

Scottish Child Abuse Inquiry

Witness Statement of

Andrew COYLE

Support person present: No.

1. My name is Andrew Coyle. My date of birth is [REDACTED] 1944. My contact details are known to the Inquiry.

Personal Background

2. I joined the Scottish Prison Service (SPS) in 1973 as an assistant governor in Edinburgh Prison, where my main responsibility was preparing parole reports for long term prisoners. In 1976 I transferred to Polmont Borstal where I was one of a number of assistant governors, each of whom had responsibility for the oversight of a particular wing. I was initially in charge of the assessment centre, which held all new borstal trainees on admission.
3. In 1978, I was appointed deputy governor of the newly opened prison at Shotts which at that time held adult prisoners who were serving long sentences. In 1981 I was asked to work in SPS headquarters in Edinburgh, where I remained until 1986. In the Operations Division I had responsibility for coordination of staffing and security matters in prisons, which involved regular visits to all prisons and borstals, young offender institutions and detention centres, as well as Longriggend Remand Unit.
4. In 1986 I was appointed governor of Greenock Prison. This had previously been the main prison for women in Scotland and had recently been converted to hold male adult prisoners serving long sentences. In mid-1987, as part of a major reorganisation of Scottish prisons, Greenock was re-designated as a young offender institution for

young men serving long sentences. In 1988 I was appointed governor of Peterhead Prison, which at that time held all the prisoners who had been involved in the recent serious riots and hostage incidents in a number of Scottish prisons. In 1990 I took over as governor of Shotts Prison, which had become the main high security prison in Scotland. In 1991 I transferred to HM Prison Service of England and Wales, where I had been invited to take command of Brixton Prison in London following the high profile escape of two IRA prisoners who were awaiting trial on terrorist offences, where I remained until 1997.¹

5. In 1997 I moved to the Faculty of Law in King's College London, where I became founding director of the International Centre for Prison Studies and Professor of Prison Studies until retirement in 2010. Since then I have continued to be involved in international criminal justice and penal reform issues, including most recently as a member of the International Advisory Board for the UN Global Study on Children Deprived of their Liberty.² In 2012 I was asked by the Scottish Government to undertake a review of its proposals to improve arrangements for independent monitoring of prisons. My report together with recommendations was submitted in January 2013 and the Government published its amended proposals in 2014.³ I am currently honorary president of Howard League Scotland.

System of prison inspections

6. Until 1878 all prisons in Scotland, with the exception of the General Prison in Perth, were under the control of local authorities in various forms and the UK government appointed an Inspector of Prisons to report on their management. The Prisons (Scotland) Act 1877 turned that arrangement on its head and the following year the Scottish Prison Commission was established, taking over the management of all prisons. In parallel, visiting committees were set up for each prison, with membership including a representative of each of the local authorities which sent prisoners to that

¹ My experiences in these prisons are described in greater detail in *The Prisons We Deserve* (Harper Collins, 1994) and *Prisons of the World* (Bristol University Press, 2021).

² Its report was presented to the UN General Assembly at its 74th Session in November 2019 (Doc. A/74/136)

³ Draft Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2014

prison. In their first annual report in 1879 the Prison Commissioners for Scotland described the new arrangements as follows: "... under the previous legislation the local authorities were the executive, administering the prisons, while the Government watched and inspected their administration; now the Government administers, while the local authorities in Scotland, in the shape of visiting committees, watch and inspect." When Polmont Borstal was opened in 1911 the Secretary of State used his powers under the Prevention of Crimes Act 1908 to appoint a visiting committee. He did the same in 1920 when a Borstal for young women was established within Greenock Prison and later when young offender institutions were introduced.

7. The Scottish Prison Commission was abolished in 1923 and administration of prisons was transferred to a division in what became in time the Scottish Home and Health Department, with an assistant secretary appointed as director of the prison service. In 1993 the SPS became an executive agency of the Scottish Government. Following the Report of the Committee of Inquiry into the United Kingdom Prison Services in 1979 an inspectorate of prisons was established which was to be 'distanced' from the prison service but reporting to Scottish Ministers. A distinction was made between the work of visiting committees, which was to monitor the treatment of prisoners on an ongoing and regular basis and to investigate complaints made by individual prisoners, and that of the inspectorate, which was to carry out an in-depth inspection of each prison on an irregular basis (in practice this generally occurs every three or four years) but not to consider complaints raised by individual prisoners.

8. In the latter half of the 20th century arrangements for prison monitoring in England and Wales underwent a series of changes as visiting committees were restructured first as boards of visitors and then as independent monitoring boards, which remains the position today. In contrast, in Scotland the statutory arrangements for prison visiting committees remained broadly as they had been from the time of their establishment and there was increasing concern from a number of quarters that monitoring was ineffectual and superficial. Matters came to a head after 2003 when the UK government ratified the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) which *inter alia* requires signatories to establish a system of regular visits by independent bodies to places where people are deprived of their liberty. It was

concluded that Scottish visiting committees as they stood did not satisfy the required standard of independence since their central administration and funding was provided by the Scottish Prison Service. The initial response of the Scottish Government was that all visiting committees should be abolished and that three or four individuals should be added to the staff of the Chief Inspector of Prisons for Scotland to carry out monitoring in all prisons. This proposal was met with widespread opposition and in 2012 the Cabinet Secretary for Justice asked me to undertake a review of the government proposals and to make recommendations. My review was published in 2013⁴ together with the government's response⁵, which accepted 17 of the report's recommendations and remitted the remaining four to a proposed implementation group. The first and key recommendation, which was accepted by the government, was that arrangements should be put in place for each prison to be monitored on a regular basis by independent volunteers appointed on a statutory basis, to be known as prison monitors. After due parliamentary scrutiny the government introduced the new structure for inspection and monitoring of prisons.⁶

9. The new arrangements introduced under the 2015 legislation meet the minimum OPCAT requirements for independence. However, in my evidence to the Scottish Parliament Justice Committee when it was considering the draft legislation I expressed concern that they were likely to weaken the important complementary distinction between irregular inspection and continuous monitoring. A detailed reading of the inspection and monitoring reports published by the Scottish Prisons Inspectorate⁷ suggests that this concern was justified. In particular, many of the monitoring reports are formulaic with little evidence of detailed scrutiny, particularly when set against findings by bodies such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which, for example, was very critical of the abuse of long term segregation in adult prisons in Scotland.⁸

⁴ Scottish Government. Review of Proposals to Improve Arrangements for Independent Monitoring of Prisons. February 2013

⁵ Scottish Government. The Scottish Government Response to the Review of Proposals to Improve Arrangements for Independent Monitoring of Prisons. April 2013

⁶ The Public Services Reform (inspection and Monitoring of Prisons) (Scotland) Order 2015

⁷ <https://www.prisoninspectoratescotland.gov.uk/>

⁸ Council of Europe. Report to the Government of the United Kingdom on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 25 October 2018. CPT/Inf(2019)29

Abuse in young offenders institutions and detention centres

10. In the course of my prison reform work in many countries I have frequently had occasion to refer to the international covenants and standards concerning the detention of children and young persons. They include the following:

- *UN Convention on the Rights of the Child, Article 1*
... a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.
- *UN Rules for the Protection of Juveniles Deprived of their Liberty, Rule 11a*
A juvenile is every person under the age of 18.
- *UN Standard Minimum Rules for the Administration of Juvenile Justice, Rule 19(1)*

The placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period.

Needless to say, all of these provisions should apply in Scotland.

11. In recent historical terms, when considering abuse in penal establishments in Scotland two institutions stand out. The first was Longriggend Remand Unit, which I had occasion to visit on a number of occasions in the early 1980s while working in SPS headquarters. The former 'fever hospital' was located on a desolate site in rural Lanarkshire and its internal layout was bleak and unforgiving, with no redeeming features and very few facilities. Until its closure in 2000 it was the main secure unit for juveniles remanded from courts in the west of Scotland, many of whom were under the age of eighteen. It was not a popular posting for staff, many of whom went there reluctantly and were obliged to live in the nearby staff quarters. Bullying, staff on boys and boys on boys, was endemic. It was noticeable that many of the detainees had closely shaven heads. The official justification for this was that they head lice or nits but unofficially it was known to be a form of indirect punishment. The other notorious institution was Glenochil Detention Centre, which had been opened in 1966 as a replacement for the two original Scottish detention centres, all of which had the 'short sharp shock' regime which the governments of the day had decided would frighten boys and young men out of law breaking; some staff interpreted that as a licence to impose additionally harsh treatment.

12. Evidence suggests that the overt violence which existed in the past in some institutions for young men and boys is now much reduced, particularly physical violence inflicted by staff on inmates. Bullying between inmates is another matter and Polmont Young Offender Institution in particular has been severely criticised from various quarters in recent years for the prevalence of self-harm and suicides. Concern has also been raised, for example by the CPT, about conditions for young women in Cornton Vale.

Polmont Young Offenders Institution

13. The first formal proposal that there should be separate institutions for young adult prisoners was made in the Gladstone Report in England in 1895. This report had suggested that the ages between 16 and 23 years were crucial in the maturation of habitual criminals and that they should be reformed rather than punished. This opinion found official acceptance and in 1900 part of the convict prison near Rochester in Kent was set aside to provide a reformatory regime for young offenders. The prison was situated in the village of Borstal and the name of the village became associated with the type of institution and was subsequently enshrined in statute with the enactment of the Prevention of Crime Act 1908.
14. In due course the Scottish Prison Commissioners decided to follow the English example and in 1911 they purchased Blairlodge School, 'a large private boarding school for gentlemen's sons situated at Polmont, Stirlingshire', to house this category of young prisoners. The enabling statute authorised the Secretary for Scotland to find a suitable name to replace 'Borstal'. The new establishment was named Polmont Institution but from the time of its opening in December 1911 it was known to everyone as Polmont Borstal. In their annual report for that year the Commissioners described the new institution:

"The buildings are very extensive and comprise a large central covered hall and gymnasium, surrounded by spacious classrooms in the form of a hollow square, and above which are two floors of single bedrooms, in each of which a boy can be accommodated. ... Much yet remains to be done to put the buildings and grounds in good order and complete occupation, but this will afford useful and constructive work for the inmates for several years to come. The grounds extend

to thirty acres. Parties of boys are now engaged at joiner work, mason work, blacksmith work, plumbing, painting, also gardening and labouring. The classrooms and dormitories have the windows barred, but there are no walls outside or round the grounds, and, of course, no armed guards, as it is not a convict prison. In order to prevent escape reliance is placed on the good behaviour of the lads and the vigilance of the warders instructing the working parties. A professional schoolmaster carries on school in the evenings, and a gymnastic instructor gives instruction in physical drill and gymnastics. It is anticipated that the numbers in the Institution will grow rapidly, notwithstanding that only those are eligible to be sentenced who are over sixteen and under twenty one years of age, and who are convicted on indictment."

15. In the 1970s, in addition to young men who had been sentenced to borstal training, Polmont held a number of young people from List D schools who had been considered to be too unruly in those institutions. All young men spent their first six weeks in the assessment centre where they were interviewed by, among others, a psychologist and a psychiatrist who visited on a part-time basis from the Douglas Inch Clinic in Glasgow. At the end of the assessment period a decision was made as to whether the young man would serve his sentence in the semi-secure conditions at Polmont or would be sent to one of the two open Borstals at Castle Huntly and Noranside.

16. When I took up post in Polmont in 1976 some of the original ethos remained. All staff wore civilian clothing, there was no external perimeter security and the 'borstal lads', as they were known, all had a full day's activity. Charles Hills, the governor at the time, had an enlightened reputation and encouraged a variety of positive activities within the community. At the same time, there was a darker side to life in Polmont, which I later recorded:

"The abnormality of this environment was compounded by locking up four hundred young people in early manhood in a single sex society. The worst excesses of an exclusively male culture inevitably came to the fore. Success was measured by physical achievement. Sensitivity was interpreted as weakness... In such an environment it was no surprise that the edge between discipline and brutality became blurred. This applied to the way the young men responded to each other and the way staff dealt with them. The rules did not allow for any form

of corporal punishment. It was known, however, that in one particular wing if a young man broke any of the rules in a minor way he would be given the option by the principal officer of having the charge dealt with formally by the governor or being given speedy physical punishment.... That principal officer was generally regarded as one of the better members of staff.”⁹

17. As was the practice at the time, my first appointment when I arrived in Polmont was as assistant governor in the assessment wing. Just as for the trainees, this was an assessment period for a new assistant governor. Experienced staff would test out the extent to which the new governor was likely to allow them a free hand in enforcing discipline and how closely unofficial discipline would have to reflect official rules. My test came soon after my arrival. One morning a young man was brought before me charged with breaching a rule and as was normal the wing principal officer was present to read out the charge. The trainee began to protest his innocence in an aggressive manner, although not in a way that I felt was excessive. Without warning the principal officer, who was standing behind the young man, delivered him a hefty blow to the back of his head and told him he should not speak to the governor in such a manner. I was more taken aback than the trainee but quickly understood that how I reacted would determine how the wing was to be run during my stay. I asked the young man if he had anything further to say; not surprisingly he did not. I found him guilty of the charge but instead of punishing him I merely warned him as to his future behaviour. Normal procedure was that the principal officer would then order the trainee to turn about and would march him out of the room. On this occasion I asked the principal officer to remain behind and then told him that what he had done was quite unacceptable, that I should report the incident to the governor but on this occasion I would not do so. However, he should be quite clear that I would not tolerate such behaviour from him or any other officer. He accepted the rebuke without comment. With more experience or more confidence at the time I might well have reported the matter to the governor and in the prison service of today such behaviour would inevitably lead to a disciplinary charge against the officer. I was conscious that the principal officer had been testing my reaction and that from then on he would ensure that while I was about discipline would be enforced according to the regulations.

⁹ Coyle A. 1994. *The Prisons We Deserve*. London: Harper Collins. P59

Some contextual issues

18. In the mid-1980s Scottish prisons were hit by a concerted series of major violent events which included serious riots and incidents in which staff and prisoners had been taken hostage. For months these events dominated the media and it was no exaggeration to say that at one point the Scottish Prison Service was on its knees. In 1988, as part of the strategy to restore equilibrium across the service, it was decided that all the prisoners, some 60 in total, who had been involved in these riots should be held under close supervision in Peterhead Prison and I was appointed as Governor of the prison. As I made my way to the prison on the first day in charge I wondered how I was to deal with these men who had been labelled as the most dangerous and violent in the country and how they would respond to me. In the event I discovered that I had met the majority of them two decades previously at Polmont when I was an assistant governor and they were borstal trainees; our career paths had followed quite different routes but we had all ended up in that bleak fortress in the north east of Scotland. Each of them had committed serious crimes, usually of violence, and had 'graduated' through successive levels of the Scottish secure custodial system, from remand centre to List D and approved school, to borstal and young offender institutions, on to adult prisons and finally the 'end of the line' in Peterhead. There was no room for debate about the seriousness of the crimes that they committed along the way and their personal responsibility for the harm which they had caused to other people. Yet one was left with a lingering question about the extent to which all of this had been inevitable, how might they have been guided away from increasing involvement in crime and to what extent their early custodial experiences may have contributed to their present situation.

19. Prisons in Scotland are creatures of the nineteenth century, a time when there was a general belief in the reformatory value of large institutions. The theory that individuals could be educated, treated and reformed within large closed institutions has long since been discredited in most contexts. The orphanages and mental institutions of the last century are largely relics of the past, remembered today mostly by ongoing public inquiries into the terrible abuse which was perpetrated within many of their walls. When the new high security prison was opened in Shotts in the late 1970s it was only a mile or so from Hartwood Psychiatric Hospital, an imposing 19th century citadel which then

held over 1,500 patients. Yet within 20 years Hartwood Hospital was no more; the patients had been removed, the majority to be cared for within their communities, and the empty building stood as an abandoned relic of a bygone social philosophy. Shotts Prison, on the other hand, has not only expanded in size but has been completely rebuilt in the process. It would be inconceivable in the United Kingdom today that we should build a psychiatric hospital to hold 1,500 men and women in conditions of close confinement. Yet we continue to adhere to and expand this concept in our prison systems, attempting to put a 21st century gloss on 19th century principles which have been abandoned long since in other settings.

20. I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

Signed.....

A black rectangular box redacting the signature of the witness.

Dated.....

27 May 2022