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5 - APR 1984

PUS/B/1743/MLR

MUFAX TO LONDON PLEASE

*Mr Mitchell
To see PAF on 11/12/83. I
understand that the S of S wants
something shorter for No 10.
4/4/84*

PS/S of S (L&B) M

cc PS/Mr Scott (L&B) M
Mr Brennan M
Mr Bourn
Mr Boys Smith M
Mr Palmer
Mr Kerr (DH)
Mr Jackson
Miss Simmons
Mr Bell
Mr Doyne-Ditmas
Mr Buxton
Mr Merifield
Mr Gilliland

CONTROL OF PRISONERS IN THE MAZE PRISON

In response to the request recorded in Mr Coles' letter to you of 16 March I attach a report to the Secretary of State. This deals not only with the questions of collusion and intimidation but also with integration. You will see that in some respects the report is of an interim nature and a further submission is promised. Nevertheless, you may consider that it would be helpful to send a copy to No 10 for the information of the Prime Minister.

2 April 1984

RJA
R J ANDREW

Encl

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Secretary of State (L&B) M

cc PS/Mr Scott (L&B) M
Mr Brennan M
Mr Bourn
Mr Boys Smith M
Mr Palmer
Mr Kerr (DH)
Mr Jackson
Miss Simmons
Mr Bell
Mr Doyne-Ditmas
Mr Buxton
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CONTROL OF PRISONERS IN THE MAZE PRISONIntroduction

1. When you saw the Prime Minister on 16 March you told her that the Governor of the Maze had recently said to you that there was collusion between the prison officers and prisoners with the result that control of the prisoners was not fully effective. Prison officers were also frightened of being attacked both in the prison and outside it. You told the Prime Minister that action must be taken to ensure that control was effective and you asked me to investigate and report back within two weeks.

Collusion and Intimidation

2. I have had discussions with the Governor and Deputy Governor of the Maze and with Prisons HQ staff. The Governor had clarified what he meant by "collusion": he did not mean that prisoners and prison officers were conspiring together; but rather that some Prison Officers were so intimidated by fear of attack outside the prison that they turned a blind eye to some of the rules and regulations and opted for a quiet life. When senior management was around both they and the prisoners had an interest in giving the impression that the rules were being enforced to the letter.

3. I also questioned the Governor about the suggestion that Loyalist prisoners were supplying Republican prisoners with names and addresses of prison officers to pass to PIRA and INLA. The Governor assured me that prisoners did not have access to the addresses of prison officers from any official source. In Northern Ireland, however, the names of many prison officers become known to prisoners over time and it was possible for collaborators outside to discover addresses. I fear that this is an unavoidable risk of the job. The question of the protection of prison staff is dealt with below.

4. As a result of the enquiries I have made I do not believe that the problem that we face in the Maze is one of direct collusion between prison officers and prisoners. But there is a degree of intimidation which has recently been accentuated by action outside the prisons, including the murder of an Assistant Governor and the placing of bombs under prison officers' cars. It would not be surprising if in these circumstances some officers took the line of least resistance and in the interest of their own safety adopted slack practices in handling prisoners to avoid aggravation. This appears to be what is happening. Bearing in mind that it was slackness in not adhering strictly to the prison rules which was primarily responsible for last year's escape from the Maze, I judge this to be a serious situation which requires urgent action to introduce tighter control and stricter supervision of prison officers. From my discussion with the Governor it appears that this will probably require the appointment of one governor grade for each H-block. We are discussing with the Governor his precise needs; and since it will be difficult to meet these from within Northern Ireland the secondment of governor grades from the English and Scottish Prison Services is already being pursued.

5. There is another and possibly more difficult problem facing the Governor of the Maze which I took the opportunity to discuss with him, namely the development of de facto segregation of prisoners which is taking on many of the features of Special Category status. This is described in the following paragraphs. To deal with it will also require additional staff.

Segregation and the slide into Special Category

6. The policy objective of both Republican and Loyalist paramilitary prisoners at the Maze remains, as it has always been, the achievement of Special Category status. Such status has as its primary and essential feature segregation from so called ordinary criminals. From 1976 until November 1982 several hundred Republican prisoners had been segregated while taking protest action. The remainder of the Maze prison in which the Loyalists were a small majority worked normally on an integrated basis except for brief periods when they too participated in protest action most notably the blanket protest in 1976.

7. The Loyalist protest action in 1982 leading to their segregation, followed by the ending of the Republican protest in November 1982, led to a new situation. The prison was effectively divided into three parts - a Loyalist protest area, a Republican conforming area and a mixed conforming area. The Republicans perceived this situation as highly advantageous to them in that substantial numbers of Republicans had, in effect, achieved segregation at no cost. At the same time the Loyalists perceived the situation as one in which they were paying a high price for the same segregation which the Republicans enjoyed at no cost. In February the Loyalists announced the ending of their protest, leaving the next move up to the Prison Authorities.

8. The Governor, with our approval, moved two small groups of Republicans and Loyalists together. The result was immediate violence from the Loyalist side. The Governor has concluded from this and from other intelligence in the prison that both Republican and Loyalist prisoners are now determined not to mix together and to create conditions of violent conflict if the Prison Authorities move them together against their wishes.

9. Both Republican and Loyalist prisoners continue to say that they will fully conform to the prison regime and are therefore

enjoying the full range of prison facilities including visits and full remission. Only when they are actually moved together and violent conflict erupts does the reality appear. Inaction by the Prison Authorities in the face of this situation will result in a drift to the acceptance of segregation and we should find that we had taken an important step down the road back to Special Category status. After all the struggles which have taken place - including the hunger strikes of 1981 - I do not believe that we can allow this to happen.

A New Prison Regime

10. How can we prevent it? One possible way forward which the Governor has proposed and which Prison Headquarters and other Governors support, is to introduce a controlled regime for both groups of separated prisoners leaving those prisoners in mixed accommodation with the full benefits of the existing regime. The main feature of this controlled regime would be a strict limitation on the number of prisoners allowed out of their cells together, particularly at association, work and exercise. Smaller groups of prisoners would facilitate control and supervision. Prisoners would be required to work, thus marking another distinction from Special Category status. The regime would not involve any loss of remission or visits; but it would involve the loss of half of the time for association for each individual prisoner. Thus, although the controlled regime would not be a punishment regime, it would be a good deal less attractive than the normal regime enjoyed by the integrated prisoners.

11. An essential feature of the new arrangements would be that the Prison Authorities would decide who was to be accommodated within the controlled regime. It would, of course, be open to prisoners to ask to be moved to an integrated wing and join the 240 or so prisoners who are presently so accommodated and who enjoy full association and all other features of the normal regime. It would be important, however, for the Prison Authorities not simply to take a prisoner's word that he was ready to conform fully; a decision should be taken on the

basis of his past behaviour and the Governor's assessment of his future attitude.

12. The introduction of a new controlled regime at the Maze would carry considerable risks. The Governor believes that he would have the support of the governor grades and of the prison officers, although of course consultation would be necessary. The reaction of prisoners is more difficult to predict. They might at first accept the regime and claim it as a victory in that they had achieved segregation. (For this reason the public presentation of the policy would require careful handling.) But it seems likely that before long there would be an adverse reaction. The reduction in association would be strongly resented and Republican prisoners in particular might refuse to work. We cannot rule out the possibility of violence against prison officers and of protests and intimidation by sympathisers outside the prison. We cannot tell how many prisoners would be ready to conform to normal discipline and move to an integrated wing in order to escape from the controlled regime.

13. In spite of the risks I believe that some such action is needed if we are to avoid slipping back into Special Category. Responsibility for introducing the new regime could not be left to the Governor, it would have to be taken by Ministers. It would have to be announced publicly, at least in general terms (allowing ourselves flexibility to adjust the details as necessary). It could be justified as a necessary arrangement for the oversight and control of prisoners who in the Prison Authorities' judgement were not fully co-operating and in Hennessy terminology were "dangerous prisoners who acted in cohesive groups". We would also wish to make the important point that our experience has shown that when prisoners are segregated the risk of violence to staff, as well as the planning of escapes, is greater than if they were integrated. Closer supervision and reduction in association is therefore necessary in the interest of security.

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Resource Implications

14. The Governor has suggested that the introduction of a controlled regime at the Maze might involve the addition of as many as 250 officers, together with a small number of additional Assistant Governors. This would be over and above the extra staff required for post-Hennessy measures and for the tighter supervision of prison officers referred to in paragraph 4. The precise requirement needs to be examined in detail by Prison Department and discussions on this are in progress. We shall have to consider carefully what additional resources would be required and how they might be found.

15. When these discussions are complete I will let you have a further submission on the detail of the controlled regime, the resource implications and the public presentation of the policy. But I thought it would be useful for you to have an initial idea of the way in which our thinking is moving. If you or Mr Scott have any immediate thoughts it would be helpful to have them now so that they can be taken into account in our more detailed planning.

Personal Security of Prison Staff

16. You also asked about the personal security of prison staff especially the Governor of Armagh. This is dealt with in the attached Annex which has been provided by Prison Department. Personal protection is something which we are keeping under careful review in consultation with the RUC.

2 April 1984


R J ANDREW

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