

Thursday, 7 December, 2023

1

2 (10.00 am)

3 LADY SMITH: Good morning. Now we return, in Phase 8, to
4 oral witnesses to start the day today. I am told that
5 our first witness is ready; is that right, Mr Peoples?

6 MR PEOPLES: Yes, my Lady. I would call next a witness who
7 has the pseudonym 'Tom'. He has the protection of
8 anonymity under your Ladyship's general protection
9 order.

10 LADY SMITH: Thank you.

11 MR PEOPLES: Sorry, I should have said general restriction
12 order.

13 LADY SMITH: That's all right. I knew what you meant. My
14 restriction order does give protections to identity.

15 A. Good morning, ma'am.

16 LADY SMITH: Good morning. Could we begin with you raising
17 your right hand, please, and repeat after me.

18 'Tom' (sworn)

19 LADY SMITH: 'Tom', do sit down and make yourself
20 comfortable.

21 A. Thank you.

22 LADY SMITH: Thank you, 'Tom'. I see that you are trying to
23 get into the right position for the microphone. I would
24 ask you to use the microphone. It will help you, and it
25 will help us to hear you.

1 A. Thank you.

2 LADY SMITH: Particularly the stenographers, who are
3 listening to you through the sound system. They need to
4 hear you through the microphones.

5 A. Can I just move these aside a little bit, ma'am, please?
6 I will get it a bit closer.

7 LADY SMITH: You just get comfortable. Whatever works for
8 you.

9 Yes, there is a bit of an art to it. If you get too
10 close, it will start fuzzing, but if you are too far
11 away it is a problem.

12 Now, a couple of other things. The red folder in
13 front of you has a copy of your statement in it, the
14 statement that you signed. Thank you for engaging with
15 us to provide that. It has been really helpful to have
16 the statement in advance. We will ask you about some
17 aspects of what's covered in the statement today.

18 Otherwise, please let me know if there is anything
19 I can do to assist you to give your evidence as
20 comfortably as you can. If you want a break at any
21 time, that's absolutely fine, just let me know. Whether
22 that's a break just pausing and sitting where you are or
23 leaving the room for a short while, that's quite all
24 right. Just say, please do.

25 A. Thank you, ma'am.

1 LADY SMITH: One other thing, 'Tom', in the course of your
2 evidence this morning it is possible that you will be
3 asked questions the answers to which could involve you
4 incriminating yourself. Please can I make it clear at
5 the outset you are not obliged to answer any such
6 questions. It is your choice. If you do decide to
7 answer them, of course, you must answer them fully. The
8 oath you have just taken is to tell not just the truth,
9 but the whole truth. But it is your choice.

10 If you are in any doubt about whether you are being
11 asked such a question, please say, and we will explain
12 to you whether or not it is; does that make sense?

13 A. Yes, ma'am.

14 LADY SMITH: Thank you. If you don't have any questions for
15 me at the moment, I will handover to Mr Peoples and he
16 will take it from there. But, if there is anything you
17 want to ask before we start, please do; is there
18 anything?

19 A. Nothing at the moment, ma'am.

20 LADY SMITH: Very well, thank you. Mr Peoples.

21 Questions by Mr Peoples

22 MR PEOPLES: My Lady. Good morning, 'Tom'.

23 A. Good morning, sir.

24 Q. As her Ladyship said, you have in front of you a copy of
25 a signed statement that you have provided to the

1 Inquiry. Certainly, by all means use that if you wish
2 to do so, because I will ask some questions based on
3 what you have said in your statement.

4 The statement should also come up on the screen in
5 front of you, if you find it easier to use the screen.
6 So it is very much a matter for you.

7 A. Yes.

8 Q. Can I just start with the written statement, and ask
9 you, 'Tom', to turn to the final page of the statement,
10 which -- I will give the reference for our purposes. We
11 give it a reference number, which is WIT-1-000001353.
12 Now, you don't need to worry about that; that's just for
13 our purposes.

14 If you could turn to the final page, 'Tom'. I think
15 it is page 28, the last page?

16 A. Down at my signature, sir?

17 Q. Yes, just to confirm that you have signed the statement
18 that I have just given.

19 A. Okay, sir, thank you.

20 Q. You confirm that?

21 A. Yes.

22 Q. Also, can you just confirm for me that you have also
23 said you have no objection to your statement being
24 published as part of the evidence to the Inquiry, and
25 you say you believe the facts stated in your witness

1 statement are true?

2 A. Yes, sir.

3 Q. Right. Now, can I perhaps go back to the beginning of
4 the statement now and beginning at the beginning, as it
5 were? You tell us, 'Tom' -- and I don't need the
6 precise date, but you were born in 1938?

7 A. Yes.

8 Q. In the first part of your statement you give us a bit of
9 information about your background. I will just pick out
10 some points there and, perhaps, if there is anything you
11 wish to add, by all means feel free. You tell us,
12 'Tom', in paragraph 2, on page 1, that you were the
13 youngest of a family of ten?

14 A. Yes.

15 Q. You tell us that your father was a miner?

16 A. Yes.

17 Q. But he died when you were about 11 years of age?

18 A. Yes.

19 Q. And you tell us about your schooling. You tell us that
20 you left school at the age of 15 with
21 a General Certificate of Education?

22 A. Yes.

23 Q. Then you found some work, initially with a haulage
24 contractor. Then you tell us that you thought that you
25 would want to look at doing something different, and

1 perhaps better; is that right?

2 A. Yes.

3 Q. You tell us that you made a decision -- this is at
4 paragraph 10, on page 2, you tell us a bit about this --
5 that you decided that you would like to join the regular
6 Army, and you decided to join the Parachute Regiment,
7 and Airborne Forces, and you tell us you were there for
8 about nine years; is that right?

9 A. I was coming up for my National Service, hence the
10 reason that when I completed, which -- I was doing
11 a trade as a pattern moulder. Because I was going to
12 come to the end of my National Service, then
13 I thought: right, okay, I am going to get got for
14 National Service.

15 So I then decided I would just go in the regular
16 Army.

17 Q. You tell us a little bit about your life in the Army.
18 You say that on joining the Parachute Regiment you
19 became a full sergeant in about just over three years,
20 having made your way up through the ranks?

21 A. Yes.

22 Q. And you tell us also that you trained young recruits at
23 Maida Barracks, in Aldershot?

24 A. Yes.

25 Q. You have also worked with trained soldiers in one para,

1 and also worked on the Sultan of Oman's Armed Forces,
2 and the Malaysian Armed Forces, training recruits whilst
3 on secondment there?

4 A. Yes.

5 Q. You also tell us you went on operational active service
6 at the Thai border and Borneo?

7 A. Yes.

8 Q. Now, as you tell us, I think Army life does involve
9 separations from family at times, so I think you decided
10 that you looked at other possibilities, in terms of
11 leaving the service, to spend more time at home; is that
12 right?

13 A. Yes.

14 Q. I don't know what the position is today, but you
15 considered the police. But I think then they had
16 certain height restrictions?

17 A. A quarter of an inch too small.

18 Q. Oh dear. Then you looked at other possibilities, and
19 I think you decided you would give the Prison Service
20 a try?

21 A. Yes.

22 Q. And you tell us that, at paragraph 14, on page 3, that
23 you successfully applied and you ended up staying in the
24 service for around 27 and a half years?

25 A. Yes.

1 Q. You tell us that you retired from the Prison Service in
2 1995?

3 A. Yes.

4 Q. You also tell us, at paragraph 16, that you served your
5 entire prison service within Polmont?

6 A. Yes.

7 Q. Because I think we have heard in some other evidence
8 that sometimes prison officers would be moved about?

9 A. That's correct.

10 Q. Either, presumably, because they wanted to move or they
11 were asked to move?

12 A. Probably in terms of promotion. As a promotion, for
13 example, from a basic grade officer to a senior officer,
14 that would probably maybe guarantee a move. And,
15 obviously, if you went from the senior officer rank up
16 to the principal officer rank, that was a move as well.

17 Q. Yes. I think you can take it, as well, 'Tom', that we
18 have some idea that there is a hierarchy --

19 A. Yes.

20 Q. -- and there are various people, including principal
21 officers --

22 A. Yes.

23 Q. -- senior officers and so forth. So we have
24 an understanding of that.

25 Now, you tell us a bit about Polmont. But, again,

1 I think I can take this short, because we do know
2 a little bit about where Polmont is and what it was
3 designed to do, and how it accommodated young people
4 under 21.

5 A. It was my understanding that when I was in Polmont, when
6 it was a Polmont borstal, then the sentence was
7 two years.

8 Q. Yes.

9 A. And anything over two years they would maybe -- if they
10 didn't get out after two years, then that would be where
11 they would maybe be put to a young offenders, and that
12 would probably be up until they were 21 and then into
13 a senior establishment.

14 Q. Okay.

15 A. But, basically, at the time I was a borstal officer,
16 then it was a two year sentence --

17 Q. Right.

18 A. -- from 16 to 18.

19 Q. I think in practice we have heard some evidence that
20 boys who were sentenced to borstal training for up to
21 perhaps two years would -- if they behaved and did the
22 appropriate training, they could be released early on
23 licence?

24 A. That's correct.

25 Q. Now, can I just take you to paragraph 19 and ask you

1 a question about that? You say:

2 "My impression of Polmont over my first year was
3 that it wasn't for me. I thought that I had made
4 a mistake."

5 Can you just explain why you thought you might have
6 made a mistake?

7 A. My life up until then was always out in the open air.
8 The time I spent in the forces was always out in the
9 open air, no matter where I was in the world. And
10 I felt that maybe I had made a mistake and I got a wee
11 bit restless, and I thought: well, maybe this is not for
12 me.

13 So that was where I felt I had made a mistake.
14 Basically because I was getting hemmed in more than
15 anything else.

16 Q. So, yes, I think essentially Polmont, in those days, was
17 a closed environment?

18 A. It was a closed environment in the sense that, you know,
19 you could walk about the jail and you had access because
20 you had a key to access whatever you liked. But the
21 impression that it was a closed institution, I felt that
22 was the wrong impression of Polmont. I feel that
23 Polmont was an open institution. It had open fields, it
24 had football fields. There wasn't a fence around it and
25 there wasn't a wall around it, the years that I was

1 there.

2 Q. I think that came later?

3 A. Yes, that came later, when it went on to a young
4 offenders institution.

5 Q. Now, you did decide to stay in the end and you have told
6 us that you stayed until 1995.

7 A. Yes.

8 Q. You tell us a bit about your time there. And you tell
9 us that after making the decision to stay -- you tell
10 us, at paragraph 24, that you completed your one year
11 probationary period in April 1969?

12 A. Yes.

13 Q. Then you say that during your second year you worked in
14 discipline. Now, can you just, for our benefit, say
15 what you mean by "working in discipline"? Were you
16 a landing officer or an officer on the hall?

17 A. Yes, I was on a gallery, either in different halls.
18 Basically sometimes in -- basically, a lot of the time
19 would be in the assessment centre.

20 During that time as well, you were given the
21 opportunity to maybe go on court appearances, maybe go
22 on escorts. And also, during that time as well, maybe
23 you were sent to one of the workshops and you then
24 became the discipline officer in the workshop. And that
25 would include just standing on that spot there, and that

1 was you for maybe the rest of the shift. That's where
2 I felt I became a little bit unhappy about the
3 situation.

4 Q. Yes. So that type of work wasn't really that appealing
5 to you?

6 A. Not at all.

7 Q. Can I ask you: during the period that you were
8 a discipline officer, as you have described; did you
9 ever have to spent time in the punishment block, called
10 the Digger?

11 A. None whatsoever, no.

12 Q. No?

13 A. No.

14 Q. And you tell us a bit about your early years in the
15 service at Polmont, in paragraph 24, and tell us a bit
16 about other activities you were involved in; Duke of
17 Edinburgh Awards; taking boys on trips, and other
18 similar activities. You say that this was all due to
19 the governor of the time; was it Mr Hills?

20 A. Yes.

21 Q. Was he encouraging these sort of activities for the
22 young --

23 A. I think Mr Hill was in actual fact -- on reflection on
24 that, that would be on my second year, and I don't think
25 Mr Hill would maybe be the governor by the second year.

1 I think he came in maybe in my third year or something
2 like that. And he started getting involved in what he
3 formed, which was known as the "Six Circle Group", and
4 that included mixing the borstal lads along with young
5 people from the different homes in area, and getting
6 them involved in mixing with all of these people. And
7 that's when I started to get involved with the
8 Duke of Edinburgh, and taking these different young
9 people on trips up to Iona.

10 Q. Right. Then you tell us that during your second year
11 you were made aware, or you became aware, of a vacancy
12 that could be coming up in the swimming pool area of
13 Polmont; is that right?

14 A. Yes.

15 Q. You tell us that you had no swimming qualifications at
16 that time, but you registered for life saving, first aid
17 courses and obtained the certificates?

18 A. Yes.

19 Q. You tell us that during your third year, you had a trial
20 as a relief swimming pool officer; is that right?

21 A. Yes.

22 Q. And then the actual -- the main job or the full-time job
23 came up and you successfully applied for that post; is
24 that right?

25 A. Yes.

1 Q. You tell us that post involved working hours of between
2 about 8.00 in the morning and 5.00 at night?
3 A. Yes.
4 Q. You say, in paragraph 26, that you ended up staying
5 there for the whole of your service with the Prison
6 Service?
7 A. Yes.
8 LADY SMITH: So that was from late 1970 or 1971?
9 A. Ma'am, that would probably be about 1971/1972.
10 LADY SMITH: Yes.
11 MR PEOPLES: If you completed your first year in April 1969,
12 then your third year would begin in about April 1970,
13 and would end about April 1971, so it would be about
14 that time that you --
15 A. Yes, it was about the 1971/1972, yes.
16 LADY SMITH: You had your trial initially, and then it was
17 after that you had the appointment?
18 A. Yes.
19 LADY SMITH: Thank you.
20 MR PEOPLES: You tell us that whilst you were in charge of
21 the swimming pool, you also obtained, or you attended
22 a PT training course in Edinburgh, and you were then
23 classed as a member of the PT staff at the prison. Or,
24 sorry, at the borstal.
25 A. Yes.

1 Q. Yes.

2 A. But not to do PT. I think that was because they were
3 encompassing the swimming instructor along with the PT
4 staff.

5 Q. Yes.

6 A. Basically, we were coming under the governor that was in
7 charge of all the workshops, because of the nature of
8 the job, being 8 o'clock to 9 o'clock.

9 Q. It is almost as if the swimming pool was treated as
10 a workshop?

11 A. Exactly, yes.

12 Q. Can you just help me with this: the swimming pool; was
13 that attached to the area that was used as a gym?

14 A. No.

15 Q. Was it separate?

16 A. It was separate, all together.

17 Q. How physically far apart were the two places?

18 A. I would say approximately 250 to 300 yards, maybe.

19 Q. Right.

20 A. Maybe nearer the 250 yards, I think.

21 LADY SMITH: Sorry, 'Tom', were they in different buildings?

22 A. Ma'am, what we had was the main corridor and from the
23 gymnasium there was probably a long corridor that would
24 exist of that approximate distance. And that corridor
25 then led out into -- led forward into workshops and,

1 before the workshops started, exit stage left, and that
2 door then took me into the swimming pool.

3 LADY SMITH: Thank you.

4 MR PEOPLES: So it was really a sort of self-contained area?

5 A. It was a self-contained area, yes.

6 Q. With a pool?

7 A. With a pool, yes.

8 Q. And with changing rooms?

9 A. Yes.

10 Q. Showers?

11 A. Yes.

12 Q. Toilets?

13 A. No toilets, in terms of if the lads needed to go to the
14 toilet, sir, there was no urinals, as such.

15 Q. Okay. In terms of the pool itself; can you give us
16 an idea of how big it was?

17 A. The swimming pool was 25 yards long. It was probably
18 nine to ten yards wide.

19 Would that be correct? Yes, I think probably.

20 Q. Okay.

21 A. Nine to ten yards wide.

22 Q. I just want an estimate, to get an idea of the sort of
23 size.

24 In terms of the pool itself; did it have a shallow
25 end and a deep end?

1 A. Yes.

2 Q. And how shallow was the shallow end?

3 A. The shallow end was four feet.

4 Q. Four feet?

5 A. Yes, so maybe out in 25 yards. That shallow end
6 gradually would maybe be about five yards, maybe, and
7 then you had a sudden drop.

8 Q. A drop.

9 A. All the way down to eight feet, where the deep end was.

10 Q. So the deep end was about eight feet?

11 A. It was eight feet, yes.

12 Q. If someone was wanting to go into to the pool; were
13 there steps down in the pool?

14 A. There were steps in either corner, sir.

15 Q. Both at the deep end and the shallow?

16 A. Both the deep end and the shallow end.

17 Q. As far as the pool is concerned; was it divided into
18 lanes, for example?

19 A. It was marked as having lanes on the -- you know, on the
20 floor, if my memory serves me right. If I wanted to
21 separate and put it into lanes, then I had the
22 preferable lane dividers that -- I got fittings put on
23 either end of it, and they could hook on.

24 The swimming pool, in actual fact, it had this level
25 floor around the pool. But, actually, on top of the

1 pool, maybe up about an inch and there was white tiles
2 all the way round. And I could hook -- I could put lane
3 dividers. That was at a later stage in my life. But
4 I could lane it, yes.

5 Q. If someone wanted to have a swimming gala with some sort
6 of little competition --

7 A. Yes, yes.

8 Q. -- you could make it in to lanes?

9 A. Yes.

10 Q. And how many lanes could you put in?

11 A. Only 3.

12 Q. Three lanes?

13 A. Yes, and they wouldn't be a standard sized lane for
14 a normal swimming pool.

15 Q. And some pools have what you might call a hand rail
16 along the side, within the pool area, so that someone
17 who is in the pool can hold on; was there anything like
18 that or was it just simply the sides of the pool?

19 Was there anything that a person in the pool could
20 hold on to when they were in the pool?

21 A. Can I check this with my wife, please? Do you remember
22 there was a hand rail?

23 LADY SMITH: 'Tom', I am sorry, I am taking evidence from
24 you, not your wife.

25 A. Okay, ma'am, thank you very much.

1 LADY SMITH: If you don't remember, just say.

2 A. I don't remember that, no.

3 LADY SMITH: Okay.

4 MR PEOPLES: If a person was in the swimming pool area, if

5 I can call it that, they would go through this door off

6 the corridor, they would go in and there would be

7 a changing area?

8 A. There were two doors from that corridor. The first one

9 was taking me into the shallow end of the pool, where my

10 office was on the right hand side. There was then the

11 fire door, and then at the other -- after the fire door

12 we then had another door, which took me into a large

13 changing room. A preferably large changing room, yes.

14 Q. And was that an open-plan changing room?

15 A. Yes.

16 Q. Were there showers in that area?

17 A. There were showers in that area, yes. There were three

18 showers in that area, yes.

19 Q. Were the showers communal showers?

20 A. Yes.

21 Q. Yes. And as far as the general procedure is concerned,

22 if someone came down for swimming; would they go to the

23 changing area first, to change?

24 A. Yes.

25 Q. Would they change into a swimming costume?

1 A. Yes.

2 Q. Would they do it in the changing room?

3 A. Yes.

4 Q. Would they be required to take a shower before they went
5 into the pool?

6 A. Yes.

7 Q. And --

8 A. Some of them were coming from the workshop, sir.

9 Q. So, if they came from -- wherever they came from, they
10 would come to the change area, take a shower --

11 A. Yes.

12 Q. -- having taken off their clothes?

13 A. Yes.

14 Q. And then would they put on their -- or would they put on
15 their trunks when they were showering?

16 A. Yes.

17 Q. Yes. And then would they make their way from there to
18 the pool?

19 A. Yes.

20 Q. And was there any kind of shallow bath that they had to
21 go through with disinfectant for their feet?

22 A. None whatsoever.

23 Q. So were there any measures taken to ensure that they had
24 any kind of disinfectant or any kind of --

25 A. None whatsoever.

1 Q. So you would just have your shower and go to the pool?

2 A. Yes.

3 MR PEOPLES: Okay.

4 LADY SMITH: Why not, 'Tom'? Just thinking back to that
5 era, it was quite normal for swimming pools to have foot
6 baths that everyone had to walk through before they went
7 in to the pool; do you know why there wasn't one?

8 A. Ma'am, I haven't a clue why, ma'am, why there wasn't any
9 there. There was no facility for that.

10 LADY SMITH: Did you ever ask for one to be fitted?

11 A. None whatsoever, ma'am.

12 LADY SMITH: Thank you.

13 MR PEOPLES: And I don't know if you can help us: do you
14 happen to know when the pool was actually built?

15 A. It was built by Mr Scrimmager(?), and --

16 LADY SMITH: Is that the name of somebody who was
17 a governor?

18 A. That was the head of the Prison Service.

19 LADY SMITH: Okay.

20 A. I think that was his name, ma'am. And it had a plaque
21 at the shallow end of the pool, and I am trying to think
22 what that plaque said. I actually got it -- when
23 everything got knocked down, I got handed the plaque and
24 it is sitting in my garage. And I went to check that.
25 I think probably --

1 Q. We are talking about the 1970s? Or the 1960s?

2 A. No, we are talking about maybe early 1960s or late
3 1950s.

4 Q. That's fine.

5 A. Yes.

6 Q. It wasn't a brand new pool when you took over as the
7 swimming --

8 A. No, no, it wasn't.

9 Q. Okay. In broad terms, when boys would come from various
10 parts of the prison to the pool for swimming; that's the
11 way the system worked?

12 I can ask you a bit more about this. But, in broad
13 terms, they would come to your swimming area. We can
14 look at how they came there in due course. But they
15 would come there and they would be swimming as a group?

16 A. Yes.

17 Q. Roughly, just in general terms; how many boys would be
18 in a swimming group at any one time?

19 A. Probably on average about 18.

20 Q. 18, okay. And would they all, at some point, be in the
21 pool together?

22 A. Yes.

23 Q. And would they all be swimmers?

24 A. No.

25 Q. Okay. So some would be required to be taught how to

1 swim?

2 A. Yes.

3 Q. But others could swim?

4 A. Yes.

5 Q. And those that couldn't swim; how were they taught?

6 A. As an individual, they would be taught at the shallow
7 end. But they would be given a choice if they wanted to
8 go into the swimming pool. And in my experience, then
9 I gave them the choice.

10 I think that a lot of the lads at that particular
11 age, there was an awful lot of embarrassment going into
12 a swimming pool, and their peers maybe giving them a bit
13 of pelters.

14 Q. If they wouldn't swim?

15 A. If they couldn't swim, yes. Sometimes that happened and
16 sometimes that put lads off from going in.

17 So the lads were given a choice. If they wanted to
18 go in, yes, they could go into the swimming pool. And,
19 yes, if they wanted to do a bit of instruction there, at
20 the shallow end, then that was fine by my predecessors
21 and me.

22 If they didn't want to go into the swimming pool for
23 any other reason, then I had a bench where they could go
24 and sit on the bench with their clothes on.

25 Q. Right.

1 A. And then, at a later stage, I would give -- maybe try to
2 get an actual -- a group of the lads, all non-swimmers,
3 and if they wanted to go in as a group, I think I was
4 probably only successful on maybe about two or three
5 occasions. If they didn't want to go in, there was no
6 force on them to go in, I didn't do that.

7 LADY SMITH: 'Tom', can I just take you back to something
8 you said a minute or two ago? You said you thought
9 a lot of lads at that particular age suffered
10 embarrassment going into a swimming pool, and you said
11 their peers would give them a bit of -- what was the
12 word you used? I didn't pick it up, a bit of what?

13 A. Sorry, ma'am, maybe a wee bit of banter and a wee bit
14 of pelters.

15 LADY SMITH: Pelters; what do you mean by that?

16 A. That is probably a well-known phrase around about --
17 that young lads would be talking to one another in the
18 jail, "Oh, he gave him pelters", and what have you, like
19 P-E-L-T-E-R. I think that was a common phrase.

20 LADY SMITH: P?

21 A. Yes, P-E-L-T-E-R.

22 LADY SMITH: What did it mean?

23 A. It means you're just give them a -- not hassle, but
24 you're doing it in such and such a way that it doesn't
25 cause offence. I have used that myself, ma'am, on a lot

1 of occasions.

2 LADY SMITH: Okay, I hadn't heard the word. Banter, yes,
3 but "pelters" is a new one on me.

4 A. I think pelters is ... ma'am, I think it is commonly
5 used now --

6 LADY SMITH: Okay, thank you.

7 A. -- among the young adults.

8 MR PEOPLES: And of the boys that would go to the swimming
9 pool -- and I think over the years you had a lot of boys
10 go to the swimming pool in your 27 years, or 25 years in
11 the pool.

12 A. I tried to do a count the other day, sir. And if I just
13 keep it as a head count, in the years I have been in the
14 swimming pool, we are talking about maybe between
15 400,000 and 450.

16 Q. Thousand?

17 A. Yes, thousands. But we then have to take into
18 consideration that an awful lot of those figures was in
19 actual fact the lads when they came back in as young
20 offenders. And, you know, so we are maybe counting
21 double here. But my rough estimate would be around
22 about the 250/300,000 people went through my hands in
23 the swimming pool.

24 Q. Different boys? You did say some would be repeat.

25 A. I couldn't give a number.

1 Q. But there is a large number?

2 A. There was a very large number, yes.

3 Q. And of that sort of number; how many would be swimmers
4 by the time that they came to your pool? We are talking
5 about more than half? Less than half?

6 A. Quite a lot of them. I would say maybe, 75/80 per cent
7 of them.

8 No, I would put it more than that. Sorry, I would
9 put it more than that.

10 Q. Okay. So quite a large number could swim --

11 A. Yes.

12 Q. -- before they came to the pool?

13 A. Yes.

14 Q. But, if they weren't able to swim, as you have just told
15 us, they had the option of going to the shallow end and
16 getting some sort of tuition?

17 A. Yes.

18 Q. I am trying to think back to my days. But I think that
19 I have a recollection that people would sometimes be
20 taught by holding something at the side of the pool, and
21 starting learning to use their feet to do some sort of
22 paddling?

23 A. Yes. In my time, I have given them floats to use.

24 Q. I was going to ask about that as well.

25 A. I have also -- I managed to get quite a lot of number of

1 flippers as well. So I had them using flippers, I had
2 them using floats. And because of the very narrowness
3 of the pool, it became kind of restrictive when you
4 started to put items like that on them, because the
5 narrowness of the pool, if you could get them to just
6 push off, lie flat, glide, you would be rest assured
7 they would just hit the other side without any problems.

8 Q. And if someone --

9 A. They would hit the other side with their hands.

10 Q. If someone was trying to learn to swim and there is
11 a deep end and a shallow end; was there a system whereby
12 if you wanted them to try to practice their stroke, that
13 they could go from one side of the pool to the other?

14 A. Yes.

15 Q. To see if they could manage, either with a float --

16 A. Yes.

17 Q. -- or without a float?

18 A. Yes, but I normally -- that was the sort of thing that
19 was en vogue when my predecessor -- I found out that if
20 I could get a lad to walk across and be comfortable, and
21 if I could get him to put his head under the water by
22 ducking into a tuck position, and if I could convince
23 him by maybe getting my passman at some particular time
24 to just to see how easy it would be to push off, lie
25 flat, glide, then that would be the first -- to me that

1 was the be all and end all, as opposed to putting
2 flippers on their feet. That was the way I went round
3 teaching them to swim.

4 Q. For the majority who could swim before they came to your
5 pool, when they went to the pool; what were they doing?
6 Was there any structured activity in the pool, like
7 games, or just that they could swim about freely
8 wherever they liked?

9 A. A lot of the time it was a free swim. Some of the time
10 they would put themselves into different groups, for
11 example. And the shallow end, for example, if it wasn't
12 being used for the non-swimmers, the shallow end, they
13 maybe would ask for a ball and they would then have
14 a game of headers going across the pool and what have
15 you like.

16 I then started introducing: right, okay, how do you
17 fancy a game of bloomin' water polo?

18 So I then managed to get a lot of water polo caps.
19 So I then split them up into two teams, but obviously
20 the goal keeper at the shallow end, hardly any goals
21 were scored there.

22 I stopped using the water polo because there seemed
23 to be an awful lot of activity going on that I couldn't
24 see what was happening. And there also seemed to be
25 a lot of bumps and bruises, with maybe -- would it be

1 proper for me to say, maybe a Glasgow kiss with the back
2 of the head was getting used. So I was getting
3 situations where, hold on a tick here, I just didn't
4 know what's happening below the water. So I had to be
5 very careful that I didn't have a situation where any of
6 the lads would be getting injured in any way, shape or
7 form.

8 So the period of the water polo, I gradually just
9 phased that out. It was causing too much problems.

10 Q. Well, it sounds like these sorts of -- either games like
11 water polo or even the free swimming was at least
12 an opportunity for some, perhaps, to --

13 A. Yes.

14 Q. -- as you say, give a Glasgow kiss, for example?

15 A. Yes, exactly, sir.

16 Q. Yes. Because we have heard -- certainly not in
17 a pool -- that in other types of activity -- there was
18 a game in the gym called murder ball; have you ever
19 heard of that game?

20 A. I have heard that game, yes. But I have never, ever,
21 seen it.

22 Q. Well, it was described as a game without rules, I think,
23 where basically it was a free for all --

24 A. Exactly yes.

25 Q. -- and people had a ball and they could do anything they

1 liked to try to secure possession of the ball?

2 A. I experienced that in the forces, sir. I never saw it

3 getting done in the prisons.

4 Q. Was that a game the forces would use sometimes?

5 A. Yes, sometimes, as part of maybe when you were

6 a recruit. You would all get together as a crowd and

7 away we would go and have quite good fun, in actual

8 fact, and a few laughs, I might add.

9 Q. In terms of boys who came to the pool, you have told us

10 that there might be, maybe, 18 or thereabouts in

11 a group, and they would come, presumably, from

12 a particular part of the prison, a particular wing or

13 hall, or landing or whatever?

14 A. Yes.

15 Q. And would they all be the same age?

16 A. No.

17 Q. So they could vary in age?

18 A. They could vary in age by quite a bit.

19 Q. Right.

20 A. They would --

21 Q. They presumably could vary in size as well?

22 A. Oh yes.

23 Q. Tall? Short?

24 A. Yes.

25 Q. Fit guys? Not so fit guys?

1 A. Muscular as well.

2 Q. Yes. But these would all be together, so I suppose if
3 they did get free for all, it could be difficult for
4 the -- what I might call the weaker ones or the smaller
5 ones, or the not so fit ones?

6 A. Exactly, sir.

7 Q. And I take it they weren't always on their best
8 behaviour in the pool, as you have said? I think you
9 said that's why you stopped the water polo; there would
10 be times where they would be mucking about?

11 A. Yes, that was the reason why I stopped the water polo,
12 yes.

13 Q. I don't know if you had any sense when these groups
14 would come -- we have heard other evidence in this
15 Inquiry about how, in a prison environment, there are
16 sometimes what you might call cliques, or gangs, who
17 associate together because they come from the same, for
18 example, part of Glasgow; they might come from Govan,
19 for example, or they might come from some other part,
20 and they tend to associate together.

21 Did you get any sense of that?

22 A. Not in the swimming pool, sir, no.

23 Q. No.

24 A. I never saw any difference between -- that would be
25 maybe when a bit of banter would come in.

1 Q. Right.

2 A. But I never saw any rivalry between the likes of Glasgow
3 and Edinburgh, or Easterhouse or any of that area. It
4 just -- I never -- I didn't see any existence of that
5 during my working day.

6 Q. And when it came to -- during the era of the water polo;
7 who would decide the sides, or did they decide for
8 themselves?

9 A. I would probably pick them, sir.

10 Q. Yes.

11 A. I would probably get two of the lads and say: right, you
12 are the captains for today. Who wants the shallow end?
13 Who wants the deep end?

14 And I would maybe just have something in my hand and
15 say, "Right, I am starting it", and that's how it got
16 decided. I probably picked the captains, yes.

17 Q. You picked the captains; would they then pick the team?

18 A. Yes.

19 Q. Yes.

20 A. Then you would maybe see a wee bit of favouritism coming
21 in, especially when it came to size.

22 Q. Yes. Well, they might choose the right size?

23 A. Yes.

24 Q. The bigger ones?

25 A. Yes.

1 Q. Or perhaps their pals who they knew from the outside?

2 A. Exactly sir, yes.

3 Q. Okay.

4 Can I go back to your statement now, if I can? You
5 tell us about how you were recruited. I am not going to
6 go through that in detail at this stage. We can read
7 that for ourselves. All I will ask about is this:
8 I think your training when you joined the service was
9 six weeks initial training at Low Moss and Bishopbriggs;
10 is that right?

11 A. Yes.

12 LADY SMITH: Sorry, just before we go to that, in
13 paragraph 27, you tell me that the Prison Service didn't
14 require you to produce full references; is that right?
15 If you look at paragraph 27.

16 A. Yes, I am looking at paragraph 27, ma'am.

17 LADY SMITH: There you say:

18 "I didn't require any references."

19 Although you did have a reference from the forces.

20 I think you are telling me you could have produced one,
21 but they didn't ask for it; is that right?

22 A. No, ma'am, I don't think they did.

23 LADY SMITH: Thank you. Mr Peoples.

24 MR PEOPLES: If I go back to training, in paragraph 28, you
25 did the six weeks' training at Low Moss, and you had

1 a probationary period, I think you said, of one year?

2 A. Yes.

3 Q. And if I can move on, you tell us a bit about the
4 structure, the staff structure at Polmont, but I think
5 you can take it that we are familiar with the general
6 system and hierarchy in places like Polmont.

7 But, if I can go on to page 7 of your statement,
8 'Tom', at paragraph 34, you tell us that there came
9 a time when you were involved in training of staff when
10 a system, a training system, called "control and
11 restraint" was introduced?

12 A. Yes.

13 Q. At that time, you were a member of the PT staff and
14 I think you tell us there that by the time this system
15 was introduced you had been at Polmont for between ten
16 and 15 years. So probably late 1970s/early to
17 mid-1980s?

18 LADY SMITH: Well, into early 1980s. End of the 1970s, into
19 the 1980s.

20 A. Yes.

21 MR PEOPLES: So it was quite a long time after you had been
22 at Polmont --

23 A. Aye.

24 Q. -- that this system was introduced?

25 A. Yes.

1 Q. Probably in the 1980s, I think, if it is ten to 15 years
2 into your time, if you started --

3 A. Yes, I believe that. I believe that, sir, yes.

4 Q. And you say that the PT staff were all involved when
5 this training system was introduced. You tell us that
6 the training involved teams of three members of staff,
7 number 1, number 2, and number 3. And the numbers 2 and
8 3 were positioned tight in behind number 1, who had the
9 shield?

10 A. Yes.

11 Q. Now, you say a shield; is this like the sort of thing we
12 see on television these days, or --

13 A. That's correct.

14 Q. What was the purpose of the shield?

15 A. The purpose of the shield was to protect the staff who
16 were tucked in behind the shield. And the purpose of
17 the shield was to secure the weapon.

18 If a weapon was in an inmate's hands, then the
19 purpose of the shield wasn't in actual fact to slam
20 straight into the person, but to pin the weapon in such
21 and such a way that it was forcibly -- the arm holding
22 the weapon was then pinned to the wall, so to speak.
23 But it was only then, when that weapon was secure, that
24 the 2s and the 3s were involved.

25 Q. So you are telling us that the purpose was, if someone

1 was carrying a weapon and this team had to be -- had to
2 react to that situation, the first task was to try to
3 remove the weapon using the shield by pinning the weapon
4 against a solid surface, like a wall?

5 A. Yes.

6 Q. But that would also involve, I take it, pinning,
7 perhaps, the hand and arm of the person who was holding
8 the weapon to the wall at the same time?

9 A. That's correct, yes.

10 Q. So someone might, who was experiencing that situation,
11 think that the shield was pinning them to the wall?

12 A. Yes, I could understand that.

13 LADY SMITH: Yes, if part of their body is being held to the
14 wall, they can't remove it.

15 A. Ma'am, the object of the exercise was always to go to
16 the arm that held the weapon, not the body, as I -- as
17 we were taught.

18 MR PEOPLES: Yes, that's what the training taught you?

19 A. Yes.

20 LADY SMITH: What if the person had a weapon in each hand?
21 What then?

22 A. In that case, ma'am, it would just be pinning everything
23 to the wall.

24 LADY SMITH: It would have to be, wouldn't it?

25 A. Yes, it would have to be, ma'am.

1 MR PEOPLES: And if the weapon was a chair, and they were
2 holding it in both hands, the shield might be used to
3 try to push them and the chair towards --
4 A. That's correct.
5 Q. -- a solid object --
6 A. Yes.
7 Q. -- so they would release the chair?
8 A. Yes.
9 Q. And then they would try to, in some other way, restrain
10 the individual?
11 A. Yes.
12 Q. From what you are describing, there could be situations
13 where when this had to happen there would be
14 a considerable amount of force used in using the shield
15 to try to release the weapon?
16 A. I recall, when we were getting trained, it wasn't
17 a question of just taking off and slamming into people
18 with a shield. It was a gradual approach and there
19 would be a conversation taking place between the number
20 1 and the person involved, and it would be a gradual
21 approach going forward in such and such a way trying to
22 get them into a situation where he couldn't go past the
23 shield or anywhere like that. And it would be
24 a question of trying to guide the individual into
25 an area where he could be trapped safely.

1 But there was never any question, as I recall, that
2 you just had a door open, for example, and three guys
3 behind a shield just went straight in and bang. That
4 was not the training.

5 Q. That was not the training?

6 A. That was not the training, no.

7 Q. Obviously, if there was any dialogue going on between
8 the number 1 and the person holding the weapon, if the
9 person wasn't responding by handing over or dropping the
10 weapon, at some point the shield might well be used in
11 the way we have been discussing?

12 A. Yes.

13 Q. And you might have a person who is, in that situation,
14 pretty agitated?

15 A. Yes.

16 LADY SMITH: It would probably be a fast moving situation,
17 wouldn't it?

18 A. Yes, ma'am, it could be.

19 LADY SMITH: Quite dynamic. Things happening very quickly?

20 A. Ma'am, that could be correct.

21 LADY SMITH: Yes.

22 MR PEOPLES: While everyone can receive training, in the
23 heat of the moment, I suppose your first priority is to
24 make sure that your officers in the team are not going
25 to be harmed by the possession, for example, of

1 a weapon?

2 A. That would be correct.

3 Q. Yes. And it is not the sort of situation where you can
4 say, "Let's just look at what the rulebook says and
5 follow it"; you just have to react to the situation, and
6 you don't have a lot of time to think?

7 A. That would be correct as well.

8 Q. In terms of control and restraint teams, you have told
9 us how they were trained, and there was a team of three
10 with a shield; when were they to be deployed? When were
11 these teams to react?

12 A. There could be situations where -- the inmate being in
13 his cell, for example, and he could be in an angry
14 state. And at that point, I think the principal officer
15 in charge of the hall, then there is a danger if anybody
16 went into that room on a one to one basis, or two people
17 went in, then there would be a danger of people getting
18 quite seriously injured in that situation, especially if
19 a weapon was in the hand.

20 And a weapon in the cell could include any part of
21 the cell which could maybe be broken up. It could
22 include, maybe, a bit of the bed stand, for example. It
23 maybe could also include -- maybe there is something
24 hidden in there that hadn't been picked up.

25 So the object of the exercise, it was always

1 a question of the danger that staff could get involved
2 in, and then that would be when the three-man team would
3 be organised.

4 Q. And I think we have heard that in certain parts of
5 a prison, or a borstal, there would be buzzers or bells,
6 that could be rung or pressed?

7 A. Yes, yes. And that would be inside the room as well.

8 Q. Now, would there be a bell or buzzer inside a cell?

9 A. Yes.

10 Q. Would there be buzzers and bells in other parts of the
11 prison, like corridors?

12 A. I don't recall any. I don't recall any buzzers actually
13 in the corridors.

14 Q. No.

15 A. You know, the buzzers in the cell would probably -- it
16 would light up above a door and then the gallery
17 officer: right, a buzzer went. Where is it? Oh, it is
18 that light there.

19 It could be a request from the inmate, for example,
20 that he wanted to go to the toilet or something like
21 that.

22 Q. No, I am just trying to work out.

23 A. Yes.

24 Q. So how would you know if it was an emergency in a cell
25 with an officer, who was perhaps in the cell, and say

1 someone picked up an object and looked as if they were
2 going to attack them; how would the other officers know
3 that was an emergency response that required the three
4 people to come along with the shield, as opposed to
5 a request to go to the toilet?

6 A. I would think in that situation, then we are talking
7 about a gallery officer who is well known to the inmate,
8 and the gallery officer himself would probably, by
9 experience, by time factor, he would probably know that
10 would be 'such and such' an inmate's name, and he would
11 probably know 'no noise', no anything like that, and it
12 would be quite safe for him, himself, to go and open the
13 door.

14 When I did my first year, it was a normal thing for
15 maybe a doorbell would go and the first time you opened
16 the door, it would be, "Sir, have you got a match?", for
17 example, and you would maybe light a cigarette or a roll
18 up, as they used to term it.

19 Q. I suppose I am putting to you a different scenario, that
20 perhaps within a cell there might be a officer and
21 an inmate and that something develops just at that
22 point, a flare up of some sort with the prisoner, and
23 there is a buzzer; would the officer at that point be
24 able to press the bell? If he was able to, he could
25 press the bell for assistance.

1 A. In that situation, yes.

2 Q. Yes.

3 A. I think if he was able to.

4 Q. If he was able to.

5 A. Yes.

6 Q. Now, if he was in a corridor where there wasn't
7 a buzzer; did he have a whistle or anything else he
8 could use to summon assistance, if he was, say,
9 surrounded by one or more boys kicking off, to use
10 an expression we sometimes hear?

11 A. No.

12 Q. Do you see the scenario I'm putting to you?

13 A. Yes, I can see where you are coming from.

14 Q. If someone is in a corridor, and there are boys around,
15 and they have just decided --

16 A. No, I have never ever seen a warning bell in the length
17 of the whole corridor.

18 Q. So would they just have to shout?

19 A. They would just have to shout.

20 Q. "Help!", or whatever?

21 A. Help or whatever the case may be.

22 Q. Can I just ask you one more question on this at this
23 stage: in terms of the swimming pool area; were there
24 buzzers or bells?

25 A. I had one alarm bell, which was stationed on the

1 right-hand side of my office door and a lot of the time,
2 if I was in the changing room, then I would be separated
3 from that bell.

4 Q. Yes.

5 A. But the rule in my time, which was cast in stone,
6 I always had an officer, either a member of the work
7 party or a discipline officer, and he was always at my
8 side. If we separated from the shallow end of the pool,
9 that's where the alarm bell was, then cast in stone
10 I had an officer in with me.

11 And when we went down to the showering area, where
12 the lads would be climbing out of the pool, then he was
13 always on my right-hand side. And the rule between the
14 the between the two of us, at any one time, if any
15 action started taking off for any other reason, his
16 first job was to get up the 25 yards of the pool and
17 press that alarm bell.

18 Q. So you are describing a situation where, really, at all
19 times there were at least two people, you and another
20 officer --

21 A. Yes.

22 Q. -- in the pool area?

23 A. Yes.

24 Q. And it is almost like a situation of Siamese twins, that
25 you have to stay together at all times. Or were there

1 times when you would be apart?

2 A. There would be times where we would be apart, yes. The
3 times we maybe be apart, if I was doing a head count,
4 for example; all right? And the numbers coming in, the
5 head count, that's this, that's that, and I would be
6 continually having a head count. If that head count
7 didn't match, "Oh, what's going on here?" I would
8 gradually maybe just walk down the pool and, by the time
9 I got down there, it would either be a lad doing some
10 underwater swimming or a head would pop up.

11 But, if I didn't get the head count on the surface,
12 then I would be away for a wee walk down there. What's
13 that number again? And I would walk down the pool to
14 make sure that I had the head count and there would be
15 nobody lying at the bottom of the pool, for example.

16 Q. I understand what you are saying. If we look at another
17 scenario, in the changing area, presumably the boys were
18 supervised when they were getting changed, showered and
19 ready to go to the pool?

20 A. Yes, an officer would be with me all the time. Yes.

21 Q. So you would be together in that place?

22 A. Yes.

23 Q. And if you then went out to the pool area after that
24 process, then the two of you would be in the pool area?

25 A. Yes.

1 Q. The actual pool area?

2 A. Yes.

3 LADY SMITH: 'Tom', you said the officer with you would be
4 either a member of the work party or a discipline
5 officer. When you say a "member of the work party";
6 what do you mean?

7 A. If the work party, ma'am, was big enough, there would be
8 sometimes two officers, two work party officers, ie the
9 people that were there, and they would have a discipline
10 officer in there as well.

11 Now, if it was a three party, and you had three
12 officers in there, then one of those officers would come
13 in along with the party into the swimming pool, ma'am.

14 LADY SMITH: So when you say "work party"; what's that
15 referring to?

16 A. That is referring to the officers that would be working
17 8.00 to 5.00, ma'am, in the workshops.

18 LADY SMITH: Okay, so they are from the workshops?

19 A. Yes.

20 LADY SMITH: When you refer to a "discipline officer"; what
21 are you referring to?

22 A. I am referring to maybe a discipline officer who would
23 also be in the workshop area, ma'am.

24 LADY SMITH: What did it mean to be a discipline officer?

25 A. A discipline officer would be the uniformed officers --

1 would be the borstal officer or, when we went to the
2 young offenders, a uniformed officer, ma'am.

3 LADY SMITH: Why are they described as "discipline
4 officers"?

5 A. Ma'am, that was just what -- that is just what
6 description was given.

7 LADY SMITH: I wondered whether they had duties or powers
8 that only they had; was that right?

9 A. No, ma'am. I think they were probably there,
10 especially -- if I just -- the workshop party, ma'am,
11 the officers that worked in the workshop party, there
12 could be civilian officers in that work party, ma'am.

13 LADY SMITH: Yes.

14 A. And when the work party officer is coming out of the
15 hall to go anywhere -- sorry, out of the workshops to go
16 anywhere, they weren't allowed to do a strip search of
17 the inmates as they came out the workshops. It needed
18 a prison officer to do that. In which case, then you
19 had a discipline officer who would be in that workshop,
20 and when they were coming out of the workshops, ma'am,
21 he would be the one who would do a strip search to make
22 sure they had nothing on their person.

23 And also, if they were coming to the swimming pool,
24 he would ask them to unroll their towels and stuff, as
25 well, to see if anything come -- especially the

1 engineer's shop, ma'am, to see if there was anything
2 hidden in the towels, or anything like that.

3 LADY SMITH: So this sounds as though a discipline officer
4 had duties that involved checking that the inmates were
5 keeping to the rules, keeping to the Polmont rules; is
6 that right?

7 For example, they shouldn't be taking something to
8 the swimming pool that's not allowed in the swimming
9 pool, tucked up in their towel. They shouldn't be
10 taking something out of the workshop without permission.

11 A. In that context, ma'am, yes.

12 LADY SMITH: Is that right?

13 A. Yes, ma'am.

14 LADY SMITH: The discipline officer would decide whether he
15 needed to check a particular inmate as to whether they
16 had something they shouldn't have?

17 A. Yes, ma'am.

18 LADY SMITH: Thank you, that helps.

19 Mr Peoples.

20 MR PEOPLES: Can I perhaps just ensure I have this correct?

21 While the swimming pool was a workshop in one sense,
22 there were other perhaps more traditional workshops,
23 where things like engineering or joinery or other
24 activities could be -- work activities could be carried
25 out by inmates?

1 A. Yes.

2 Q. Not everyone in Polmont went to the workshops, did they?

3 Or was it compulsory that they had to go to

4 a workshop of some kind?

5 A. I am not so sure if that would be compulsory for them.

6 I think some of them would maybe be kept in the hall to

7 either help out in the wing, along with the staff that

8 would be in the wing. But the majority of them, yes,

9 would go to a particular workshop.

10 Q. Right. And if they went there; would there always be --

11 apart from the work party officers, there would be

12 a discipline officer as well?

13 A. Yes.

14 Q. And the discipline officer, is he someone that would

15 have come from the hall?

16 A. Yes.

17 Q. That the boys were from?

18 A. Yes. Not necessarily from the hall.

19 Q. No?

20 A. Yes, because the boys in the workshop are all coming

21 from different halls.

22 Q. Coming from different halls?

23 A. Yes, it would be -- the discipline officer, in that

24 context, would be from the control set up. They would

25 make sure that the discipline officer would come from

1 one of the halls.

2 Q. Right, and that would just be done on some sort of rota
3 basis, or whatever, from week to week?

4 A. Yes.

5 Q. Because I think we know from other evidence that in
6 a hall, for example, there might be several levels or
7 landings with cells, or a wing or a hall, there might be
8 different levels?

9 A. Yes.

10 Q. And on each level, as I understand the evidence we have
11 to date, there could be two basic grade officers,
12 landing officers, gallery officers, on each level?
13 There could be?

14 A. In my short time ...

15 Q. And there would be a senior --

16 A. There was only one.

17 Q. Only one.

18 A. In the short time I was on it, there was only one.

19 Q. Okay, stick with that. So there is one officer at least
20 who is like a gallery officer or a landing officer?

21 A. That's correct.

22 Q. And there might be a more senior officer at the ground
23 level, in a senior officer's office on the ground level
24 of the particular wing?

25 A. Yes.

1 Q. And there might also be someone -- there is sometimes
2 a principal officer or a chief or a senior officer, and
3 they tend not to be on the landings as such?

4 A. That's correct.

5 Q. Right. In your time, you think there was maybe one
6 landing officer? That's going back to the early days,
7 the late 1960s/early 1970s?

8 A. Well, I never had anybody else on the gallery, as I can
9 remember.

10 Q. When you were on the gallery?

11 A. Yes.

12 Q. Okay.

13 Just another question: in terms of when people came
14 to swim; did they always come to swim after having been
15 in a workshop?

16 A. Yes.

17 Q. You didn't go, for example -- or you didn't have someone
18 bring boys directly from a landing to the swimming pool?

19 Do you see what I am asking?

20 A. Yes.

21 The vast majority of cases, they would be coming
22 from a workshop.

23 Q. So they had already done their work and then they were
24 going to have to shower to clean themselves up and then
25 they would go swimming?

1 A. That's correct, yes.

2 Q. Okay. So, generally speaking, boys who went to the
3 swimming pool would be brought from a workshop, not from
4 a landing?

5 A. Yes.

6 Q. Okay.

7 Now, can I go back to your statement, if I may, at
8 page 7? I just want to pick up a couple of things that
9 you tell us about there.

10 First of all, if I can go back to control and
11 restraint, we have established, we think, that this new
12 system came in, perhaps, in the -- at least in the 80s,
13 1980s, and you believed that the PT staff received
14 training from a PT officer who was based at Glenochil?

15 A. Yes.

16 Q. You didn't have anyone from Canada, by any chance, did
17 you?

18 A. No.

19 Q. No. Do you know why I am asking that?

20 A. Yes.

21 Q. Because the system, I think, to some extent was borrowed
22 from Canada, was it not?

23 A. I didn't know that. I didn't know that, sir. But
24 I think at that came up in a conversation with the --
25 I think it came up in a conversation with HJY, and he

1 was the one that mentioned it came from Canada.

2 I didn't know that.

3 Q. Who is HJY, sorry?

4 A. Maybe I have spoken out of turn here, sir. I am talking

5 about on one of the meetings that I had.

6 Q. No, no, I am just curious, it wasn't HJY was it?

7 A. I never -- I didn't know the second name, sir.

8 LADY SMITH: Are you talking about somebody from the

9 Inquiry?

10 A. Yes.

11 LADY SMITH: So it would be at the session when you gave

12 your statement?

13 A. I am sorry, ma'am. I thought I was talking out of turn.

14 LADY SMITH: Not at all. We just didn't know who you were

15 talking about.

16 A. I didn't know their second name.

17 LADY SMITH: No, you wouldn't. That's fine.

18 MR PEOPLES: I mentioned a name there because I thought it

19 was someone who worked at Polmont called HJY, who may

20 have told you where this system came from.

21 A. No, you put me back on my heels there, sir. I thought

22 I had spoken out of turn.

23 LADY SMITH: There is no criticism of you at all, 'Tom'. We

24 were just curious.

25 MR PEOPLES: So you have described the system, and I think

1 you say that the PT staff didn't carry out the training
2 for long because the discipline staff became jealous?

3 A. Correct.

4 Q. It seems as if you think that -- you say:

5 "Rightly so, the powers that be thought that because
6 we were all involved in training the gym and swimming
7 pool weren't being used."

8 Does that mean the training took you away from the
9 swimming pool activity?

10 A. Yes.

11 Q. So there was less time to give swimming lessons or let
12 people swim under your supervision?

13 A. Correct, yes.

14 Q. And in terms of staff, you tell us that you were the
15 full time, you were the main man, as it were, the
16 swimming instructor after you applied for the job. But
17 you had relief staff, so you weren't always the person
18 at the pool? You would have people who would stand in
19 for you?

20 A. Yes.

21 Q. How often would that happen?

22 A. Well, I would be on holiday six weeks of the year, or if
23 I am on sick, and I think it was then up to the control
24 officer who went in there. Normally, it would be
25 somebody from the PT staff. But, in the early days,

1 I didn't really know, you know, what was happening to my
2 predecessors.

3 Many times it probably came from a member of the PT
4 staff.

5 Q. If for any reason -- and I don't know whether you ever
6 had time off for sickness or periods of ill health, even
7 short periods; would there have to be some relief in
8 those situations for you, if you weren't able to go to
9 work?

10 A. Yes.

11 Q. So they would just put someone in, possibly from the PT
12 staff?

13 A. Yes.

14 Q. And you also tell us, apart from the officer who would
15 be in the pool area that you have told us about, there
16 would be an inmate assisting you called a passman?

17 A. Yes.

18 Q. You would have a passman, basically all the time?

19 A. Yes.

20 Q. To help you carry out some of the tasks in the pool
21 area?

22 A. Yes.

23 Q. Including, you say, you had responsibility for the water
24 purification plant that was in that area?

25 A. Yes. And I didn't know anything about that.

1 Q. Yes.

2 A. About any water -- you know, the treatment of the water.
3 Before I went in, I didn't know anything about that.

4 Q. And where was the room, the water purification plant
5 room?

6 A. There was a plant room in one of the corridors, and that
7 was in the West Wing corridor. If we went out from my
8 office, door side, ie the first door, it was just
9 a question of a yard, a couple of yards, stage right,
10 and there was the plant room, the purification room, on
11 the right hand side through a double door.

12 Q. How often would you have to go there?
13 On a daily basis?

14 A. I could be in and out of there maybe three or four times
15 a day.

16 Q. And would the discipline officer follow you?

17 A. I would be doing that outwith the party. I would be
18 doing that when there was nobody in the swimming pool.

19 Q. Oh, right, so there would be no boys?

20 A. It would be between parties. There would be no boys
21 involved, no.

22 Q. Apart from being in the plant room to look at the water
23 purification system; would you at times have to clean
24 the pool or take objects out of the pool?

25 A. The purification plant used to get a backwash every --

1 once a week, and that was on a Saturday morning.

2 The passman, every morning, there was a wide brush,
3 maybe about two/two and a half feet wide, and his job
4 was to go backwards and forwards across the pool. And,
5 also, if there was any debris in the swimming pool, then
6 that got swept down to where the drain was and it would
7 then be brushed into where the drainage system was and
8 down at the deep end.

9 That, in turn, would finish up in the infiltration
10 plant and it was then known when -- maybe about a week,
11 it needed to get backwashed every week, meaning the back
12 was being -- the water was reversed and went up the way
13 instead of coming down the way. And any debris that was
14 caught in the infiltration plant was then -- then went
15 to drain. And, in that context, that job got done on
16 a Saturday morning.

17 Q. Yes. So you will know from some of the questions I am
18 asking that I am interested in whether you did, at least
19 at some points in the day, carry what has been described
20 in a statement by another person as a "big scoop" that
21 was at the end of a stick or a pole; did you have
22 something like that, that you carried about from time to
23 time?

24 A. The passman carried that about at time to time, and
25 never us. We had an hour in the morning where the

1 passman had to splash water on to the sides of the pool.
2 Now, he used that twice a day. I never used it.
3 Q. So this was like a pole with something on the end?
4 A. Yes, yes.
5 Q. Would it be described as a scoop?
6 A. Yes.
7 Q. You never held that at all?
8 A. I never held -- there were -- during the course of my
9 working day I never held that at all, no.
10 Q. Okay.
11 A. Sorry, sir. Maybe in the context during the course of
12 the hour, if I had a new passman coming in, then I would
13 be going round the place showing him, "Right, this is
14 what you do, lad". That would be when I would be using
15 it.
16 Q. Would there be boys around then?
17 A. No, it would just be me and my passman.
18 LADY SMITH: What was it for?
19 A. That was to clean the pond, ma'am. That was to use the
20 chlorinated water to clear the sides of the pond.
21 And also, Ma'am, it was also used during the day by
22 the passman as well if one of the lads accidentally
23 maybe had to -- ma'am, maybe cleared their nose or
24 something like that. Or maybe spit or something in that
25 context, then the passman would go round and clear that

1 off, ma'am.

2 LADY SMITH: Okay.

3 MR PEOPLES: I mean, we have heard that some inmates would
4 do some things when they went to the toilet, that they
5 might -- we have heard of something called the bomb
6 squad that would have to clear up things that were
7 thrown out of cell windows; have you heard of that?

8 A. I have heard of that, yes, but that never included me,
9 sir.

10 Q. No, I wasn't suggesting it.

11 A. No.

12 Q. I am just suggesting -- were there ever times when boys,
13 perhaps, for whatever reason, might do anything in the
14 pool that required to be scooped out?

15 Do you get what I am saying?

16 A. I know where you are coming from, sir.

17 Q. Were there ever times that happened?

18 A. My predecessors -- that was explained to me, and the
19 jobbie in the pool, for example, and my predecessor said
20 to me, "You might have problems along those lines and
21 what have you, like". In fairness to the lads, it could
22 be done in an innocent way, because there wasn't
23 an actual toilet in the pool for them.

24 So I took a different view about that, and I just
25 put all that to one side. And in fairness to all the

1 lads that I was involved in, that never happened to me
2 once.

3 Q. Okay. And perhaps I should have asked you this before:
4 you were the instructor; would you therefore be fully
5 clothed?

6 A. Yes.

7 Q. But if you had had to enter the pool to, for example,
8 save someone, or you saw them lying at the bottom of the
9 pool; would you just dive in?

10 A. In that context, I would have to.

11 Q. Yes.

12 A. Basically, if a lad got into trouble, there was not
13 an area in that swimming pool that I couldn't reach him
14 with another pole, with a large ring. So the pool was
15 narrow enough that I could stand at one side of the pool
16 and that pole was long enough to be used as a life
17 saving aid. The last thing anybody wants to do is dive
18 in and rescue somebody. So, if there was somebody in
19 the bottom of the pool, no problem.

20 Q. Yes.

21 A. No question, clothes on, get in, and I may be shouting
22 to one of the lads to give me a hand as well. In that
23 context, yes, I would have my clothes on and I would
24 have to go in.

25 LADY SMITH: You just mentioned, 'Tom', there being another

1 pole with a large ring; was that an inflated ring?

2 A. No, ma'am, it was just a straightforward ring and
3 I think one of the predecessors before me, I think it
4 got sorted out in the engineer's shop. I don't think it
5 was a bought unit.

6 LADY SMITH: Sorry, what was the ring made of?

7 A. Stainless steel, ma'am. But there was no cladding
8 around it or inflation, or anything like that.

9 LADY SMITH: How big was it?

10 A. Ma'am, big enough to get over a -- over a -- so that
11 a boy could get his hands up through and be in a safe
12 place, and either get pushed to the side or get pulled
13 to the side. But there was no area in that swimming
14 pool that that ring couldn't reach.

15 Obviously, the length would be a problem. But
16 anybody in the pool, the first thing I would be doing
17 was getting the ring on the go. But nine times out of
18 ten -- very seldom did that ever happen, ma'am, that
19 somebody had to get rescued out of the swimming pool.

20 LADY SMITH: Thank you.

21 MR PEOPLES: Forgive me, I maybe didn't pick that one up,
22 but this ring that you could use if someone was in
23 difficulty; was it attached to a pole?

24 A. It was a ring that was attached to a pole, yes. And it
25 was down at the bottom end of the pool, on a type of

1 bracket.

2 Q. On a bracket?

3 A. Yes.

4 Q. So you didn't carry it about with you?

5 A. No.

6 Q. You would have to reach for it if you thought there was
7 an emergency?

8 A. If there was an emergency. And it would have to really
9 be an emergency before that ring would ever get used
10 and, to my knowledge, I don't think my predecessors ever
11 used it, and I certainly never used it.

12 Q. And just in terms of being in the pool; did you ever go
13 into the pool, for example, to teach someone how they
14 should perform a particular type of stroke, breast
15 stroke, butterfly, front crawl, whatever? Did you ever
16 go into the pool to demonstrate or join the boys in the
17 pool?

18 A. During the course of my working day, no, I never went in
19 the pool in that context.

20 Q. So in all your 25 or so years at the pool --

21 A. Yes.

22 Q. -- you didn't ever -- you were never in the pool with
23 any of the boys?

24 A. There was night classes on the go. And the night
25 classes on the go was one night a week and, during the

1 night classes, I taught survival swimming, I taught life
2 saving, and any inmate that was coming -- I hate using
3 the word "inmate". Any lads that were coming in, they
4 were hand picked by me because, first of all, they had
5 to have a skill level that (a) they could tread water
6 and (b) they had to be strong enough that if I was
7 practising towing, got them to tow one of their
8 colleagues up and down the swimming pool, they had to be
9 strong enough -- a strong enough swimmer to do that.
10 That would be in life saving.

11 Now, in survival swimming, out of the laundry,
12 I then got the officer in charge of all the laundry or
13 the matrons, and in the infiltration room and what have
14 you, like, that was used to try out stuff.

15 I forgot to mention there was a third door in that
16 corridor, and that was my storeroom, but inmates were
17 never in there.

18 Q. Just going back to --

19 A. I am trying to get round to that, sir, yes.

20 Survival swimming is different from life saving.
21 Survival swimming is showing them how to enter water,
22 and also teaching them, if they were wearing clothes,
23 how they could make a float.

24 So I could get dressed up in a pair of old pyjamas,
25 and the lads that were doing the survival swimming,

1 I could issue them with pyjamas, coming from the jail
2 itself, and I would then have to go in and demonstrate
3 on how to make a float. And that would entail the
4 treading of the water, either making a float, a method
5 by tying the bottom of the pyjamas and taking the open
6 end of the pyjamas above their heads, bump, catching
7 air, into the water, and they could lie there with
8 a float. Yes, I would be in the water teaching them
9 that.

10 Q. But that was only in these night classes?

11 A. That was only in the night classes, yes.

12 Q. Not during the day?

13 A. Not during the day, sir, no.

14 Q. Okay. In terms of night classes, I take it though the
15 same procedure would apply: if the boys that came to the
16 night classes wanted to do life saving or survival
17 training with you in these situations, they would still
18 have to go to the changing rooms, they would still have
19 to shower --

20 A. Yes.

21 Q. -- they would still have some form of inspection? Did
22 you not inspect their feet before they went in?

23 A. In night classes, never.

24 Q. What about during the day?

25 A. Yes, never. On lads that were picked to go in there,

1 there was no lining up on the pond side. I knew every
2 one of them. It was our question: right lads, as soon
3 as you get changed, off you go, there is some gear
4 there. Get yourself kitted up with some gear.

5 And they just done it. There wasn't a kind of
6 disciplined supervision that was entailed during the
7 working parties going in. It was a more friendly,
8 subdued attitude.

9 Q. But they would still have the showers before they went
10 in?

11 A. They would still have the showers, yes.

12 Q. No line up and no check?

13 A. No line up and no check.

14 Q. And no discipline officer?

15 A. In some cases, yes, there would be a discipline
16 officer -- sorry, there would be maybe one of my
17 colleagues, who had maybe come in from the PT staff to
18 help me out.

19 Q. But maybe not?

20 A. But maybe not, no.

21 Q. So you could be alone with them in that case?

22 A. I could be alone with them in that situation, sir, yes.

23 Q. And you tell us, in terms of some facts and figures, at
24 paragraph 42, on page 8, that you estimate that you,
25 perhaps, were having around 280 coming through the

1 swimming pool on a weekly basis; that was the sort of
2 numbers?

3 A. Yes. That was the sort of numbers, yes.

4 Q. But in groups of roughly about 18, perhaps, at a time?

5 A. Yes.

6 LADY SMITH: 'Tom', when you refer to these classes as
7 "night classes"; what time was that?

8 A. Ma'am, that would be from after dinner. 6 o'clock to
9 8 o'clock, ma'am. And the night classes, ma'am, would
10 be voluntary.

11 LADY SMITH: Yes.

12 A. It would be voluntary for the lads, whichever night
13 class they wanted to go.

14 LADY SMITH: So although I think at some point in your
15 statement you refer to this as a 9.00 to 5.00 job; you
16 are saying that sometimes there would be an evening
17 session as well?

18 A. That would be in the winter time, ma'am.

19 LADY SMITH: Okay, thank you.

20 MR PEOPLES: And you say that was voluntary, but do I take
21 it from that answer that what I might call the day
22 swimming was not voluntary for some? It was a workshop
23 and some boys had to go there, whether they were
24 particularly keen on going or not.

25 A. That's correct, yes.

1 Q. Because I suppose not all boys like swimming, not all
2 boys like PT?

3 A. That's correct, yes.

4 Q. So you might end up, during the day, having some that
5 were reluctant?

6 A. That's correct.

7 Q. Yes. Okay.

8 Now, going to page 9, at paragraph 46, if I may, you
9 say:

10 "I wouldn't attend the halls to collect the inmates.
11 An officer would bring the swimmers down to the swimming
12 pool for their session."

13 A. Yes.

14 Q. When you say you wouldn't attend the halls; you have
15 told us earlier on most of the boys would come from
16 workshops, not from the halls?

17 A. That's correct. The halls would be -- the lads that
18 were kept in the halls -- to clean the halls, they would
19 be the hall passman, and it would be the lads helping
20 out on the hot plate. And that's where those numbers
21 would probably be reduced, depending on the numbers,
22 because they wouldn't be coming from all the halls at
23 that time; they would just be coming from individual
24 halls. So the numbers could be anything from half
25 a dozen to maybe a dozen at the most. Maybe less than

1 that, actually.

2 Q. So, in the case of these boys who weren't in the
3 workshop, but were in the hall doing cleaning or kitchen
4 duties or whatever, then they would be brought by
5 an officer from the hall?

6 A. Yes.

7 Q. And that person would stay with them?

8 A. Yes.

9 Q. And take them back?

10 A. Yes.

11 Q. Can I just ask you to -- you tell us that at
12 paragraph 46, I think. Can I just check and clarify one
13 thing with you, at paragraph 62, on page 11? You are
14 talking about the security systems, and you tell us:

15 "Every morning the early shift principal officer who
16 was in charge of the early shift had a master key which
17 allowed him to open the double locking system used at
18 Polmont. Once he did that, all other staff could open
19 doors by using their own key. For example, if I wanted
20 to go into a hall to collect inmates for swimming,
21 I would be able to access the area once the principal
22 officer had undone the double lock."

23 Now, that suggests, perhaps, that you did sometimes
24 go to a hall to collect -- you personally, rather than
25 an officer bringing the boys to you?

1 A. That would be correct, sir.

2 Q. You would do that sometimes?

3 A. I would do that sometimes, yes, sir.

4 Q. But would an officer come with you when you did that?

5 A. An officer would come with me when I did that. But,

6 nine times out of ten, all right, because of numbers,

7 then if there were only going to be about four or five

8 of them or anything like that, then -- and some -- and

9 where the wings were, there was three halls within

10 visual distance of the swimming pool, and it would

11 explain to me, with -- from the principal officer or the

12 senior officer, "We have only got half a dozen this

13 morning and I may need Mr so and so, because he is

14 having to go to the order room". In that context, all

15 right, then he would be coming into the swimming pool,

16 but the phone may go and that officer would maybe have

17 to go up to do an order room thing.

18 Q. So what you are describing is a situation where, if they

19 were called away --

20 A. Yes.

21 Q. -- you could be left with the boys on your own?

22 A. I could be left with half a dozen boys on my own, yes.

23 MR PEOPLES: Okay.

24 I am conscious of the time?

25 LADY SMITH: Would that be a good point to break?

1 MR PEOPLES: It probably is a good point to take a break at
2 this point.

3 LADY SMITH: 'Tom', I normally take break at this time in
4 the morning, where we can all get a breather for
5 a quarter of an hour or so; would that suit you now?

6 A. That would suit me fine, ma'am, yes.

7 LADY SMITH: All right, let's do that and we will sit again
8 after the break.

9 (11.27 am)

10 (A short break)

11 (11.44 am)

12 LADY SMITH: 'Tom', I hope the break was of some benefit to
13 you.

14 A. Yes, ma'am.

15 LADY SMITH: Are you ready to carry on? Is that all right?

16 A. Yes.

17 LADY SMITH: Thank you. Mr Peoples.

18 MR PEOPLES: Thank you, my Lady.

19 'Tom', earlier this morning we were talking about
20 restraint, and I am not going to go through it. You
21 have a section in your statement about that, and I have
22 asked you a number of questions. But I just wanted to
23 pick up one point at page 14, paragraph 74. You talked
24 about the restraint training; do you have that?

25 A. I have got that now, thank you.

1 Q. You talked about the restraint training you had and you
2 told us about that, in the 1980s. You say, at 74:

3 "I have never been involved in restraining an inmate
4 in a live situation."

5 A. No. I have never been involved, no.

6 Q. It was only a training exercise?

7 A. Yes.

8 Q. And you say:

9 "I have never seen an officer being excessive in
10 a control and restraint situation."

11 But I think you add for completeness:

12 "On two or three occasions I did witness officers
13 carrying out live control and restraint."

14 So you have only seen, perhaps two or three times,
15 a live situation, personally?

16 A. That's correct.

17 Q. But I take it that you will be well aware that control
18 and restraint is obviously used on a reasonably regular
19 basis, is it, in prison environments?

20 A. Yes.

21 Q. Okay. Then if I can move on to concerns, complaints and
22 so forth, I can ask you a few questions about that.

23 At paragraph 75, I think you say that to your
24 knowledge, in your whole time at Polmont, there was
25 never any concern raised by staff at Polmont or other

1 external body, agency or person, because of the way
2 inmates were being treated?

3 A. That's correct.

4 Q. If I move on to page 15, at paragraph 78, you tell us
5 that throughout all your years working in Polmont, and
6 we are talking about 27 years here, you say you have
7 never had a complaint made against you that resulted in
8 you having to go before the governor or to face any form
9 of disciplinary action?

10 A. Yes, that's correct.

11 Q. I don't know if you can help me with this: generally
12 speaking; would you say that prisoners are not given to
13 making formal complaints, particularly against staff?

14 Or are you able to answer? Is that something
15 outwith your experience?

16 A. That is something outwith my experience.

17 Q. Okay. That's fine. Just by all means say so.

18 But you do say, at paragraph 79:

19 "I never heard any inmate complain about another
20 inmate."

21 I think this will be within your experience, that
22 there is what is a well known prison norm: you don't
23 grass on other inmates?

24 A. Yes, that's correct.

25 Q. It is quite well known.

1 A. Well known, yes.

2 Q. So, if something happens, generally speaking, if it
3 involves one prisoner against another, or an inmate
4 against another, it doesn't usually result in any formal
5 complaints process?

6 A. Correct.

7 LADY SMITH: Well, they know they might make things worse
8 for themselves, don't they?

9 A. Yes ma'am.

10 LADY SMITH: Thank you.

11 MR PEOPLES: I don't know how well versed you were in the
12 prison rules. I am sure you were aware of them. That
13 people who made complaints, prisoners, first of all, in
14 the past they had to do it by way of some written
15 procedure. They couldn't just verbally complain in
16 a formal sense, they had to fill out forms. I think we
17 heard this. Don't worry, if you don't know that, tell
18 me. But were you aware of that; that there was
19 a requirement to write a formal complaint?

20 A. That's the first time I have heard that, sir.

21 Q. Yes. Were you also aware that there was, within the
22 discipline rules, people could be -- could find
23 themselves making a complaint, and if it was
24 characterised as a malicious complaint, they could end
25 up being put on report and being disciplined for making

1 the complaint? Did you know anything about that?

2 A. Yes, I think that could happen.

3 Q. Yes. Because I think that's in the rules.

4 A. Yes.

5 Q. I am just saying that it was possible. I suppose the
6 point might be that could be seen as a deterrent to
7 making a complaint and make it more of an uphill
8 struggle?

9 A. Yes.

10 Q. I think things have changed now. I think we have heard
11 evidence that the process has changed from those days,
12 but I think, in your time, these would be rules that
13 would be applied?

14 A. Yes.

15 Q. Yes.

16 Now, just going on, you have a section that's headed
17 "Abuse", and I will just come to that now.

18 You tell us at paragraph 81, on page 15, that you
19 were never given any information advising of you what
20 was classed as abuse within Polmont. So you didn't get
21 any guidance in your time on that?

22 A. None whatsoever.

23 Q. You say:

24 "I have heard what I would call "verbals", swearing,
25 but nothing I would define as verbal abuse."

1 Maybe you can help me there: it sounds as if things
2 were said, sometimes swear words were used, and maybe
3 things were said, but you don't classify any of what you
4 heard as verbal abuse?

5 A. No, I wouldn't say it would be verbal abuse. What
6 I would say, if I am allowed to say?

7 Q. No, you say it.

8 A. Yes, it would probably be someone letting off a bit of
9 steam, and more or less saying what they thought at the
10 time. But I have never, ever -- I have never, ever,
11 really witnessed two inmates really going head to head
12 and calling one another everything under the sun.
13 I have never witnessed that out of two inmates.

14 Q. But do you accept that, for example, if someone made
15 a comment of the type that maybe you have in mind, that
16 the person who is the object of that comment could take
17 it in a certain way? They could feel that they were
18 being verbally abused. It very much depends on the
19 individual and what's said.

20 A. Yes, I would agree with that. It would depend on the
21 type -- excuse me. It would depend on the type of
22 person that was receiving the verbal abuse. And if he
23 took it the wrong way, yes, I would agree with that. He
24 would probably say, "You are out of order", you know?

25 Q. And in certain environments you may have people who

1 are -- inmates who are, in short, bullies, who will use
2 comments, verbal comments, to intimidate other inmates.
3 That must be something that at least is a matter of
4 common knowledge; do you accept?

5 A. Yes, I would agree with that. But I have never
6 witnessed that.

7 Q. No, you have made that clear. I think you accept that
8 prisons aren't free of bullying by inmates towards other
9 inmates, because you have the weak, the strong, the
10 cliques, and so forth, so that does go on?

11 A. Yes.

12 Q. Yes.

13 A. I would agree with that.

14 Q. I think you make the point -- and maybe it is worth
15 stressing what you do say at paragraph 83 about abuse:
16 "I think abuse could have occurred and gone
17 undetected in certain areas. I have no control over
18 that, but I suppose it could have occurred."

19 So you are not coming here today to say that Polmont
20 was a place where no abuse ever happened?

21 A. No. No, I agree with what I have written down there, in
22 actual fact. There could be abuse going on, but I have
23 never really witnessed anything at all that -- I have
24 just never seen it happen.

25 Q. And it could be abuse either by another inmate or even

1 by a prison officer?

2 A. It could be.

3 Q. You wouldn't necessarily -- okay.

4 And I think from what you have described over your
5 long period at Polmont, you spent much of your time in
6 the swimming pool area?

7 A. Yes.

8 Q. So what went on in the halls, the wings, the other
9 workshops, is something that is outwith your direct
10 knowledge?

11 A. That's correct.

12 Q. Now, moving on in your statement, there is a section
13 headed, "Child protection arrangements", and I just want
14 to ask you about that. I will just read what you tell
15 us in your signed statement. At paragraph 84, it says:

16 "In terms of any guidance provided on how inmates in
17 Polmont should be treated, cared for and protected
18 against abuse, ill treatment or inappropriate behaviour,
19 all I can say is that I was never informed of anything
20 like that, either verbally or in black and white. There
21 were no guidelines ever handed to me or, I believe, to
22 other members of staff. That never happened as far as
23 I am aware.

24 "There was never any guidance handed to me which
25 informed me on how to handle or respond to reports of

1 abuse or ill treatment of inmates by staff, other adults
2 or other inmates. I certainly wasn't aware of any child
3 protection arrangements that were in place to reduce the
4 likelihood of abuse, ill treatment or inappropriate
5 behaviour from staff, other adults or inmates.

6 I certainly wasn't taken to one side and told what I had
7 to do."

8 So does that sum it up?

9 A. That sums it up, yes.

10 Q. Did anyone ever suggest who was classified as a child?

11 Because, for our Inquiry, a child is a young person

12 under 18. Some people might find that a little odd.

13 But, internationally, children are seen as people who

14 have not yet at obtained the age of 18. They are not

15 necessarily called children always; they might just be

16 called young people. But was that something that was

17 ever conveyed to you, or did you just treat the 16-year

18 olds like the 20-year olds? They were all --

19 A. There was nothing like that there, sir, ever conveyed to

20 me. I just treated all the lads -- I just treated them

21 as young lads.

22 Q. Yes. And just one other point, if I may ask you at this

23 stage: we know from other evidence that there were

24 sometimes young people who were under 16 who could find

25 themselves in a prison environment under what was called

1 an "Unruly Certificate" and they would be sometimes
2 placed in a prison environment for that reason; did you
3 ever -- maybe you didn't know their age anyway. But did
4 you ever encounter boys who were under the age of 16 in
5 your time as a swimming instructor?

6 A. Yes. There was one that used to come down into my area
7 of a -- into the area of the swimming pool. He was
8 housed in an area called Carrick House.

9 Q. Right.

10 A. I believe when he came in he was 14 years old. I know
11 his name very well. I won't mention it. And he came in
12 here, he came into Polmont, which was known as, then, on
13 Her Majesty's pleasure, and he was 14 years old. And he
14 went swimming.

15 And he didn't come down on his own; he actually came
16 down with a group of other inmates that was housed in
17 that wing. And he used to come down into the swimming
18 pool, last period every Friday morning.

19 Q. So he would be in a group that could involve -- could
20 include young people as old as 20? Could. Or were they
21 younger than that?

22 A. Not as 20, sir. They would be 18 -- the borstal
23 sentence, when that lad was in, was 16 to 18. And
24 I don't think there would be anybody older than 18 in
25 Polmont at that time. But he was definitely 14.

1 Q. It is still a big gap. Even if you talk about a 14-year
2 old in a group that has 18-year olds within it.

3 A. I would agree with that.

4 Q. But this boy would have to go through the same process
5 you have described this morning, of getting to the
6 changing rooms --

7 A. Yes.

8 Q. -- showering --

9 A. Yes.

10 Q. -- lining up with boys and so forth?

11 A. Yes.

12 Q. And being in the pool with them?

13 A. But there would be a marker on him, sir, that -- and
14 that was probably one of the only times that I knew --
15 or it didn't even interest me to find out what the lads
16 were in for. But because of the nature and his age,
17 then it was pointed out to me who he was, and that was,
18 yes, the first time I ever knew what a laddie was in
19 for, from an official point of view.

20 Q. Can I put this point to you: you say you didn't,
21 obviously, know too much about the background. Now, the
22 Inquiry has taken evidence from some other people who
23 served as prison officers, and I mentioned his name
24 earlier and I will mention it again, because he did work
25 at Polmont, at least for a time. But I think he may

1 have been after you. I don't know if you came across
2 him: **HJY**; does that name ring a bell?

3 A. I don't recall that name, sir.

4 Q. No, I think he started in Polmont for the first time in
5 1997, so would you have gone by then?

6 A. I was away then, yes.

7 Q. What he has said to the Inquiry is that -- and this is
8 him reflecting on his time in Polmont at that time. He
9 said to the Inquiry what he calls "troublesome
10 individuals" were just classed as bams; do you know what
11 that means?

12 A. That's a common explanation, which I have never used.

13 Q. But you know what I am talking about?

14 A. I know what you are talking about, yes.

15 Q. He says nowadays they would be identified as having
16 mental health issues. Back then officers didn't know
17 their background or what life they had been through.

18 And I think you just confirmed, as far as you were
19 concerned, you didn't know what their background
20 experiences were?

21 A. That's correct.

22 Q. Because some might say it would be helpful to have
23 a little bit more knowledge about a person that you have
24 to look after in custody. It might give you an insight
25 or an understanding of why they might, perhaps, appear

1 troublesome when in fact it might be due to some
2 perfectly understandable reason; do you get what I am
3 saying?

4 A. I know where you are coming from, sir. And I think, not
5 in the service that I was in, but if we go back to the
6 gentleman in the '97, there were obviously things
7 changing and I would agree that it would probably be
8 a good thing if all staff then were given a knowledge of
9 individuals. Maybe not necessarily every individual,
10 but the individual that would be causing problems. And
11 I could see that -- giving it a quick thought, that to
12 me is a big step forward.

13 Q. Because I suppose, back in your day, and it may well be
14 the same today, prison officers presumably don't like
15 troublemakers, because they are hard work and they have
16 to deal with them?

17 A. I would agree with that, yes.

18 Q. And if someone observes the rules and conforms, to use
19 just that -- then their experience in prison or in
20 a borstal, or a young offenders, might be a very
21 different experience from someone who doesn't conform,
22 for whatever reason, who is troublesome?

23 A. Yes.

24 Q. Yes.

25 Just going back to knowledge of the boys'

1 backgrounds. You have given us an estimate of the
2 number of boys you had to deal with in your time in the
3 service. I suppose that you were dealing with a lot of
4 teenage boys and you were dealing with them in groups,
5 so you would not have much time to develop relationships
6 with individual boys, because you didn't have that time
7 available?

8 A. With the exception of my passman.

9 Q. Your passman?

10 A. Yes.

11 Q. And you might, to some extent, with the boys that did
12 the evening classes?

13 A. Yes.

14 Q. But, otherwise, you wouldn't have the time to build up
15 a sort of relationship which might have helped the boys
16 to settle, they might have behaved in a different way,
17 the staff might have had a different attitude towards
18 them. That was difficult in the situation you were
19 finding yourself in?

20 A. Yes, I would agree with that.

21 Q. Okay. And just if we go on in your statement, at
22 page 17, paragraph 93, this is to do with external
23 monitoring, that section. You say over your 27 and
24 a half years working at Polmont you would say you were
25 aware of an inspector of prisons visiting around four

1 times?

2 A. That would be about correct, yes.

3 LADY SMITH: How did you become aware of there being
4 an inspection taking place?

5 A. The staff would probably be made aware, ma'am, that the
6 inspector of prisons would be visiting the establishment
7 on such and such a date, on such and such a day, ma'am.

8 LADY SMITH: Okay. How, as a matter of interest? This is
9 pre-email days?

10 A. I don't think, ma'am, it would be -- it would go up on a
11 notice board some place. It would just be something
12 that would be passed down to staff verbally.

13 LADY SMITH: Okay, thank you.

14 MR PEOPLES: You may not be able to help me with this, but
15 I asked about buzzers and so forth, and you told us
16 where you recall them being, location-wise. Before you
17 retired, in 1995; was Polmont using CCTV?

18 A. I remember being out in one of the playing -- excuse me,
19 on one of the playing fields, and I was aware, via the
20 discipline officer that was with me, that the gate
21 officer -- you know, because by that time, when
22 I retired, there wasn't a wall round it; it was a wire
23 fence and everything that was round it. And I believe
24 the gate officer that was in the gate house, he had the
25 type of -- CCTV; did you say?

1 Q. Yes.

2 A. He had that type -- he had that form of seeing what was
3 happening on the outside in the playing fields, while
4 the inmates were out in the playing fields. Yes, that
5 would be in the -- that would be in the kind of key
6 room, where the door keys and stuff like that -- in the
7 gate house.

8 Q. But, otherwise, you don't have a recollection of seeing
9 CCTV in Polmont itself; certainly not in the swimming
10 area?

11 A. Never in the swimming area. And to my recollection,
12 either, there was never any in the hall either, or in
13 corridors, only in the gate house.

14 Q. Okay. Now, can I move on to deal with a section which
15 is to do with people who have been named by people who
16 have come to this Inquiry as being involved in abuse?

17 Now, I think you have a section about that. I am
18 going to ask you some questions. Can I just remind you,
19 again, of what her Ladyship said, a warning that you
20 don't have to answer questions if you think that they
21 could involve incrimination. That's your right. You
22 can just remain silent. I am just making that clear to
23 you in case.

24 I am going to ask you about some of the people and
25 what they have said about you, and I just want you to be

1 aware that that's your right.

2 A. I am very much aware of that.

3 Q. Thank you.

4 I think in this section you were asked about some
5 other people, and whether you remember them. And I am
6 not wanting to -- we can read this for ourselves, but
7 you were asked, to some extent, whether you had a
8 knowledge of certain names that have come up through the
9 Inquiry process. I will just ask you one thing. You do
10 have a recollection of a principal officer named
11 a Mr GIL ; is that right?

12 A. That's correct.

13 Q. Right. And you believe -- I think you tell us that you
14 think he was the principal officer who was in charge of
15 the assessment centre?

16 A. That's correct, yes. And I believe he came from
17 Friarton down to the assessment centre.

18 Q. Is that called the Alley Cally? Have you ever heard
19 that expression?

20 A. Yes, that's the slang impression(sic) that was used. It
21 was used nearly on a day basis. It seemed to be short
22 term for assessment centre.

23 Q. Yes. And you say at 106 in your statement, on page 20,
24 you never saw him abuse any of the inmates. But I think
25 we have to remember that, as you have told us before,

1 you spent most of your time in the swimming pool area,
2 so you don't know what was happening in the assessment
3 centre on a regular basis?

4 A. That's correct.

5 Q. Can I ask you something about what -- a person who has
6 come to the Inquiry, who says they were in Polmont in
7 the time that you were there. It is a person that we
8 have given the pseudonym 'Trevor', who was born in 1961.
9 And I just want to put to you something he told us for
10 your comment and response. He says:

11 "Once a week we were allowed to use the swimming
12 pool at Polmont. We had to do a lap of the pool and it
13 was timed."

14 Now, did that happen?

15 A. That never happened in my time.

16 Q. You don't -- we have heard that in certain
17 establishments it was the practice, if people were doing
18 some sort of gym training or running, that they had to
19 be timed and they had to beat their previous time; was
20 there nothing like that in the swimming pool?

21 A. I think what they are talking about -- there is a system
22 that I believe is used all over the place, a timed
23 system. I think they are called shuttle runs. And
24 shuttle runs is where a group of people will start from
25 a line in the sand, or on a playing field, and they are

1 given a time to get to the other end, and then there
2 will be a bleep, and then they have to go back again.
3 And then once they have done it maybe half a dozen
4 times, then the time gets decreased, and they have to do
5 another half dozen. And then it gets to the stage
6 where, because there is a decrease in time, all right,
7 they are walking, they have to start to run. Then they
8 have to speed it up. And gradually they get to the
9 situation where heartbeats go up, they get short of
10 breath, and then they drop out.

11 In that case, anybody that was recording that
12 system, then that time would be taken of an individual;
13 all right?

14 And then if the same thing -- maybe the training
15 would just continue, and maybe a fortnight later, or
16 three weeks later, when they came back to do the same
17 type of shuttle runs, then they could then say whether
18 that individual was either getting fitter or he wasn't
19 getting any fitter.

20 LADY SMITH: This is something, 'Tom', I think that's called
21 a beep test.

22 A. Yes.

23 LADY SMITH: And the time between beeps gets steadily
24 decreased until you are just about on your knees.

25 A. Yes, ma'am. Correct, Ma'am. I have done it often and

1 I have been on my knees many times.

2 MR PEOPLES: I was going to say: is that something that the
3 military use from time to time to train their personnel?
4 These tests, these bleep tests?

5 LADY SMITH: I think it's beep test, because it is a beep
6 sound. It doesn't matter. I was always told it was
7 beep.

8 MR PEOPLES: I am happy to be corrected. I think we know
9 what we are talking about. Is that something that the
10 military used for training?

11 A. If I had to tell you what the military used to get
12 people fitter -- I better not. It was never used, in
13 a situation like that.

14 MR PEOPLES: But it is something --

15 A. It is something that's used all over the place, football
16 teams, everybody uses it.

17 LADY SMITH: Keep fit classes may use them.

18 A. Correct, Ma'am.

19 MR PEOPLES: Schools use it as well, as far as I can
20 remember. So it is not an uncommon exercise.

21 A. It is not an uncommon exercise. And as ma'am said, yes,
22 you will finish on your knees, if you are not fast
23 enough.

24 MR PEOPLES: Or you are not fit enough.

25 A. Or if you are not fit enough, correct.

1 Q. And if you were forced to do it, it could be a very
2 unpleasant experience?

3 A. Certainly if you were forced to do it, yes.

4 Q. If I could just go back to what 'Trevor' said to the
5 Inquiry, you have said that you don't -- you say that
6 there wasn't timing of people doing laps of the pool, or
7 lengths of the pool. He says, or he has a recollection
8 that he had a friend -- and I will give his name, just
9 to assist you:

10 "I had a friend call [REDACTED] and he was a really good
11 swimmer, and did his laps very quickly."

12 I don't know if that name means anything to you?

13 A. When we are talking about that type of beep test getting
14 done; are we talking about on the pool side or actually
15 in the water?

16 Q. I am just reading -- what he is saying is he had to
17 do -- I think it is a length of the pool, and he was
18 timed. He said each time the person doing that had to
19 better the previous time.

20 So it was in the pool, I think he is saying. It
21 wasn't like a gym test. But he says here a friend
22 called [REDACTED], who was a really good swimmer and did his
23 laps very quickly.

24 Now, I am going to carry on and say what he tells
25 us. He said:

1 "When he got out of the pool one of the officers
2 spoke to him and when [REDACTED] replied he did not use the
3 word 'sir' in his response. The officer was holding
4 a heavy book and he then slapped [REDACTED] across the face
5 with the book."

6 A. That was never in my time.

7 Q. Well, you weren't there if that happened?

8 A. I wasn't there, no.

9 Q. Because he goes on to say -- and I will just ask you if
10 can help me with this, because it appears it happened in
11 the swimming pool area at some point. But you say you
12 don't have a memory of that, something like that
13 happening. But he does say:

14 "I am not certain which officer it was, but there
15 were two that gave us grief. One was named GRQ [REDACTED]."

16 Does that name mean anything to you?

17 A. An Officer GRQ [REDACTED] ?

18 Q. I am just asking. If you don't know, or can't, just say
19 so.

20 A. No.

21 Q. No?

22 A. That name means nothing to me.

23 Q. And the other one, he gives his nickname. Before I give
24 you that name; can I just ask you this: do you know
25 whether you had a nickname among the boys?

1 A. I was GIH .

2 Q. GIH ?

3 A. Yes.

4 Q. Okay. Did you ever hear of anyone called GRR ? Did
5 you ever hear that nickname being used by the boys?

6 A. None whatsoever.

7 Q. Because what 'Trevor' says is that the person that he
8 thinks slapped him, when he was holding this book, when
9 he failed to use the word "sir" was either Mr GRQ
10 or the person that was called GRR . It would be one
11 of the two. So you weren't known as GRR as far as
12 you are aware?

13 A. Certainly not.

14 Q. And you can't tell us who might have been?

15 A. I can't. Certainly not. Certainly not, sir.

16 Q. Okay. Did officers like to be called "sir", or at least
17 some officers?

18 A. In my early days in the service, I think that was
19 prevalent, all through, starting from the early days,
20 that there was this business, "You will call me 'sir'".

21 Q. Okay.

22 A. I would agree with that.

23 Q. Now, you will be aware -- and I think in your statement
24 you address this -- you know that either you have been
25 referred to by name by certain people who have come to

1 the Inquiry, or perhaps you might be a person that they
2 are referring to if they are talking about a swimming
3 instructor or something happening in the pool. So
4 I want to just ask you about those and get your position
5 on what they have said.

6 A. Yes.

7 Q. Can I do that?

8 A. Yes.

9 Q. I will remind you of the warning as well.

10 A. I am very much aware of the warning, sir.

11 Q. The first person there -- and I will use the pseudonym
12 that the Inquiry has given to this person, but his name
13 is above paragraph 109, and his pseudonym is 'John'. So
14 if you just bear that in mind. It is 'John' that has
15 provided a statement. In his statement, what he says,
16 and I will just quote. He says this:

17 "You were allowed down to the big room to watch the
18 telly. We were also allowed to go swimming in the pool
19 within Polmont. The swimming teacher, Mr GIH, was
20 a nasty piece of work. We weren't allowed to play
21 football or anything."

22 And then he also says this:

23 "Mr GIH the swimming teacher, would line the boys
24 up to inspect their toe nails. He would be carrying
25 a big scoop that he used to get water out of the pool,

1 which was a long stick with a scoop on the end. If a
2 boy had a dirty toe nails, he would put the stick end of
3 the scoop on the offending toe nail and say, 'Thy toe
4 nail offends me', and put his whole weight on the stick.
5 He would do that to make sure that when boys came to his
6 pool their feet were clean."

7 I think you say you don't remember this boy?

8 A. I don't remember that boy.

9 Q. As far as what he says about what happened with this
10 scoop and stick; what is your response to that?

11 A. That did not happen.

12 Q. And I think you say that you don't understand why he is
13 saying this; is that --

14 A. That's correct.

15 Q. But what you do say is, if the boy's account was
16 factually true, you would accept that would amount to
17 abuse?

18 A. Yes.

19 Q. Okay.

20 So your position is that just did not happen?

21 A. That did not happen.

22 Q. Because I think he is clearly identifying you in that
23 passage that I have read out?

24 A. (Nods).

25 MR PEOPLES: Okay. Then there is another --

1 LADY SMITH: 'Tom', later on I think you mention concerns
2 you had about the boys' feet not being properly cared
3 for; would you have ever said to any of them something
4 about their toe nails offending them? "Thy toe nail
5 offends thee" in jest or otherwise?

6 A. Ma'am, I would never use any statement like that towards
7 a boy, towards a lad.

8 LADY SMITH: Did you talk to them about their toe nails?

9 A. I spoke to them about their toe nails, and I think it
10 should also be in the statement somewhere that ...

11 I think, ma'am, the state of the feet that some of
12 these lads -- the lads' feet when they were coming into
13 the swimming pool area, in my view was probably the
14 first time that any staff in Polmont had a view of
15 inmates' feet. And these inmates' feet, the feet that
16 I saw, they were absolutely in a horrendous state. The
17 toe nails, huge, sometimes going over the top of the
18 toes.

19 LADY SMITH: 'Tom', I am sorry to interrupt you, and
20 Mr Peoples may be coming back to that. I just
21 remembered -- I just wanted to know whether you
22 remembered saying anything to the boys, the lads, as you
23 call them, about their feet?

24 A. In that context, ma'am, no. But their nails were --
25 I told them, "See a gallery officer and see if you can

1 get a pair of scissors", and what have you, like. In
2 that context, yes, I would say something about their toe
3 nails.

4 LADY SMITH: So you have a memory of talking to them about
5 their toe nails?

6 A. Yes, ma'am.

7 LADY SMITH: In the circumstances that you have described?

8 A. Yes.

9 LADY SMITH: Thank you. Mr Peoples.

10 MR PEOPLES: Just picking up, again, sorry, on what 'John'
11 has said; you are not disputing that there would be some
12 sort of line up to inspect toe nails?

13 A. That's correct.

14 Q. And would that take place at the pool side or in the
15 changing room?

16 A. That would take place on the pool side, yes.

17 Q. And what would you do if a boy had dirty toe nails?

18 A. I would advise him to go and see his gallery officer,
19 and if the feet were in such and such a mess I would
20 have advised him that he maybe should report sick. And
21 that would be the advice that I generally gave to all
22 the inmates that were in that sort of situation.

23 Q. Okay. Now, moving on to the person whose name appears
24 blacked out, just above paragraph 114, on page 21. Now,
25 we are referring to him as 'Thomas'. He has provided

1 a statement and, again, he is a person who mentions you
2 by name. I will just read out what is said:

3 "The abuse at Polmont was just getting weighed in
4 a few times by some of the characters. The main one was
5 **GIH**. He was a guard, but he was also the gym teacher
6 and was in charge of the swimming pool. He proper
7 weighed in me a few times. He was the worst and was
8 an absolute swine of a man."

9 And then he goes on to say:

10 "**GIH** and the PTI were both bad and then there
11 was ..."

12 I will use -- he has a nickname, **GQJ**; does
13 that mean anything to you? Someone with that nickname?

14 A. There was an officer called **GQJ**.

15 Q. Who was that?

16 A. He was a discipline officer.

17 Q. Do you know his second name?

18 A. He was never in the gym, or he was never part of the PT
19 staff or anything like that. He, in actual fact, was
20 a discipline officer and I think he was in one of the
21 workshops.

22 Q. Do you know his surname?

23 A. Give me a second. He was just **GQJ**.

24 Q. **KFL**?

25 A. There was a -- there was a -- there was an officer, and

1 I believe his name was GQJ .

2 Q. GQJ , okay.

3 A. And he also had a son came into the service.

4 Q. Right. Do you think he was GQJ ? Don't worry, if

5 you can't --

6 A. GQJ , GQJ , . I will go with

7 GQJ and I think his name was GQJ .

8 Q. And can you help me with this: why did he get that

9 nickname?

10 A. He would be working on discipline all the time, and the

11 only contact -- I would probably come in contact with

12 him because he was junior to me quite a bit in service.

13 And the only contact I would come with him would maybe

14 if they were -- lads were coming from his workshop.

15 Q. Okay.

16 A. Other than that, why the lads would call him , I am

17 sorry, I don't know.

18 Q. There is certainly some possible explanations that you

19 know as well as I do why you might get a name like that.

20 A. Well, if you are suggesting that he was abusing inmates,

21 I can't say he did that. Because --

22 Q. You don't know because you didn't see him do anything?

23 A. That's correct.

24 Q. But you weren't there because, as you say, you were in

25 the pool area?

1 A. Yes.

2 Q. So you don't know whether they did anything or not?

3 A. That's correct, sir, yes.

4 Q. But what's happening here is that 'Thomas' is certainly
5 saying that three people, including GQJ and, as he
6 puts it:

7 "Would all proper beat up boys, punching, kicking,
8 all sorts. A lot of it was in the gym area or, for me,
9 when I was down in the Digger."

10 Now, just so we can break this down: as far as you
11 are concerned; you didn't work in the gym area?

12 A. I was always in the swimming pool.

13 Q. And you said these were two different places?

14 A. Yes.

15 Q. Physically separate?

16 A. Yes.

17 Q. By quite a distance?

18 A. Yes.

19 Q. And he also says that a lot of the beating for him, at
20 least, was when he was down in the Digger. Now, are you
21 saying that you never worked in the Digger?

22 A. I never worked in the Digger.

23 Q. So if he was getting punched, kicked or beaten in the
24 Digger; it wasn't by you?

25 A. That's correct.

1 Q. But you can't say whether he was getting punched, kicked
2 in the Digger by someone else because you weren't there?
3 A. That is also correct.
4 Q. And just going on, 'Thomas' does say, also:
5 "Whenever we went swimming, GIH used to give it out
6 to me. I think a lot of it with me is because he hadn't
7 liked my brother. My brother had been in Polmont and
8 there was bad blood between them, so he took it out on
9 me."
10 And he goes on, and I will just read out, at
11 paragraph 117:
12 "He hit me and other people. He would just bang you
13 with his fist. Everyone saw it. I saw him do it to
14 others. We could be in the changing rooms and he would
15 come up to you and lay in to you. It could be one punch
16 or half a dozen punches, and it would often be for no
17 reason at all. That's just what he did all the time."
18 Now, first of all, I think you say you don't
19 remember the person we are calling 'Thomas'. You know
20 his name?
21 A. Correct.
22 Q. And you seem to have been able to say that you don't
23 think you would have been in the swimming pool area at
24 the time that his older brother was in Polmont?
25 A. The time factor, yes, that's correct.

1 MR PEOPLES: Now, can we just try, just for our purposes, to
2 work out when you started in the swimming pool area?
3 You said your first year was the probationary year that
4 ended in April 1969. And your second year was as
5 a discipline officer, which would be 1969/70, and your
6 third year, when I think you started doing some work
7 this the pool area, would be 1971/72?

8 LADY SMITH: I think we worked it out earlier, Mr Peoples,
9 because there would be a trial period first.

10 MR PEOPLES: A trial period.

11 LADY SMITH: And then the permanent appointment would be
12 later.

13 MR PEOPLES: So you might have been working in that area.
14 If his brother was there before your third year,
15 then he has something wrong; that's your position?

16 A. That's correct.

17 Q. But, if he was there; what's your position? That you
18 don't remember this person or his brother, and you don't
19 remember having any bad blood between you?

20 A. That's correct.

21 Q. Because you saw lots of boys?

22 A. Correct.

23 Q. And if he was there, he doesn't stick out and you can't
24 recall anything along these lines; is that what it comes
25 to?

1 A. Yes.

2 Q. Okay.

3 A. Excuse me, sir, can I put in something to that as well?

4 Q. Absolutely.

5 A. All right. He has said, going into the changing rooms,
6 and he has said that going in there and things were
7 happening in the changing rooms, and what have you,
8 like. What he is not saying is where was the other
9 officer. There was no way -- and it was cast in
10 stone -- that I would be on my own if, when guys were
11 getting -- changing, getting naked, and I would have
12 an officer there with me.

13 Now, for anybody -- including myself, as well. For
14 anybody to go and do something like that in front of
15 umpteen witnesses, my career would be up in the air,
16 their career would be up in the air, the younger
17 officer's career would be up in the air, and that just
18 didn't happen, sir. That couldn't happen. It didn't
19 happen.

20 Q. I understand the point you are making. I suppose what
21 you are saying is, though, that you could be losing
22 a huge amount if you did something like that?

23 A. First of all, I would be losing respect, and you can't
24 put a price on that.

25 Q. But I suppose the scenario you have in mind would only

1 come about if the person who was struck, just
2 hypothetically, was struck, made a complaint, and if the
3 complaint was upheld and if the officer who -- if there
4 was an officer there, if that person didn't support you
5 and supported the complainer. It would only be in these
6 circumstances that your career would be in jeopardy; is
7 that not correct?

8 It would require a number of steps to get to the
9 loss of career, and it would require a complaint to be
10 made by the boy in question, and it would also require
11 the person dealing with the complaint to accept the
12 complaint as valid. And if there is another officer
13 present, it would depend on what this officer said about
14 the incident alleged by the complainer. These are all
15 things that you would have to go through to get to the
16 stage where you might face losing your job, your
17 pension, whatever.

18 A. Yes, I can see the direction you are coming from.

19 Q. You see where I am coming from?

20 A. Yes, exactly, sir. I can see where you are coming from.

21 Q. I don't think you probably are able to help us, but do
22 you have any idea how many times any formal complaints
23 by boys against staff were upheld, by either the
24 governor or a visiting committee?

25 A. Never, sir. I couldn't give you an answer to that, sir

1 no.

2 Q. You can see they might have an uphill struggle if they
3 did make a complaint?

4 A. Yes, exactly, I understand that.

5 Q. We have talked about prison norms, like one inmate won't
6 grass on another because they fear the consequences.
7 That's a well known -- I think you agreed that's quite
8 well known?

9 A. Yes.

10 Q. I suppose one thing I might ask you is: well, was there
11 sort of a similar kind of code of silence among prison
12 officers? If something happened that shouldn't have
13 happened involving an officer, his colleagues would not
14 shop him, if you like, or speak up against him; was that
15 what it was like in the old days?

16 A. A straight answer: yes.

17 It would be naive for me to say otherwise, yes.

18 Q. Okay. There is another person, also, who has said
19 something. I will just take you to him as well. His
20 name is above paragraph 124, on page 23. For the
21 Inquiry purposes, he was called 'Bon', and in his
22 statement he says this, and we can see it at 124 of your
23 signed statement. 'Bon' is saying:

24 "We got swimming once a week in the pool near to the
25 North Wing. **GIH** was the officer in charge of the pool.

1 He was a small stocky guy with no neck. You have to
2 have short nails and be clean before you enter the pool.
3 He would inspect your hands and nails before you got in.
4 He would also watch us in the shower beforehand and make
5 comments about our private parts, about the size of our
6 privates."

7 He also says later in his statement that there was
8 an occasion when they shouted for work parties and that
9 'Bon' sat on his chair in his room. He was sent to the
10 Digger for three or four days because of it:

11 "It was a wee brute who was in charge of the Digger,
12 GIH the same guy from the swimming pool. They would
13 take turns about supervising the Digger. He would get
14 a dig in every now and again. I mean a slap or a punch
15 while I was down there."

16 And then he also says, later in his statement:

17 "One day at the swimming pool my nails were checked
18 and GIH said they were too long. It was a 25-metre
19 pool with four lanes and on this day I was sent to the
20 furthest away lane. I am not a swimmer at all, but what
21 he made me do is swim the length of the pool, get out of
22 the other end. He was at the other end and he made me
23 run down the side of the pool, jump in again, and repeat
24 it. I had to do it for the full 30 minute session. He
25 was watching and I think he would have jumped in it

1 something had happened, but it was frightening for me.
2 I was just doing the doggie paddle. I swallowed that
3 much water during it I ended up being sick."

4 Later he also says there was an incident with
5 another prisoner on a different day, a person he names,
6 in the swimming pool. He says:

7 "GIH slapped him and the prisoner grabbed him and
8 the pushed him into the swimming pool. He was dragged
9 down to the Digger and I believe he got a real doing
10 from the prison officers."

11 And then he says:

12 "If GIH caught you diving into the swimming pool
13 you would get a slap off him because you had to jump in
14 and not dive. GIH was an animal and no one liked him."

15 I think you tell us you don't have a memory of this
16 person that is saying these things?

17 A. That's correct.

18 Q. I think, to put it bluntly, your position is none of
19 that happened?

20 A. None of that happened, yes.

21 Q. You say you didn't work in the Digger. So if anything
22 happened to him there, you weren't responsible?

23 A. I never worked in the Digger.

24 Q. As far as the shower room is concerned and the making
25 comments, you say you would be in the shower room

1 supervising the showering before they got to the pool
2 area; is that -- you told us that earlier today.

3 A. I could stand with my fellow officer on the pool side,
4 and we could observe the actual showers, because it was
5 a smaller area than what the changing room was.

6 As regards making comments about private parts, the
7 golden rule for me was -- and my predecessors, was there
8 was no way should we go anywhere near a changing room
9 when the lads were getting changed.

10 In the shower area, the swimming costumes went on in
11 the changing room and the swimming costumes were always
12 on going through the shower area. Both going into the
13 showers, first of all, and then when they came out the
14 pool and in the showers again. Nobody had to take
15 a shower. There had to be no naked people in the
16 showers, at any time.

17 Q. I take it, from your vantage point, there would be times
18 when the boys would be naked?

19 A. They would be coming out of the showers and they would
20 be wringing out their costumes, yes, and then they would
21 be going straight into the changing rooms. So we were
22 in a position that we could observe the shower area and
23 the changing rooms.

24 Q. And I suppose you would accept that you be would be in
25 a position -- and I know what your position is about

1 making comments -- to make a comment about their private
2 parts should you choose to do so.

3 Your position is you never said anything along those
4 lines; is that what it comes to?

5 If you could see them naked, then --

6 A. I am picturing them, sir, coming out the shower area.
7 And I am picturing them very briefly wringing out their
8 costume, and then when they went into the changing rooms
9 their back would be towards me.

10 I suppose, at the end of the day, that short space
11 and time when the costume was getting wrung out. But,
12 on most occasions, they all walked straight into the
13 changing rooms and all the -- switching the water out of
14 the swimming costumes was getting done within the actual
15 changing area.

16 Would there be an opportunity for me to do that?

17 No, I don't think so.

18 Q. But if there were a number of boys of different ages in
19 the changing room, getting changed, and at some points
20 they were naked, you are not suggesting that at least
21 comments weren't made by the boys themselves?

22 A. There would be comments made by the boys themselves.
23 You could hear that without any problems. And I would
24 agree with that.

25 Q. But you say you didn't make such comments?

1 A. I would never make a comment like that.

2 Q. I mean, when you were in the forces, when people were --

3 A. We had the same situation, sir.

4 Q. Would you have people making comments to other

5 personnel? At times, if you are looking back.

6 A. On looking back, sir, yes, there would be occasions

7 where that would have occurred. But, again, sir, not by

8 me.

9 Q. Okay. So we have your position. Then I take it -- and

10 I am not going to repeat what he said, but any

11 suggestion that you made him go back and forth down the

12 pool; you say that didn't happen?

13 A. That did not happen, sir.

14 Q. And you say that there was -- as far as him witnessing

15 you being pushed into the pool after a boy grabbed you,

16 according to his account, following you slapping him;

17 you say that didn't happen?

18 A. That did not happen, sir.

19 Q. Right. And if a boy was dragged down to the Digger and

20 got a real doing there, then your position is: it

21 wouldn't be me that did it?

22 A. In all my years in the swimming pool, there was not one

23 occasion where a lad had to get dragged out the swimming

24 pool.

25 Q. Yes.

1 A. It just did not happen.

2 LADY SMITH: 'Tom', I know you have explained you didn't
3 work in the Digger; did you ever go to the Digger?

4 In your 27 and a half years at Polmont; were you
5 ever there?

6 A. Not to my knowledge, ma'am. I have no recollection of
7 ever going down into the Digger, ma'am.

8 LADY SMITH: Where was it?

9 A. Ma'am, can I correct that?

10 There was two boys escaped from Polmont. There
11 was -- we all had places to go if the alarm bells went,
12 and one of the posts I was sent to was at the gate
13 officer -- was within the gate area, where the gate room
14 was, ma'am. On that occasion I witnessed a police
15 officer coming in who had got one of the -- who had got
16 one of the lads and they got him in a sand quarry, maybe
17 about a mile and a half to two miles away from the jail.
18 And one of the principal officers -- the control officer
19 at the gate at the time, a principal officer, named
20 Mr Urquhart, Duncan Urquhart, actually, and when the
21 police officer brought this inmate in he was cuffed and
22 when I opened the door, the security door to get into
23 the doorway, I noticed that there was blood behind the
24 right ear of the inmate, and I asked the police officer
25 was that his cuffs, and he said "yes", well, you need to

1 take them off. And I pointed out to him "what happened
2 there?" and I never got an answer. The lad, the police
3 officer turned about and went out and I drew
4 Mr Urquhart's attention to this wound, it was above the
5 lad's right here, and Mr Urquhart, Duncan instructed me
6 to "take that boy all of the way down to the cells and
7 under no condition does anybody interfere with you
8 taking the inmate down to the cells". And I took the
9 boy down to the cells. It was down the stairs in North
10 Wing. I went down the stairs and I forget the name of
11 the principal, I forget the name of the cells officer
12 there, although I think it was Mr Scott, and I says to
13 him look, you need to have a look at this lad's ear and
14 he went "oh, what happened there?" I said well, just you
15 make sure, all right, Duncan sent me down with the lad,
16 and he goes behind his door and on no condition you open
17 this door for anybody. And that's the probably the only
18 recollection I have got being down in the cell area,
19 ma'am.

20 LADY SMITH: Thank you. And when you talk about the cell
21 area you are talking about the Digger?

22 A. Yes, ma'am.

23 LADY SMITH: Thank you.

24 MR PEOPLES: And as far as what was said by 'Bon' about what
25 happened if you caught a person dive into the pool,

1 I take it people did sometimes break the rule and dive
2 into the pool?

3 A. If they dived across the pool then they didn't do it
4 again, and the reason being most of the time their head
5 or hands hit the other side of the pool, especially if
6 they were big lads. So my predecessors were having
7 problems with bumps to the head and things like that and
8 as a consequence their recommendation was to me don't
9 have them dive across the pool, because the pool is too
10 narrow, and they could easily injure themselves. If
11 they are going to dive in, dive the length of the pool
12 and most of the time they did dive in they were down the
13 deep end of the pool, because again a lot of them in the
14 past had tried to do a sort of jackknife dive from the
15 shallow end, and again, they were getting head, they
16 were getting split heads and everything like that. So
17 diving across the pool, diving into the pool from the
18 shallow end, that, no way were they allowed to do that,
19 because of the injuries that could take place because of
20 the width of the pool. If you had a big lad diving in
21 and he wasn't using his hands in front of him then they
22 could have got themselves -- I never witnessed anybody
23 getting a serious injury in my time, but that was
24 happening before my time.

25 Q. I get what you are saying, but are you saying that there

1 was not a complete prohibition on dive if you went in at
2 the deep end, people who could dive and swim?

3 A. Yes they could dive in.

4 Q. So there was no restriction?

5 A. Yes, I had no interference. One of the other things
6 that was going on as well, when I spoke about the actual
7 pond side, and the white tiles going along the top where
8 the scum channels for the water was, a lot of the lads
9 were starting to do back flips, and they were starting
10 to do somersaults and starting to do this, I had
11 a couple of lads that got themselves a bad injury, they
12 got a bump or they got this. And to me there was one
13 thing they didn't do and my saying to every new inmate,
14 every new inmate that came into the swimming pool, no
15 back somersault, back dive, back flips and it was for
16 that reason -- and no bombs as well. A bomb would be up
17 in the tuck position and if you are going to do that,
18 you make sure you are responsible there is nobody
19 underneath there. That was the reason why a ban was put
20 on diving in, in case you got an injury on the other
21 side, and I had, I think it was a couple of occasions
22 over a period of time, where a lad tried do to do a back
23 somersault and he landed, and he got a right good bump
24 on his head when he hit the bloomin' side, sorry for the
25 language, Ma'am, when he hit the side of the pool, so

1 that was banned.

2 Q. Okay, 'Tom'. Can I turn to another person, I am going
3 to deal with this fairly shortly, it is above 138, it is
4 a person we are calling 'Simon,' who has told the
5 Inquiry that towards the end of his sentence he had been
6 working on building Cornton Vale Prison and one day
7 decided he would try to run away. He was caught, he
8 says, and taken back to Polmont and he says:

9 "One of the staff, a PT instructor called **GIH**,
10 jumped on my back. I didn't think about running away
11 again. They added two or three months on to my
12 sentence."

13 Did that happen? What is your position?

14 A. That did not happen.

15 Q. It didn't happen?

16 A. It didn't happen.

17 Q. Okay. I think you say if it did happen you probably
18 would class it as abuse?

19 A. Yes.

20 Q. Because this Inquiry is not unfamiliar with evidence in
21 a number of settings that if someone ran away from
22 an institution, when they came back there was often
23 a sort of summary justice where they might get punished
24 in an abusive way?

25 A. I would agree with that.

1 Q. That could happen, but not --

2 A. That could happen.

3 Q. But it didn't happen in your case?

4 A. It didn't happen in my case and I never saw it happen if

5 anybody had run away or the like, because again that

6 would be way out from the area where I work.

7 Q. Yes, I got your position on that, don't worry.

8 A. Yes.

9 Q. Can I just turn also to another person who is referred

10 to, who is mentioned, the officer who taught swimming.

11 I don't think that your name is used specifically, but

12 the name of the individual is just above 141, and we are

13 calling him 'David'. And he says:

14 "Another one of the officers who caused some issues

15 was one who taught swimming."

16 So it could be you? You taught swimming.

17 A. I taught swimming. It could be me. Depending on his

18 age, yes.

19 Q. Yes. Okay. Then he said:

20 "He would ask if there was anyone who could not swim

21 and then asked them to line up at the edge of the pool.

22 He then walked along the line and pushed them in. I was

23 okay as I'd learned as a youngster to swim at the local

24 pool and in the Clyde as a youngster."

25 You say in your statement you don't know this person

1 or you can't recall a person of this name being at
2 Polmont at this time, but you tell us your position is
3 that that similarly didn't happen?
4 A. That did not happen, sir.
5 Q. You wouldn't say to someone "can you swim?" and then
6 push them in?
7 A. I would be daft to say that.
8 Q. I suppose you had the skills to say them.
9 A. I'm sorry, sir, it would be stupid to do that. For
10 anybody to do that. It would be stupid for anybody to
11 do that, sir.
12 Q. But we know --
13 A. To push someone in the swimming pool when they didn't
14 swim.
15 Q. We know people do stupid things from time to time.
16 A. I am not stupid enough to do that.
17 Q. Did some of the other boys, if they thought someone
18 couldn't swim, did they ever try to push people in? Can
19 you recall that?
20 A. No, I have never seen that happen, sir.
21 Q. Okay. So just on the same thing, and this is not
22 a person that was, that you mention in your statement,
23 but there is another person who came to the Inquiry who
24 we are calling 'Michael', who was born in 1962, and was
25 in Polmont, he says, when he was aged 16. So he would

1 have been in Polmont in your time, 1978, if his dates
2 are right, so I am just -- this chap, I will tell you
3 what he said to us. He said:

4 "We were taken swimming and we all had to line up
5 naked and touch our toes to check if our backsides were
6 clean otherwise you would get the cane."

7 Now --

8 A. Not in my time, sir, that did not happen.

9 Q. Okay. But then something else he says, which is maybe
10 not dissimilar to what was said by 'David', he says:

11 "Then the staff member asked if we could all swim.
12 I said I couldn't, and the man grabbed me by the
13 hair and chucked me into the deep end of the pool.
14 I started drowning and the man didn't help. One of the
15 boys told him I was drowning and the man said I wasn't,
16 but the boys kept saying it so he threw me a rubber
17 ring. I felt like I'd drank half the pool, I nearly
18 drowned. I don't remember the name of the staff member,
19 but he also gave me a kicking once because I laughed
20 when he fell on his backside. He punched lumps out of
21 me."

22 I am just telling you what we have been told.

23 A. I understand that, sir.

24 Q. What is your response to that?

25 A. One, I do not recall a rubber ring being in the swimming

1 pool at any time. And what he has said did not happen.

2 Q. Okay. You will appreciate that obviously two people are
3 saying --

4 A. I certainly.

5 Q. -- someone pushed them in?

6 A. I certainly appreciate that, sir, I certainly appreciate
7 that, sir.

8 Q. Just to finish off, then, on this matter, your position
9 on the specific allegations involving your name, or
10 possibly your identity, is that these things just didn't
11 happen?

12 A. Not by me, sir, no.

13 Q. But to be absolutely clear, you are not saying that you
14 are coming here to say there was no abuse at any time by
15 any prison officer at Polmont, because you are not in
16 a position to say that; that there was no officer in
17 Polmont that would ever have abused a young person,
18 because you weren't in all parts of the building?

19 A. Yes, I would agree with that, sir, yes.

20 Q. And I think you have said that you would say that there
21 was bullying within some parts of the prison?

22 A. That could very well happen, sir, yes.

23 Q. And again, just to be clear, in making the response you
24 have, you are not suggesting that there was no officer
25 in Polmont in your time, in your lengthy service, that

1 had a bad attitude towards the people that they were
2 looking after?

3 A. During my time at Polmont, sir, you are saying --

4 Q. I am saying --

5 A. I would agree, sir, that could have happened, yes.

6 Q. You are not giving them all a clean bill of health by
7 saying --

8 A. No, sir, I am not.

9 Q. -- "everyone in Polmont in my time had a good attitude"?

10 A. No.

11 Q. No?

12 A. There were certain aspects during my time at Polmont,
13 sir, there were bad attitudes.

14 Q. Yes.

15 A. And bad attitudes in the sense that they didn't give,
16 first of all, they maybe didn't give the senior staff
17 some respect, and second of all they didn't know what
18 respect was all about themselves.

19 Q. Yes. So it wasn't all --

20 A. I feel kind of sad in saying that, but you are asking
21 me, I have taken an oath in front of ma'am, there, and
22 yes, there would be occasions right throughout the
23 service, especially when it came to, when it switched
24 from the borstal service and then it switched into the
25 young offenders' service, and one thing that became

1 annoying for me and for an awful lot of the borstal
2 staff was that there became a different attitude in the
3 sense that even coming down the corridor we were hearing
4 comments that we never, ever heard before in our
5 service, ie starting, the borstal finished on the
6 Friday, and coming back in on the Monday then we were
7 hearing comments, "right, you are now in a real jail".
8 Okay, I never knew what a real jail was. But certainly
9 the manner in which some of the staff going through the
10 young offenders side of things, for me personally, and
11 I am not saying on behalf of every borstal member of
12 staff, but for me personally, an awful lot had to be
13 desired on how they dressed, first of all, and how they
14 spoke. And I think at the end of the day that type of
15 prison officer, all right, the borstal officer, which
16 was the biggest majority of my time in the Prison
17 Service, the borstal officer was, he wasn't a real
18 officer. You had to work in a jail before you were
19 a real officer. And to me I felt that young officers
20 were transferred out, that type of officer came in and
21 their attitude towards staff like myself that was
22 a borstal officer, maybe not as much me because I am in
23 the swimming for a long time, but I felt that they
24 looked down their noses at anybody that hadn't worked in
25 a prison. And if that was how they conducted themselves

1 when they were working inside a prison I am glad I never
2 worked in a prison. I am certainly glad that I was
3 never, ever, involved working in a prison.

4 I don't think -- if that had, if I had seen that
5 attitude in the first two, three years I would never
6 have stayed in the Prison Service. It did not exist.

7 LADY SMITH: 'Tom', I --

8 A. And my attitude, ma'am, until it switched from a borstal
9 service into a young offenders service -- and the big
10 noticeable thing about it as well, ma'am, was the
11 uniform. My own -- I remember taking my passmen up on
12 the Friday, "Oh, you will be in a uniform, GIH, on
13 Monday. Aye, that's going to be good, GIH, yes?" On
14 the Monday morning, when all the lads, who did exactly
15 the same weeks before, were coming down the corridor,
16 you could have heard a pin drop. The pin was -- you
17 could have heard a pin drop and, anyway, you know, it
18 was like a bomb going off. Complete silence.

19 And when I got to my swimming pool door, along with
20 my lad, when I went in the lad didn't do the first thing
21 he normally did in the mornings, he walked down and went
22 into his own little cubbyhole, down the end of the pool.
23 And I thought to myself, I thought: oh, wait a minute,
24 you have forgotten the kettle.

25 Because that was his first job. His first job when

1 I brought the lad in, "Right, [REDACTED], get the kettle on
2 before you start your work, lad", my passman did that
3 all the time. And it was because, I believe that
4 whereas the normal staff that were going out up the
5 corridor on the Friday with their civilian clothes on,
6 and then the same staff came back in with uniforms on,
7 ma'am, it was like night and day. And I felt it was
8 shocking. And if that was the attitude of prison staff
9 towards borstal staff, then they were demeaning the
10 borstal staff in my eyes, ma'am. Because the borstal
11 staff was a far friendlier staff in my time than what
12 the prison staff was.

13 And I can only talk when it was a young offenders,
14 ma'am, I can only talk the short sentences that they
15 were getting at that time would maybe be for six weeks,
16 would maybe be for this, they would maybe be in for
17 that. Gradually, over a period of time, my pass man, he
18 did a world of good for me, because if -- certain
19 inmates coming in and they saw me for the first time as
20 this strict disciplinarian-type guy; all right? Because
21 the lads themselves had come from a borstal set up, then
22 went into the young offenders set up, they were coming
23 back in, "What are you doing back in here, [REDACTED]?"

24 "Oh, GIH [REDACTED], you will never believe it." So there was
25 a thawing out that had gradually took place between the

1 inmates coming into the swimming pool, but the attitude
2 of the staff left a lot to be desired, and that's my
3 honest opinion, ma'am.

4 LADY SMITH: Thank you, 'Tom'. I think you have also made
5 clear to me that whilst you knew that lads wouldn't
6 grass up other lads, you also knew that staff wouldn't
7 grass on other staff?

8 A. Yes, ma'am.

9 LADY SMITH: Thank you.

10 MR PEOPLES: 'Tom', I think with that final statement,
11 I have finished all the questions I would like to ask of
12 you, and just to thank you very much for coming today
13 and providing your evidence, as well as your written
14 statement. So thank you very much.

15 A. Ma'am, can I be allowed to say something, ma'am?

16 LADY SMITH: Certainly.

17 A. I have been through a lot of pressure in my life, and in
18 the last five/six weeks, maybe longer than that, both my
19 wife and I have been under pressure. That pressure,
20 ma'am, has been released because of the friendly
21 attitude of the staff, your staff, that I have been in
22 contact with. They have acted in a very friendly, in
23 a very professional way, and I wish to put it on record
24 that I wish to thank each and every one of your staff
25 that I have spoken to, and it would make it -- and

1 I would make a reference to [REDACTED], she has been
2 absolutely superb. She phoned every day afterwards,
3 asking about our welfare. And I can honestly say,
4 ma'am, your staff have been absolutely professional,
5 friendly, in every way they could be, and I sincerely
6 thank you, ma'am, and this gentleman, and every member
7 of staff that I have come across. Thank you all very
8 much.

9 LADY SMITH: 'Tom', that's very good of you to say that.

10 I can add I consider myself very fortunate to have the
11 staff in this Inquiry that I do have. But it is
12 wonderful when that's openly recognised, as you have
13 done.

14 A. Can I say something else, ma'am?

15 LADY SMITH: Please do.

16 A. The discipline person that they talk about, and scenes
17 that were said by one of the lads, I would like to do
18 another -- I would like to say another saying, ma'am.

19 LADY SMITH: What?

20 A. The object of jail is to teach the individual the
21 instinctive sense of obedience which will enable him or
22 her to carry out their tasks without question. And,
23 ma'am, I served in one of the finest regiments that the
24 British Army has, and that made me the person I am.

25 LADY SMITH: Thank you.

1 A. If they saw me in a different way, I had to change.
2 I had to change, ma'am. And I felt -- and I was one of
3 the first people that I know of -- and I got a row, why
4 did you call him [REDACTED]? Well, that's his name. That's
5 me, ma'am. Thank you, ma'am.

6 LADY SMITH: I said at the outset, 'Tom', how grateful I was
7 to have your written statement, and I want to add to
8 that, how valuable it has been to hear you give your
9 oral evidence today. It has been a long morning, I
10 know, and you have been very patient, bearing up with us
11 with our questioning. I am really grateful to you for
12 that.

13 A. Thank you very much, ma'am.

14 LADY SMITH: I am now able to let you go and I hope you have
15 a quieter, more relaxing afternoon than you have had
16 a morning.

17 A. Thank you, ma'am.

18 LADY SMITH: Now, before I rise, I think there was one name
19 that's covered by my general restriction order,
20 HJY [REDACTED]; is that right, Mr Peoples?

21 MR PEOPLES: Yes, I think it is.

22 LADY SMITH: I think he is. It's the same HJY [REDACTED] that we
23 referred to earlier this week.

24 MR PEOPLES: Yes, it is.

25 LADY SMITH: The same message as then: he can't be

1 identified outside this room.

2 I will now rise. At 2 o'clock or so we will sit
3 again for the next witness. Thank you.

4 (1.03 pm)

5 (The luncheon adjournment)

6 (2.00 pm)

7 LADY SMITH: Good afternoon. Now, I think we are ready for
8 the next witness, Mr Peoples; yes?

9 MR PEOPLES: Yes, my Lady. The next witness appears under
10 the pseudonym 'Rupert'.

11 LADY SMITH: Thank you.

12 MR PEOPLES: And he is ready to give evidence.

13 LADY SMITH: Thank you very much.

14 Good afternoon, 'Rupert'. Could we begin with you
15 raising your right hand, please and repeat after me.

16 'Rupert' (affirmed)

17 LADY SMITH: 'Rupert', do sit down and make yourself
18 comfortable.

19 'Rupert', you are ahead of me. Yes, you will see
20 the red folder has your statement in it.

21 A. Yes, thank you.

22 LADY SMITH: It is there for you to use if you find that
23 helpful. We will also bring your statement up on the
24 screen, so you can look at it in either place or
25 neither, it is up to you.

1 Otherwise, 'Rupert', will you let me know if there
2 is anything that I can do to make it more comfortable
3 for you to give your evidence, as I want to see that we
4 do what we can to make it as easy a process as possible?
5 If you need a break, that's fine by me. I take a break
6 at about 3 o'clock anyway in the middle of the
7 afternoon, if you bear that in mind. But, if you want
8 a break at some other time, whether just sitting where
9 you are and pausing, or leaving the room, just say.
10 Please do; will you?

11 A. Thank you.

12 LADY SMITH: If you have any queries at all, speak up. It
13 is important that you do.

14 Now, Mr Peoples may, in the course of taking your
15 evidence, ask you a question or questions that could
16 amount to you incriminating yourself, depending on how
17 you answer them. You don't have to answer any such
18 questions at all, if you don't choose to do so. But, if
19 you do, you must answer them fully, because you have
20 taken an oath, you have sworn that you will tell the
21 whole truth, not just the partial truth.

22 If you have any doubts about whether we are at that
23 sort of stage or not, please ask. I am sure Mr Peoples
24 will help direct you. But don't hesitate to speak up if
25 you are anxious about it.

1 A. Thank you.

2 LADY SMITH: Do you have any other questions? Or do you
3 have any questions for me at the moment?

4 A. No, nothing at the moment.

5 LADY SMITH: All right. Okay, I will hand over to
6 Mr Peoples and he will take it from there.

7 Mr Peoples.

8 Questions by Mr Peoples

9 MR PEOPLES: Good afternoon, 'Rupert'.

10 A. Good afternoon.

11 Q. Can I begin by asking you to look at the red folder and
12 go to the final page of your statement. I will just
13 give the reference while you are doing that. For our
14 purposes, it is WIT-1-000001355.

15 Can you just confirm for me that you have signed
16 your statement on the final page?

17 A. Yes, I can confirm that.

18 Q. And that you state there that you have no objection to
19 your statement being published as part of the evidence
20 to the Inquiry and you believe the facts that are stated
21 in your statement are true?

22 A. Yes.

23 Q. Thank you. You might want to go back to the the front
24 page, because I plan to take you through the statement,
25 and the beginning is as good a place as any to start, so

1 if you could turn to page 1.

2 First of all, you tell us that you were born in
3 1954. I don't need any more specific date than that.

4 Is that correct?

5 A. That's correct.

6 Q. Then, in your statement, you give a little bit about
7 your background and you tell us that you left school
8 with enough qualifications to go to university. But you
9 were convinced, or your father convinced you, that you
10 should have an apprenticeship first, and you trained
11 initially as a vehicle builder, building buses for
12 a company in Falkirk; is that right?

13 A. That's correct, yes.

14 Q. But you then made a decision to join the Royal Marines,
15 and you were there for ten years; is that correct?

16 A. That's correct.

17 Q. And you left the Marines as a corporal?

18 A. Yes.

19 Q. Yes. Can I just ask you this, just on the Marines: is
20 it fair to say that the Royal Marines -- they are
21 a regiment that requires a very high standard of
22 performance; would that be fair to say?

23 A. That would be fair to say.

24 Q. And they are perhaps not a unit that would be for the
25 faint hearted?

1 A. I might take exception to that.

2 Q. Well, in the sense that it is quite a tough -- to
3 qualify as a Marine. In fact people go through the
4 training, but --

5 A. I would say it had very high professional standards and
6 that wasn't for everybody.

7 Q. No. And not everyone that wants to become a Royal
8 Marine gets there --

9 A. Indeed, yes.

10 Q. -- because they don't pass the training?

11 A. Yes.

12 Q. It is quite a rigorous training process, is it not?

13 A. It is, yes.

14 Q. So I wasn't trying to make any reflection on the
15 Royal Marines.

16 A. No, I wasn't taking any.

17 Q. And you tell us that after you Marines you joined the
18 Scottish Prison Service and were initially based at
19 Barlinnie Prison. You reckon you were around about
20 31 years of age at that stage?

21 A. Yes.

22 Q. And your job title was a residential officer?

23 A. That's correct.

24 Q. I think we have heard other terminology for people who
25 worked in the Prison Service over the years, about

1 discipline officers and gallery officers, and landing
2 officers and so forth. But was that your official
3 title?

4 A. That was my official title.

5 Q. You explain the background to why you joined the
6 service, and we can read that for ourselves. This is,
7 perhaps, echoing a question I asked earlier, on
8 paragraph 6, page 2, you say you were:

9 "In the Marines, where the best was required at all
10 times."

11 Do you see that?

12 A. Yes.

13 Q. And you actually express some disappointment, I think,
14 with the Prison Service, because you say the pursuit of
15 your best wasn't always there; is that something that
16 you sensed when you started?

17 A. Fairly immediately, yes.

18 Q. Was it something that you still sensed towards the end
19 of your career there?

20 A. As you get on and you grow older, your original view
21 point is tempered from your experiences. I would
22 definitely say there wasn't any institutional drive for
23 you to give your best.

24 Q. And would you say that was, broadly speaking, the
25 position throughout your time in the service?

1 A. I can only speak for myself. I would say yes.

2 Q. We have heard some evidence in this Inquiry, quite
3 recently, about changes to the service, and indeed
4 changes to the approach to the management of people in
5 custody, adults and young people. And I think it is
6 acknowledged there have been quite significant changes
7 over many decades, so ...?

8 A. Well, I have been retired nearly ten years, so I would
9 like to think the position has moved.

10 Q. Yes. And going back to when you started at Barlinnie,
11 in paragraph 7, you say:

12 "It was then designated as a local prison and took
13 prisoners with sentences below 18 months. [And you tell
14 us] it was overcrowded beyond belief. It was a complete
15 and utter culture shock for somebody who thought he had
16 seen a bit of the world. I had never seen that horror
17 before."

18 Now, was it simply the overcrowding or were there
19 other aspects that shocked you?

20 A. I had never seen as many people crammed in to such
21 a small space. I had been in crowds, but these crowds
22 were actually living with each other. Feeding and
23 everything else. I had never saw that before.

24 Q. What about Barlinnie itself? Because we know by then it
25 would have been in existence for probably over

1 100 years, or thereabouts; how did it appear to you as
2 a matter of first impressions? Can you recall now?
3 A. It looked like something out of a gothic horror movie.
4 Q. Yes.
5 A. Big, dark foreboding buildings. They weren't
6 particularly well maintained, heated or lit.
7 Q. And are you familiar with the expression "dog box"?
8 A. Dog box?
9 Q. Dog box.
10 A. Yes.
11 Q. Did you see a dog box, or dog boxes, at -- I think it is
12 called the reception area at Barlinnie?
13 A. I think every prison officer would be aware of what
14 a dog box is.
15 Q. Is it aptly named?
16 A. In some respects.
17 Q. Because I think we have heard some evidence that
18 although it was designed, perhaps, for one or two
19 people, there could be occasions when new arrivals at
20 a reception centre would spend considerable time in
21 a dog box and it wasn't just one or two; is that your
22 experience, or can you recall? It is a long time ago.
23 A. It would largely depend on how busy the reception was at
24 that time, and that could change quite dramatically --
25 Q. But it could be a busy place --

1 A. -- as the shift went on.

2 Q. It could be a busy place; there could be a lot of
3 arrivals?

4 A. It could be a very busy place.

5 Q. I think we have also heard, apart from people that would
6 be spending a bit of time in Barlinnie, there might be
7 people that would be spending a short time there before
8 they went on somewhere else?

9 A. Yes.

10 Q. Remands?

11 A. Yes.

12 Q. Because they initially went, often, from court to
13 Barlinnie, spent one night, perhaps more than one night,
14 depending on when the bus came and when they arrived?

15 A. That was usually the situation with young offenders.

16 Q. Yes.

17 Now, you weren't long in Barlinnie before you went
18 to Polmont Young Offenders; was that your decision to
19 move or were you transferred, or --

20 A. It was what they called a compulsory transfer. The
21 reason given was career development.

22 Q. Okay. And you say that by the time you started in the
23 1980s, probably around the mid-1980s, Polmont had
24 changed its status from borstal to a young offenders
25 institution?

1 A. That's correct.

2 Q. And I think you tell us that the young offenders could
3 be aged 18 to 21, or in some cases up to 23, if there
4 was not a space in the adult estate. But I think we
5 know also that at that time people could be sent to the
6 young offenders between the ages of 16 and 18; and you
7 may well be aware of that?

8 A. Yeah.

9 Q. Indeed, in some cases, people under 16 could end up in
10 an adult prison on Unruly Certificate; I think that's
11 something you are also familiar with?

12 A. Yes.

13 Q. Did you personally come across 14-year olds at Polmont
14 when you worked there?

15 A. I personally never worked with somebody as young as
16 that.

17 Q. Okay.

18 And to what extent, when you first went to
19 Barlinnie -- you talk about your first day and meeting
20 up with a staff training officer, so I think at that
21 stage they did have staff training officers in the
22 prison?

23 A. Yes.

24 Q. Because I think historically that wasn't the position,
25 from evidence we have heard?

1 A. Prior to me going to Barlinnie?

2 Q. Yes.

3 A. That, I couldn't comment on.

4 Q. No, no, okay.

5 And you were shown round -- so to what extent was
6 your training, if I can put it that way, on the job
7 training?

8 A. Well, what constituted my on the job training?

9 Q. No, to what extent was your preparation for Barlinnie,
10 essentially -- I know you are going to tell me you went
11 to college, but I think you had certain views about
12 that. But was it largely a case that your training was
13 on the job?

14 A. Definitely.

15 Q. And you tell us that when you started at Polmont it was
16 certainly different from Barlinnie, in the sense that
17 you were dealing with much fewer young offenders?

18 A. Drastically fewer.

19 Q. So at least that was a good thing?

20 A. Without a doubt, yes.

21 Q. If we go to page 3 of your statement, paragraph 12, you
22 tell us that you did -- over the course of your career
23 at Polmont, you worked in every area of the prison at
24 some point or other; is that right?

25 A. Yes.

1 Q. And you tell us a bit about Polmont, because I think we
2 have to remember, I think, that during the time you were
3 there, I think, there were some changes, significant
4 changes to the layout?

5 A. Yes, they were going through a building programme.

6 Q. Yes. But, when you first arrived, you tell us that two
7 of the main halls were the Allocation Centre, the
8 Alley Cally, as it is affectionately known, and a hall
9 called the North Wing?

10 A. Yes.

11 Q. And you say they were Victorian buildings and galleries
12 very similar to the layout of Barlinnie?

13 A. Yes.

14 Q. And you also tell us that there was an East Wing and
15 a West Wing, which were two of the other halls. And
16 that there were galleries in these wings which were on
17 four floors and built at an angle to each other?

18 A. Yes.

19 Q. West Wing, you say, was a training hall and where most
20 of the workers were sent. And East Wing was
21 a privileged hall for the better behaved and longer term
22 prisoners; can you help us with that? When you say it
23 was a training hall; what exactly do you mean? Is that
24 where people who were going to be working would be
25 allocated normally?

1 A. No, the Allocation Centre would allocate on the basis of
2 spaces in the relevant workshops. Once that process had
3 been finished, they would then get moved to West Wing
4 and they would go to their work from West Wing.
5 Therefore freeing up spaces in the Allocation Centre for
6 new admissions.

7 Q. Okay. And at any one time, at that time; how many
8 people would be accommodated in the Allocation Centre,
9 on a single day?

10 A. That could vary between maybe 40 to 100.

11 Q. And they had accommodation to accommodate up to 100
12 people?

13 A. Yes.

14 Q. And would that involve sharing cells?

15 A. Some would have to share cells. And there would be --
16 if memory serves me, there were two dormitories as well.

17 Q. You said East Wing was a privileged hall for the better
18 behaved and long term prisoners. I just want to
19 understand: how did you get to East Wing and become
20 a privileged person within the system?

21 A. As you went through your sentence, the residential
22 officer would be reporting on you, and if your behaviour
23 was good, attended your work properly, didn't get
24 yourself into any problems, then that would be a way of
25 progressing you towards the privileged hall.

1 Q. So, if you were trying to get the greatest privileges,
2 you were trying to get yourself to the East Wing at some
3 point in your sentence?

4 A. Yes.

5 Q. And was that based on a grading system? Because we have
6 heard sometimes there were grading systems in prison
7 environments where you started with a particular colour
8 and you moved to another colour, and you got to a final
9 colour, whether it was red or blue or whatever?

10 A. That was a legacy of the borstal system.

11 Q. Right.

12 A. It didn't actually operate within the young offender
13 system.

14 Q. Right.

15 A. What you had was, you had a basic standard of behaviour,
16 you had a general standard of behaviour, and you had
17 an enhanced level of behaviour.

18 Q. Right.

19 A. It wasn't colour coded the way it was in the borstal.

20 Q. But it did operate, to some extent, in a similar way --

21 A. Yes.

22 Q. -- that you had to --

23 A. In a similar way, yes.

24 Q. And you tell us -- and this is perhaps where you tell us
25 the significant changes -- the old Allocation Centre in

1 the North Wing, the Victorian buildings, were demolished
2 in the early 2000s, and two new halls were built, the
3 Iona Hall and then the Munro Hall?

4 A. That's correct.

5 Q. I will just maybe ask you to elaborate a little, you
6 say:

7 "I know it cost a lot of money, but they should have
8 tried working in the old halls."

9 Can you just help us with what you had in mind?

10 A. What part are you referring to there?

11 Q. Paragraph 15, sorry.

12 A. 15, sorry.

13 Q. No, it's my fault. It is the third line down in
14 paragraph 15. Do you see --

15 A. Yes, yes.

16 Q. What were you thinking of when you said:

17 "They should have tried working in the old halls."

18 What particular aspects of the old halls did you
19 have in mind?

20 A. I think I have kind of crossed swords with that a wee
21 bit.

22 I was making the point that they spent a lot of
23 money on the new halls, long before time. This should
24 have been done before that. And I was being a bit,
25 I don't know, flippant there, when I said they should

1 have tried working in the old halls, because they were
2 hopeless in comparison to what the new halls were.

3 Q. And given that the facilities you thought were very poor
4 and should have been changed a long time before they
5 were; do you mean facilities were poor not just for the
6 staff working in them, but the people that were being
7 looked after, the inmates?

8 A. It was the same for everybody, everybody had to put up
9 with the deficiencies of the place. No doubt you have
10 encountered the term "slopping out"?

11 Q. Oh yes.

12 A. Which was a horrendous experience, if you have never
13 experienced it before, for staff and for prisoners. And
14 then the Allocation Centre and the North Wing, it was
15 the slopping out procedures that you had to go through.

16 Now, that alone, getting rid of that alone, was
17 a massive step forward for the staff and for the
18 prisoners.

19 Q. And when this change happened, I think you tell us the
20 Iona Hall was accommodating untried prisoners; is that
21 right?

22 A. Yes.

23 Q. Was that on remand?

24 A. It wasn't only. There was quite a mix of prisoners in
25 Iona. Because every flat could hold about 80 prisoners.

1 Untried were normally located on the bottom flat,
2 because they had a lot of sort of transient movement
3 towards courts and things like that.

4 On the second flat was long-term prisoners.

5 The third flat was general prisoners, and on the top
6 flat was your privileged prisoners.

7 Q. So the four levels would have different categories of
8 people?

9 A. Yes.

10 Q. And you have explained, perhaps, the thinking about why
11 the untried might be on the bottom flat --

12 A. Yes.

13 Q. -- because they might be going back and forth quite
14 a lot?

15 A. Their movement was daily. They were moving all the
16 time, either to see agents or to go to court.

17 Q. Yes. And the long term prisoners, on the second flat,
18 and we are talking about young offenders, so they could
19 be serving a very long sentence?

20 A. They certainly could, yes.

21 Q. And once they reached the age of 21, they should be sent
22 to an adult estate or a prison?

23 A. They would. That would be the desired thing. They
24 would be sent to the adult estate.

25 Q. Although, if there wasn't a vacancy or a space, they

1 might stay for longer in somewhere like Polmont?

2 A. In some cases they stayed until they were 23.

3 Q. Mm-hm. And then you talk about Munro Hall, when it was

4 built, and you say that there was a general population

5 on the bottom flat, longer term prisoners on the second

6 and trustees and pass men on the third flat, and sex

7 offenders on the top.

8 A. Yes.

9 Q. Were they a particular protected group that were given

10 a flat to themselves?

11 A. The sex offenders?

12 Q. Yes.

13 A. Yes.

14 Q. And so were they specifically allocated to Munro Hall,

15 to a particular flat?

16 A. Yes.

17 Q. So there weren't sex offenders in Iona Hall, for

18 example?

19 A. No, no.

20 Q. We know the term "passmen" and "trustees", and you say

21 they were in the third flat in Munro Hall once it was

22 built. I think we have heard that in some other places

23 passmen would sometimes be on the ground floor and their

24 cells were basically open. They had fairly free reign

25 as to where they could go within --

1 A. Yes.

2 Q. -- a locked environment; is that right?

3 A. That's correct, yes.

4 Q. And what was the essential difference between a trustee
5 and a passman, if you can help me?

6 A. Oh, generally, if a personal officer was picking
7 a passman, he might well have prior knowledge of him.
8 The lad might have come and volunteered to do the job.
9 He would obviously be aware of his general behaviour.
10 If he was somebody that you couldn't leave on his own to
11 do a particular job, then you aren't really going to
12 consider him for a passman's job.

13 And that assessment was quite unofficial. It wasn't
14 anything official involved there. But, nine times out
15 of ten, you got it right, you know? And that's how we
16 would pick passmen.

17 Trustees were slightly different, because they
18 tended to go out the hall. If they were, for
19 instance -- say they were a governor's pass or a social
20 work passman, they would likely be working on their own
21 and they would be allowed to move between Munro Hall and
22 wherever they were working. And they had actual badges,
23 identification badges, so any officer could stop them
24 and say, "Where are you going? Show me your badge".

25 Q. So, essentially, the general pass man category would be

1 confined to the hall, but would have quite a lot of
2 access within the hall itself?

3 A. Generally, yes.

4 Q. The trustee could go further afield?

5 A. They were allowed to go outwith the hall, yes.

6 Q. And as far as Polmont was concerned in your time; was it
7 the case that if you were an untried prisoner on remand
8 that you didn't get work?

9 A. Because the -- in my time there, the population untried
10 were the biggest population of any designated group of
11 prisoners. And the law at the time meant that they had
12 to go to court within 110 days, so to employ somebody
13 for essentially three months was false economy, really.
14 So they tended not to work.

15 Q. Did they have the chance to work if they wanted to?

16 Because I think some of the people --

17 A. Only within the hall.

18 Q. Okay.

19 A. Because they were an unknown commodity.

20 Q. Yes.

21 A. Because some of them were meant to go up on charges of
22 murder and things like that. So you had to be quite
23 careful if you were going to give them a job.

24 In saying that, a lot of them would have done
25 anything to get a job.

1 Q. Because the alternative to doing no work, whether in the
2 hall or otherwise, is that you are going to spend quite
3 a lot of time in a cell getting bored, with perhaps very
4 little to do, very little to read, very little to keep
5 you busy; is that --

6 A. That's exactly it.

7 Q. Was that the state of affairs for quite a number of
8 remand prisoners?

9 A. The majority.

10 Q. Yes. And as far as when you get to the convicted side,
11 the sentenced prisoners in Polmont; were they expected
12 or required to work, or simply they could work if they
13 wanted to?

14 A. They were asked if they wanted to work. You couldn't
15 force somebody to go to work.

16 In my experience, the guys I was working with, they
17 wanted to work because you could earn -- then earn
18 a wage, get more time out of your cell, and your
19 sentence got a bit quicker. So they generally wanted to
20 work.

21 You had people who you could have dynamite
22 underneath their behind and they wouldn't have wanted to
23 work. Just that was -- they weren't going to work.

24 Q. And I think we have heard some evidence, or at least the
25 Inquiry has received some evidence, that if someone was

1 perceived to be just -- to use a loose expression --
2 a troublemaker, it might well be that even if they
3 wanted to work, the workshops wouldn't want to have
4 them; is that the way it was? That sometimes if they
5 had earned a reputation, whether there or through some
6 background information, that they might not get the
7 opportunity to work?

8 A. That's an interesting question. Because a prison, it
9 functions if everybody knows what's happening.

10 Now, if I received information about a certain
11 inmate and he had asked to work in a certain work party,
12 that would be flagging up quite a few warnings for me;
13 one, why does he want to go there? If the work party
14 officer, whose ultimate decision it was to accept
15 someone in a work party, had heard the same story, then
16 it just wouldn't happen. He might say to me: how
17 accurate is that?

18 Surprisingly accurate. Within the confines and
19 environment of the prison it is really quite accurate.

20 Q. Would it be fair to say, from the perspective of
21 a prison officer, you are not really wanting to have too
22 many troublemakers in your group?

23 A. I would think that would be a common sense approach,
24 yes.

25 Q. Now, going back to your statement, 'Rupert', you tell

1 us, at paragraph 17, on page 3, there was an old
2 segregation unit which was different to the new one.
3 And you say:
4 "I never did work in the old one, so anything
5 I could say about that would be secondhand knowledge."
6 Now, did the old segregation unit disappear as part
7 of the changes that happened when Iona and Munro were
8 built or did it disappear before then?
9 A. No, the old segregation unit was beneath North Wing.
10 So, when they demolished North Wing --
11 Q. It went, too?
12 A. -- it went as well, yes.
13 Q. And we have heard that place described as the Digger; is
14 that an expression you have heard?
15 A. I believe that is what it was known as, yes.
16 Q. What replaced the Digger, or the old segregation unit?
17 A. A brand new segregation unit.
18 Q. Was it -- well, you didn't have any experience of what
19 the old one was like, so do you know what the nature of
20 the changes might have been, or you can't help us?
21 A. No, I couldn't comment on that.
22 Q. Okay. But there was a segregation area built as part of
23 the changes?
24 A. There was, yes.
25 Q. How many cells or rooms did that have?

1 A. There was eight one side, four the other side, a strong
2 cell and a silent cell.

3 Q. Right. I will come back to that, because I think you
4 tell us about that in your statement.

5 A. Yes, yes.

6 Q. That was the general layout?

7 A. That was the general layout.

8 Q. Right. And if you were put on report and given some
9 form of punishment that involved -- I am trying to
10 remember the particular rule. Is it rule 40, or rule --
11 there was a rule that I think the governor could apply
12 where you would go into solitary.

13 A. Yes, he could.

14 Q. And that is where you would go if the governor decided?

15 A. If the governor decided, yes.

16 Q. That's a place that you could also go if you were --
17 well, what if you needed some form of protection from
18 a situation in the hall? Could you end up in the
19 segregation unit for that reason?

20 A. No, what generally happened was, if somebody needed
21 protection, they would be housed in the hospital unit,
22 which was a unit quite a bit away from the main
23 residential halls. It was a very temporary sort of
24 situation. It had to be reviewed on a daily basis.

25 LADY SMITH: When you say "quite a bit away"; what do you

1 mean? How far?

2 A. Could be about half a mile.

3 LADY SMITH: Right, okay. That is quite a way.

4 A. At the other end of the prison, my Lady.

5 LADY SMITH: Right.

6 A. The other end of the prison.

7 LADY SMITH: Thank you.

8 MR PEOPLES: Because it had a sort of hospital area?

9 A. It did. It had a medical ward. It also had secure

10 cells for people who were trying to hurt themselves.

11 Q. Because that was what I was going to ask as well.

12 Obviously, you could have someone that needs to be

13 protected not because they have, for example, a suicide

14 risk or a self-harm risk, or a mental health problem,

15 but somebody to be protected from other people.

16 A. Yeah, there was multiple reasons why somebody would need

17 protection.

18 Q. But the ones who had, say, a mental health problem

19 initially, who may have been presenting as suicidal or

20 self-harming or threatening to self-harm; would they, in

21 the first instance, end up in -- or could end up in the

22 new segregation unit, and either in the padded cell or

23 in one of the other cells? Did that happen?

24 A. Not to my recollection.

25 Q. Would they go to the hospital, then?

1 A. Generally. Again, that would be the medical officer's
2 decision. I would have no part in that.

3 Q. No, because I think historically, obviously perhaps
4 before your time, and certainly in some places people
5 who were suicide risks and people who were being
6 punished could end up in the same punishment block, or
7 solitary area; was that not the case at Polmont?

8 A. We tried to avoid that at all costs.

9 Q. Right.

10 A. Because you would just have been adding to your
11 problems.

12 Q. In your time, then, people with, say, suicide risks --

13 A. Yes.

14 Q. -- was there a strategy in place at that stage for
15 suicide risks at Polmont, when you started?

16 A. Not as there is nowadays.

17 Q. No?

18 A. No. If I was working on a gallery and you were
19 identified as a suicide risk, it would be my
20 responsibility to ensure, while I was on duty, that you
21 were okay.

22 Q. Now, we have heard of situations, certainly in
23 Glenochil, because we have had evidence that in the
24 1980s, the mid-1980s that what would happen there is
25 they had strict suicide observation systems which might

1 involve a person at risk not staying in the their cell,
2 but going somewhere else?

3 A. Mm-hm.

4 Q. Being put in that cell and being observed at regular
5 intervals, 15 minutes, 30 minutes intervals, and that is
6 basically how they were monitored. And that led to
7 an inquiry by a Dr Chiswick; I don't know if you have
8 any knowledge of that?

9 A. Yes, I remember that.

10 Q. Because of suicides at Glenochil.

11 A. Yes.

12 Q. And it caused there to be an inquiry, and he produced
13 a working group of -- which he chaired produced a report
14 and was critical, I think, of the management of people
15 who had presented as genuine suicide risks.

16 A. The suicide policy developed over the years, at Polmont.
17 And what I can remember, identified members of staff
18 were classed as bullying coordinators and they would
19 keep a file on people who they felt were at risk. That
20 would normally get left accessible to all of the staff,
21 so they were all aware of what was going on.

22 As I have said earlier, if I came on duty and you
23 were identified as a potential suicide risk or you were
24 being bullied, then that would be my job to explore
25 that, or at the very least observe it.

1 Q. And would you have the discretion to say, "They are here
2 just now, but they have to be taken somewhere else"?

3 A. I could say that. Whether that would be acted upon is
4 another issue.

5 Q. It wasn't your decision?

6 A. No.

7 Q. Whose decision would that have been, at that time?

8 A. In the first instance, it would be the hall manager's.

9 Q. Would the medical officers be involved at that stage?

10 A. He would involve him right away, I would imagine. But
11 I couldn't say that for certain.

12 Q. No. But there was a process?

13 A. There was a process, yes.

14 Q. You could end up with a change of location?

15 A. Yes.

16 Q. But if you were a bullying coordinator --

17 A. Yes.

18 Q. -- and someone had been identified as -- someone is at
19 risk; you didn't have any specialist training to deal
20 with a person in that situation, did you?
21 Or did you?

22 A. "Specialist training" is an interesting way of putting
23 it.

24 MR PEOPLES: Well --

25 LADY SMITH: You tell me what it means. Or what it meant

1 for you at that time.

2 A. It was literature, my Lady. They would hand you down
3 literature. The onus would be on you to make sure you
4 were conversant with the literature. There wasn't any
5 follow up to see if you really understood what you had
6 just read. A lot of emphasis was placed on the person
7 who was doing the job.

8 Now, I can't speak for anybody else, but I read
9 reams and reams of paperwork on bullying and especially
10 suicides, because that was quite prevalent at the time,
11 in an effort to understand if you could get to a point
12 to stop it happening.

13 That was the difficult part. You might understand
14 why it was happening. It was intervening at a time when
15 you could stop it. That's what I found exceptionally
16 difficult, and the information that was handed down gave
17 me no indicators or pointers how to do that.

18 LADY SMITH: 'Rupert', this expression "bullying
19 coordinator", when it comes to understanding the word
20 "bullying"; was that referring only to when one inmate
21 was bullying another or was it generally if an inmate
22 was the target of an officer?

23 A. It wasn't necessarily specifically one person, because
24 it might not just involve one person. "Bullying" is
25 a sort of generic term that is flung at situations

1 sometimes, and it is not really helpful, because it is
2 not being, as you are suggesting, specific. It is not
3 being specific to the problem, "Oh, I didn't feel that".

4 LADY SMITH: Okay. So if I thought of it as trying to cover
5 anybody who was subject to repeated attacks, whether
6 verbal or physical, or otherwise; is that what it was
7 intended to indicate?

8 A. In a situation like you are outlining, you would have to
9 take more direct action. Would you have to isolate that
10 person if they were being attacked.

11 LADY SMITH: By anybody?

12 A. By anyone. That's one of the basic rules on the
13 gallery. If two guys were fighting, the first thing you
14 did was separate them and then isolate them. So they
15 couldn't continue the warfare.

16 LADY SMITH: Mr Peoples.

17 MR PEOPLES: You read a lot, you said. Now, would I be
18 wrong in suggesting, having read your statement in
19 advance of today, that you weren't a typical prison
20 officer of the day? You read a lot, you tried to
21 understand a lot, but most of your colleagues were
22 probably not of the same ilk; would that be fair?

23 A. I was classed as quite anal in respect of documents like
24 that, in that I personally felt, if they were going to
25 affect me at some point in time, I wanted to know what

1 exactly my job was and what I was going to be liable
2 for. I thought that was a common sense approach.

3 Q. Well, I am not sure you have answered my question yet.
4 I think you are getting there. But what about those
5 that you worked with?

6 You don't need to name names or anything. But, in
7 the generality; are you representative of the prison
8 officer of the day? I don't think so, is the point I am
9 putting to you. But you can tell me if --

10 A. I would agree with you. No, I wasn't representative.

11 Q. Insofar as you did read this stuff as well; am I getting
12 the message that you didn't always find it particularly
13 helpful?

14 A. I didn't find it helpful in the slightest.

15 Q. And if I just take a situation that I have no doubt did
16 happen in practice, say someone in a hall says that they
17 are feeling suicidal and they are going to self-harm,
18 and you are now in that situation, common sense might
19 say the first thing to say is, "Well, why are they like
20 that?" Now, you say you wanted to understand the
21 mindset and the behaviour?

22 A. Indeed.

23 Q. So is that something you asked yourself in these
24 situations?

25 A. Yes.

1 Q. Is that something, again to go back to the general
2 situation --

3 A. No.

4 Q. -- was asked?

5 A. No.

6 Q. That people wanted to know: was it the regime? Was it
7 the attitude? Was it the culture? Was it the staff?
8 Was it the --

9 A. It is just a general lack of interest.

10 Q. So these questions weren't really asked and answered,
11 and addressed?

12 A. Not as a matter of course, no.

13 Q. No, I just wanted to get the general picture, because,
14 again, I want to discover whether you are typical and
15 representative, or untypical. I think I am getting
16 an answer. I think I know what you have said. But
17 correct me if I am wrong.

18 A. I will endeavour to correct you if I think you are
19 wrong.

20 Q. Okay. Now, just going back to your statement at
21 paragraph 18, you have an observation there -- and maybe
22 it goes back to what I started with, with my suggestion
23 that the Marines, there was a high standard expected of
24 you at all times -- you seem to be making -- well, there
25 is a comparison between, is it, the PT staff, physical

1 training staff in the Prison Service and the physical
2 training staff in the Marines, you say trying to compare
3 the two is the wrong thing to do because the difference
4 in commitment is astounding; is that based on your
5 experience of seeing both types of staff in the two
6 situations?

7 A. Yes.

8 LADY SMITH: Can you spell out for me which is the more
9 committed.

10 A. Pardon?

11 Q. Which is the more committed of the two; the Marines or
12 the prison officers?

13 A. The Marines by a country mile.

14 LADY SMITH: I thought that was what you meant, but I wanted
15 it in the transcript. Thank you.

16 MR PEOPLES: Is it just the Marines? Because one of the
17 things we get told is that, historically at least, quite
18 a number of prison officers were ex-military.

19 A. They were.

20 Q. But are you talking about particularly the commitment of
21 people that had experience in the Marines or experience
22 of the forces in general?

23 A. I can only talk about one section of the British Armed
24 Forces.

25 Q. But I go back to my -- what I asked you earlier, that to

1 train to get into the Marines it was pretty rigorous and
2 not everyone achieved it, even if they wanted a career?

3 A. Not everybody wanted that, no.

4 Q. But they could probably get in to other regiments and
5 forces?

6 A. They might well do.

7 Q. Yes. You say that your impression -- and you put it in
8 paragraph 18, at line 3:

9 "For me the PT staff in the Prison Service carried
10 out a number ticking exercise. They needed so many
11 prisoners to be in the PT department per day. I could
12 never buy into that. I had been trained by people who
13 approached their job differently."

14 Just help us with that. In the sense of number
15 ticking; what are you trying to convey there?

16 A. I would imagine that out of cell time PT activities
17 would be part of that. If physical education was the
18 real goal of the Prison Service, then it would have been
19 approached entirely differently. I have seen situations
20 where physical training instructors would ask for ten
21 inmates. We would have something like 50 plus inmates
22 sitting behind our door. Instead of increasing the
23 number of PT staff to take an increased number of
24 prisoners, they would only take ten. I used to take
25 issue with that.

1 Q. Are you saying, though, that's the fault of the system
2 and the people who decided on staff numbers, staff
3 inmate ratios, not the fault of the PT staff themselves;
4 they just had to work in that system? Or are you also,
5 to some extent, critical of the staff themselves as to
6 their attitude to their work?

7 A. It is very easy to blame a system. And you are looking
8 at the problems directly: och, it's the system.

9 It's not the system. You can work a situation, work
10 the problem, and there was ways to do that.

11 I think what I am suggesting is people really
12 understood what the problems were, they weren't prepared
13 to find a solution.

14 MR PEOPLES: Can I just pick up, then, on that? At page 4,
15 towards the end of the paragraph 18, you say:

16 "I never felt people tried enough. That was a big
17 thing for me. I hated anybody's attitude of 'it's just
18 prisoners', that annoyed me intensely. It got my back
19 up because I knew I couldn't do anything about it.
20 I was in an organisation that couldn't care less about
21 what I cared about."

22 So there was an attitude issue there that you are
23 trying -- or, well, you are telling us about?

24 A. I don't know what was the most problematic attitude,
25 theirs or mine.

1 Q. Well, if you take your -- the way you put it, if the
2 attitude is "it's just prisoners", then you are not
3 treating them as individuals with individual needs, who
4 have to be understood as individuals, and you have to
5 tackle them as individuals; is that --

6 A. That's it in a nutshell, yes.

7 Q. They are just treated like a herd and you just deal with
8 them collectively in a particular way, and that's it?

9 A. That seemed to be enough for some people.

10 Q. Now, you say at paragraph 19:

11 "I never voiced these concerns [the ones that you
12 have set out in your statement and today] I was a good
13 boy and kept my mouth shut."

14 Now, I think you now say on reflection you wish you
15 had been braver and spoke up, but you didn't; is that
16 right?

17 A. If you are faced with an overwhelming flow of things
18 going the other way and you are swimming against that
19 tide, and at some point in time the tide is going to
20 take you. It's inevitable. And that's how I felt.

21 Q. But, when I read that, I had the impression that the
22 expectation was that in order to be a good boy you
23 didn't raise concerns, you didn't attack the system, you
24 didn't attack the attitudes, you kept your mouth shut
25 and you possibly advanced your career in the process.

1 But, if you did otherwise, you would be a troublemaker,
2 like some of the inmates, and your life wouldn't really
3 be all that great with colleagues or senior management;
4 is that putting it in a nutshell?

5 A. I think you have quite a good understanding of the way
6 the Prison Service worked at that juncture in time.

7 Q. Right. Well, I am not going to develop that. We see
8 that in those paragraphs, and that's what you are trying
9 to convey today and in that evidence.

10 Now, if we go to the section that's headed, "Time
11 working at Barlinnie and Polmont", it doesn't strike me
12 that the way you came into the service was particularly
13 robust, in terms of recruitment process; but are you
14 going to disagree with me on that, or not?

15 A. Particularly robust, in the sense of the recruitment
16 procedure? I would agree with you.

17 Q. Right. You are not particularly complementary about the
18 initial training either, are you, when we look at
19 paragraph 25? Because you say:

20 "I was given initial training when I started. I was
21 sent to Prison Service College."

22 And in paragraph 26:

23 "I tended to look back on some of the training as
24 a waste of time."

25 So you don't feel the training equipped you for the

1 reality of prison life?

2 A. Complete waste of time.

3 Q. And if you were trying to train a prison officer
4 properly, and to also understand the people they have to
5 deal with and how to care for them compassionately and
6 so forth; was six weeks' training at a prison college
7 enough?

8 A. Nowhere near enough.

9 Q. Because we do hear that in other countries, not
10 necessarily for prison training -- well, I think we do,
11 actually. Norway, for example, I think prison officers
12 have to go through quite a considerable period of
13 training. I don't know if you know that; maybe you do?

14 A. Yes, I knew that about Norway. I remember reading
15 a piece about their training and I thought to
16 myself: surely somebody in our agency will see that
17 that's the way forward.

18 But, as I say, I have been retired ten years,
19 I don't know if that's changed since then. I would love
20 to say it has, but I don't think it has.

21 Q. I think you say at some point -- I will maybe pick it
22 up. But I think you said, in your view, if you were the
23 policy maker and the decision maker, you might want
24 people to enter the Prison Service at least as
25 a qualified person around the age of 30 at the earliest?

1 A. Minimum. Minimum age of 30. I say 30, and I know that
2 that doesn't guarantee you anything. However, I am
3 assuming it might guarantee a level of life skills that
4 a 18-year old hasn't acquired yet.

5 Q. And you say in relation to training, at paragraph 29,
6 line 3, at the bottom of page 5, you received no
7 specific training on how to deal with young offenders?

8 A. Correct.

9 Q. Now, I can tell you, I think, we have had some evidence
10 that more recently there have been some attempts to have
11 more bespoke policies for the management of young people
12 in custody, for the management of females in custody.
13 Perhaps it is not as developed for the management of
14 adult prisoners, who are male. But we have been told
15 that, that that's the direction of travel. We are also
16 told that the government is proposing to take under 18s
17 out of the prison system. I don't know if you have been
18 following that, these developments?

19 A. Yes, I wouldn't say I follow it diligently. However, if
20 it comes up, I will read about it. I still talk to
21 quite a few prison officers who are still employed and,
22 once we get past the tales and woe, they will actually
23 tell me what's happening.

24 Any move towards understanding the people who are
25 placed in front of you by the courts has got to be

1 a good move.

2 Q. Yes, because I think I mentioned this to a witness this
3 morning, another ex-officer who said -- he told the
4 Inquiry that troublesome individuals, this is going back
5 to the 1977 to 2004 period, when he was in Polmont. He
6 says:

7 "Troublesome individuals were just classed as bams,
8 but nowadays would be identified as having mental health
9 issues. Back then officers didn't know their background
10 or what life they had been through."

11 It is not a good start if you have no idea of the
12 background of the person you are dealing with, is it?

13 A. Indeed it isn't.

14 Q. Now, going on to page 7 of your statement, if I can,
15 I think you have told us about some of the other things
16 that we have spoken about. But by the time you arrived
17 at Polmont there were staff training officers; is that
18 right?

19 A. There was.

20 Q. But I think you say there -- and maybe this is a fact of
21 life:

22 "That some training officers were less adequate than
23 others. It was a full-time job. Their sole function
24 was staff training."

25 Is that basically that they were variable in

1 quality?

2 A. Very inconsistent.

3 Q. Okay. Can I just pick up, just before we perhaps stop,
4 at paragraph 36, you tell us that not long after you
5 started in the service, in the mid-1980s, you did
6 a part-time degree in politics at Stirling University,
7 and I think you did that between then and the late 80s;
8 is that right?

9 A. That's correct, yes.

10 MR PEOPLES: Well, I think at that point it is probably a --

11 LADY SMITH: Would that be a good point to break?

12 MR PEOPLES: Absolutely.

13 LADY SMITH: If that works for you, 'Rupert', we will take
14 the afternoon break now --

15 A. Okay, thank you.

16 LADY SMITH: -- a short one, and then we will get back to
17 your evidence after that.

18 (3.00 pm)

19 (A short break)

20 (3.09 pm)

21 LADY SMITH: 'Rupert', I hope the break was helpful.

22 A. Yes, it was, thank you.

23 LADY SMITH: Are you ready for us to carry on?

24 A. Yes.

25 LADY SMITH: Thanks.

1 Mr Peoples.

2 MR PEOPLES: My Lady.

3 'Rupert', if I could just move on, on page 7 you
4 have a section headed, "Structure and recruitment of
5 staff". I am not going to ask too much about this, but
6 there are a couple of questions. In paragraph 37, lines
7 4 to 5, you say:

8 "The direction Polmont took largely depended on the
9 governor in charge. Changing the governor every
10 few years could be a positive thing. It would really
11 depend on who you got as the new governor."

12 I just wonder if you think it is better to have
13 a governor for a long time or frequent changes? Is it
14 a case of it is a bit of a lottery? If you get the
15 right one stick with them, if you don't get the right
16 one, try to get a new one; does it come down to that?

17 A. I perceived it to be that sometimes. Whether I was
18 accurate or not ...

19 Q. Did you actually see much of the governors when you were
20 there?

21 A. It depended, again, who they were. It depended. You
22 have heard evidence from Theresa Medhurst.

23 Q. Yes.

24 A. Well, I started my career with Theresa. We started
25 together. When she was the governor of Polmont, I saw

1 her every day because she made a point of going round
2 the prison and speaking to the staff. Other governors
3 I couldn't tell you what their name was because they
4 never made any effort to come and speak to staff.

5 Q. I suppose it might be said that rather than, perhaps,
6 living in the ivory tower, you should really be on the
7 shop floor on a regular basis to know what's going on.
8 I think you would think the latter was the better
9 scenario?

10 A. A leader leads from the front.

11 Q. Yes.

12 A. Again, that's my service training. A leader leads from
13 the front, and everybody can identify with your leader
14 then.

15 Q. I suppose the way to get into the mind and mindset of
16 the governor is to have frequent contact with that
17 person, to understand what they are expecting, what
18 their values are, how they want people to treat both --

19 A. Yes.

20 Q. -- each other as staff --

21 A. Yes.

22 Q. -- and inmates and prisoners; yes?

23 A. I got more contact with governors when I was actually
24 involved with the Union than I did when I was just
25 a residential officer.

1 Q. Okay. We have heard some evidence that prisons are
2 places where there are cliques, gang cultures, people
3 who, if they know each other, stick together and, to
4 some extent, if they are rivals and from gangs of
5 different parts of Glasgow or Edinburgh, wherever, that
6 has its difficulties in terms of managing that
7 situation; is that something you were aware of in
8 Polmont? There were cliques, gangs, as well as cultures
9 of bullying and so forth?

10 A. Are you talking about prisoners or staff?

11 Q. Prisoners at the moment.

12 A. At the moment. There was definitely a gang culture, and
13 some pretty strong individuals, based on their crimes
14 outside and their reputations coming inside.

15 That was sometimes the hardest sort of problem to
16 approach, because everybody would be protecting
17 everybody else. So information was quite hard to come
18 by.

19 Q. And I suppose you still have the usual prison norm, that
20 you don't grass?

21 A. Indeed, yes.

22 Q. If you want your life to be tolerable.

23 A. Yes. There is also unspoken threats within a prison.

24 Q. There is another question, I would like to know what
25 your response is. To some extent, a question has arisen

1 as to who runs the prisons in practice. We have heard
2 different views expressed by both people who have been
3 in the prisons as inmates and perhaps others. But is it
4 the prisoners; is it the prison officers; is it the
5 governor, or is it a mixture of all three?

6 A. An old prison officer told me -- and his words were so
7 poignant: a prison only works if prisoners allow it to
8 work.

9 It is entirely on their behest. You can make all
10 sorts of demands and orders and bark what you want at
11 people. But, if they don't want to do it, then they are
12 not going to do it and there is nothing you can do about
13 that.

14 Q. Now --

15 A. That would be quite controversial with some staff, what
16 I have just said. But that's my experience.

17 Q. Well, I think one of the people that gave evidence to
18 the Inquiry, I think to some extent also said that
19 sometimes it wasn't what you came in as, as
20 an individual, it was what your family were, what was
21 known about your family on the outside. In some cases,
22 we are talking perhaps serious criminals or people that
23 had come from a background where there is serious crime,
24 that can often help them. But, if you are not in that
25 happy position, you, as an inmate, could find your life

1 quite difficult, both from inmates and perhaps even from
2 staff?

3 A. Yes, I would agree with that.

4 Q. Yes.

5 Now, can I move on to page 8 of your statement? You
6 say you did a lot of staff training jobs. Indeed you
7 were, I think, asked to assist when the Human Rights Act
8 legislation started to become more -- well, started to
9 affect prisons and how they were run, and how prisoners
10 were treated. You say:

11 "Prison officers weren't really interested in that."

12 So does that mean that prison officers in the
13 generality weren't overly excited or interested in human
14 rights of prisoners?

15 A. I was actually in the process of doing my law degree at
16 the time, and the staff training officer, he said, "This
17 might be of interest to you. But I would like you to
18 present it to small groups of staff". I said, "Aye,
19 okay, I will have a bash at that", and I did so. At the
20 end, the session was maybe only for about an hour
21 because, as you well know, it is pretty dry reading. At
22 the end of the hour I asked for some feedback, for some
23 view point on it, and because I was a prison officer
24 like them, they were shooting from the hip. They didn't
25 miss me and hit the wall. And it ranged from comments

1 like: how is this going to be applicable when you are
2 running a gallery?

3 That's a flavour of the type of question. And
4 I would try and answer that. But, invariably, when the
5 session was finished, I would get umpteen comments going
6 out the door: what a bloody waste of time.

7 They were not interested, they didn't see it as
8 applicable to what they did, and it didn't matter how
9 you parcelled it up. I tried various different ways to
10 parcel it up. To make it jokey, I tried to make it --
11 not flippant, but, you know, a bit more lighthearted.

12 No.

13 Q. Did you get the impression that to some extent they were
14 wondering whether prisoners did have human rights once
15 they entered the prison system, or they left those
16 behind at the prison door?

17 A. Do you know what my lasting impression of that period
18 was? That I was a scape goat. That's what I felt.

19 Q. What, to go through the motions of giving the training,
20 but not necessarily to any good effect?

21 A. Indeed.

22 Q. Okay. Now, you have talked about this before, about
23 trying to understand prisoners better. You say that
24 discussion groups were initiated in your time. Can
25 I just be clear, in this passage you are telling us

1 about, it begins at paragraph 44 by saying you were
2 working at some point with sex offenders and you
3 initiated discussion groups which were seen as quite
4 revolutionary at the time; was it only sex offenders
5 that the discussion groups were established for, or was
6 this a general --

7 A. That was the only place I was aware of this happening.

8 Q. But the purpose of it, the broad purpose, was that
9 particular group, you wanted to have a better
10 understanding of them?

11 A. This was coming to the end of my time in the Prison
12 Service, and I had never in all that time worked with
13 sex offenders. And the staff who were working with them
14 at the time to my eternal sort of help, they were really
15 good at their job, and they allowed me to buy in to
16 their way of dealing with this type of prisoner, which
17 I had no experience about.

18 I can remember saying: do we discuss things? Are we
19 allowed to discuss, for instance, their crimes?

20 Because, generally, the court had appointed
21 psychiatrists and things as part of their remedial
22 behaviour, I suppose. So I said: are we allowed to talk
23 to them?

24 And they said: why not?

25 And so that's when we started it, you know?

1 Q. You say this was towards the end of your time, and
2 I think we know that you finished in the service in
3 2014. So we are talking towards the back end of your
4 period?

5 A. We are, aye.

6 LADY SMITH: So we are well into the 21st century now.

7 A. Indeed, my Lady, yes.

8 MR PEOPLES: Now, moving on, page 9, you obviously tell us
9 a bit more about that, and we can read it. Obviously,
10 you have told us about the minimum age point. I think
11 that was the one I mentioned earlier, at paragraph 49.
12 I won't go back to that.

13 You have mentioned about the bullying coordinator,
14 that you did some training. Again, just to help me with
15 the dates: at what point were you training on being
16 a bullying coordinator? Are we talking about the end of
17 the period or the beginning, or the middle?

18 A. I couldn't possibly give you an accurate one on that
19 one.

20 Q. Okay.

21 A. Sorry.

22 Q. Was it after, for example, Iona Hall and Munro Hall had
23 been built?

24 A. Oh, yes. Yes, it was after they were built. Yes, so
25 that gives you a better idea.

1 Q. Was it around the millennium then, at least? Was
2 Iona -- maybe I have that date wrong. Was north wing
3 taken down in --
4 A. Again, I couldn't --
5 Q. We could judge it -- at least it was after that period?
6 A. It was. After the two new halls were built.
7 Q. I see. So at least we can get that. If we can work out
8 or we're told when these were built, we would get an
9 idea; it was some time after that?
10 A. Yes.
11 Q. That's fine.
12 You tell us, at 51 -- you have obviously given us
13 some information in general terms. You said you worked
14 in a good team at Polmont. And you say:
15 "We all knew our job, were fair minded and I liked
16 the way we worked."
17 Can I just be clear on this: that's a reference to
18 the team, not to all prison officers at Polmont, I take
19 it?
20 A. It is a reference to the team I worked with.
21 Q. And were you working with the team in a particular
22 place? The one that you have in mind; was it in
23 a particular wing or a particular part of Polmont that
24 you felt the team was particularly good?
25 A. No, that was in the ...

1 That was a compliment to the people I worked with in
2 different areas, so I was lucky. I had a good team.

3 Q. You are saying it's not because the system produced
4 universally good --

5 A. No. I'm saying I was lucky. I was fortunate to have
6 a good team round about me.

7 Q. Indeed, you contrast the fair-mindedness of the people
8 you worked with, with the -- you said you had met quite
9 a few unfair-minded officers in Barlinnie. So you were
10 contrasting the team at Polmont that you were lucky
11 enough to work with, with those you encountered at
12 Barlinnie in the more distant past?

13 A. I prefer to pay compliments to the people I worked with,
14 than malign people who haven't an opportunity to defend
15 what I may say about them.

16 MR PEOPLES: Okay. Can I move on to page 11? You have
17 a view on policy issues?

18 LADY SMITH: You don't want to malign people who don't have
19 an opportunity to defend themselves; is that right?

20 A. I will try to be very careful.

21 LADY SMITH: It is absolutely fine. I just wanted to make
22 sure I picked you up correctly. Thank you. It sounds
23 very fair.

24 MR PEOPLES: I am not interested in individual names; I am
25 interested in the generality of the situation over time.

1 A. I appreciate that.

2 Q. That's why I am asking these questions. I am not
3 wanting you to name and shame; that's not my purpose
4 today.

5 Paragraph 56, on page 11. You say you were never
6 involved in policy making. You say that took place in
7 Sleepy Hollow, which is what you call the Prison Service
8 headquarters:

9 "They sleep walk through everything and had no
10 concept of what's happening in prisons. They sent
11 a succession of people through to update us on policy.
12 They didn't send someone through to gather the real
13 workers' opinions on any policy change, just to inform
14 us of the change. They had no experience of what it was
15 like to work in a prison."

16 Is that your assessment?

17 A. I will stand by those words.

18 Q. Okay. We do know that sometimes as part of the career
19 ladder people who worked in prisons ended up at prison
20 headquarters; did they tend to go into policy roles,
21 though?

22 Or do you know?

23 A. I could only guess. There is a certain framework at
24 headquarters, and they will decide where your abilities
25 lie. As far as going into policy making, I couldn't

1 comment.

2 MR PEOPLES: Nowadays, we did hear from a person, [REDACTED],
3 who is the current director of strategy and she was
4 a former governor -- Sue Brooks, I am sorry.

5 LADY SMITH: There is another [REDACTED] who is a witness.
6 Sue Brooks.

7 MR PEOPLES: You know her?

8 A. Yes.

9 Q. She has that role, and it might be said because of her
10 prior experience she is maybe better equipped to take
11 a strategic view of the service and see what's wrong
12 with it?

13 A. I would definitely say that, because Sue Brooks was my
14 governor and I found her to be -- she was a no nonsense
15 governor, and I liked her style. She was scrupulously
16 fair.

17 Q. Now, pages 11 and 12. You talk about policy changes and
18 you told us, I think at paragraph 60 -- it echoes
19 something you told us earlier -- there was really no
20 requirement to sign anything to say you read and
21 understood policies. You have told us what you did
22 personally, and the way you put it: the Prison Service
23 was living in the dark ages?

24 A. Yes, that's what I felt.

25 Q. Yes. Indeed, you make another point, I think at 61,

1 that you thought the recreation periods were mind
2 numbingly boring and you pose the question -- and then:

3 "They wonder why the prisoners were slapping each
4 other and arguing with each other. It was because they
5 were bored."

6 Is that really, firstly, the lack of proper
7 facilities and the lack of purposeful activity? Which
8 I think is something that the Prison Service are now
9 acknowledging.

10 A. A combination of both, yes.

11 Q. Yes. Then in relation to young offenders, you have
12 a section that starts at page 12, but I think we have
13 covered quite a bit of what you said in your statement.
14 We can read the statement itself.

15 You tell us, at paragraph 70, that you always
16 understood teenagers. And I think you always tried to
17 understand them; is that your position? You say:

18 "They said things because they didn't use what was
19 between their ears. No one has ever asked them to use
20 their brain. I asked them questions all the time and
21 they used to hate that, but I wanted to know what they
22 were thinking."

23 So that was your approach?

24 A. Yes. I just felt they were young men, and the first
25 thing that came into their head they would blurt it out

1 without any thought process whatsoever.

2 Q. Again, maybe I will go back to what I said earlier: you
3 don't strike me as the typical prison officer, in terms
4 of you are saying that you sought to understand, but
5 your earlier evidence is that you are not convinced that
6 others were doing the same thing?

7 A. I don't make any apology for my approach. I felt it was
8 the best approach for me. I felt I got quite a lot back
9 from the people who I was tasked to look after.

10 Q. One point might be said, though: there were so many
11 prisoners, perhaps there wasn't the time to give the
12 individuals attention that they probably needed,
13 particularly if they were damaged individuals who had
14 complex needs and problems. I mean, was it a lack of
15 time as well? To give them the time to understand, to
16 ask the questions; was that part of the problem?

17 A. It was definitely part of the problem. Because at any
18 given time I might be responsible for maybe a dozen to
19 15 lads who I was their personal officer. They would
20 come to me with the majority of their problems, and
21 a lot of the time I just wouldn't have the time to give
22 them the focus that they needed.

23 Q. And can I move on to another part of your statement,
24 which is page 14? You say, at paragraph 72, that there
25 were security checks and searches of rooms or cells;

1 that was a frequent occurrence, it would appear, from
2 what you were saying?

3 A. It was a daily occurrence.

4 Q. What about prisoner searches? Were they daily
5 occurrences, searching of prisoners?

6 A. Again, a search -- if you -- I liked to have the
7 prisoner in the room when I was searching his room, so
8 I would then conduct a search of him as well. If you
9 were given information about somebody, that they might
10 be bringing something back into the hall, they would be
11 specially selected to get a search.

12 Q. And do you --

13 A. Other than that, it was a fairly random sort of the
14 situation. Although we used to sign it in the search
15 book, and we would make sure we alternated where we
16 went, so you were only going 1, 2, 3, 4, 5, you would
17 alternate it.

18 Q. But, in terms of the actual search itself --

19 A. Yes.

20 Q. -- could it be considered, at least by today's
21 standards, degrading to the person being searched, the
22 way it was done?

23 A. Degrading, did you say?

24 Q. Yes.

25 A. No, no. I have searched people in the Marines and

1 I have searched people in the Prison Service, and at no
2 time was I ever accused of degrading them.

3 Whether an observer might take a different view
4 point, as you say, in light of today's legislation,
5 I couldn't really comment on that. But I felt their
6 rights were being adhered to.

7 Q. But I suppose the person being searched might take
8 a different view?

9 A. Of course.

10 Q. They might perceive this to be intrusive, unnecessary,
11 a breach of their Article 8 rights and so forth?

12 A. Of course.

13 Q. You would know as much as anyone.

14 A. I would always outline exactly why they were being
15 searched and why I was doing what I was doing.

16 Q. We have heard evidence as late as 2017 in Polmont -- you
17 weren't there -- I appreciate that a person, a young
18 person who took her own life, there was a background,
19 according to what we have been told, that she was
20 actually used to do training searches. Now, I don't
21 know if that's something -- that she was selected to
22 show people how to search someone as a matter of
23 training?

24 A. Oh, yes, there was staff training to show you how to
25 search things.

1 Q. Yes, but she was used as part of the training. I think
2 that was the evidence we had --

3 A. Yes.

4 MR PEOPLES: -- if I am not mistaken?

5 LADY SMITH: Yes, I think so.

6 A. I'm sorry, I can't comment on that.

7 MR PEOPLES: No, it is not something you had experience of
8 in your day?

9 A. No.

10 Q. No. Because you could perhaps see how that might be
11 something that someone might find difficult?

12 A. I would think so.

13 Q. Now, you have a section on page 15, "Passmen and
14 trustees", and I am not going to go back over that. We
15 have covered that, I think, this morning. You have
16 explained what these terms mean and how they operate in
17 practice.

18 One thing you do say in terms of routines, on
19 page 16, at paragraph 82, is that you worked shift
20 systems, and so you would do a night shift every
21 12 weeks under the shift system?

22 A. Yes.

23 Q. So was there an early shift, a late shift and a night
24 shift?

25 A. Yes, that's exactly the shift system.

1 MR PEOPLES: Yes. And you tell us something about bed
2 blocks, because we have heard a bit of evidence about
3 bed blocks, and certainly in Glenochil in the detention
4 centre days, bed blocks were a big thing, and --

5 LADY SMITH: We have heard quite a lot of evidence about bed
6 blocks.

7 MR PEOPLES: Yes.

8 But you are telling us, I think, that the
9 requirement to make bed blocks had disappeared by the
10 time you were working in Polmont; is that right?

11 A. They had, yes.

12 Q. Now, it may have been the requirement had gone, but is
13 it possible that some people in Polmont who remembered
14 the good old days of bed blocks might have been inclined
15 to ask their inmates to bed block?

16 A. Again, in my time in Polmont, I would have struggled to
17 find a prison officer who could have made a bed block.

18 Q. Okay.

19 A. Far less instruct a prisoner to make a bed block.

20 Q. Were there cell inspections, though?

21 A. Yes.

22 Q. To see if the cell was tidy?

23 A. Yes.

24 Q. What did they do -- what did the inmates do if they
25 didn't make a bed block? What did they do with their

1 clothes, their bed?

2 A. They just made their bed up as normal, as anybody else
3 would. And as time went on, they got rid of the whole
4 blankets and everything and it was duvets, you know.

5 Q. And that practice, you say it was abolished, really,
6 when the young offenders designation kicked in, that was
7 really the turning point?

8 A. Yes, it went with the borstal system.

9 Q. Yes. Obviously, detention centres and borstals are
10 sometimes described as very militaristic regimes,
11 marching, drill, bed blocks, everything has to be
12 perfect, spotless, someone said that Glenochil was the
13 cleanest place they had ever been in, I think, polished
14 floors and bulled boots.

15 Is that a different regime to the Polmont you worked
16 in, or were there features of that, still?

17 A. No, there wasn't any features of that.

18 Q. Right. But there was slopping out?

19 A. Unfortunately, there was, yes.

20 Q. And just on page 17, if I could move on to the section
21 headed "Visitors", you tell us that some prisoners saw
22 social workers quite regularly. Just for my benefit;
23 can you tell me was there a prison social work team in
24 your day?

25 A. Yes.

1 Q. Resident in-house social workers?

2 A. Yes.

3 Q. That the prisoners could have access to?

4 A. Yes.

5 Q. And they would also in some cases, depending on their
6 age, they may have an external social worker?

7 A. Yes. They could well do, yes.

8 Q. And is what you are saying there that the social
9 workers -- are you saying these are the external
10 visitors that would come in, some would see them
11 regularly?

12 A. Yes.

13 Q. But presumably others would not?

14 A. Dependent on the area where the lad came from, it would
15 obviously depend on the frequency they saw particular
16 social workers.

17 Q. If you are in Falkirk, but your social worker is in
18 Glasgow and they have a busy case load, it may be that
19 in practice, and because of workload pressures, they are
20 not going to be seeing this person as regularly as
21 perhaps they should be?

22 A. I would imagine that could happen.

23 Q. I think at that stage Polmont would be accommodating
24 boys from all over Scotland?

25 A. Everywhere. It was the main institution for young

1 offenders in Scotland.

2 Q. Then, on page 18, if I could just pick up, just on the
3 dress, you say in your day you wore dark blue tunics,
4 uniform trousers, hat and tie?

5 A. Yes.

6 Q. Do you understand the reason for that? If it is --

7 A. It was a uniformed service.

8 Q. Yes, because I think there were places at one point that
9 the prison officers were dressed in civilian clothing?

10 A. Yes, the borstal system, they were actually in civilian
11 clothing.

12 Q. Is that because they were supposed to be receiving
13 training, not detention?

14 A. You've got me on that one. I don't know the --

15 Q. I am just offering a suggestion. It seems in one sense
16 you are moving away from militaristic regimes, but on
17 the other hand you are introducing a uniform system. It
18 is a little bit contradictory; would you not agree?

19 A. I totally agree with you.

20 Q. You tell us about the food, and we can read that for
21 ourselves. You tell us a bit about bathing, and you
22 make the point that if a prisoner wanted a shower they
23 could have one. There were no set rules around that; is
24 that correct?

25 A. Yes.

1 Q. And you do say, at paragraph 99, page 19, the final
2 sentence:
3 "Nobody was forced to do anything other than behave.
4 That's all I ever asked of them, just to behave."
5 I suppose that's the ideal for a prison officer, if
6 people will behave?
7 A. Everybody can get angry, steamed up, depressed, but you
8 can still maintain a level of behaviour. However, these
9 things exist. Some of these guys had never had any
10 regulation in their life. No structure. Nothing.
11 I saw it as one of my roles to provide them with a bit
12 of structure.
13 Q. Now --
14 A. So I might well have been an idealist, but I felt it was
15 a good idea to pursue.
16 Q. I suppose if you say everyone can get angry; you are not
17 just saying the inmates? The staff can get angry as
18 well?
19 A. That includes everybody.
20 Q. So people can lose the plot in these places?
21 A. Of course they can.
22 Q. And not do what the rules say they should be doing?
23 A. Indeed.
24 Q. Yes.
25 A. You tell me a profession where that doesn't happen.

1 Q. And can I go on to page 21, at 108, please?

2 A. Okay.

3 Q. You refer to a section of a statement by a person we are
4 calling 'Andy'. In his signed statement, he says:
5 "There were horror stories about the dentist."
6 And then you make this point:
7 "You need to understand the psyche of the prisoner.
8 He is in prison and he is going to complain about
9 everything."
10 Was that your experience; that prisoners complain
11 a lot?

12 A. In the first instance, yes.

13 Q. Yes, that's what I was going to ask you. In the first
14 instance, yes. But it doesn't go any further, usually?

15 A. Generally, no.

16 Q. They didn't tend to make formal complaints?

17 A. No, the few compelled to make a complaint about
18 something and providing you're sensible enough to
19 listen, and try to do something about it, or say to
20 them, "Then you haven't any foundation to that
21 complaint", it generally stopped there, in my
22 experience.

23 Q. But, also, my understanding is that the complaints
24 process for prisoners in the past involved, if you
25 wanted to formalise it, you had to do a written

1 complaint, and I think you tell us a lot of them could
2 hardly read or write. And that doesn't sound like
3 a system that's well adapted to giving access to
4 a complaints system, if they can't -- if they have to
5 submit something in writing or else it will not be
6 considered as a formal complaint; do you see the point
7 I am making?

8 A. I see the point you make. Because some lads couldn't
9 write.

10 Q. It as deterrent in some ways, a barrier?

11 A. In some ways it is, yes.

12 Q. And the other barrier, I think historically at least,
13 one barrier, may have been that if you made a complaint,
14 according to the rules, the discipline rules, if it was
15 characterised after an investigation as a malicious
16 complaint, you could end up being the person punished,
17 rather than the person who simply complained and the
18 complaint was not upheld; were you aware that there was
19 a rule of that kind?

20 A. No.

21 Q. Well, I think certainly historically there was, and
22 I think it is in the prison rules, which were pretty
23 ancient, at times.

24 A. I can only talk about my history.

25 Q. Yes. No, no, I follow that. I was just wondering if

1 you were aware that --

2 A. No, I never experienced that.

3 Q. No. But you can see that if you risked being punished

4 for making a complaint --

5 A. I see the point you are making, yes.

6 Q. It is not exactly an encouragement to speak up?

7 A. No.

8 Q. And I suppose being in a prison, as a prisoner,

9 particularly if prison officers have certain attitudes

10 and will often, perhaps, side with colleagues, I would

11 have thought, in a dispute situation, it might be very

12 much an uphill struggle for a prisoner to make a formal

13 complaint; do you accept that?

14 A. Yes, I accept that.

15 Q. I suppose in practice there may not have been that many

16 formal complaints for one reason or another?

17 A. I couldn't give you any numbers associated with that.

18 Q. No.

19 A. Written complaints?

20 I would have felt a bit of failure if I was getting

21 written complaints, because I would have missed the

22 complaint in the first place.

23 Q. I know that's your position and why you say you didn't

24 have a lot of complaints or you tried to address them at

25 the earliest opportunity. I am just putting another

1 situation that if someone had a complaint and they
2 didn't feel that it had been dealt with, or that they
3 wanted to raise something to another level, there were
4 a number of problems and barriers, and it is a struggle?

5 A. Could well have been, yes.

6 Q. You still have to be believed?

7 A. Yes.

8 Q. And if it is against an officer and they deny it, and
9 there is a colleague that also supports that officer,
10 you have a pretty difficult task, haven't you?

11 A. Yes, I would agree with that.

12 Q. Now, you have a section on discipline and punishment, at
13 page 23. But I think I have covered what I would like
14 to ask.

15 You tell us what the formal disciplinary process
16 was, in terms of disciplining young offenders, and that
17 was the governor's responsibility and it was on his
18 authority that someone could end up in a segregation
19 unit or lose other privileges, or have loss of remission
20 and things of that nature.

21 A. Yes.

22 Q. I think in your day you could also have -- a visiting
23 committee had power to also put young people into
24 segregation --

25 A. No, no, they didn't have the power to put them in

1 segregation.

2 Q. No.

3 A. That's the governor's sole responsibility.

4 Q. Okay. But they had powers to sanction, didn't they?

5 A. No. They were essentially a visiting committee. They

6 would visit somebody who might well be in punishment,

7 and if they then complained then to the visiting

8 committee, they would take that complaint to the

9 governor in charge.

10 Q. I wonder if that's right. I thought they perhaps had

11 a jurisdiction of their own, that they could in fact

12 adjudicate on a complaint against a prisoner and impose

13 some sanction; is that not something you --

14 A. Not that I was aware of.

15 MR PEOPLES: Okay, okay, that's fine.

16 LADY SMITH: Could they make a recommendation to the

17 governor?

18 A. They could, my Lady, yes.

19 LADY SMITH: We have certainly heard of that.

20 A. Yes.

21 LADY SMITH: Yes, thank you.

22 MR PEOPLES: You do say, at paragraph 119 -- I just want to

23 pick up this point -- that you think it would have been

24 a good idea to give the officers some authority, perhaps

25 some sort of delegated authority, rather than having to

1 go through the report system process; is that what you
2 are saying in 119?

3 A. Yes.

4 Q. And you say:

5 "The prison officer would know the prisoner better
6 than the governor would. His bad behaviour could have
7 been a one off or an established pattern of behaviour."

8 Can I put this point to you: if you don't have that
9 authority; is there not the risk that rather than
10 putting on report, that the officer will take the law
11 into his own hands? That's the risk. Or one risk,
12 "I will just deal with it. We will not bother with the
13 report", or, "We will deal with it and then I will
14 report it"?

15 A. Yes, I could see there being a danger there, yes.

16 Q. Moving to page 24, you say your personal approach was:

17 "Nine times out of ten ..."

18 In your 30 years in the service, you controlled
19 prisoners -- this is the top of page 24:

20 "... controlled prisoners by talking to them. Some
21 people may not believe that, but that's how it was."

22 You rarely had to intervene in a physical way and
23 you saw it as a failure if you had to intervene in that
24 way:

25 "And that can happen if you watch something escalate

1 and do nothing. The expression 'turn a blind eye',
2 I never turned a blind eye. Most problems are sorted
3 out if you can get there early."

4 Now, I understand what you are saying there. You
5 say you didn't turn a blind eye, but the question
6 I would ask: did others?

7 A. It is a bit of an unfair question. How would I know if
8 they turned a blind eye?

9 Q. Well, you probably saw things on your travels; did you?
10 Or you saw how people might react to situations, and
11 perhaps they might not be quite as talkative, they might
12 want to escalate in their own way or take someone on who
13 made a comment?

14 A. Indeed. Everybody has their own approach.

15 Q. Yes.

16 A. Whether I would agree with that or disagree with that,
17 I would have to go through every single incident on
18 an incident basis to answer that one properly.

19 Q. I am asking --

20 A. I know what you are asking. You are asking: did other
21 people turn a blind eye?

22 I would have to say yes. I would have to say yes,
23 because it would make sense to say yes.

24 Q. Well, it makes sense with the evidence that we have
25 heard, because quite a lot of times there appears to

1 have been a certain amount of physical intervention by
2 staff in a range of situations. That is what we are
3 being told.

4 A. You see, I am not privy to what you have been told.

5 Q. No, I think even following the evidence of this Inquiry,
6 we have heard evidence that has been given to that
7 effect; that officers did certain things --

8 A. I am sorry, you have got me reluctantly at a yes. But,
9 yes, I would agree that other officers would turn
10 a blind eye.

11 MR PEOPLES: Okay.

12 LADY SMITH: 'Rupert', let me ask you this, associated
13 question, I suppose: did you ever see situations where
14 you were surprised that an officer was not intervening?

15 A. Most definitely, my Lady.

16 LADY SMITH: Thank you.

17 Mr Peoples.

18 MR PEOPLES: You have a section on restraint, and we have
19 already heard a bit of evidence about restraint, and you
20 were a control and restraint instructor and you tell us
21 that these techniques were brought over from the Prison
22 Service in Canada, at 122, on page 24.

23 You describe, on page 25, how restraint was intended
24 to operate, and the approach that was to be adopted; is
25 that really you telling us how it was to be done, or

1 should be done?

2 A. Yes, should be done.

3 Q. Yes. That's the question. That's how it should be

4 done.

5 A. Yes.

6 Q. But you are not coming here today to say that was how it

7 was always done?

8 A. No.

9 Q. And can I just ask you this, though: as far as restraint

10 is concerned, the way that these techniques were

11 applied; do I take it that injury could occur to the

12 person being restrained, at times?

13 In some --

14 A. No, not if they were done properly. Not if they were

15 done properly. Because before techniques were actually

16 applied there was a way of restraining a prisoner that

17 injury was the last thing you wanted to happen. For

18 instance, heads would be isolated, so they weren't

19 banging against walls and all the rest of it. And there

20 was no strike involved in the initial restraint. That

21 would only have been involved if he had been armed with

22 a weapon, where you might have struck his arm to get him

23 to drop the weapon.

24 Q. We have been told that you might use a shield to do that

25 as well, to force the weapon out of a person's --

1 A. In my experience, a shield wasn't the best thing to use,
2 because it obstructed observation and they were quite
3 cumbersome. These were six feet macro shields, no
4 flexibility whatsoever and, in my experience, they
5 didn't help the situation, although they were mandatory
6 in their use.

7 Q. We have heard descriptions of people saying that when
8 they were restrained and taken from one place to
9 another, to perhaps the segregation unit, at least
10 historically, that they might end up at times face down
11 on the floor, they might end up getting certain kind of
12 injuries because they were face down. Now, that's not
13 in accordance with the authorised technique; is that
14 right? That shouldn't happen?

15 A. No.

16 Q. They shouldn't be face down at any point on the floor?

17 A. You shouldn't be putting a prisoner under restraint at
18 any further risk.

19 Q. So they shouldn't really have their face down to the
20 floor, perhaps making contact with the floor and being
21 dragged or moved?

22 A. No.

23 Q. That shouldn't happen?

24 A. They are not under control then, are they? It is not
25 a control and restraint technique.

1 Q. But would they have at times their arms up their back or
2 legs up towards their back?

3 A. Usually, in the initial struggle you might have the arms
4 up their back, but when you were moving they would be at
5 their side.

6 Q. Again, are you describing what should happen, but you
7 are not saying it always happened that way?

8 A. It's -- normally, there are three officers involved, and
9 if I am the number 1 of the three-man team, it is my job
10 to ensure that these things happen.

11 Q. Now, you might have been a trained instructor who did it
12 by the book, but all I am asking is: you can't tell us
13 whether other people were as good as you were?

14 A. That's right. I can't tell you that.

15 MR PEOPLES: No.

16 Now, as far as 'Andy's' statement is concerned, at
17 page 134 --

18 LADY SMITH: Paragraph 134 or page?

19 MR PEOPLES: Page 26, sorry.

20 LADY SMITH: Yes.

21 MR PEOPLES: Paragraph 134 of your statement, 'Rupert'.
22 'Andy', what's said in his statement is quoted there:
23 "Staff were very physical in those days. If I was
24 cheeky to one prison officer, they would press a button
25 and the whole lot would come. One would say 'locks on'

1 and they would put the locks on, pressure point locks.
2 Your arm would be put up your back and they had a lock
3 they would put on your legs. When your arms were
4 twisted in a certain way and put up your back, they only
5 had to touch your thumb, you got a jolt, a pain through
6 your whole body. It was grim. They called it getting
7 carted."

8 Now, I think you respond by saying that officers
9 never pressed the button every time someone was cheeky,
10 and I appreciate that's what you are saying. But, in
11 terms of the description of how it was done and where
12 the arms and legs were put, and whether pain could be
13 applied by touching on the thumb in the way described;
14 is that inaccurate? Or is that something that is --

15 A. Totally inaccurate.

16 Q. Right. So what is it that's inaccurate about that?

17 A. Everything.

18 Q. Everything?

19 A. That's a whole mismatch of different situations. All
20 bundled into one on his recollection. I don't recognise
21 that in the slightest.

22 Q. But there was something called "getting carted"?

23 A. That was never an expression I used. It was
24 a controlled and restrained removal. Bearing in mind,
25 if I was the number 1, I was in charge of that.

1 Q. Again, I just have to be clear: you are describing how
2 you would have done things?
3 A. Sorry.
4 Q. You are describing how you would have done things for
5 a controlled restraint?
6 A. Definitely.
7 Q. Controlled restraints; did they involve putting locks
8 on?
9 A. Yes.
10 Q. Did that involve putting locks on pressure points on the
11 body?
12 A. It involved the pressure point, yes, initially.
13 Q. Like wrists, for example, or thumbs?
14 A. Yes.
15 LADY SMITH: In the course of a restraint exercise, and
16 I mean an actual live event of restraint; would officers
17 use the term "locks on"?
18 A. Yes, that was -- if the three of us were involved in
19 a removal, then, as the number 1, they would tell me,
20 "Number 2, locks on". And I would only move the
21 procedure forward when I was happy that they were in
22 locks.
23 LADY SMITH: That expression, "Locks on"; what did it mean
24 as far as what would happen next?
25 A. It means that the lock has been properly and securely

1 applied and the prisoner can make no movement with his
2 hands.

3 LADY SMITH: Okay. Thank you.

4 A. And until the number 1 actually receives that, then he
5 is not going to do anything. He will not move the
6 situation on.

7 LADY SMITH: All right. So you can then proceed to move
8 him --

9 A. Yes, if that's --

10 LADY SMITH: -- once locks are on?

11 A. -- the purpose, yes.

12 LADY SMITH: Okay, thank you.

13 MR PEOPLES: Are you saying once you get the signal, "Locks
14 on", and the number 1 has that from the other two in the
15 team, that prisoner can be moved from A to B?

16 A. Yes.

17 Q. And they will not be able to struggle?

18 A. They can struggle, but it is like any restraint
19 manoeuvre, you can deescalate the manoeuvre, in the
20 sense that you can release the pressure on the locks, or
21 you can escalate it. So, if the prisoner starts to
22 struggle, then you escalate it, so the pain becomes
23 worse.

24 Q. Right.

25 A. And hopefully he appreciates that, because the number 1

1 is talking to him all the time, telling him why these --
2 the pain's escalating, because of his actions. And if
3 he stops, then you will de-escalate again.

4 Q. So it can be varying degrees of pressure and pain?
5 A. Varying degrees, depending on the prisoner's behaviour.

6 Q. So, from the prisoner's perspective, certainly if they
7 don't comply, it can be a very painful experience?
8 A. Yes.

9 Q. But you don't say it can leave marks or injury? Injury
10 our marks; it doesn't leave that?
11 A. No, nothing like that. No, the tendons that the locks
12 are targeted on are possibly the most flexible in your
13 body.

14 LADY SMITH: Which ones?
15 A. Yes, they can leave residual pain, but there is no
16 breakages or anything like that.

17 LADY SMITH: Which tendons are you talking about?
18 A. It is essentially the tendons going up the outside of
19 your hand. I believe it is called a -- I can't remember
20 the name of the nerves.

21 LADY SMITH: The ones at the base of your thumb?
22 A. That's right, my Lady, that's the one.

23 LADY SMITH: Thank you.
24 A. Incredibly painful when they are moved against their
25 natural movement, but it is a temporary pain with no

1 lasting effect.

2 MR PEOPLES: That's using the authorised technique?

3 A. That's using the authorised technique.

4 Q. If it is done properly?

5 A. Yes.

6 Q. And if we go back to the days when they didn't have
7 those techniques, it could have been a very different
8 story?

9 A. It could well have been.

10 Q. Because we are talking about something that was
11 introduced, I think we were told some time in the 1980s?

12 A. Yes, that's right. I would agree with that, yes.

13 Q. Now, just on to page 30, if I may, to a different
14 matter, child protection. I think you just tell me, or
15 you say in your statement:

16 "Until today I didn't think I had ever worked with
17 children. I was never given any guidance on child
18 protection. We never considered these prisoners as
19 children. They were young offenders and that is how
20 they were viewed."

21 So was it a bit of a realisation when we were asking
22 about treatment of young people, who are considered
23 perhaps internationally, and for this Inquiry's
24 purposes, as children? Was that a bit of a revelation
25 for you?

1 A. It was. And at the time I was making my statement,
2 I think I made that point.

3 I viewed them as young men. I always viewed them
4 that way. When somebody said in the eyes of the law
5 they were children, that came as quite a bit of a shock
6 to me.

7 Q. Now --

8 A. Especially given the size of some of them.

9 Q. Well, there are big children and small children.

10 A. Yes.

11 Q. And the law regards them, generally now, as children,
12 whatever your view might be on it?

13 A. Yes.

14 Q. I think the legislation that's going through at the
15 moment is to treat them that way too, to take them out
16 of the adult or the young adult prison system?

17 A. As I have always been, I will be subservient to the law.

18 Q. Just going to one point on segregation, at page 31, if
19 I may?

20 A. Yes.

21 Q. I think you accept that someone in segregation cells
22 could spend quite a lot of their time in that cell,
23 albeit that they could have exercise for an hour a day,
24 they could have a shower, but they could still spend
25 a lot of time there?

1 A. They could spend a lot of time in their cell, yes.

2 Q. If someone entered, you do say at paragraph 157, at
3 page 31, that everywhere had CCTV and someone could look
4 and ask what was going on.

5 Now, I was going to ask you the question: when was
6 CCTV introduced?

7 But, in fact, I think I had an answer over lunch,
8 which was from the Scottish Prison Service -- and you
9 can tell me if you disagree with this -- that CCTV,
10 there was a planned installation programme that
11 commenced in 1998, and in the first place was at Glenesk
12 Hall, HMP Edinburgh; do you know that place?

13 A. No.

14 Q. And it was the first inside prison area to have CCTV.

15 So for a good part of the time we are looking at, there
16 wasn't the CCTV that would be able to tell us what did
17 or didn't happen?

18 A. No. Going by that date, no.

19 Q. If that date's right.

20 A. If that date's right, yes.

21 Q. That's at least a safeguard for both prisoners and staff
22 now?

23 A. Without a doubt.

24 Q. And would you advocate a further safeguard of body
25 cameras for staff?

1 A. No. I would advocate more extensive use of CCTV in
2 particular areas.

3 LADY SMITH: Why not body cameras?

4 A. I have seen quite a lot of footage of police body cams.
5 You really have to be a specialist operator to actually
6 decipher and identify what's happening, even though you
7 have potentially worn one in the past. I have always
8 felt they were a bit unclear and didn't give you the
9 full picture. Whereas a good array of CCTV in
10 an enclosed area gives you a much better picture.

11 LADY SMITH: That's very interesting, if I may say. One of
12 the draw backs, certainly in the days I was sitting in
13 the High Court, of looking at street CCTV was it was
14 quite good at showing you what happened -- the classic
15 was you might see that somebody did jump on somebody's
16 head after they'd knocked them over and they'd hit their
17 head on the edge of the pavement, but when it came to
18 identifying the individual, it was very hard because the
19 images weren't clear enough. It may be better in the
20 modern world.

21 What you are saying is the other way round; the body
22 camera, you don't think, is as good at showing what has
23 happened?

24 A. Only what I have seen on television, my Lady. I have
25 never actually been involved with body cams, never had

1 any.

2 LADY SMITH: Thank you.

3 MR PEOPLES: I suppose the problem with CCTV is that you are
4 back to -- if you are an advocate of CCTV, you have the
5 Article 8 position: where do you put CCTV in a prison?
6 In particular if there is a risk that something could
7 happen in a cell, it may be, if you don't have CCTV in
8 there, you can't capture the whole incident.

9 A. Correct.

10 Q. Whereas a body cam at least might. If someone enters
11 a cell wearing a camera and something happens with
12 a prisoner, then at least you have some chance of
13 working out what was going on?

14 A. The reason I say what I am saying is because my only
15 experience is what I have saw second hand on television.
16 I have no practical experience of body cams.

17 Q. Yes, okay. Can I just lastly, and I am conscious of the
18 time, just one matter now, to turn to, you are aware
19 that you have been named by the person that we know as
20 'Andy', and if you could go to page 40, I would just
21 like to deal with that finally, if I may.

22 A. Okay.

23 Q. In 'Andy's' statement, it starts on page 40, about 205,
24 paragraph 205 'Andy' says:

25 "You could get beaten anywhere in the prison, but

1 solitary officers with called the Mufti Mob, they were
2 the riot squad, they would come in and kick the utter
3 shit out of you.

4 "I met one of them at a later date, Mr IGL. He
5 told me that he wasn't proud of himself, he was honest
6 and quite likeable, but he hated Catholics and was
7 really biased. He wouldn't even speak to Catholics. My
8 best friend in there was Catholic and when Mr IGL found
9 out he opened my cell door and said he thought I was all
10 right until he found this out. He actually got to like
11 my friend."

12 And then he goes on, top the page 41 of your
13 statement:

14 "Mr IGL used to be solitary staff. He opened up to
15 me, and told me that he used to ask specifically for
16 night shift work. He told me that he used to come into
17 work drunk, walk about solitary look for Catholics. He
18 never actually assaulted me."

19 And then he says:

20 "I could be lying on my bed in solitary and my cell
21 door would open and I would get booted up and down the
22 cell. Sometimes I used to think I would die. It was
23 systematic. They would strip me naked, take everything
24 out my cell and leave me lying on a concrete floor for
25 30 minutes before they came back. I would rather they

1 had kicked me between the legs there and then and not
2 have to wait for them to return. After a few times
3 I knew what the plan was. I knew what was coming. They
4 would come in with shields as well. Three of them would
5 pile in the cell door and spread out. I knew one of
6 them was going to put their shield back and whack you
7 with their truncheon. Either that or they would corral
8 you into a corner with the shield and press you down.
9 Then you would get battered. One time they broke a bone
10 in my elbow, I lay what overnight and I knew something
11 was wrong. I just knew I had broken a bone, I wasn't
12 one to complain normally so they knew something was
13 wrong. I got to see a nurse and she put a cast on it.
14 That was all done in solitary confinement. I wasn't
15 getting out of there."

16 Now, I think you respond to that and you say at 211
17 that:

18 "The way a prisoner was escorted to the segregation
19 unit depended on his behaviour. If he was violent then
20 he would have to be restrained and moved along in
21 control and restraint locks. That would be carried out
22 by a minimum of three officers."

23 I think you have described the authorised process
24 earlier on. You say:

25 "Everything could be seen on CCTV cameras."

1 I think if the dates I have given you, I think
2 that's only from perhaps around the millennium, or
3 perhaps slightly after, depending on when Polmont got
4 CCTV?

5 LADY SMITH: Yes.

6 MR PEOPLES: But leaving that aside, your response to that
7 I think, is first of all you don't recognise the term
8 "Mufti Mob"

9 A. Yes.

10 Q. That's not something that's familiar to you?

11 A. New one to me.

12 Q. You say there were no riot squads. Now, 'Andy' may be
13 thinking in someone is dressed up in some sort of
14 protective gear, carrying a shield, which I think could
15 happen?

16 A. Yes.

17 Q. Then that might be seen to the person on the receiving
18 end as riot gear or riot squad?

19 A. It would be entirely his interpretation.

20 Q. Yes, but you could see why someone might --

21 A. Yes.

22 Q. -- describe it that way?

23 A. Yes.

24 Q. And then you say that what he is saying is, I think,
25 213, what he is saying here is fanciful, and he has been

1 reading too many novels.

2 What is it about what we have read out that you
3 consider to be fanciful, just help me with that, so
4 I can be clear?

5 A. The whole statement is fanciful.

6 Q. Can we look at it in a couple of ways.

7 A. Yes.

8 Q. First of all the conversation he says he had with you
9 where you said certain things in relation to Catholics,
10 you address that an at 215, by saying:

11 "I must have dropped the one about Catholics,
12 because I married one and my two daughters went to
13 a Catholic school. I have no idea where that came
14 from."

15 That's your response to that part of 'Andy''s
16 statement.

17 A. My response to the whole thing is I have no idea who
18 this guy is.

19 Q. No.

20 A. I have no recollection of any conversation with him
21 whatsoever. I am responding to the things he has said.

22 Q. Yes. I am just trying to --

23 A. I say they are fanciful, and I have no idea what has
24 motivated them.

25 Q. Can I just get there one point, though: if, and there is

1 evidence that we have been given, not just by 'Andy',
2 that there were beatings by prison officers in
3 punishment cells and indeed elsewhere, you are not
4 suggesting in this response to 'Andy''s statement that
5 that is fanciful and beyond imagination?

6 A. Yes, I am.

7 Q. You are? That prison officers wouldn't --

8 A. I worked in the segregation unit for four years. There
9 were no beatings.

10 Q. In your time?

11 A. At all.

12 Q. In your time?

13 A. Yes. I can only speak about my time.

14 Q. I know, that's all I am trying to clarify.

15 A. You are trying to get me to say that it happened outwith
16 my sort of sight, or what have you. I can't say that.

17 Q. No, I am not --

18 A. That's impossible.

19 Q. I am not asking you to say it happened out of your sight
20 but what you can't say is it didn't happen, because, as
21 you say, you don't have the knowledge of what happened?

22 A. No.

23 Q. If you weren't at the segregation unit or you weren't at
24 the place where the person says some beating occurred?

25 A. Correct.

1 Q. That's as far as you can go?

2 A. That's as far as I can go.

3 Q. You can just say that when you were in the segregation
4 unit for, was it a period of four years, you didn't ever
5 witness a beating of a prisoner?

6 A. I never witnessed the beating of a prisoner in the
7 segregation unit as he is suggesting.

8 Q. No, that's fine.

9 A. I would like to draw your attention, because you have
10 asked me to comment on fanciful things, that he broke
11 an arm, and lay all night. Now, that just couldn't have
12 happened. If somebody had been injured, however they
13 were injured, the minute the injury was obvious to the
14 staff, the medical staff would have been involved.

15 Now, if his elbow had been broken he would have had
16 to have been taken to hospital, because they didn't have
17 the facilities at Polmont to sort that sort of thing.

18 Q. So that's why you say this --

19 A. That's fanciful.

20 Q. That that's not correct?

21 A. That never happened.

22 Q. You go further. You say insofar as he is suggesting
23 that there may have been beatings, certainly in the
24 solitary --

25 A. Not in my time in the segregation unit.

1 Q. That's really as far as you can take it?

2 A. That's as far as I can say.

3 MR PEOPLES: I think that's all the questions I have for
4 today. I am sorry I have overrun the time, but can
5 I just thank you, 'Rupert', for coming today and adding
6 to, or answering my questions following your statement,
7 and thank you for your patience as well.

8 A. Aye, you are okay.

9 MR PEOPLES: It has been a long day.

10 A. You are okay.

11 LADY SMITH: Can I add my thanks, 'Rupert'. I said at the
12 outset how useful your statement was, and thank you for
13 engaging with us to give that statement. It is part of
14 your evidence and it has been really useful to read
15 before you came today and it will be reflected on again.

16 Thank you for engaging with us, bearing with us
17 during our questions, which I know haven't always been
18 easy, but our purpose is a greater one than just
19 focusing on small bits of evidence. We are trying hard
20 to get an overall picture to help me understand how
21 things used to be for children, that's youngsters under
22 18, if they were in all sorts of residential
23 establishments, including the one you worked in, and
24 having worked in it for such a long time, what you have
25 been able to tell me is really, really helpful, and

1 I appreciate how frank you have been in expressing your
2 views. Thank you for that.

3 I am now able to let you go, and I hope you have
4 a safe journey home, I am sorry it is a dark winter's
5 afternoon for you, but do feel free to scuttle away now.
6 Thank you.

7 A. Thank you.

8 (the witness withdrew)

9 LADY SMITH: Well, in the last 15 to 20 minutes the name
10 Mr [IGL] was used, that is the name of a real person, but
11 it is protected by my general restriction order and the
12 person can't be identified outside of the room.

13 That's enough for today, Mr Peoples.

14 MR PEOPLES: That's it for today, we have some read-ins but
15 they can perhaps wait until tomorrow. We have a live
16 witness at 10 o'clock and we will see what progress we
17 can make.

18 LADY SMITH: Try and catch up on the read-ins.

19 MR PEOPLES: Yes.

20 LADY SMITH: Thank you very much. I will rise now until 10
21 o'clock in the morning.

22 (4.15 pm)

23 (the hearing adjourned until 10 am the following day)

24

25

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