faces here for various reasons.

9 (1) I think it's important that people who want to
10 look at these can see them.

11 (2) we understand that some of these people are no
12 longer here, they've since died.

13 (3) it's clear that we see that the whole picture of
14 what was happening.

15 It is just possible that someone, whether in this
16 room at moment or looking at this over the Webex, might
17 recognise someone, I don't know. But if they do,
18 of course, the normal rules apply that these are people
19 who were children at the time and mustn't be identified
20 outwith the ambit of the case study hearing.

21 A. Thank you.

22 MS FORBES: Page 5, we can see a young man running in a gym
23 while an instructor looks on and others sit at the side
24 watching?

25 A. Correct.

1 Q. This is a representation of some of the physical
2 exercise that detainees would be required to undertake?

3 A. Yes, it's one of the things. There was also external --
4 there was a field as well and they could undertake
5 running and some other athletics or sports out there,
6 but, yes, this was part of what was required.

7 Q. If we go to page 7. We can see a young man lifting
8 weights in each arm, again with the instructor?

9 A. Yes.

10 Q. Go to 11. We see young men there in what looks like
11 a gym with gym equipment, using the exercise equipment
12 and their faces, some of them are grimacing?

13 A. Yes.

14 Q. Page 13. There is a young man, in what looks to be
15 a gym, lifting a weight bar behind his head, with the
16 gym instructor again?

17 A. Yes.

18 Q. I think you say in your statement, I'm not going back to
19 your statement just now, but just for reference it's
20 page 14, paragraph 40, the physical training was
21 brutalising. If you didn't want to do it and you were
22 forced to do?

23 A. Yes, but I think I would perhaps qualify that by saying
24 that generally inmates were instructed to do what was
25 expected of them, but that I think staff were -- it's

1 a changing scenario over the years, but gradually
2 understanding that people had to become fit, so things
3 at that stage were already progressing, that this would
4 not be expected of them on day one necessarily, but as
5 they became fitter. So there was some move to
6 an individual response, but the principle was that they
7 had to do it, yes.

8 Q. You describe it as brutalising, is the term you use?

9 A. Yes, I think that is one --

10 Q. Is that still your view?

11 A. Yes, to make people do things like that, I think that
12 probably is, yes.

13 Q. Go to page 17. We can see there it looks like young men
14 in a laundry using a press?

15 A. Yes.

16 Q. That was one of the work tasks that we talked about?

17 A. Correct, yes.

18 Q. Page 19, you see a young man building a cardboard box,
19 is that part of a jigsaw box?

20 A. I think that's correct.

21 Q. If we go to page 21, we see again the completed jigsaw
22 box that would have been created?

23 A. Yes.

24 Q. Page 23, there is a group of young men here who seem to
25 be stripping telephone cables?

1 A. Yes, stripping telephones, yes, GPO telephones.

2 Q. Page 25, we see a young man with tattoos who has some
3 tools in front of him and I think just taking from your
4 statement at page 12, paragraph 32, without going back
5 to it, you say:

6 "If stripping cables or working in a laundry was
7 training for life, then you could say that detainees
8 were given skills or training to equip them for adult
9 life, otherwise they were not."

10 A. Yes, I'm trying to think of the grammar of that, but,
11 yes, I think what was recognised was that detention
12 centre wasn't there to reform or train people and the
13 sorts of tasks that were given were not really life
14 skill tasks to help them with employability.

15 Q. Did it really equip them for anything?

16 A. I suppose the idea would be to respond to instruction.

17 Q. If we go to page 27, I think we see a young man there
18 eating some food on what looks like perhaps one of the
19 cardboard tables, is that right?

20 A. Yes.

21 Q. Is that one of the tables that would be in the
22 segregation room?

23 A. Well, that would be in a segregation room, but I think
24 the person there was -- looks like was not for
25 segregation. The inmate there is dressed in a canvas

1 gown, so that looks like somebody who was on suicide
2 watch or prevention.

3 Q. Do you see in the picture that there appears to be
4 a broken utensil on the plate, some part of a plastic
5 spoon?

6 A. Yes. I don't think -- I could be wrong -- it was there
7 because it was broken. I think one bit had been taken
8 off to stop whatever they felt the whole spoon could be
9 used for.

10 Q. I think you talk later in your statement about a time
11 when you were in Edinburgh prison and there was a lot of
12 broken cutlery, plastic cutlery, that had been broken by
13 previous persons within the prison but hadn't been
14 replaced, so that's not a situation we're looking at
15 here, is it?

16 A. I don't think so, but certainly the other thing did
17 pertain, that prisons don't always replace everything
18 when they get damaged right away.

19 Q. We see that the table that the young man is sitting at
20 there has various emblems and writing scratched into it?

21 A. Yes. Because it was cardboard that had been painted,
22 I suppose it's easier to have done those inscriptions on
23 them.

24 Q. Go to page 29. This seems to be that segregation cell,
25 I think it's the same young man who is in the earlier

1 picture?

2 A. Yes.

3 Q. It just shows a view looking into the door, with the
4 guard standing outside another room?

5 A. Yes. We call them prison officers rather than guards,
6 but, yes.

7 Q. On the table there, I don't know if we can zoom in
8 a little bit, but do we see on the table to the
9 left-hand side is that a chamber pot that is on the
10 table beside the man?

11 A. I don't think so, is it not on the previous photo
12 that -- it's a cup.

13 LADY SMITH: It's his mug, I think, isn't it?

14 A. Plastic mug.

15 MS FORBES: If you go to page 29 again. If we could just
16 zoom in a little bit more, if that's possible.

17 A. I think it's the plastic mug. I think the photographs
18 are probably taken at the same time.

19 Q. If we go to page 31. Do we see is this an orderly room?

20 A. Yes.

21 Q. There is a young man standing in front of a desk and
22 a prison officer standing beside him to the left and
23 what appears to be some sort of non-uniformed member of
24 staff behind the desk?

25 A. The non-uniform member behind the desk is myself, yes.

1 Q. Yes, I did wonder, but --

2 A. No comment.

3 Q. Can you describe what was happening there?

4 A. It's difficult to know what the situation is looking at

5 the photograph, but I think that was discussing

6 somebody's grading review.

7 LADY SMITH: What is it that the officer on the left, who we

8 can see in profile, has in his left hand?

9 A. I think that's maybe a clipboard -- it's probably side

10 on, but some information or a list ... it could be it's

11 a list of the people coming in and going through it --

12 some small clipboard I think. It's probably a bulldog

13 clip at the top, it's side on.

14 LADY SMITH: Yes, side on, it looks a little strange.

15 A. I think it goes down probably further than the hand.

16 I think it's a clipboard.

17 LADY SMITH: Thank you.

18 MS FORBES: This is someone who is having his grading

19 reviewed.

20 A. I think so, yes.

21 Q. During these occasions in the orderly room, is this

22 a representation of how the prison officer would be

23 standing in relation to the young person?

24 A. Yes, and I think there's another person sitting -- you

25 can probably see the hands. That's probably the chief

1 officer there, that is the principal officer with a book
2 and making notes and maybe adding commentary and reading
3 staff reports and so on.

4 LADY SMITH: It may just be the camera angle, but he seems
5 to be standing very close. Did he need to be close?

6 A. It's difficult to know how close. I don't think it was
7 that close, but it's a narrow room unfortunately.

8 I think you're right, it does look like he's close.

9 He's a rather large individual compared to some of the
10 staff.

11 Q. It could at first glance look intimidating, seeing that
12 picture with him standing looking over and down at the
13 young man?

14 A. Yes.

15 Q. If we go to page 33. I think this is a picture of
16 a young man in a segregation cell wearing the canvas
17 gown with the cardboard furniture and there seems to be
18 a Bible on the desk and would there be a copy of the
19 rules beside that as well?

20 A. Those don't look like the rules, but it's certainly
21 a copy of the Bible.

22 Q. We can see in that quite small room, it is quite stark
23 with just brick walls, no decoration or plaster and very
24 plain, stark furniture?

25 A. Yes.

1 LADY SMITH: That seems to be the same room as was in
2 photograph 29, wasn't it? Where we saw the inmate
3 eating? I was looking at the table.

4 MS FORBES: Yes, the markings on the table appear to be the
5 same.

6 LADY SMITH: Mm hmm.

7 MS FORBES: These segregation rooms, as I've described them,
8 could be used for situations, as you have described this
9 young man to be in with the canvas gown, where he was
10 a suicide risk potentially, but could these also be used
11 as punishment rooms, as we have heard about in the
12 rules?

13 A. Yes.

14 Q. It would be the same room, but just used at different
15 times for different purposes?

16 A. Yes, I think that's correct.

17 Q. The Inquiry may hear evidence about the term or phrase
18 "digger", is that something you had heard before,
19 describing these rooms?

20 A. I'm not sure whether I would describe those rooms as
21 diggers or not, but the concept is about a punishment
22 room or a cell, where people are kept. So, yes, that
23 could be applied to that, although I think normally the
24 sort of phrase is like "down to the digger", so it would
25 appear to be somewhere else that is more isolated, but

1 absolutely would comply with that as well.

2 Q. Does your idea of a digger usually conjure up a room
3 without a window for example?

4 A. No, because no accommodation cells are provided without
5 windows, although there were things called silent cells,
6 which are a very different concept, where -- which would
7 be -- or could be windowless. But, no, these are --
8 I mean, that looks like a standard cell that has been
9 adapted for the purpose, because you can see the
10 brickwork and the window is of a standard cell. The
11 radiator and pipes have been covered over with the
12 wooden thing with holes in.

13 Q. The silent cell that you have mentioned, was that
14 something that also existed at the same time you are
15 talking about?

16 A. Not in Glenochil detention centre, no.

17 Q. It wasn't at Glenochil?

18 A. Not in the detention centre. I think there was one
19 silent cell in the segregation unit, or the diggers as
20 you would want to say. There was one built into that
21 suite, but I don't think it was very often used.

22 Q. What would be the difference between the cell we're
23 looking at here and a silent cell?

24 A. A silent cell is basically a cell that would be used --
25 with medical permission -- when somebody was felt to be

1 causing huge damage or violence to others or themselves
2 and needed some greater form of restraint than
3 an ordinary cell and where there was huge amount of
4 disruption going on. I think they were built for that,
5 but I don't think they were really ever used.

6 Q. They weren't used at all?

7 A. I can't say they weren't used at all. I don't think
8 they were used. In my experience, they were never
9 a punishment and they were never used for that sense,
10 but I can't say that in all the time it was there it
11 wasn't used.

12 Q. If we go to page 34, again that is just a different view
13 of the same room?

14 A. Yes.

15 Q. Showing the dimensions.

16 If we go to page 38, this is a picture of a young
17 man holding a chamber pot, is it a plastic pot?

18 A. Yes, plastic.

19 Q. These would be kept in the room and they would, in the
20 morning, have to be cleaned out?

21 A. Yes. It looks like the photographer was in early
22 morning, doesn't it?

23 Q. If we go to page 40. This shows a young man crouching
24 down with a bucket of some liquid, presumably cleaning
25 the floor with a non-uniformed member of staff?

1 A. No, that is not a member of staff. That is the
2 reporter.

3 Q. That is the reporter --

4 A. Probably taking it for his own purposes.

5 LADY SMITH: The German reporter, the German journalist?

6 A. Yes, the German journalist.

7 LADY SMITH: Thank you.

8 MS FORBES: When you talk about cleaning, is this an example
9 of one of the things the young boys would have to do?

10 A. Yes.

11 Q. If we go to page 42. Can we see this is a young man who
12 seems to be polishing the floor?

13 A. Yes.

14 Q. If we go to page 44, this shows two young men scrubbing
15 and cleaning the floor with some prison guards in the
16 background, in one of the corridors? Officers.

17 A. Yes, I would think that was one officer.

18 Q. I'm not sure if there is another one on the right-hand
19 side and one maybe further up on the left, but in any
20 event there is one officer at least.

21 A. Certainly.

22 Q. If we go to page 48, we see again a young man at
23 an intersection of corridors?

24 A. Yes.

25 Q. He seems to be cleaning the floor with a cloth?

1 A. Yes.

2 Q. Are you familiar with the term at Glenochil of
3 a corridor that was called "the Russian front"?

4 A. Yes, I think so. That was in the young offenders
5 institution, it was a big, long corridor.

6 Q. It was one that joined all the halls together?

7 A. Yes, but that was in the young offenders institution.

8 Q. It's not in the detention centre?

9 A. Yes.

10 Q. If we go to page 50. Again we see more young men
11 cleaning the floors --

12 A. Yes.

13 Q. -- with buckets?

14 If we can just go back slightly to 46. Is this
15 an example of a young man standing to attention with
16 a broom as a prison officer walks past?

17 A. It may be, yes.

18 Q. Is that what it looks like?

19 A. There is a young man standing up straight, holding
20 a broom and an officer is walking past. Whether the two
21 are related, I don't know. He might have been standing
22 like that before the officer walked past or not.

23 Q. Was that the requirement that you had to stand to
24 attention when one of the prison officers would walk
25 past?

1 A. I think generally it would be the other way round, that
2 an inmate would be polite when walking past a member of
3 staff and say "excuse me" and so on.

4 I can't recall whether they had to suddenly come to
5 attention if somebody -- it looks like that officer was
6 not paying any attention to what was going on, in
7 relation to that inmate.

8 Q. You would agree though that it does look like he's
9 standing to attention, with his arms straight down by
10 his side --

11 A. Yes.

12 Q. -- and standing straight up?

13 Page 60, is this a photograph that shows men in the
14 washroom area with communal washing facilities, is it
15 a shower and sinks?

16 A. Yes.

17 Q. So there is two young men there and a prison officer
18 standing close by --

19 A. Yes.

20 Q. -- overseeing it?

21 A. The prison officer supervising, yeah.

22 Q. It looks like glass or perspex that is between the
23 prison officer and the young men?

24 A. I think it would be perspex, yes.

25 Q. If we go to page 62. Is this a photograph of young men

1 changing out of their work clothes?

2 A. Yes.

3 Q. If we go to page 64, is this a picture of the young men
4 queueing up in underwear carrying clothes and boots?

5 A. Yes, it looks like that, doesn't it?

6 Q. I think you say, without going back to the statement
7 just now, at paragraph 40, page 14, that there were
8 a lot of changes of clothing during the day at
9 Glenochil, detainees had to change into their breakfast
10 things in the morning, then their physical training
11 clothes and then their work clothes?

12 A. Yes, and from work at lunchtime into clothes to eat
13 lunch and then to change back into work clothes and so
14 on, yes.

15 Q. Then back out again later on that day after work
16 finished?

17 A. Yes.

18 Q. So a lot of changes?

19 A. Yes.

20 Q. Page 68, we can see there is a young man standing, it
21 appears to be outside, and he has a tattoo that says "no
22 fun"?

23 A. Yes. I suspect though that was put on before he
24 arrived.

25 Q. If you go to page 72. This appears to show many young

1 men standing on parade outside dressed in boots and
2 coats?

3 A. Yes.

4 Q. Page 74, can you see that it shows many young men
5 standing with some kind of formation with their right
6 arm bent 90 degrees at the elbow and their heads facing
7 to the right?

8 A. Yes. That's not standing formation. That is a still
9 photograph. They would be just -- I think that's
10 measuring off, so they would be making sure they weren't
11 standing too close to the person next to them and then
12 their arms would go down and they'd face the front.

13 Q. This was part of the drill movements that would be
14 carried out on parade?

15 A. Yes, so that they were standing an appropriate distance
16 from each other.

17 Q. We see in this photograph they appear to all be wearing
18 similar boots with these --

19 A. Yes.

20 Q. -- baggy trousers that they had on and these outside
21 coats, is that the normal uniform?

22 A. I'm not sure -- they look like baggy trousers. I think
23 from what I can see there, this is using old fashioned
24 language, they look like they are wearing gaiters, so
25 that would push their trousers up a little bit.

1 Q. Page 97, does this show again outside a group of young
2 men standing on parade with prison officers going along
3 the line and one of them pointing out something on one
4 of their boots perhaps, but pointing down to the ground?

5 A. Correct, yes. That is the chief officer, so there is
6 a parade I think once a day, of the chief officer at
7 lunchtime. That is presumably his parade.

8 Q. This is part of the inspection that would be undertaken
9 during the parade; is that right?

10 A. Yes.

11 Q. To make sure that the clothes looked in good order and
12 the boots looked correct?

13 A. Yes, and also presumably that they had the proper
14 equipment and proper uniform and clean and tidy and so
15 on, yes.

16 Q. Go to page 99. This again is outside. It seems to show
17 young men again on parade in the middle of some sort of
18 movement, but this time they're not wearing jackets,
19 they just have their shirts on and a prison officer on
20 the right-hand side appears to be in mid-shout?

21 A. Yes, I think that's drill training and that's -- or
22 a drill squad or something and that's one of the drill
23 officers and a wonderful photograph that was captured,
24 but it does show what was happening, yes.

25 Q. Obviously we don't know what the time of year it was,

1 but if we see the trees in the background they don't
2 appear to have any buds on them or leaves, so it may
3 well be that this was a part of the year that wasn't
4 spring or summer?

5 A. I would probably disagree with you, because there is
6 precise dating of when the visit took place. This is by
7 the photographer from abroad and we know it was --
8 I'm trying to think --

9 Q. I know the article was in August?

10 A. I think it was May or June or something, which is
11 normally quite warm in Scotland.

12 Q. If we could go back to page 76. Here do we see a number
13 of young boys outside and they seem to be having their
14 tea and sandwiches. I think you have told us about tea
15 and sandwiches whilst out on parade in your statement.

16 A. Yes.

17 Q. That was the practice, was it, that you would get it
18 outside as long as the weather wasn't too bad?

19 A. That was the practice and I think I only replay what the
20 arguments were and that was that twice a day, in
21 mid-morning and mid-afternoon, there were tea breaks,
22 where they had a cup of tea and a sandwich and to try
23 and feed a lot of people in a short space of time, this
24 was done in a militaristic way and they all just went to
25 collect the things, had their quick cup of tea and

1 sandwich and then deposited it back and went back to
2 work.

3 So, yes, but that was the system.

4 LADY SMITH: I suppose it also had the advantage of getting
5 them outdoors if what they were doing otherwise was
6 an indoor activity?

7 A. Thank you, yes, it did.

8 LADY SMITH: I don't know whether that figured.

9 A. The converse of course, that if it's inclement weather
10 then these things will be done indoors in those
11 corridors that you have already shown and they would be
12 doing it inside, but it did get them away from -- it
13 also broke up the day in the sense that they might have
14 had education one period and then they would have the
15 tea break and then they would go and work in the laundry
16 or something as next. So the day was split up in that
17 way.

18 MS FORBES: Page 84, please.

19 Here can we see a young boy inside the room folding
20 up clothes very neatly on the bed. I think you say that
21 one of the features of this regime was that inmates had
22 to keep themselves clean and tidy, kit had to be folded
23 and laid out in the correct way.

24 A. Yes.

25 Q. If we go to page 86, can we see a young man in his room,

1 with the bed to the right and a table to the left and he
2 seems to be folding out an item of clothing of some kind
3 and to the right we see the same folded shirts that we
4 saw earlier?

5 A. Yes.

6 Q. In the right-hand side at the top of the bed, do we see
7 the bed block that we talked about earlier?

8 A. Yes.

9 Q. It's quite dark in the picture, but in that folded block
10 there would be the sheets for the bed, folded in quite
11 tightly, with an outer blanket as well?

12 A. Yes; that's correct.

13 Q. If we go to page 88.

14 A. If it's of interest, I have a diagram that I happened to
15 find the other day, which I'm happy -- I know it's late
16 in the day, but there is a sort of picture of what it's
17 meant to be and you are welcome ... I'll pass it on --

18 LADY SMITH: Maybe we can relieve you of that before you
19 depart today, Alec. That would be helpful, thank you.

20 A. Absolutely, yes.

21 I'm happy to pass it over now or whenever you wish
22 to look at it.

23 MS FORBES: At page 88 we can see again, I think the same
24 young man in the last photograph, inside the room and he
25 appears to be about to polish the floor. It's correct

1 that the floors had to be polished in the rooms as well?

2 A. They had to be kept clean and polished, yes.

3 Q. Page 92. Again, I think we see here the same young man
4 in his room doing the polishing of the floor?

5 A. The only thing I would say about this, I'm not saying
6 everything of this had to take place. I'm not sure
7 whether this same young person had to do it all at the
8 same time or whether things could do one morning this
9 and one morning the next. What we have is
10 a photographer who wanted to have all these activities.

11 It's absolutely right that these things did occur
12 and so that is clearly the case, but whether it all
13 happened normally within the hour or less that they had
14 between getting up and breakfast, I think, is probably
15 questionable. But it reflects what was required.

16 Q. It reflects the regime at Glenochil at that time?

17 A. Yes.

18 Q. I think you say in your statement at page 14,
19 paragraph 39:

20 "In the past I had heard and read that if things
21 weren't done properly staff would go into cells and rip
22 up the whole lot. They would tell detainees to do it
23 all again. That was fairly abusive and harsh. I am not
24 aware of that happening when I was at Glenochil, but
25 I don't know whether I would have been aware of that as

1 management."

2 A. Yes.

3 Q. This Inquiry may hear evidence that what you had heard
4 and read about staff doing happened and your position is
5 that you might not have known about that if you were
6 management?

7 A. That's correct.

8 I mean the things I read about were things that had
9 happened earlier on in the history of the detention
10 centre, but that doesn't mean that that might have
11 happened and I wouldn't know about it, but I would have
12 hoped that it wouldn't, but I don't think there would
13 be -- unless somebody complained or I was told about
14 it -- a way of knowing about it.

15 I wanted to, if I can, distinguish that from the
16 accounts which I looked at which related to the --
17 I know this goes back a bit -- abuse that occurred in
18 1962 in South Inch House. Where although internal
19 reports seemed to indicate nothing was going on and the
20 warden didn't know anything about it, when the visiting
21 committee undertook their inquiry they heard that
22 actually the chief officer, or the principal officer
23 there at the time, had had a word with a member of staff
24 after something and that the chaplain had come in and
25 seen the warden talk to a prison officer about something

1 after. So the fact they said nothing had happened
2 I would suggest probably wasn't accurate in the report
3 that was initially submitted to the department.

4 All I'm saying is that there is one thing -- if you
5 know about it, then I think you have to deal with it and
6 I don't know if then that was dealt with appropriately.

7 What I would say is that if I had heard that was
8 happening under my watch, or on my watch, then I would
9 have done something about it. I'm not aware of it, but
10 I can't say that it didn't happen.

11 Q. The article that these photographs were taken for was
12 published in a German magazine, or newspaper, Die Zeit,
13 which I think translates to "The Times", on
14 24 August 1984. If we go to page 110 of this document,
15 I think we can see it.

16 That is the first page of the article in German.

17 If we go to page 111 we can see the second page
18 again with some -- I don't think we have seen that
19 photograph in the photographs that we have looked at
20 today?

21 A. Maybe they retained those for the article.

22 Q. If you go to page 112, this is the translation.

23 If we go to 114, all the way to the bottom, you can
24 see that's been signed by an interpreter, who translated
25 it from German into English.

1 A. Yes. Looking at it, I'm not sure it's a very good
2 translation, but it's sufficient, isn't it, to convey
3 what was being said?

4 Q. It might be that sometimes the expression reads funny
5 when it's directly translated, yes.

6 A. Yes.

7 Q. If we go to page 112 and if we can zoom in a little,
8 because it's quite hard to read the document. We can
9 see at the very top of the page:

10 "Drill in jail. The brutal school in Glenochil.
11 How the most disputed detention centre in Great Britain
12 disciplines young delinquents. Report from
13 Reiner Luyken."

14 If I can just read part of that article, the
15 translation, too. It states:

16 "You will be released on the 14th of the month, that
17 is Thursday next week.

18 "Yes, sir.

19 "The boy stands to attention, facing the front,
20 whilst the rector stares at him. The rector then
21 studies the case file which lies on his desk.

22 "Your time over 100 metres has not improved last
23 week.

24 "Yes, sir.

25 "I now read the report of your jail warden to you.

1 Whilst he was making his bed, he has given several times
2 reasons for complaint. He did not show ambition and
3 willingness and due to a lack of discipline, he had to
4 be reprimanded several times and your sports instructor
5 writes, 'He did not make any progress and he seems to be
6 happy to be doing the minimum of what is required from
7 him'.

8 "Yes, sir.

9 "Do you have any difficulties or problems?

10 "No, sir.

11 "What do you mean, asks the rector, the uniformed
12 warden, who stands with clicked heels at the door of the
13 small and empty room. The boy is serving his second
14 sentence and he has not managed yet to reach step two.
15 He is a strong and clever lad whose performance could be
16 better, but now he is more obstinate than the first
17 time.

18 "Would you be against an upgrading?

19 "Asks the rector of the warden who is sitting next
20 to him.

21 "In any case the boy did not show as well to do
22 a performance according to his ability.

23 "The rector looks again at the prisoner who is
24 standing to attention in his blue jail uniform:

25 "You heard it. You failed a third time to obtain

1 an upgrading and you've got the ability to get this
2 upgrading, but you are just lazy. According to this
3 institute's regulations three days of your amnesty will
4 be cancelled.

5 "Yes, sir.

6 "The door flings open.

7 "Get out, left turn and right and right and right.

8 "The floor echoes from the harsh orders. The next:

9 "And right and right and right, left turn, prisoner
10 attention."

11 If I continue on, it says:

12 "A main feature of the Scottish detention centre
13 Glenochil is the weekly dialogue with inmates about
14 their progress and their upgrading. Glenochil, this has
15 become a keystone in the discussion about the execution
16 of a sentence in Great Britain. It has heated
17 a passionate debate about the short, sharp shock
18 treatment, a tough military drill which should cure the
19 juvenile inmates thoroughly from their habit of
20 stealing. All of the inmates are not hardened
21 criminals, not yet. The boys are between 16 and
22 21 years of age, who had committed theft, break in, or
23 who lost control in a pub fight. They have to serve
24 short sentences only. The last year the number of these
25 delinquents has increased who had committed drug

1 offences. Some of the inmates have made the desperate
2 attempt to use the bad name of Glenochil for their own
3 purposes.

4 "Psychiatrist Dr Kreitman from Edinburgh Royal
5 Hospital thinks that the higher rate of self-mutilation
6 and attempted suicides in the jail is a result of
7 imitation, which caused a lot of publicity.

8 "Last winter, voices were heard to close the
9 scandalous institute when a 17-year-old boy committed
10 suicide just a few days before his release. The
11 Scottish Citizens Council called the institute 'brutal'
12 and 'brutalising'. Even many judges, especially in
13 rural districts, do not agree with the Glenochil
14 methods. The judges think the short, sharp shock
15 treatment is an outdated penalty system for juveniles."

16 Then it goes on to give a quote from the director of
17 Glenochil at the time. If we go on to page 113 there is
18 a further quote from Mr McVey:

19 "Most of our boys come out of a world where they
20 will be accepted only if they give a damn about the law.
21 These boys have problems which go deeper than the
22 respective offence, for which they are sentenced. The
23 words 'resocialising' and 'reparation' are big words but
24 what can you do if the lads simply refuse to co-operate
25 with reference to resocialising efforts. You can ask

1 them to do much work for the good of the community, they
2 just do not co-operate."

3 I think further down we see another quote from
4 Bill McVey, in the same paragraph where he said:

5 "We submit our boys to a strict discipline. They
6 must understand that our society does not function
7 without discipline and self-discipline. But always
8 pressure. That's no help for them. We therefore
9 practise a system with decreasing supervision and
10 increasing self-responsibility. Privileges will be
11 granted to those who succeed.

12 "We hope that a person can discipline himself after
13 he is released from the jail. We cannot change the boys
14 but we can encourage them to change. That's the idea.
15 That might sound a bit vague, but to me it seems to be
16 the right choice."

17 There is then reference to yourself:

18 "His assistant, Alec Spencer, who is responsible for
19 the daily running of the prison, declares what their aim
20 is:

21 "If one of the boys gets a job, he cannot tell his
22 boss to piss off. When asked to do a job he would be
23 dismissed. We are dealing with relevant basic ideas.
24 These basic ideas of behaviour and other ideas will be
25 taught, because some boys lack self-discipline and

1 cannot read and write properly. If their ability to
2 write is below the level of a ten-year old and if their
3 ability to read is below that of an eight-year old,
4 which is applicable to a quarter of all culprits who
5 arrive at our jail, they will be coached. Two female
6 teachers teach them skills which others take for
7 granted, eg how to use a telephone book and how to fill
8 in a form. Each class consists of four pupils."

9 I don't think that's a quote thereafter from you as
10 it continues, but there doesn't seem to be the end to
11 the quotation marks. Just to stop at that point to ask,
12 was that something that you said to the journalist at
13 the time?

14 A. I don't recall that. I don't know what I said and when
15 it gets translated into German and then translated back
16 I've no idea. I don't think I would have used that,
17 but --

18 Q. Is the sentiment right or not?

19 A. I might well have said that if somebody refuses to do
20 what his boss says then, yes, he would be -- it's likely
21 outside he would be dismissed, but I'm not sure -- that
22 seems to be wholly out of any context, so I've no idea.

23 LADY SMITH: That sounds as though you were trying to
24 explain a way in which you sought to help the boys to
25 learn how to behave if they wanted to get a job?

1 A. Yes. That's one of the things about taking orders and
2 so on, but we also tried to say earlier on that in
3 a short period of detention generally you couldn't
4 really expect behaviour changes, as we would call it.

5 I noted that in the first case you talked about,
6 this was the second time in detention centre, which also
7 seems to run contrary to the concepts. So it was quite
8 a mixed thing.

9 The report is clearly pointing out that this is
10 meant to be the showpiece of British penal life and
11 I think that Glenochil was being used in a political
12 sense to try and advocate for more of these detention
13 centres. We know that Leon Brittan came up to Glenochil
14 to look at it, to model it for the Conservative Party in
15 their conferences, and then said he would go down and
16 introduce it there as a tougher system. So there was
17 a lot of emphasis on trying to make things tougher.

18 LADY SMITH: I think on the -- it might have been the
19 previous page, the recidivism rates you quote are very
20 high. It seemed to be a quotation coming from you.

21 A. Was that recidivism or was that about the educational --

22 LADY SMITH: I thought there was a comment on recidivism at
23 some point.

24 Don't worry, I'll find it in due course. It might
25 have been the previous page, again, towards the foot of

1 the page. 80 per cent -- no, there was something else
2 there about it.

3 No worries, I'll check.

4 A. But the success rate wasn't high and research undertaken
5 before in England had indicated that it was highest, if
6 one could justify the system, in people who hadn't been
7 in trouble before, which is always the case for first
8 offenders anyway, success rates are higher and for the
9 majority it was lower.

10 MS FORBES: I think that quote your Ladyship is referring to
11 is on page 114, and it's three-quarters of the way down
12 and at the bottom of a photograph it says:

13 "We now have a recidivism rate of 70 to 80 per cent,
14 which is self-explanatory."

15 A. Yes.

16 Q. I think earlier in that Bill McVey had calculated
17 a success rate of over 70 per cent at the beginning of
18 that paragraph.

19 LADY SMITH: I would normally take a mid-afternoon break
20 just for five minutes or so now. Would that work,
21 Ms Forbes?

22 MS FORBES: Yes.

23 LADY SMITH: We'll all be able to pause, but not as long as
24 this morning's break, if that's all right.

25 Thank you.

1 (3.06 pm)

2 (A short break)

3 (3.14 pm)

4 LADY SMITH: Are you ready for us to carry on, Alec?

5 A. Yes, thank you.

6 LADY SMITH: Thank you.

7 Ms Forbes.

8 MS FORBES: Back at page 113 again of WIT-3-0000005577.

9 Just after where I stopped reading, I'm just going
10 to continue reading for a bit, it starts:

11 "All prisoners have to get up at 6 am each morning.
12 The key clicks in the lock, the door opens. All get up
13 and stand to attention:

14 "Good morning, sir.

15 "Everything all right?

16 "Yes, sir.

17 "The chamber pot has to be washed out. Groups of 12
18 march to the shower room. It is not allowed to speak
19 a word. The warden stands at the door and barks orders:

20 "Quiet over there, close the door, do it quickly,
21 left turn, march and right and right and right.

22 "The cold tiles echo the orders with a hallow sound.

23 "Warden Meyer has recently attacked the prisoner
24 Welsh in the shower room, because Welsh had
25 systematically provoked the warden. That made headlines

1 in all newspapers. Meyer will lose his job.

2 "The beds have to be made pedantically, the four
3 blankets have to have the shape of a square parcel. The
4 cell has to be cleaned, Bible left, house regulations
5 right.

6 "Taking of positions on the floor:

7 "Wing B, marching position to the cookhouse, left
8 turn, march and right and right and right.

9 "The orders are echoing in the floor:

10 "And right and right and right.

11 "It is not allowed to speak a word whilst eating
12 breakfast or drinking tea. Everybody has to sit
13 properly at the table and it is just allowed to say
14 'Yes, sir' or 'Thank you, sir', otherwise a person will
15 be reprimanded.

16 "8 o'clock: drill in the yard. Marching, right
17 turn, left turn, attention.

18 "9.30 hours: athletics, 100m, hurdle race, one mile.
19 All time results are being recorded and kept in a file.
20 The results will then be compared with yesterday's
21 results.

22 11 o'clock: the weekly summons by the director.
23 A proper school for the boys."

24 If we go over to next page, 114:

25 "12 o'clock lunch and right and right and right.

1 "12.30 hours: troop inspection, standing to
2 attention, waiting and piercing glances of the warden in
3 charge. Turn left and right and right and right.
4 "Cleaners' duty until 3 o'clock.
5 "Fitness training in the gymnasium until 5 o'clock.
6 "After dinner half an hour off duty. One can relax
7 and talk to the comrades. On other occasions one can
8 only look at each other or whisper codewords.
9 "The cells get locked at 9.00 pm. That means nine
10 hours of loneliness.
11 "The lights get switched off at 10.00 pm.
12 "Prior to that the wardens inspect the cells:
13 "Everything all right?
14 "Yes, sir.
15 "Good night.
16 "Good night, sir.
17 "The idea of the short, sharp shock treatment stems
18 from the post-war time, victorious Great Britain, which
19 resulted in a different attitude towards all military,
20 contrary to the defeated Germany."
21 I think it then goes on to talk about governments
22 and government politics, but what I just read out there,
23 a snapshot of the day in the life of a young person in
24 Glenochil detention centre as observed by this
25 journalist, is that an accurate reflection?

1 A. It's accurate in the bits that he has commented on, in
2 the sense what he has commented on is not the periods of
3 work presumably or education, but the bits moving
4 between, so you get the sort of movement, marching, yes,
5 sir, no, sir, whatever it is, and then a gap of
6 an hour-and-a-half and it's like just looking at the
7 adverts on a television programme. You are looking at
8 little bits of it.

9 That is, I'm sure, an accurate reflection, how it
10 might feel at those points, but it's not a reflection of
11 the whole day.

12 LADY SMITH: It's the disciplined structure of the day
13 I suppose, he captures?

14 A. Yes.

15 LADY SMITH: To which some might say there is no problem and
16 indeed if you take young people who have had
17 a dysfunctional, disorganised life you may be assisting
18 them in helping them to learn a way of having
19 an organised day, but it all depends what's in it.

20 A. Yes.

21 MS FORBES: I think later in the article it talks about
22 a change in the law. I think there is a quote again
23 from yourself about what that will mean. I think the
24 reference to that is perhaps the change from -- we
25 talked about earlier, taking away the option to have

1 detention centres, is that right?

2 A. No, I think it's the fact that the people can be sent
3 there more than once. They can have slightly different
4 lengths of sentences that presented, I suppose,
5 management problems in the sense of you weren't having
6 all first offenders doing the same thing. Some people
7 have experienced, as one person was quoted there,
8 detention centre before. So should the staff expect for
9 example a different standard from that person than from
10 somebody coming in who has never done detention before?

11 Q. I think at the very end of the bottom of the page, near
12 the bottom, it says:

13 "From now on, real criminals will be sent to the
14 detention centres who can have an infectious effect on
15 first-time offenders, but if everybody is thrown into
16 a big pot, one gets a one-dish meal in the end.
17 A dangerously cooking brew."

18 That is not a quote from you, that is a commentary
19 by the journalist?

20 A. Yes. I'm trying to think exactly what he would have
21 said in German, but, yes. In a sense, he's saying that
22 one size does not fit all and that's correct.

23 Q. Do you agree with what he says at that time?

24 A. That one -- yes, that one size -- yes. There had been
25 a lot of discussions prior to -- about 1969 onwards

1 about what was an appropriate sentence for a young
2 offender, whether it should be a short period, long
3 period of training, or should it be just related to the
4 offence and should it be that the Judge gives a sentence
5 not according to perhaps what was perceived as needs,
6 that is training, but just in terms of the offence that
7 is committed.

8 The law then changed in 1980 to abolish borstal,
9 which was probably a sentence which was a very long
10 sentence for a young person for what might be a very
11 minor offence. So I think that was a good thing, but to
12 have detention centres and young offenders and to say
13 that -- I think partly because of the length of the
14 sentence they would come to a detention centre and if it
15 was a longer one they would go to young offenders. So
16 there wasn't really any classification as such or trying
17 to sort out for whom it was meant for, not that one
18 could necessarily define what detention centre meant,
19 but there was no real thought given to for whom it
20 should be.

21 I think it was more determined then by the length of
22 sentence.

23 Q. Just going back to your statement, which is
24 WIT-1-000001166, at page 15 you go on to a part of your
25 statement that is headed:

1 "Abuse at Glenochil."

2 That part talks about the working group that you
3 were involved with Derek Chiswick. It looked into
4 suicides at Glenochil.

5 In paragraph 42 you talk about receiving
6 an unsolicited audio recording from a former inmate at
7 Glenochil during the course of that working group?

8 A. Yes.

9 Q. You have provided us with a transcript of that audio
10 recording, which is at WIT-3-000001309. That is at
11 page 62. It says at the top:

12 "Glenochil detention centre 1968. Transcript of
13 unsolicited audio tape received by Derek Chiswick and
14 Alec Spencer for the Chiswick inquiry into the suicides
15 at Glenochil Detention Centre and Young Offenders
16 Institution, March 1985."

17 There is then a short introduction. I am just going
18 to read out what the transcript of that audio recording
19 says.

20 First of all, who was involved in creating this
21 transcript?

22 A. I think Derek Chiswick got one of his staff to do that.

23 Q. Did you hear the audio recording?

24 A. Yes, I think I did.

25 Q. This is something that you provided to the Inquiry, this

1 transcript, is that right?

2 A. It is, yes.

3 Q. I'll just read it:

4 "Some years ago, in 1968, I was sentenced to borstal
5 training. As there was no place available in borstal at
6 that time I was held, along with a party of others, in
7 Barlinnie prison. After a short stay in Barlinnie we
8 were taken by bus to Glenochil detention centre. On
9 arrival, as soon as I stepped off the bus I received
10 a blow from the officer in charge at that time to the
11 stomach. My offence being that I had come off the bus
12 and leaned against the bus. This is a breach of the
13 military-style rules which pertained to Glenochil at
14 that time.

15 "I followed through the media different cases
16 relating to suicides for the past number of years. As
17 an inmate of Glenochil, I can understand why these
18 things can happen. And it was with some amusement when
19 Mr Whitelaw announced to the public that Glenochil would
20 be a place where young offenders would receive a short,
21 sharp shock treatment. I think at that time Mr Whitelaw
22 had only found out where Glenochil was situated and what
23 it was.

24 "On my first day I would like to relate to some
25 instances that occurred on that day. After I was

1 punched in the stomach, as soon as I got off the bus, we
2 were taken by the officers along a corridor and to keep
3 us moving fast we were either punched or kicked by these
4 officers. We were then taken upstairs to the second
5 landing, where we were put into cells. We were still in
6 our civilian clothes. After half an hour we were taken
7 down to see the doctor. The boy in front of me, when
8 going into the room to see the doctor, did not close the
9 door properly. As I was standing at the door jamb
10 I seen what I am now about to relate to you.

11 "The boy was asked by the doctor to drop his
12 trousers. He was then asked again to drop his trousers
13 and he did not comply with the doctor. The doctor come
14 round his desk and punched the boy in the stomach. The
15 boy was lifted off his feet and he landed on the
16 examination bed against the wall that was to the back of
17 him. He was then told to stand on the mat. He was
18 asked again. After three such punches to the stomach he
19 was grabbed by the back of the neck and thrown out the
20 door. Across the passageway there was a sort of
21 a surgery/utility room which had no door on. The boy in
22 question went straight across the passageway and
23 collided with an instrument trolley with trays and such
24 on it. The officer, who was standing at the side, went
25 in and proceeded to punch the boy for knocking over the

1 trolley and the trays. He was then dragged along the
2 corridor by the officer on the doctor's instructions
3 that he be locked up in his cell. The officer proceeded
4 to beat the boy on his way along this corridor."

5 If we go over to the next page, page 63:

6 "After the doctor we were taken to be issued with
7 clothing. We were then taken back to our cells for
8 a short period of time, after which the officer had
9 opened up the cells and told us we were going to receive
10 kit layout and bed block making. This was practised by
11 all the boys in Glenochil.

12 "The incident I am about to tell you was witnessed
13 by all the boys in that landing. The boy in the next
14 cell to me, a ginger-haired chap, had used his pot and
15 on being opened up he'd asked the officer if he could
16 empty his pot. The officer had beforehand prior to
17 being locked up told us in no uncertain terms that you
18 should not use the bell to call or we should not use our
19 pot in day time. This boy had fell foul of that rule,
20 which is not laid down in the rulebook but is practised
21 by the officers in charge of the landings. The boy that
22 had asked to clean his pot was told to empty it in the
23 sluice. The sluices in Glenochil at that time had
24 a porcelain grille at the bottom of it. The boy had
25 emptied his pot, which was diarrhoea. He had emptied

1 his pot into the sluice and it could not go down the
2 sluice because of this grille. The officer remonstrated
3 with the boy, then told the boy to put the pot on his
4 head, inside the pot, where the officer proceeded to
5 turn the pot with his finger. The boy was crying. He
6 was in a very bad state. After that he told the boy to
7 put his hands into the sluice, lift out the grill and to
8 clean it. Then to clean himself as he was nothing but
9 a dirty B.

10 "We were taken into a cell and we were shown how to
11 make a bed block after that incident. The officer
12 showed us the layout by practice and by a photograph
13 that we all had to look at. We were given about
14 15 minutes to practice bed block making, whereby you
15 used your rulebook and Bible to put a crease on your
16 sheets no more than half an inch, I think it was, and
17 the outer blanket had to lift when the hand was inserted
18 flat into the top of the bed block, and lift no more
19 than half an inch from the officer's hand. We were then
20 put back into the cells to practice kit layout and bed
21 block making. Kit layout consisted of putting all your
22 kit on your bed and laying it out in the prescribed
23 manner in which the photograph. Your pajamas had to be
24 striped and each stripe had to correspond with your
25 pajama top/pajama bottom. These were creased, folded

1 into a square and then creased and if the line did not
2 correspond with your top and your bottom of your pajamas
3 then that was an offence. Your shoes had to be polished
4 to sheen. You had to have no fluff in your cell or on
5 your black BD."

6 At the bottom it says "battle dress uniform" is what
7 that stands for:

8 "After a lot of inspections where if the officer
9 found that you were not doing your kit layout properly
10 you received blows, which being in individual cells they
11 were audible as the doors were open. Your cell was then
12 overturned, your mattress, your kit, everything was
13 strewn all over the cell and you had to start again.
14 This went on for quite some time, that day and
15 thereafter on each inspection both morning and in the
16 afternoons.

17 Page 64:

18 "Some time after our arrival at Glenochil we were
19 out on parade ground practising marching. I distinctly
20 remember this boy from Edinburgh, who when marching we
21 were ordered to a left turn, this boy, after he had
22 turned, had fell over and was screaming with pain,
23 holding his knee. The officer in charge come over and
24 kicked him and told him to get back on his feet.
25 There'd be no slackers in his party. Seemingly this boy

1 had a pin to hold his knee together and the pin had
2 broken. He was taken off the parade ground in
3 a stretcher and taken to hospital. Then after some time
4 he was returned again to Glenochil.

5 "We, as a party, were put to work digging trenches
6 for drainage. After a week or two of this I myself was
7 put into a toilet opposite the PO's office."

8 It says at the bottom "principal officer's office":
9 "... in our own wing. I had worked there for a week
10 or two when a boy, who was a detention inmate, was put
11 in beside me. His arm was in a sling, on enquiring
12 about this arm he told me he had been out on the
13 climbing net on the training circuit for detention boys.
14 This circuit borstal boys or borstal inmates did not do
15 as it was an outside circuit. The boy told me that he'd
16 been out in the morning and been climbing the net and
17 he'd got to the top, he wasn't quick enough coming down
18 so he straddled the top of the net and the officer was
19 issuing threats, what would happen to him if he didn't
20 get a move on. The boy had just had enough so he'd let
21 go of the top and fell approximately 20 feet and broke
22 his arm.

23 "At the same time as working in the toilets another
24 detention inmate also on light duties was put to work
25 outside the principal officer's office cleaning

1 a dustbin with wire wool. This went on for some days
2 until the PO one day punched the boy right into toilet
3 where I was working. Seemingly the boy had got bored
4 and proceeded to chew on his thumb. The result of which
5 was the beating from the PO and a trip to hospital.

6 "Another incident occurred when a party of us was
7 sent to polish the floors of our respective churches.
8 The officer on arrival put the RCs in the chapel and
9 then proceeded to empty a gallon can of liquid polish
10 all over the floor. Those of us who were Church of
11 Scotland were taken into the church opposite, where the
12 officer put little drops of polish on the floor. Now
13 each of us sat down and proceeded to polish. The
14 officer sat down at the organ and started to play
15 'orange tunes'.

16 "These are only some of the incidents I myself can
17 tell you about. Saturday mornings were a dread to every
18 boy, detention inmate and borstal inmate, as this was
19 the warder's inspection day."

20 It says at the bottom, "Saturday morning formal
21 inspection by the warden of the centre":

22 "Whereby if a boy failed to pass the warder's
23 inspection this was seen as a bad reflection on the
24 officers. Any boy who failed to pass the inspection was
25 beaten by the officers and his cell was overturned and

1 was denied all recreation.

2 "All the boys at Glenochil were required to do
3 physical training. We as borstal inmates received
4 indoor training on a circuit, with about 20 different
5 exercises. One such exercise I can recall was lying
6 flat on the floor to lift your legs without lifting your
7 head off the floor, lift your legs approximately six
8 inches off the floor, hold that position for about two
9 minutes, open your legs still raised, keeping your feet
10 off the floor, hold that position for about two minutes,
11 close, hold the position then lower to the floor. Some
12 of the boys that couldn't do this exercise, the officer
13 would stand above them with a medicine ball and if they
14 couldn't lift their legs and hold the position the
15 officer dropped the medicine ball on their stomachs,
16 which I have received myself a few times at the start of
17 physical training, not being used to that severe
18 training. If the officer found that you were slacking
19 in any way you received extra training, whether it was
20 lifting weights, sit ups, wrist rolls you were required
21 to do with a weight attached to a length of rope and
22 a broom handle at the other, you were required to do 20
23 wrist rolls, about 20 sit squats with a weight, about 50
24 press ups, run jumps, bench jumps, on the wall bars to
25 lift your legs up and if you were slacking in any way

1 after you had been warned by the officer he would take
2 you into a room at the back of the hall and proceed to
3 beat you on the bottom with a cricket bat. I received
4 three such beatings with the bat myself.

5 "Of all of the incidents I've related to you the
6 only names I can remember is the boy in the toilet with
7 the broken arm, the other boy I think was from
8 Edinburgh. The boy who chewed his thumb I didn't know
9 all that well, so I didn't know his name. The boy that
10 received the beating from the doctor, he ended up being
11 transferred in a very quick period of time to Polmont,
12 where I met and again I ended up, which we called the
13 house on the hill in Polmont, which was built in
14 a square where you could not see out, only in towards
15 the centre of that block.

16 Talking about, I think at the bottom it says Carrick
17 House at Polmont borstal institution:

18 "On looking back on the experiences in Glenochil
19 I find it's a very harsh regime that is very brutal for
20 young boys. The officers are trained in a military
21 fashion and as one officer said to the party I was with
22 at the time, that he was paid from starting work in the
23 morning until they finished at night. That he was paid
24 to shout and make you clean over and over and over again
25 or do your work over and over and over again. No matter

1 how menial the task was they would find fault because
2 you were there for punishment and they were going to
3 punish you. This was the attitude of most of the
4 officers. That officer was an exception to the rule,
5 that he'd spoken to us, because this was the officer
6 that we had in the church with us, which was the only
7 kind thing that any officer had ever said during the
8 period that I was in Glenochil. That was the only kind
9 thing an officer had said, that he was honest enough to
10 come out and say that to the boys, but if we had relayed
11 that to any other officer that officer would have been
12 in serious troubles.

13 "There are other instances whereby I have seen
14 punishments given to detention inmates, whereby they run
15 round the track or the parade ground, there would be
16 a few of these boys, carrying a telegraph pole."

17 Going over to page 66:

18 "The method was, these are on punishments, that they
19 would run, say about 30 yards with the pole on their
20 left shoulders, the boys would be either side of the
21 pole, but it would be on the left side and they would
22 run for so long in that position. Then they would drop
23 it on the right-hand side, then they would run and lift
24 it, raise it above their heads again, run and drop it on
25 the left-hand sides. I had seen this practice with the

1 pole carried out on numerous occasions, also boys
2 running in a party and if the officer thought any one
3 boy was a slacker after ten completed runs of the track,
4 then that boy was told to carry on and in most cases the
5 boys are not fit physically to carry on running, but
6 they were forced by kicks and punches while they were
7 running. If they fell, the officer kicked them until
8 the boy regained his feet.

9 "As I say previously, it was a very harsh regime and
10 I'm not in the least surprised that some of the boys
11 being depressed and taking their own lives. I am only
12 sorry that I haven't come forward in the past, but you,
13 Dr Chiswick, I think on reading my paper today and
14 seeing your letter in the paper, I think that will get
15 to the bottom or hopefully you will get to the bottom of
16 the regime, the harsh regime in Glenochil today.
17 I don't think you will receive any information from the
18 officers or those in charge of Glenochil at this time,
19 but if you could look back on the records of Glenochil
20 and contact some of the inmates, such as myself, or
21 those that were with me at the time, and they would
22 verify some of the instances that I've been talking
23 about.

24 "I sat down today and tried to write a letter to you
25 but there is that much and things that are a bit hazy

1 which I've not told you about, but what I have told you
2 is fact and if you contact any of the boys that were
3 with me at that time they could verify what I'm saying
4 to you now.

5 "If I can help you in any way and in confidence
6 please do not hesitate to write. I wish you and your
7 committee every success because I think this is the time
8 to halt the short, sharp shock treatment and the
9 brutality which I know goes on to this day in
10 Glenochil."

11 That was a transcript of an audio recording that you
12 received during the course of the working party with
13 Dr Chiswick?

14 A. Yes.

15 Q. Of course he's talking about the regime when he was
16 there back in 1968?

17 A. Yes.

18 Q. It was borstal training for him?

19 A. For him, yes.

20 Q. But he's also talking about the treatment of those in
21 the detention centre?

22 A. Yes. I think the reason why you have it is because it
23 remained in my memory, as I think you would think
24 reading a document like that does, and I thought that
25 that was of relevance to this Inquiry.

1 We looked at it when Dr Chiswick was running his
2 inquiry and I think it's not referred to in the report,
3 because I think he was of the view, and I know you have
4 spoken to him, I don't know what he said, but I think it
5 was his view that that was not as relevant to the
6 Inquiry, which was some 18 years or something later. So
7 he had gone round the institution and I think his view
8 and those of non-Glenochil members was that there wasn't
9 evidence of that type of abuse or staff assault that was
10 available to him in the inquiry in 1984/1985, so that
11 was quite a bit earlier.

12 What I did actually find and I think I've referred
13 to it in my research, I mean certainly the Inspectorate
14 had noted I think in February 1969 that there were six
15 borstal inmates remaining at Glenochil to be transferred
16 to Polmont, so it seemed that where there was
17 overcrowding or where there wasn't room people were
18 moved to other areas. This was a long time before
19 I joined the Prison Service, but it would appear that
20 borstal inmates were sent to Glenochil detention centre
21 and clearly suffered, or alleged suffered, a lot of
22 brutality and abuse.

23 There is a note that I've referred to I think in my
24 paragraph 43, where although I couldn't find any
25 complaints or any reference at that time, I noted that

1 in 1972 the Inspectorate had recorded a discussion with
2 the warden and chairman of the visiting committee, which
3 included:

4 "... both assured me that recent incidents involving
5 certain members of staff must be looked at in isolation
6 and there was no evidence to indicate that what is
7 alleged to have happened could be interpreted as
8 frequent practice."

9 That is completely out of context, because there is
10 no context that is provided in any of this
11 documentation, but looks to me the assumption is that
12 there is obviously some sort of practice that wasn't
13 acceptable and that things were gradually changing and
14 I noted there are various committees set up in the
15 detention centre to try and make the regime a little bit
16 more acceptable, a little less harsh, looking at where
17 the inmates should say excuse me or not excuse me and
18 how they should march and so on.

19 So I think something must have happened and there
20 was a realisation that things needed to change, but
21 I can't comment on that, because that was before my
22 time, but I included it because I thought it was quite
23 upsetting.

24 Q. There was no records of complaints at that time that you
25 found, but there is the reference from the Inspectorate

1 discussion which suggests that there was something that
2 they weren't happy about that was going on that needed
3 to be addressed?

4 A. Yes.

5 Q. I think that was at paragraph 43, on page 15 of your
6 statement. If we could go back to your statement, I can
7 see that I think you then go on to say that there was
8 a few years later a record, recording from the
9 Inspectorate, that discipline is a very much less rigid
10 and militaristic than was formally the case. So that
11 was the follow on from that?

12 A. Yes, I mean that all predates what you've been seeing in
13 the pictures, so if it was -- I don't mean if it was
14 bad, but if it was harsh in 1984, then ten years earlier
15 or 20 years earlier it was not less harsh.

16 Q. I think you say at the end of paragraph 43 that you
17 weren't aware of any allegations of abuse or assaults by
18 staff when you worked at Glenochil?

19 A. That's my recollection, but I noticed as you were
20 reading through it, the German article, that a prison
21 officer had been -- there was reference to it and that
22 he was likely to lose his job. So clearly something had
23 happened, I may have forgotten that, but it was
24 processed in a proper way if it was in the public
25 domain.

1 Q. Do you recollect that now or not?

2 A. No, I don't, I'm sorry.

3 Q. I appreciate what you say there that you weren't aware
4 of any allegations of abuse or assaults by staff when
5 you worked at Glenochil. However, this Inquiry may well
6 hear evidence from applicants who say that during that
7 period they were subjected to assaults by staff and that
8 they were subjected to emotional and physical abuse.

9 Would you have any comment to make about that?

10 A. No, I think we should accept what people say and if
11 that's what they say happened, then presumably at this
12 stage there is no reason to disbelieve that. But, as
13 I say, I don't think I was aware of any of that and if
14 they didn't, and I presume they didn't, report it at the
15 time then that would be obviously something that we
16 should note, because the systems need to be in place
17 that they can.

18 Q. With the benefit of hindsight we might look at this
19 regime that we've been talking about today at Glenochil
20 and consider it to be an abusive regime; would you agree
21 with that?

22 A. I think it's probably not only with hindsight, it's
23 a difficult thing for anybody who works in a system to
24 be part of something so, yes, I'm aware that it would be
25 seen as abusive.

1 Q. During the course of the working group I think it came
2 to the conclusion that they didn't have any evidence to
3 support any abuse contributing to any of the deaths, is
4 that right, any of the seven deaths?

5 A. Yes, I think that's correct in the way that was
6 formulated, yes.

7 Q. We might hear evidence in the course of this Inquiry
8 from an applicant that may have come secondhand.
9 However, their position is that the reason that some of
10 these young people might have taken their life at that
11 time was that prison officers were telling other young
12 people inside that they were police informants and that
13 that there was a fear about that and that that somehow
14 was related to it. Had you ever heard anything or any
15 rumours of that nature?

16 A. No, I hadn't, no.

17 Q. That didn't come up at all in your working group?

18 A. No, I don't think so. Certainly not that -- no, I'm not
19 sure how that was used, but ...

20 Q. Whilst you say you weren't aware of any allegations of
21 abuse or assaults by staff at Glenochil, you do talk
22 about one incident that you recall in 1987. That is at
23 paragraph 44 of your statement, going over to page 16.

24 At that time you were acting governor at Glenochil;
25 is that right?

1 A. Yes, I think so.

2 Q. You asked why the chief officer's door had a covering
3 over the small window slit in it when all the other
4 office doors did not?

5 A. Yes.

6 Q. Who did you ask? Was that another young person?

7 A. I think -- yes, I think that was -- well, that was --
8 I think that was what was called a "passman", a prisoner
9 who was working in that area.

10 Q. Actually I think you answer that question just in the
11 next part. You asked him why the window was covered and
12 he gave you information and he said that the chief
13 officer did so in order that he could sit young
14 offenders on his lap in his office without others
15 observing. You comment in your statement that that
16 practice was clearly not appropriate and was abusive.

17 In paragraph 5, you say that you then telephoned him
18 at home, he was someone known to you quite well and you
19 put the allegation to him, is that right?

20 A. Yes.

21 Q. He didn't deny it and you suggested that he end his
22 employment with the Scottish Prison Service and told him
23 that because now you knew that he was bringing young
24 people into his office you would have no alternative
25 other than to report it to the police the following day

1 if he was still a member of the Prison Service by that
2 time. And he submitted his resignation the following
3 morning?

4 A. Yes.

5 Q. That is the only action you took at that time, in
6 relation to that information?

7 A. Yes. We're talking now 1987, which is some time ago,
8 before discussions about abuse really took place, before
9 even I was involved in things like sex offender
10 programmes and so on in the following decade.

11 There was -- from what I had learned, no names
12 given, no information about who might have been on this
13 person's lap and my view was that to try and find out
14 I would have had to -- either have to refer the matter
15 to the police in a sense and they would have had to go
16 round and try and tout for business and ask if anybody
17 had a complaint against this individual and so on, which
18 brings its own problems.

19 I should say that subsequently nobody afterwards
20 said, "That was good or I'm glad you've done that
21 because X or Y", so there was no evidence. The only
22 thing I had was an allegation from somebody about what
23 I thought was inappropriate behaviour and I addressed it
24 there and then.

25 LADY SMITH: Alec, you tell us that he didn't deny what you

1 put to him, which was he was closing off the window so
2 that young people could sit on his knee when they were
3 in his room alone with him?

4 A. That is correct.

5 LADY SMITH: Looking at that through modern eyes, would it
6 be good enough to secure the person's resignation and do
7 nothing else?

8 A. No.

9 LADY SMITH: Why not?

10 A. Well, I think a number of reasons.

11 One is the general safeguarding duty and this person
12 had his own family and I suppose that other people may
13 therefore have been in danger.

14 On the other hand, at that point it looked like
15 situational abuse. I mean this was somebody in power
16 and authority and using that in some way but, as I say,
17 it was a difficult decision to try and make at the time,
18 whether one confronts the person the next morning and
19 says:

20 "I've had this, I'm going to report it to the
21 police."

22 At the end of the day, there might have been no
23 outcome if nobody had made any allegation, because it's
24 just hearsay that this thing had happened. There was no
25 victim reporting anything.

1 LADY SMITH: He would have been free to go and work in
2 another environment --

3 A. Then, of course, that allowed him to carry on and if he
4 had been cleared then as you say he would have been
5 allowed to carry on, but --

6 LADY SMITH: Hang on a minute, Alec. I'm thinking of the
7 modern world, he would be free to go and work in another
8 environment where young people and children were present
9 without even what you might refer to as the soft
10 information about him going on to a disclosure system?

11 A. Yes, I accept that. But we didn't have sex offenders
12 registered or --

13 LADY SMITH: Please, I'm not asking these questions so as to
14 condemn you for what you did at the time. It strikes me
15 rather as very interesting that relatively recently --
16 1987 still seems not so long ago to me -- practices were
17 quite different. I take it, for example, there was no
18 practice within Glenochil or other detention centres or
19 YOIs such as we have now of a strict reporting system to
20 the relevant agencies, including the police, if there is
21 even just an allegation without absolute proof,
22 an allegation which indicates that a person might be
23 a danger to children and young people.

24 A. Yes, that is correct. Thankfully times have changed.

25 LADY SMITH: Yes.

1 Sorry, Ms Forbes. I have distracted your
2 questioning down hopefully not too much of a rabbit
3 hole.

4 MS FORBES: If the same situation presented itself to you
5 today, would you agree you would act in a completely
6 different way?

7 A. Yes, I think so -- yes, the matter would have to be
8 dealt totally differently with, in the sense of both
9 authorities knowing about it and advising the police and
10 so on, yes.

11 Q. So a proper investigation could be carried out and
12 people spoken to, to see if there was something going
13 on?

14 A. Absolutely.

15 Q. Just going forward in your statement, we have obviously
16 covered quite a lot of parts of your later statement
17 earlier on. If I could go forward to page 22. This is
18 a section where you are looking at reporting of abuse
19 and you comment that you don't think -- paragraph 66:

20 "I don't think the term 'safeguarding' was part of
21 the SPS policy in the 1980s. I don't think those
22 concepts were really thought about. There were things
23 about rights, fairness, complaints and how we looked
24 after people, but we hadn't at that stage thought about
25 safeguarding. We just don't know the prevalence of

1 abuse, which is both difficult to prove and define. In
2 terms of inmate-on inmate abuse, there may be
3 a reluctance to tell someone for fear of being labelled
4 a grass."

5 You talk about there being some statistics perhaps
6 that the SPS have about fights between inmates and
7 assaults on staff, but there is less information on
8 abuse by staff.

9 In paragraph 67 you go on to talk about how when
10 complaints were made against staff these were
11 investigated, but staff can close ranks and it's harder
12 to get evidence. You say that as a governor you had to
13 deal with prisoners for a misconduct report in the
14 quasi-judicial setting of an orderly room, like the one
15 we saw in the photograph:

16 "I would hear evidence from both parties and
17 witnesses and arriving at the decision, most often
18 a finding of guilt followed by a punitive sanction."

19 We talked about that earlier.

20 You go on to say that you also had to deal with
21 staff under the discipline code:

22 "Where a finding of guilt led to a recommendation
23 for dismissal. I recall at least one case where staff
24 evidence seemed contrary to what may actually have
25 happened and, in my view, frustrated a just outcome."?

1 A. Yes.

2 Q. Go over to page 23, paragraph 70. At the very bottom of
3 that paragraph you are talking about incidents saying
4 ... we have obviously gone over the incident that you
5 have told us about in your statement with the chief
6 officer, but you say about reporting of abuse:

7 "I certainly would have dealt with any incidents
8 that I heard about it. If governors turn a blind eye to
9 young people being punched, assaulted or given a hard
10 time then abuse will take place. If governors look
11 underneath and try to make sure that things are running
12 as they should be, then things will be better. You need
13 to have good leaders. You can't simply rely on good
14 people from the bottom up. People need to understand
15 the values of the organisation and follow through with
16 procedures, policies and rules."

17 A. Yes.

18 LADY SMITH: You mention the imbalance of power earlier on
19 in your statement and the need to recognise the
20 imbalance of power, which is inevitable in a system that
21 deprives the inmates of their liberty. Is part of
22 instilling the right values in everybody who works in
23 that system, whether as an officer or a governor, to
24 never forget that they hold the power that they have in
25 trust and that is they're being trusted never to misuse

1 or abuse that power?

2 A. Yes, I don't know if I would use the same --

3 LADY SMITH: What would you use?

4 A. I think I would probably talk about individuals having
5 rights and that they have the same rights as everybody
6 else and that they need to be treated in the same way as
7 other people. It's probably similar --

8 LADY SMITH: No. You are being trusted as an officer, as
9 a governor, to respect the rights of those over whom you
10 hold really quite awesome power in many ways.

11 A. I do say that and I think later on there is a quote from
12 me, from a report, which I had to do an investigation
13 on, on another governor, where there was an allegation
14 of tyrannical and abusive behaviour, so, yes, but
15 trust -- sorry, I was picking up on the word "trust",
16 I hadn't used possibly that word.

17 LADY SMITH: Thank you.

18 MS FORBES: Thank you my Lady.

19 Just going forward in your statement, we spoke
20 a little bit about the time you were in Edinburgh prison
21 and that there was a lack of proper furniture and
22 utensils and the surroundings were very bleak and that
23 you ordered that these be fixed and replaced and that
24 walls be painted, to the point that I think you actually
25 went over budget.

1 Thereafter we go to page 26, paragraph 77, there was
2 a period of time where there had been quite a lot of
3 instability in prisons across the Scottish Prison
4 Service and rioting.

5 Then the Prison Service realised there was a need
6 for better prison rights and the recognition that
7 prisoners should be treated as individual citizens with
8 rights who had to be incarcerated, rather than people
9 who were being sent to prison to lose all their rights?

10 A. Yes.

11 Q. You comment that was a sea change over that period and
12 led to a publication of a document called "Opportunity
13 and Responsibility" in 1990?

14 A. Yes.

15 Q. You then go on to talk about the use of restraint and
16 segregation.

17 At paragraph 78 you talk about, firstly, the
18 restraint, as it's used to describe a mechanical body
19 restraint or a manacle?

20 A. Yes.

21 Q. That was something that was only applied following
22 consultation with a medical practitioner in your
23 experience and would only be used for an individual who
24 was perceived to be unwell, often lashing out and
25 a danger to themselves and only in exceptionally rare

1 circumstances, carefully circumscribed and for a limited
2 duration?

3 A. Yes.

4 Q. You only recall that happening two or three times in the
5 course of your career?

6 A. That's correct, yes.

7 Q. Going over to page 27, paragraph 80, you go on to talk
8 about the other meaning of "restraint", which is not
9 just the mechanical one, but the use of physical
10 restraint of an individual in the sense of holding
11 a prisoner or taking them by their arm from one place to
12 another. In that that is something that can involve the
13 infliction of pain, the more people struggle against it?

14 A. Yes.

15 Q. And the more they struggle the more painful it is?

16 A. Yes.

17 Q. You comment, in paragraph 80, that any of these systems
18 which involve staff controlling individuals in this way
19 are open to abuse. Staff can always apply a bit more
20 force than is necessary, but you qualify that by saying
21 that it should be carried out by a team and that there's
22 a senior member of staff who monitors it being done
23 appropriately?

24 A. Yes.

25 Q. Is that moving forward then into more modern times?

1 A. I think they were called three-person teams, where two
2 people were involved in the removal of a prisoner from
3 one place to another and that was supervised, the third
4 person would perhaps be a senior officer. That was when
5 somebody presumably was involved in a fight or had
6 committed an assault or was being violent, so that was
7 controlled by staff. I think what I was trying to
8 indicate was that we would always hope -- that is why
9 there is supervision -- that the minimum amount of force
10 required to control a situation is used, and that is
11 what the rules and circulars indicate.

12 But, things are always -- one has to be aware that
13 things are open to abuse and if, for example, a member
14 of staff has been hurt and other staff are moving
15 a prisoner, you have to hope that they are professional
16 and that they're not using any more force than is
17 required, but it's not necessarily possible to say that
18 that is what happened.

19 Q. One of the things you might have said in the statement,
20 and we can read it, it's a different part of your
21 statement, you talk about the concern you had that if
22 punishments weren't properly meted out that you had
23 a concern that sometimes in your career staff would
24 perhaps make matters in their own hands and that was
25 something that concerned you?

1 A. I don't know if I said if punishments weren't meted out,
2 but I think it's the situation about the imbalance of
3 power. If staff are running an institution and for
4 example a prisoner or an inmate assaults a member of
5 staff, then you would hope as management, you would want
6 the staff to respond in a professional way and control
7 the situation using the minimum amount of force.

8 But if you're not there and you can't see it, real
9 life might mean that they're more angry and more hyped
10 up than you would want them to be in a professional
11 situation and they might use more force. Or if they're
12 taking somebody to the cells, they might themselves
13 commit assault, where you would hope that they
14 shouldn't.

15 I don't know if that helps.

16 Q. I suppose it was the way I asked the question, it's my
17 fault entirely.

18 A. Sorry.

19 Q. Not at all.

20 I think what you were saying in your statement that
21 I read was that you wanted to be seen to follow the
22 processes and if there was a breach of discipline for
23 example by a young person, that then the rules would be
24 followed and any necessary punishment given. So to
25 avoid any members of staff feeling aggrieved if they had

1 been subject of for example assault, so they wouldn't
2 take matters into their own hands.

3 I was just wondering if that was something I think
4 you said that concerned you at certain points in your
5 career?

6 A. I understand the proposition and it's absolutely correct
7 that you want the proper processes to be followed so
8 that everybody has confidence in them and that staff
9 will know that if somebody has genuinely assaulted them
10 and they bring this person before you, rather than the
11 police, let's say, that you will deal with it
12 appropriately and the staff will feel then satisfied or
13 vindicated that they have used the proper procedure and
14 there's been, for them, what they would imagine
15 a satisfactory outcome. So, yes, that's ...

16 Q. Just moving on then to segregation at paragraph 81, you
17 talk about segregation being part of the armoury of the
18 management of prisoners, but usually only applied as
19 a last resort.

20 You then go on further in that paragraph to say
21 segregation can be used for a number of purposes, to
22 punish an individual, to remove a prisoner who is
23 causing a problem to others from normal prison life and
24 routines, to remove a prisoner from others for his own
25 good where it's feared he may be in danger and to be

1 able to better monitor a prisoner in more secure or safe
2 surroundings and where they may be a danger to
3 themselves.

4 You say it's a quite a broad spectrum. There are
5 four different examples that you give there of when
6 segregation might be used?

7 A. Yes.

8 Q. From what we have discussed, it would probably be the
9 same room that would be used regardless of which
10 category you fell into out of the four?

11 A. Yes, it might well be, yes.

12 Q. I think we have talked about how segregation usually
13 implies a fairly sterile and ordered regimes, with cells
14 that have little in them.

15 Paragraph 84, page 28 you say it was the duty of the
16 governor or one of his representatives to visit all
17 parts of the prison every day and that was something
18 that you would do, is that correct?

19 A. Yes, that's correct.

20 Q. You would check that those in segregation were all
21 right, the experience is undoubtedly negative?

22 A. Well, probably for both, but I mean for the person in
23 segregation, yes.

24 Q. Then at the bottom of that paragraph you say:

25 "Although there are cameras in prisons nowadays,

1 they may cover one area only every ten seconds, so there
2 is a nine-second gap between footage. There were
3 certainly occasions when I was left unsure about what
4 had occurred."

5 A. If you are inviting comment, I was thinking back to the
6 comment I made about a disciplinary hearing with
7 a member of staff, where it looks like one thing is
8 happening, but then the system -- I don't know what the
9 system is today, but at that particular time, in that
10 particular place, it was that the sort of the CCTV did
11 a number of different things, so it only came back every
12 bit. So it looked like one thing was happening, so the
13 member of staff was saying one thing and maybe
14 a prisoner was saying another, or maybe more than one
15 staff was saying that one thing had happened and yet it
16 looked on the face of it that the CCTV, although
17 limited, was saying something else. It then becomes
18 a matter of credibility, but if all the staff are
19 ganging up together and saying one thing it becomes very
20 difficult -- that wasn't then in a disciplinary hearing
21 for the inmate. This was in relation to a staff member
22 and it was about assault actually, but that bit wasn't
23 visible.

24 LADY SMITH: I appreciate you may not have experienced what
25 they achieve, but what about body cameras, which

1 I understand are used nowadays, body-worn cameras by
2 officers?

3 A. That would be an improvement, yes. I'm talking about,
4 whatever it was, 25/30 years ago or something.

5 LADY SMITH: Thank you.

6 MS FORBES: I always think that 1980 is only 20 years ago,
7 but it's not.

8 You go on then in your statement at paragraph 85,
9 where you talk about prevention of suicide and that it's
10 a difficult problem and you made the comment that it's
11 not easy to interpret signs, even when there are close
12 relationships such as within a family unit and things
13 are made harder in secure settings by perhaps a lack of
14 friendships and isolation. And those responsible for
15 care are not always able or sufficiently resourced to
16 monitor changes closely?

17 A. Yes.

18 Q. Just quickly, at paragraph 86 you comment that
19 prevention of suicide is not a physical act, unless in
20 the exceptional circumstances of seeing someone in the
21 process of doing so. Are you just commenting there that
22 it's very unusual for you to be in the situation where
23 you can physically stop someone?

24 A. Yes.

25 Q. It's really the lead up to it. I think at paragraph 87

1 you say:

2 "What is required is engagement and interaction,
3 good communications and relationships. The staff should
4 be able to see signs, listen to others and encourage
5 awareness among the inmate group."

6 The next part I just wanted to read out:

7 "Showing a balanced response to risk and not
8 overreacting is important, as overreacting by staff can
9 cause a reluctance to report or express concern."

10 Are you envisaging in that situation someone saying,
11 "I feel I have suicidal thoughts", and then immediately
12 they're taken away to a segregation room and if they
13 know that's something that will happen then they might
14 be less likely to express how they're feeling?

15 A. Exactly.

16 Q. You comment that there's now Samaritans in prisons, that
17 prisoners can talk to, can access the Samaritans I mean,
18 and there are buddy schemes and personal officer
19 schemes, which is something that we have heard about,
20 that was brought in in 1990.

21 If we can over to page 30 of your statement,
22 paragraph 89.

23 You talk about culture and you say culture in part
24 is set by those in charge, so how you treat individuals,
25 respect and rights can be modelled by senior staff as

1 they go round the prison and not walking past anything
2 that does not appear right. To notice something and not
3 do something about it signals to others that it's
4 acceptable. I think you said that earlier?

5 A. We have said that already, yes

6 Q. You go on to talk about the wearing of name badges and
7 accountability to staff. You talk about not wearing
8 protective body armour and that cultural change can be
9 difficult and require strong leadership and buy in from
10 staff?

11 A. Yes.

12 Q. Paragraph 91, you say that leaders must model
13 appropriate behaviours and values, and staff have to
14 want to emulate them. Leaders must also be attuned to
15 what is going on and pick up when what they want to
16 achieve is not happening?

17 A. Yes.

18 Q. You talk then at paragraph 92 about the Glenochil report
19 and the criticism within Dr Chiswick's report that there
20 was not specialised training for staff working with
21 young offenders.

22 If we go over to page 31, and the paragraph that was
23 92, it continues on, at the bottom of the paragraph it
24 says:

25 "There was very little, if any, discussion about the

1 needs of youngsters and their vulnerabilities when I was
2 at Glenochil. By the end of my operational career in
3 2001, the training process was starting to distinguish
4 between different prisoners and awareness of the
5 vulnerabilities of young prisoners was increasing."

6 So things have moved on?

7 A. Yes, and I think you have had somebody from the Prison
8 Service and they will have told you where it is now,
9 I hope.

10 Q. If I can turn to page 32, paragraph 95. At the bottom
11 of that paragraph you say that prisoners need to be
12 aware of the complaints procedure and feel confident in
13 them. It may also depend on what the prisoner is
14 complaining about, as they might find it difficult to
15 complain about a member of staff?

16 A. Yes.

17 Q. I think that echoes what her Ladyship said about the
18 power imbalance?

19 A. Absolutely. If we are looking in institutions, you are
20 complaining about somebody and their colleagues who have
21 power over you.

22 Q. Moving on to page 34, paragraph 100, you talk briefly
23 about the response to prisons having to house children.
24 Usually in your experience they were kept apart, often
25 housed in the prison hospital area?

1 A. Yes.

2 Q. Because that seemed to be the only place to put them?

3 A. I think so, yes. That was used in my time anyway.

4 Q. In paragraph 101 you reiterate your view that there is
5 a stronger case for abolishing imprisonment for those
6 under 18 years of age now that the numbers are so low?

7 A. Yes. I mean I've always been in favour of that, but
8 I think with the handful now ...

9 Q. Page 36, paragraph 104, when you are talking about
10 lessons to be learned, you say that the golden rule
11 would be that under 18s should not be in custodial
12 establishments, and in your view that should apply to
13 under 21s but it would be hard to move the system:

14 "If we change the system and place children and
15 young people in secure units we may have reduced the
16 prison numbers, but we may just have moved the problem.
17 The best solution overall is to keep people out of
18 prison."

19 A. Yes, just that any secure unit, whether it be called
20 a prison in the criminal justice system or whether it be
21 called -- it used to be List D or Approved School or
22 whatever or community facility if it's a secure unit,
23 there is the potential for abuse.

24 Q. Paragraph 105, you state your view that you think that
25 we should move to community courts and that these would

1 be where a community court would deal with the matter,
2 can't impose a prison sentence but can impose unpaid
3 work or training on a needs-based system.

4 You refer to the Kilbrandon Report and the
5 recommendations which resulted in the introduction of
6 the Children's Hearing System, that was said to be needs
7 based and you comment that the criminal justice system
8 remained deeds based and going forward to paragraph 106,
9 in the middle you say:

10 "My vision of a community court is that both needs
11 and deeds would be taken into account."

12 A. Yes. I would love to get on the soapbox and have time,
13 which I know we don't, but I think that a lot of people,
14 and that includes young people, but now to a much lesser
15 extent as there are fewer young people in the system,
16 but a lot of people get pulled into the criminal justice
17 system when there's absolutely no need to and then they
18 get pulled in to custodial disposal, when there is no
19 need to.

20 I don't want to look at both of you, because you are
21 a former fiscal and former judge, but the solution is
22 that both the Crown Prosecution Service and the
23 judiciary have to do things differently. The start of
24 that would be that if -- often people end up in
25 custodial settings because either there's nothing else

1 that people have to offer -- sorry, the sentences or
2 community have to offer, or because they have breached
3 something in a community setting and then that somehow
4 ends up back in a sort of prison context.

5 My simple assumption, and I hope it's not too naive
6 and too simple, is that a decision is made by the fiscal
7 very early on, so that does put the power back with
8 fiscals, that whether this would, if the whole thing
9 goes to its full conclusion, whether it deserves
10 imprisonment. If at the start of the process the fiscal
11 takes the view that it's not something that should end
12 up in penal establishment, then it never gets to a court
13 that can then send them to prison. So for all the
14 custodial ones you would have sheriff and jury or
15 indictment or whatever it is and the higher court and so
16 on, but for cases that the fiscal thinks doesn't warrant
17 imprisonment it would go to some other court, let's call
18 it a community court, it can be run by a sheriff or
19 a justice, but they can do all sorts of things, they can
20 do all the things that are currently under a community
21 payback order in terms of supervision and work and
22 treatment programmes, and the same as the DTOs and so
23 on. But if the person somehow fails, it's a matter for
24 the court to try and help them succeed rather than throw
25 them in prison, because the initial offence didn't

1 warrant it in the first place.

2 LADY SMITH: Speaking up a moment for the court, Alec, you
3 don't necessarily deal with somebody who has breached
4 a CPO by immediately imposing a custodial sentence.

5 A. Absolutely.

6 LADY SMITH: There are many Sheriffs and High Court Judges
7 who will try very hard to give people a second chance,
8 but what they do need is an assurance that the community
9 resource is there. The hardest thing for a Judge is to
10 be faced with a report from a social worker telling you:

11 "We can't take this person on. We do not have the
12 resources available, because of their particular
13 problems."

14 A. I accept that, and I know --

15 LADY SMITH: What do you do?

16 A. -- from Community Justice Scotland that trying to map
17 all the resources and Sheriffs do not have that
18 available to them. But I would also say if you look at
19 the statistics, that a large number of people are sent
20 to prison for very short sentences, despite these days
21 a presumption against short sentences and so really why
22 are Sheriffs sending people to prison for very short
23 sentences. It takes us back to detention centre, is it
24 because they want to give them a taste of what it's
25 like, they want to somehow be punitive. It's not for

1 any other reason? That isn't really in a sense --
2 I suppose it's expressing society's disapproval to some
3 extent, but at the end of the day it's not doing any
4 good to anybody and it's filling up the system and it
5 probably won't help the individual with whatever
6 problems they have, because it's based basically on what
7 they've done rather than perhaps a -- Kilbrandon is
8 mostly about needs, but this is a combination perhaps of
9 looking at the offence and also at the individual
10 circumstances.

11 LADY SMITH: Would you accept that it is all very difficult?

12 A. I certainly would accept that.

13 LADY SMITH: Looking to the future, as of now, we still have
14 to assume that provision must be made for under
15 18-year-olds to be, let me use common language, dealt
16 with in a way that to some extent will deprive them of
17 their liberty and make them go somewhere that isn't of
18 their choice?

19 A. Yes, I can't disagree, because there will be cases that
20 need to be for the public good if nothing else or for
21 their own good to some extent, kept out of -- yeah,
22 general circulation.

23 LADY SMITH: Thank you.

24 Ms Forbes.

25 MS FORBES: My Lady.

1 Just on that point then, paragraph 108, page 37, you
2 say:

3 "When a young person is incarcerated, so it gets to
4 the stage where that is the option, he or she should be
5 housed in a dedicated unit free from adult remand or
6 convicted offenders, the staff, including management,
7 should be carefully chosen from those who are motivated
8 to work with young people. Appropriately vetted and
9 given additional training for working with this age
10 group, understanding their needs, vulnerabilities and
11 the possible traumas they have already been subjected
12 to. It should also be ensured that proper safeguarding
13 measures are in place."

14 A. Yes, although it seems that the first part is just
15 a reiteration of things that have been going round for
16 150 years or something in terms of trying to keep people
17 out of institutions where there are adults as well.

18 MS FORBES: Alec, thank you very much for staying all day
19 today. I don't have any more questions.

20 LADY SMITH: Alec, this is not a deliberate pun but we have
21 detained you for longer today, I know, than you expected
22 to be here, but in mitigation I would plead that you
23 provided a statement that was rich in not just
24 information but thinking that we wanted to talk about.
25 You have helped us understand so much by being prepared

1 to do that so openly and helpfully today. I really
2 value the reflections you've helped us with and I hope
3 you go knowing you have added a tremendous amount to my
4 learning and I'm very grateful to you.

5 A. Thank you very much, your Ladyship.

6 LADY SMITH: Please feel free to go.

7 (The witness withdrew)

8 LADY SMITH: 10 o'clock tomorrow morning?

9 MS FORBES: My Lady, Professor Andrew Coyle.

10 LADY SMITH: He'll be the only witness tomorrow; is that
11 right?

12 MS FORBES: Yes.

13 LADY SMITH: Very well. Until tomorrow morning.

14 (4.29 pm)

15 (The Inquiry adjourned until 10.00 am on
16 Friday, 6 October 2023)

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I N D E X

1		
2		PAGE
3	Alec Spencer (affirmed)	1
4	Questions from Ms Forbes	2
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

