

NORTHERN IRELAND PRISON GOVERNORS ASSOCIATION

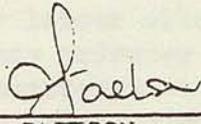
Woburn House

MILLISLE

1 February 1984

Dear Sir,

Please find attached a copy of a statement released to the press at 12.00 noon 1.2.84 on the Governors Association's initial response to the Hennesy Report.



T JACKSON
HON. SECRETARY

Mr B D Palmer
Under Secretary
Northern Ireland Office
Dundonald House
BELFAST

STATEMENT OF THE NORTHERN IRELAND PRISON GOVERNORS ASSOCIATION ON THE LINK BETWEEN THE MINISTERS POLICY ON THE RESTORATION OF REMISSION TO REPUBLICAN PRISONERS WHO HAD COME OFF THE "NO WORK" PROTEST AND THE PRESSURE BROUGHT TO BEAR ON THE GOVERNOR OF MAZE PRISON TO FIND WORK FOR THEM.

In October 1982 all prisoners in HMP Maze were locked following disruptive action by loyalist prisoners. The Governor wrote to the Department and asked them to consider the extent to which it was possible to operate a "normal" regime for the protesting republicans and loyalists then seeking segregation.

In November 1982, republican prisoners seeing loyalist action, came off their no work protest. If these prisoners were to be given employment, the entire work force would then have been dominated by republican influences. It was because the Governor anticipated this possibility that he asked for a reappraisal of the situation.

The Governor responsible for labour allocation was instructed at this time to proceed with all possible haste in employing the ex-protesting republican prisoners without exception. Included in this number was Brendan McFarlane.

The process of allocation of these prisoners to work was completed between November and December 1982 through a series of meetings of the Labour Allocation Board.

The Governor responsible for labour allocation was further instructed by the Northern Ireland Office not to omit any prisoner from this process. Indeed, they were to be appointed in preference to prisoners who were previously working in shops before the lock up of the prison and to other prisoners who had not yet been allocated work. Additional meetings of the labour allocation board were called to complete this task.

During these meetings, the Security Principal Officer took a great interest in this process. (contrary to what Hennesy states).

It is recorded in minutes that he was most concerned with the whole process.

However, the Governor in charge of labour allocation told the meeting of the ministerial criteria to restore remission to these prisoners if they worked satisfactorily for three months. He was to repeat this policy intention at several other meetings.

Non conforming prisoners had lost many years of remission through their protest action but the Minister had decided to give back 50% of this in each case if they obeyed Prison Rules for a 3 month period and engaged in prison work. This was the real reason for the urgency in appointing these prisoners to employment.

The Hennesy Report criticised the Governor for being imprudent in not consulting Headquarters and stated that they were unaware of the difficulties.

The Governor in Charge of labour allocation has made it very clear to us that there was day to day communication with the Northern Ireland Office and that copies of the minutes of the Labour Allocation Boards appointing these prisoners to employment were submitted to Northern Ireland Office. It seems clear to the Association that the Department were fully aware of the policy being implemented, well informed as to how it was being implemented and kept abreast of all developments concerning prisoner reaction.

Hennesy also claims that it should have been possible to find more secure employment for these prisoners in the longer term. The Governor was in fact given no time to accomplish this task, but instead was pressured into doing it quickly.

Since the policy direction was that all these prisoners be employed immediately, Brendan McFarlane was included. He is a dedicated, dangerous terrorist, but nevertheless consideration for employment had to be given to him also. The problem which faced the Labour Allocation Board was where to place McFarlane to ensure his security. His employment in workshops was impossible because they are located some distance from the 'H' Blocks and prisoners travel to and from them in transport. They also contain a lot of materials and equipment which would have been used in escapes. Security considerations such as these would have made it imprudent to place a prisoner like McFarlane in such a workshop. He therefore had to be employed in a location which provided maximum security. The one place where this existed was the 'H' Block in which he was accommodated.

It was the boast of the PIRA that they would get their remission back without working and it was precisely this kind of propaganda which the policy was designed to eliminate. McFarlane was an accomplished propagandist. He had been used as a spokesman for the PIRA during the settlement of the hunger strike and on occasions had been granted permission by the department to speak to the hunger strikers, politicians and members of International Commissions visiting Maze.

The employment of McFarlane would, presumably prevent him from making capital from the fact that he was not required to work.

In March 1983, after all the protesting prisoners who were appointed to work were granted the return of 50% of their lost remission, the Governor wrote to the NIO and informed them of how seriously the workshop situation had deteriorated. It was now clear that the republican dominated work force were determined to disrupt the operation of the entire prison.

Hennesy states that the prisoners took advantage of their position as orderlies to infiltrate their key men into these posts, since the jobs gave the necessary freedom of movement to execute their plans.

Infiltration suggests gradual penetration by small groups of people. However the policy to be implemented by the labour allocation board meant immediate domination of all work locations by large numbers of republican prisoners. The entire pace of the operation was dictated by the Ministers policy, the speed of which produced its own effects.

Prior to receiving administrative direction to employ these prisoners without delay the labour allocation board made its appointments in an unhurried fashion, taking full account of the security implications associated with appointment of all prisoners.

To meet the demands of administrative direction, allocation criteria had to be modified to enable prisoners like McFarlane to be considered for employment. Unless secure employment could have been made for high risk prisoners, it is unlikely that any of them would have been offered employment in the first place.

An internal investigation is at present being carried out into the actions of various members of staff in connection with events preceding and during Sunday 25th September 1981. While the Association does not seek to prejudice the outcome of such investigations it nevertheless wishes to point out an inaccuracy in the Hennesy Report. Sir James states "The Assistant Governor in charge of H Block 7 should have exercised closer control over the selection of prisoners for work as orderlies". In fact the Assistant Governor referred to did not have any responsibility for the selection of orderlies as that function was undertaken by the Labour Allocation Board which was chaired by a more senior Governor.

As the evaluation of the Hennesy report continues it becomes apparent that there are other issues on which this Association will wish to comment. Therefore statements will be issued as these matters are researched and evidence is gathered to support our arguments. This paper is endorsed by:- SEE BACK PAGE

THE NORTHERN IRELAND PRISON GOVERNORS ASSOCIATION EVALUATION OF SIR JAMES HENNESSY'S
REPORT ON THE ESCAPE FROM THE MAZE PRISON - 25TH SEPTEMBER 1983

1. The members of the NI Governors Association would like to record their appreciation of the sustained effort and high degree of professionalism which Sir Jas Hennesy and his team of Inspector's brought to their enquiry at HMP Maze.
2. There is much in the report that has the ring of truth about it. When it comes to the apportionment of blame, we would accept that some members of staff at Maze and at the Department could not escape unscathed.
3. Our former colleague Mr E Whittington is a courageous honourable man. Knowing him as we do there is no way he would have continued on at Maze in the light of the report's findings. His resignation from the prison was a forgone conclusion. However, we are very unhappy at his resignation from the Prison Service, on the threshold of retirement. Members feel that following 35 years unblemished record a position should have been found for him in one of the four prisons division at Headquarters, for his remaining seven months in the Service. After all, the report does indicate that some of these divisions are under resourced. We would like to make the point that there is the Brixton precedent for this in the English and Welsh Prison Service.
4. In publishing our evaluation of the report we are not joining in the demand for more resignations, nor are we seeking to enter the political arena. Our sole concern is the well being of the NI Prison Service of which we are proud, despite the tragic happenings of 25th September 1983.
5. Sir James Hennesy has indicated that there was a malaise at the Maze Prison, which made these events possible, as our review progresses we are becoming increasingly concerned that whilst his diagnosis contains many valuable insights, it gives insufficient weight to the political constraints which create serious difficulties for Governors in their management of prisons.
6. The Maze escape has been described as the greatest breach of prison security in penal history. We do not dissent from this hurtful judgement and are thereby conscious of having in some measure failed the community we are pledged to serve. The Governors Association expresses its regret to the law abiding citizens of NI and gives a solemn assurance that its membership will take every possible step to ensure that such a disaster is not permitted to occur again.
7. If we are to achieve our goals we are convinced that we must not shrink from a fearless examination of all the factors tangible and intangible which combined to make the Maze escape possible.
8. We intimated in our brief statement on Friday 27th January that we would not be rushing our response to the media. There are a number of reasons for this; we wanted time to read the report and reflect on its contents; we had to take evidence from Governors to assist us in our evaluation; we had to take soundings from our membership, both on their thinking on the report and on their response prepared by the committee on their behalf. We are not unmindful that as Governors we are bound by the Official Secrets Act. For the most part we have had to carry out the review and run our prison at the same time.
9. It will be appreciated that in the circumstances described above we will not be issuing a single complete response to the report in its entirety but as we stated in our brief press release on Sunday 29th January; "Public Statements will be issued where appropriate, as our analyses of the report continues." We also indicated that the first topic to be dealt with would be the link between the Ministers policy on the restoration of 50% remission to former non-conforming prisoners, when they had conformed fully to prison rules for three months; the application of the policy to Rep. Prisoners at Maze when they came off the no work protest; and the pressure brought to bear on the Prison Governor and his staff to find work for them.

10. In ^{the} examination of this area which the report has dealt with in some detail we have taken soundings from a number of Governors and have interviewed at length and questioned closely the Governor ³ responsible, at this time, for allocating prisoners to work at Maze. He has also, provided us with a signed statement.
11. A number of our committee members have been charged with the tasks of collating the information and preparing a paper. It has been accepted by the members of the Association as reflecting their views.
12. The report's two major criticisms of the Maze policy on 'H' Block Orderly selection are:
- A. The fact that the number of High Risk Prisoners like Brendan McFarlane were given jobs in the 'H' Blocks.
 - B. The freedom of movement accorded to these prisoners within the 'H' Block.
13. At this point, the Association would state categorically that we would not seek to justify the unrestricted movement of orderlies in 'H' Block 7. However the appointment of Brendan McFarlane and others like him to orderly jobs in the blocks at this time, is an entirely different matter. The paper which follows will show that the application of the Ministers policy on the restoration of remission to Rep. prisoners, coming off the no work protest lead to Departmental pressure on the allocation Governor to find work for all of these prisoners immediately. In fact, he was instructed to put these prisoners to work without delay. Understandably he allocated High Risk Prisoners like McFarlane to work within 'H' Block 7 which is in effect a mini prison, with its own perimeter walls rather than allocate him to labour in one of the workshops which is much less secure and which in the first instance would take him outside the 'H' Block proper.
14. If the allocation Governor had not been instructed to put McFarlane and similar High Risk Prisoners to work as a matter of urgency he would have left them in the ranks of the prisoner unemployed until Prisons Industry Division had provided more secure work areas where they could have been employed. In these circumstances they would have spent a good part of the day secured in their cells and would not have had the freedom of movement across the circle and within the block.
15. The report makes it clear that the orderlies were central to the success of the prisoners escape plan. Two things were necessary as far as they were concerned. They needed a sufficient number of hard line men as orderlies in the block and they also needed a considerable degree of unrestricted movement within the block. Prison Staff may have been at fault at not controlling strictly enough the movement of these orderlies but it was the application of the Ministers policy on the return of remission to Rep. prisoners coming off the no work protest that led the allocation Governor to give them orderly jobs in the 'H' block in the first instance.