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THE METROPOLITAN POLICE. 1850 – 1914;
TARGETING, HARASSMENT AND THE CREATION OF A CRIMINAL
CLASS.

By

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SEPTEMBER 2007

DISSERTATION SUBMITTED FOR THE DEGREE OF Ph. D. AT THE
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ABSTRACT.

Within Victorian society there was a public perception that within the wider field of class there were a number of levels at the bottom of which was a criminal class. This, a very diverse group growing out of the working class, was considered to be responsible for the vast majority of offences ranging from begging to murder.

Following the ending of transportation in the 1850's the Metropolitan Police were faced with a number of new problems and responsibilities. These left them open to allegations that they were so targeting sections of the community that they were creating this criminal class from within the casual poor and those already known to police.

As the period progressed the police were given wider powers to deal with the changed situation as well as extra responsibility for the compilation of criminal records and the supervision of released convicts. As a result of these changes allegations were made that the police so harassed those on tickets of leave and under supervision that it impossible for many to obtain employment. In order for this to have the case it would have been necessary for the police to be able to identify those with previous criminal convictions and to target their resources against them.

The way in which resources were to be used had been established in 1829 with the objective of preventing crime, by way of uniformed officers patrolling beats and concentrating on night duty. Police resources were not efficiently used and failed to adapt to changing circumstances. In particular, whilst the available evidence especially for the early years is not complete it will be argued that, despite the allocation of considerable resources, the police were very poor at a very important part of their role, that of the identification of criminals.

The concept of a criminal class has been examined in two ways. There was a 'subjective' public perception of the situation which included all those committing offences but it is argued that in reality what happened was that there were a series of legislative changes focussing on a gradually reducing group of habitual offenders which can properly be called a criminal class. This small group was responsible for the majority of serious crime during the period. As a result the police came to be targeting a very narrowly defined group and they as the agents, the public face of the changes, were the ones against whom complaints were most commonly made.

This research shows that the Metropolitan Police were very poor at some important aspects of their role and that they were given additional responsibilities without always having the proper backing of the legislative framework. It also shows that the police were very aware of the difficulties they faced in dealing with released convicts and took great pains not only to allay public fears but also made contributions to the well being of many of those released from prison.

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CHAPTER 1.

Introduction.

The purpose of this thesis is to examine in detail the way in which the Metropolitan Police dealt with criminals or suspected criminals in the period from c. 1850 to 1914. In particular this will include a detailed examination of the centrality of identification, the linked issues of targeting and harassment and the suggestion that they were involved in the creation of a criminal class.

The subject matter under examination has been well covered by both contemporary and modern writers although from a more general point of view and with a different emphasis from that in this work. The issues will be examined by use of a number of documents previously underused including police orders enabling a fresh look to be taken of the main areas. It is not claimed that, as a result, a mass of new information will be revealed but in this way some previously held assumptions as to the ability of the police to deal effectively with criminals will be questioned. This being particularly the case in the matter of identification, the problems faced by police in this area have often failed to be appreciated by historians.

This thesis is concerned, not with what might be called 'street crime', largely those offences under the Vagrancy and Metropolitan Police Acts the bulk of which were dealt with by way of summary trial. More specifically it will deal with those offences such as burglary and housebreaking, cases being heard at the higher courts

on committal, and offenders who were the subject of preventive legislation.¹ In order to be able to concentrate on these topics certain areas of police activity have been excluded from this work. Police actions in relation to the contagious diseases legislation and the later suffragette movement caused allegations of police targeting and harassment but neither were the subject of the preventative legislation which is at the heart of this study.² The contagious disease enactments were primarily concerned with the physical health of the armed forces and police concerns with the suffragette movement were more in relation to public order than crime.

The issues involved will be examined as far as the evidence allows from a 'bottom up' point of view and will take into account those who can be described as being on the receiving end of police work.³ In particular this will include the views of those released from prison on licence, 'ticket of leave'. Additionally it will take into account public opinion expressed at a variety of levels by people drawn from a cross section of society not least, when available, those of serving police officers.

Background.

The period has been chosen for a number of reasons, the most important of which is that it was inaugurated by a 'watershed' in the criminal justice system, the ending of significant transportation in the 1850s. Convicts who had previously been sent abroad, notably to Australia, as part of their sentence were now to be released in this

¹ Vagrancy Act, 1824 (5 Geo. 4. c.33). Metropolitan Police Act, 1839 (2 and 3 Vic. c.47). As examples of Preventive Legislation see Habitual Criminals Act, 1869 (32 and 33 Vic. c. 99) and Prevention of Crimes Act, 1871 (34 and 35 Vic. c.94).

² Contagious Diseases Acts, 1864 (27 and 28 Vic c.85) 1866 (29 and 30 Vic c. 99) and 1869 (32 and 33 Vic c. 96). Both of these areas have been studied in detail by others including. J. Walkowitz, *Prostitution and Victorian Society: Women Class and the State*. (Cambridge: Cambridge University Press, 1980). L. Zedner, *Women, Crime and Custody in Victorian England*. (Oxford: Clarendon Press, 1991) and J. Liddington, *Rebel Girls; Their fight for the Vote*. (London: Virago Press, 2006).

³ See below for discussion on research sources and their limitations.

country having completed their sentences in British prisons. Additionally, from 1869, the period saw a series of changes in the way in which legislators dealt with 'Habitual Criminals'.⁴ Consequently, police responsibilities for dealing with those released on a ticket of leave, or under police supervision, were dramatically increased and included the introduction of a system of criminal records. Some years later, 1878, there was a restructuring of the Metropolitan Police, especially the detective department, which had wide reaching implications. In this way the detective department was placed under central control and there was an increased use of specialist officers with the formation of the Convict Supervision Office.

In the sixty-four years subject to examination the police became far more professional, there was a gradual improvement in the way that they operated yet much of the basic approach to the policing of London remained unchanged.⁵ It was still seen as primarily a preventive force and this created difficulties as more emphasis was placed by new legislation on the supervision and detection of criminals.⁶ The restructuring of the detective department meant that, in their approach to crime, the police became more effective, but there remained a situation where, despite these changes, and a gradual devolution of powers from the centre to the divisions, the bulk of the resources were used in the same way, on night duty.

⁴ A habitual criminal was defined in the Habitual Criminals Act, 1869 (32 and 33 Vict. c. 99), s.8 as 'any person convicted on indictment of any offence specified in the first schedule hereto in England or Ireland, and in the second schedule hereto in Scotland, and he be proved to have been previously convicted of any offence specified in the said schedule either before or after the passing of this Act. See Appendix 1 for First Schedule Offences.

⁵ It is important to remember that the Metropolitan Police was the first of its kind and therefore, with some exceptions as in the case of Dublin, had no other similar organisations to which they could refer.

⁶ S. Petrow, 'The rise of the Detective in London 1869 – 1914'. *Criminal Justice History*, 1993, Vol. 14 pp 91 – 108. B. Cobb, *The First Detectives*. (London: Faber and Faber, 1957).

During this period London changed dramatically. The population increased, a large number of new streets were built, some replacing old rookery areas, and travel became easier increasing the growth of the suburbs. These changes created problems for the police and the number of officers employed grew in size although not always as fast as senior officers considered necessary.⁷

As the police developed so too did the legislation. Some acts originating before 1850 gave to the police very wide powers and responsibilities when dealing with crime on the streets but subsequent changes in the law were even more wide ranging and the influence was felt throughout the period under examination and beyond. Some of the legislation was found to have faults which required remedial action but progressively they had the effect of changing the way in which the police dealt with crime in general and habitual criminals in particular. This resulted in a situation at the start of the twentieth century when the numbers defined as a group of habitual offenders was reduced but the penalties imposed on them were substantially increased. These changes may best be described in terms of a series of concentric circles reducing in size as the legislation became more focused.⁸ As a result of changes, the increase in summary trials and especially the removal of transportation, there came to be a need to deal with the more serious offenders. In particular it was these changes, beginning in the 1850s and ending in the 1900s, which established a category of recidivists subject, on conviction, to a sentence of preventive detention. Recidivism was not a new concept and there were a large number of criminals who repeatedly committed lesser offences and who made up the bulk of the category. It is

⁷ Details of population changes and the strength of the force are discussed in chapter 5 Targeting.
⁸ See Appendix 2.

argued in this work that the labelling of a decreasing number of the more serious criminals as habituals, by laying down specific treatment for them and in effect creating a self fulfilling policy, meant that, coupled with police action and developing legislation, a small criminal class was created.

Prominent in this grouping were those released on tickets of leave and it is this group that is mainly concerned with issues of 'targeting' and 'harassment'. These terms are often virtually interchangeable, reverse sides of the same coin, and much depends upon the contrasting views of those involved.⁹ For the police it was seen as an attempt to enforce the law and to protect the community; for those on the receiving end it was undue attention paid to a vulnerable group thus preventing their obtaining an honest livelihood. A great deal of police attention was given to the enforcement of the legislation relating to habituals, and there was an awareness of the difficulties they faced, especially in relation to public opinion and the concept of civil liberties. There was a need for the police to keep a balance between the rights of the individual, criminal or not, and the enforcement of the law. The public were very keen that the police dealt with outbreaks of crime – the garrotting panic of 1862 being a good example - but at the same time there were those who were quick to complain if they thought the police were overstepping their powers.¹⁰

Main Issues.

The major problem facing the Metropolitan Police, given the size of London, and limited resources, was that of identification and at a variety of levels and despite

⁹ Targeting and harassment are discussed in chapters 5 and 6. For differing views of the situation see J.Greenwood, *The Seven Curses of London* (London: Stanley Rivers, 1869) and A. Harding, Evidence to the Royal Commission on Police, 1908. Parliamentary Papers c. 4156, especially pp 330 – 342.

¹⁰ For an example of this see S. Petrow, *Policing Morals; The Metropolitan Police and Home Office 1870 – 1914* (Oxford: Clarendon Press, 1994), esp. pp 75 - 82.

prioritising the use of resources this difficulty was not easily resolved. Problems regarding the identification of individuals remained and some of the suggestions made as to how this could be achieved, such as branding, were extreme and unacceptable to public opinion, whose views of police ability to identify criminals were often unrealistic.

The introduction of photography was seen by some as an effective solution but, whilst it was an improvement, it was not the complete answer. Fingerprinting was introduced towards the end of the period and once established did solve some of the problems.¹¹ Despite these improvements and the fact that proving previous convictions gradually became easier, the basic difficulty faced by police in this area was not resolved. They were, and to an extent still are, faced with the problem of identifying a person in the street or at a police station.

The contentious issue of the existence or otherwise of a 'criminal class' will be examined and will take into account both contemporary and more recent opinions on the subject. Whilst not a major theme of this thesis class was a central part of the way in which the Victorians saw their world and therefore coloured the way in which they acted. The issue of a criminal class, a term used in a variety of ways by contemporaries, its existence, development, composition and the role of the police, is a central theme of this thesis and will be examined in detail. It will be argued that from the point of view of the public there was a 'subjective' perception of such a class covering all who committed offences, whilst for the police there was a series of changes in the legal position which result in a 'legislative' view of the situation.

¹¹ See Annual Report, Commissioner of Police of the Metropolis, [Hereafter ARCPM.], 1914, p. 8. regarding number of persons previously unknown who were identified whilst waiting for trial.

Throughout this thesis reference will be made to the issue of discretion as exercised by officers of all ranks of the Metropolitan Police. This included those at the base of the rank structure, the ordinary beat constable who was given a great deal of discretion within legislation. Davis writes that in the exercising of this discretion the police discriminated against elements of the working class on the streets of London and in doing so created a criminal class.¹² That a criminal class was created is agreed but in this thesis it is argued that it had a different composition. It did not, as suggested by Davis and some contemporary commentators, simply comprise elements of the poor working classes and those known to police, in the main those who were dealt with for 'street offences'. Instead it consisted not of the majority of offenders who were dealt with at Magistrates Courts but rather the much smaller number of more serious offenders dealt with at higher courts. It is this smaller group that is the subject of this thesis. It is further argued that the police were very poor at recognising even the more serious criminals and save for individual cases would not have been in a position to identify the mass of offenders. As a result the criminal class had a different composition to that suggested by Davis and its creation involved a greater time scale.

Research Sources.

There are substantial sources available from the law makers, parliament, and from those responsible for its implementation, senior police officers and Home Office officials, but very little evidence is available from those whose role it was to enforce the law on the streets. The attempt to look at the subject from the point of

¹² J. Davis, 'Law breaking and law enforcement: The creation of a Criminal Class in Mid-Victorian London', Unpublished Ph.D., Boston College, 1984.

view of officers outside of Scotland Yard, those working on divisions on the streets of London, does by itself raise some major issues. Although the daily police orders received from Scotland Yard are virtually intact, many of the other existing records are often incomplete and as a consequence some key points cannot be fully explained. It has been correctly pointed out that the police orders are mainly concerned with staffing issues and regulations, despite this they do provide an overview of the way in which resources were used and of the thinking behind some of the decisions. As such they provide a valuable source for this work.¹³ Included in the instructions are such issues as ticket of leave holders, prison visits and special patrols. Of particular interest is the fact that they do show occasions when the regulations were not complied with, the fact that instructions may have been given regarding a particular situation does not mean that this is what happened. The orders also chart the gradual specialisation of officers especially in the detective force. As such they provide a changing picture of the police as it developed and show that gradually some decisions, once only taken at the centre, were devolved to divisional level.¹⁴

From a wider perspective there are a number of documents containing correspondence between the Metropolitan Police and the Home Office. These cover a range of topics including the suggestion of changes to legislation as it affected police work and the nature of the difficulties faced in implementing certain decisions. These documents also contain a number of requests for increased staffing

¹³ See C. Emsley, 'Crime and Policing in Europe since c 1750. ' Open University M.A. in Humanities, Module A 822 (Open University, 1997), p. 14.

¹⁴ One very clear example of this was the way in which divisional superintendents were given discretion as to the management of ticket of leave holders reporting late. Metropolitan Police Orders, [Hereafter M.P.Orders] 28 October, 1881, National Archives (P.R.O.), MEPO 7/43.

levels not always agreed to. Similarly loopholes in the Habitual Criminals Act were discussed and the number of persons liable to be included in the new criminal register reported on. These papers make it possible to see some of the realities of policing.

Some documents are of particular use and the Home Office departmental inquiry into the detective department of the Metropolitan Police in 1878 throws a great deal of light upon the workings of the detective force to that date.¹⁵ Many changes were suggested including the appointment of the first Director of Detectives, the substantial expansion of the detective force and the later creation of the Convict Supervision Office. The enquiry highlights some of the ways in which the police responded to specific situations involving particular crimes and a narrow group of possible victims; a good example of this being the enquiry into the workings of the winter and special patrols. This enquiry, and others of its type, contains rare examples of the views of those officers actually performing street duty; several Detective Sergeants gave evidence to the 1878 enquiry and some constables to that of 1908. These 'bottom up' views were rare and, on occasions differences of opinion between these officers and their superiors, the divisional superintendents, came to light. In the case of the Detective Sergeants they were called to give evidence as to the workings of the system as then existed and whilst of considerable interest the report is limited due to the fact that they were very few in numbers and none of the uniformed sergeants were called. Given the nature of the enquiry this is understandable but the opportunity was missed of obtaining the opinions of the vast

¹⁵ Home Office departmental enquiry into the State, Discipline and Organisation of the Detective Force of the Metropolitan Police, 1878, National Archives (P.R.O.), HO 45/9442/66692.

majority of officers, those in uniform, performing routine duties in London. With regard to the 1908 enquiry the officers were there to answer a complaint and not to give opinions as to the workings of the police.

In 1894 an enquiry was undertaken into the best way of identifying Habitual Criminals and the report clearly stated that the identification of criminals by police officers was primarily a matter of personal recognition. Whilst covering the whole country the report did highlight the special difficulties faced by the Metropolitan Police.¹⁶ The fact that the police in London had particular problems to deal with was also contained in the 1895 Departmental Commission into Prisons.¹⁷ The documents make it clear that there was an appreciation of the fact that in large centres of population, especially London, dealing with criminals was not easy but out of the 1894 enquiry came the decision to move towards using fingerprints as the main tool for proving a persons identity. This was a great step forward. It did not happen overnight but whilst personal identification was acknowledged to be very difficult the police were provided with a tool which they could use once an arrest had been made.

The Royal Commission of 1908 into the duties of the Metropolitan Police would not, had it only looked into the street offences with which it was primarily concerned, be of particular interest to this thesis. As it was the commission took time to examine allegations of harassment by police of a well-known local criminal on H division, Harding. The enquiry found that the allegations were baseless

¹⁶ Report of the Committee appointed by the Secretary of State to enquire into the best means available for the identification of Habitual Criminals. Minutes of evidence and appendices, 1894, c. 7263.

¹⁷ Report of the Departmental Committee on Prisons, 1895, c. 7202.

although it can be argued that, given the length of the report as a whole, very little time was given, or importance attached, to the complaint.¹⁸

Of particular interest are the Annual Reports to Parliament made by the Commissioner starting in 1869. Whilst very useful they are also particularly frustrating for a variety of reasons. Until 1877 they contained reports from divisional superintendents each painting a picture of his particular part of London and, despite the fact that there was no common structure to the reports, they do highlight difficulties and show that there was a vast range of policing issues across an area as great as that of the Metropolitan Police District. The reasons for this change in policy were given as being the cost and the fact that the superintendents could only make suggestions, these were sometimes thought by the Home Office to be 'semi political'.¹⁹ The Commissioner wanted the reports to reflect only his views and official policy as emanating from Scotland Yard. In addition to this change there were, as might be expected several changes in format and even content. In this way the reports for 1877 and 1887 did not contain particular details of the work of the detective department and overall they can be said to reflect the views and the areas of particular interest of individual Commissioners.²⁰

In addition to the above the, changes in structure on occasion makes the detail difficult to relate to the relevant areas of legislation, details of offences committed

¹⁸ Royal Commission on the duties of the Metropolitan Police, 1908, C.4156. For details of evidence given by police see for example two police constables, questions 22516 – 23508 and 28856 – 29154.

¹⁹ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/363. This letter to the Commissioner from Lushington was dated July 1904 which shows that the superintendents must have continued with some form of reporting although they did not, after 1877, become part of the published version.

²⁰ As an example see ARCPM, 1890, p.6, which gave details of the workings of the Convict Supervision Office.

did not always match up with the offences as set out in the acts of parliament.

Another area of occasional confusion lies in the fact that it is not always clear, in relation to criminal records, whether the figures given relate simply to the Metropolitan Police or nationally. Despite these faults they are, especially in the later years, a very good source of information as gradually the way in which statistics were presented became standardised allowing comparisons to be made.

Central to the working of any law enforcement agency is the legislation from which it gets its powers, duties and limitations. The examination of the relevant acts from 1824 through to 1908 enables a picture to be obtained of the way in which parliament dealt with the problem of crime and the different responsibilities given to the police as a result. The legislation, when viewed over the period, shows how the focus of attention changed in that the number of offences able to be dealt with summarily increased and there was a growing concentration on those habitual criminals committing the more serious offences. These changes also meant that the police were under greater pressure to be able to prove an accused person's identity and thus to be in a position to prevent those with previous convictions posing as first offenders. The two Summary Jurisdiction Acts whilst speeding up the legal process did cause the police considerable difficulties and showed the reliance upon personal identification. It is often possible to see the way in which later legislation was influenced from Parliamentary Papers especially those select committees concerned with the effects of Transportation and Penal Servitude.²¹ In particular these documents show that there was some disquiet as to the way in which especially

²¹ Reports from the Select Committee of the House of Commons and House of Lords into the act to substitute in certain cases other punishment in lieu of transportation with minutes of evidence, appendices. 1856, Vol. XV11. 1st report c.244, 2nd c. 296, 3rd c.355 Full report c. 404. Royal Commission on the effects of the Penal Servitude Acts 1878-9. C.2368.

discharged prisoners were being treated, the additional powers given to the police and changes made in the presumption of innocence.

Hansard has been used sparingly to show the nature of parliamentary feeling in these areas and often gives a clear view of the way in which crime and criminals were seen. Of particular use are the speeches made in the lead up to the Prevention of Crime Act 1908 where it was clearly spelt out that the act was intended to deal with the small minority of serious habitual criminals and not the mass committing a variety of less serious offences.²²

In order to obtain a public view of crime and criminals, including the existence or otherwise of a criminal class, considerable use has been made of *The Times*, as well as local newspapers, magazines and journals.²³ *The Times* not only carried reports on parliamentary debates but, more importantly, published letters from the public and these together with its own leader articles expressed a variety of opinions. The fact that the correspondents would have been in the main of the ‘middle classes’ is important, whilst opinions differed, it was this group that increasingly came to be the one that initiated debate and influenced policy. The main shortfall in this type of evidence is that whilst it expresses a variety of views the voice of members of the ‘working classes’ is virtually non-existent and therefore a ‘bottom up’ view is missing.

Of the contemporary publications there only a few of real interest to this thesis. Those that do exist are useful in that they represent the thinking of a group of people prominent at the time and include social commentators and investigative journalists.

²² Prevention of Crimes Act, 1908 (8 Edw.7. c.59). *Hansard*. 4th Series Vol. CXC 12 June, 1908 pp 498 - 499.

²³ As examples *Police Gazette*, *Quarterly Review*, *Tower Hamlets Express*.

It is important to note that the authors were not the ordinary person in the street, few of them, if any, were convicted criminals and therefore had little first hand experience of the situation. Observations by such commentators as Greenwood and Holmes are however very interesting as they at least had some contact with persons on the receiving end of the legal process. Like much of historical evidence this material has to be treated cautiously, it is, in the main, hearsay evidence and often deals with non-specific situations without any attribution.²⁴ Included in this category of sources are a few publications by retired police officers who were serving during the period under examination and therefore did have first hand experience. These publications also have to be treated carefully, as they tend to reflect a view favourable to the author, and as with others mentioned above are not very detailed, do not contain references and cannot therefore be validated. It is also the case that little evidence exists which has its origins in the writings of those charged with the implementation of policy, that is the police officers in the lower ranks. The publications that do exist are substantially the work of officers in charge of divisions and senior detectives with occasional inputs from other officers.

In summary, the available evidence from primary sources whilst limited is useful in relation to specific areas including the main one that of identification. Of importance is the fact that it shows that there was a substantial difference between the public perception of the ability of police in this area and reality. It also shows that despite the best intentions of the legislators, the police were charged with

²⁴ Hearsay is defined as evidence given by a witness of what he has heard another person (not an accused) say. Such evidence is not admissible unless what was said had been said in the presence and hearing of the accused. C.C.H.Moriarty, *Police Law*, fourteenth edition, (London: Butterworth, 1957.)

carrying out certain policies but were not always provided with a proper legal framework which would make this possible.

Historiography.

Throughout this thesis each topic will be considered in the light of a detailed historiography and this section will attempt to do no more than raise the main issues. Individual chapters will consider the contemporary views expressed in the ways outlined above and will also take into account more recent writings on the subject.

In recent years the history of policing in modern Britain has attracted considerable attention; in particular the debate has focused on the introduction of the Metropolitan Police in 1829 and the impact that this had on society especially the working class. This latter concern relates particularly to the practicalities of policing, one of the main concerns of this work. In order to remain focused on the main themes, in the secondary literature particular attention will be paid to their coverage of the subjects of identification, targeting, harassment, and discretion together with the broader question of the existence and composition of a criminal class.

Criminal Class and the police.

Class as such, whilst an important background to this work, is not the major issue. What is important is the fact that Victorian society believed that their world was so structured and is therefore relevant to this work. Many modern works deal with the topic in detail and these included Cannadine who summarises the writings and who argues that class-consciousness was widespread.²⁵

²⁵

D. Cannadine, *Class in Britain* (Harmondsworth; Penguin, 2000).

The existence or otherwise of a criminal class has been the subject of considerable modern study. Older, more generalist historians are happy with the idea of a criminal class but in the main the recent works on the subject agree that a criminal class, as strictly defined, did not in fact exist although there are differences of emphasis. Dyos when describing the living conditions of the poor in London states that below the level of the deserving poor were other groups which were generally known as the 'criminal classes'.²⁶ Tobias argues that there was a criminal class responsible for most of the illegality in London although this is later challenged by Phillips who is of the opinion that the distinction between this class and the adult poor was less than stated.²⁷

Commenting on the changes that took place within society during the Victorian period, Gatrell argues that the complex criminal hierarchies of the early Victorian city had disappeared and had not been replaced.²⁸ Continuing he argues that the importance of a professional criminal class can be overemphasised. Emsley in a similar vein argues that no clear distinction can be made between a dishonest criminal class and a poor but honest working class.²⁹

There is therefore a difference of opinion as to the existence of a criminal class although there is agreement that, if such existed, it was in the main recruited from within the working class and especially from amongst its poorer elements.

²⁶ H.Dyos, 'The Slums of Victorian London', *Victorian Studies*, Vol. 11, 1967, p. 18.

²⁷ J.J.Tobias, *Crime and Industrial Society in the Nineteenth Century* (Harmondsworth: Penguin, 1972), p. 62 and D. Philips, *Crime and Authority in Victorian England* (London: Croom Helm, 1977), p. 287.

²⁸ V.A.C. Gatrell, 'Theft and Violence in England 1814 – 1914'. In V.A.C. Gatrell . H.Lenman, and G. Parker, (eds) *Crime and the Law: The social history of Crime in Western Europe since 1500* (London: Europa, 1980), pp. 238 - 270.

²⁹ C. Emsley, *Crime and Society in England 1750 – 1900*. 2nd edition. (London: Longman, 1996), p. 173.

Similarly, there is also agreement that this group, subject to its existence, committed the vast majority of crime, the bulk of it of a lesser nature, of a type not being subject to the preventive legislation.

One of the most detailed examinations of this issue in recent years has been that by Davis who argues not only that a criminal class existed but also that the police, with the judiciary and legislation, were responsible for its creation.³⁰ The police, it is argued, discriminated against the working class, particularly the poorer sections, as a result this group was labelled criminal and their public perception as a criminal class was confirmed.³¹

There are a number of differences between this thesis and that of Davis which will be discussed in detail in the appropriate chapters. In general terms it must be stated that, whilst not disagreeing that a criminal class did exist there are several important points of variance. In terms of time scale Davis takes a narrower period, primarily that of the 1860s and 1870s, with a very wide range of offences in the main dealt with at Magistrates courts. This grouping, which can be called a subjective criminal class, will be examined from the point of view of general understanding. This thesis however takes a much longer period and discusses a narrower group of offences and criminals, those who, as the legislation developed, were only dealt with at the higher courts and some of whom came to be dealt with by preventive detention.

A strict comparison is therefore difficult but the fact that Davis includes in her composition of a criminal class those known to police relies upon police having the

³⁰ Davis, 'Law Breaking and Law Enforcement'. p.169.

³¹ Ibid.

ability to identify such individuals. It will be shown that the police were not very good at this aspect of their work and that in reality many alleged offenders were given into police custody by members of the public.

It is not disputed that the police were involved in dealing with members of the working class but, whilst Davis argues that such action was based on a matter of priorities based on limited resources and public opinion, this thesis puts forward the argument that police action was, with a different set of imposed priorities, primarily focused on a smaller group as a result of ever tightening legislation.³² The police were tasked to enforce this legislation and it was this function given to them by parliament that caused them to be involved in the creation of a possible criminal class. There is however some support for the stance taken by Davis. Petrow argues that the police were able to recognise and focus on the lesser criminals whilst finding the more professional, travelling criminals, difficult and Emsley writes that as a result of the legislation some criminals became police property in that society had left the task of dealing with the problem to the police.³³ In general terms it is possible to argue that there was a basic difference in the relationship between police and types of criminals. In the case of the majority, those to be found on the streets of London committing the less serious offences, they were dealt with as part of the ordinary working practices of police whilst, in connection with those later termed Habitual Criminals, it will be argued that the police had actively to seek them out, to target them.

³² See Chapter 2 for discussion of the effects of legislation.

³³ Petrow, *Policing Morals*. p 75 and Emsley, *Crime and Society*. p.173. Police Property is further defined as, 'A category becomes Police Property when the dominant powers of society (in the economy, polity etc) leave the problems of social control of that category to the police.' J.A. Lee, 'Some structural aspects of police deviance in relations with minority groups' in Shearing, C. (ed) *Organisational Police Deviance* (Toronto, Canada: Butterworth, 1980.), pp 53 and 54.

Legislation.

Historical examination of the legislation relevant to this period is considerably less than that directed towards the question of class. There are however a limited number of very detailed examinations, some dealing with a specific act of parliament, others giving an overview of a particular issue. In this way Stevenson addresses the Prevention of Crimes Act 1871 basing his research on two geographical areas thus making useful comparisons possible.³⁴ Of particular interest are his comments regarding the ticket of leave system, its failings and the implications for the work of the police.³⁵

Addressing the important issue of public opinion particularly in relation to the ticket of leave issue Bartrip describes the effects this had on the legislation.³⁶ The work of Emsley shows how the discretionary powers of the police increased and discusses the move to increase the scope of summary trials.³⁷ It also outlines the changing attitude towards punishment and reformation which was reflected in the developing legislation and includes the increasing role and responsibilities of the police.³⁸

There are very few works dealing specifically with the effects of legislation on police and policing. The two theses by Davis and Stevenson are important although dealing with different topics. Exploring the effects of this preventative legislation

³⁴ S. J. Stevenson, 'The Criminal Class in the mid-Victorian city: A study of policy conducted with special reference to the provisions of 34 and 35 Vict. c.112 (1871) in Birmingham and East London in the early years of registration and supervision.' Unpublished doctoral thesis, Oxford University, 1983. p.78.

³⁵ Ibid. see pp. 19 and 21

³⁶ P.W.J. Bartrip, 'Public Opinion and Law Enforcement: The ticket of Leave scare in Mid Victorian Britain.' In V. Bailey (ed.) *Policing and Punishment in Nineteenth Century Britain*. (London: Croom Helm, 1981.), pp 151 - 180

³⁷ Emsley, *Crime and Society*, especially pp 2 and 135. see also A. Silver, 'The Demand for Order in Civil Society: A review of some Themes in the History of Urban Crime, Police and Riot.' D.S. Bordua (ed.) *The Police: Six Sociological Essays* (New York: John Wiley and Sons, 1967), p 15.

³⁸ Emsley, *Crime and Society*, chapter 10.

on the working classes, Davis argues that the increased powers given to police to deal with habitual criminals were used to deal with members of the working class committing lesser offences on the streets.³⁹ Stevenson concentrates on the workings and effects of the Prevention of Crimes Act 1871 arguing that it was not very effective and that there were loopholes in the drafting, which caused problems.⁴⁰

Identification.

Central to this work is the question of identification and this is an area that has received considerable attention from historians. Prominent amongst the writings is that by Petrow who, in addition to covering issues such as supervision, comments that at least until 1902 identification techniques were far from infallible.⁴¹ This less than perfect performance by police was despite the improvements in photography, the introduction of criminal records and the Bertillion system. The work by Heberton and Thomas is very good regarding these subjects and gives a good history of the topic together with a discussion of some of its difficulties.⁴² Largely these difficulties resulted from the fact that measurements were less than exact, photographs were often distorted and the vast number of individual records meant that whilst much of the information existed it was of little value if unable to be used. These faults can also be seen in the work of Thormond -Smith who outlines the development of the system.⁴³

Both Davis and Stevenson have given considerable attention to this question of identification. Davis, giving examples of arrests under the Vagrancy and Police

³⁹ Davis, 'Law Breaking and Law Enforcement'. p. 3.

⁴⁰ Stevenson, 'The Criminal Class in the mid-Victorian City.' p.19,

⁴¹ Petrow, *Policing Morals*. esp. chapter 4.

⁴² B. Heberton. and T. Thomas, *Criminal Records: State and Citizen*, (Aldershot: Avebury 1993.)

⁴³ P. Thormond Smith, *Policing Victorian London: Political Policing, Public Order and the London Metropolitan Police*. (Westport. Conn: Greenwood Press ,1985).

Acts, argues that the criminal class consisted not only as has been stated of the members of the poor working class but also those previously convicted who could be recognised by police.⁴⁴ It is argued in this thesis that Davis was being over optimistic in the ability of police in this area and this is supported by Stevenson who outlines some of the differences between theory and practice in that criminals could be totally unknown to local officers in that they rarely offended in the locations in which they lived.⁴⁵ Writing of practical experience of the situation as applying at the then end of the nineteenth century Wensley states that officers were rarely permitted to go outside their own divisions and that, 'The result was that criminals living in one district could, almost with impunity, commit crime in others'.⁴⁶

One of the main purposes of this thesis is to examine these issues in greater detail than has been the case previously. It will show how substantial was the extent of the resources given over to the question of identification and will indicate that the matter was considered to be of considerable importance. In addition this thesis will also address suggestions made to improve the situation, at least one of which was not taken up. It will also challenge many of the assumptions made at a variety of levels, including the press and parliamentarians, as to the ability of police in this area. There can be no doubt that Davis is right and that at least some of those arrested as described in her thesis would have been known to the arresting officer. It is however argued that this would have been very much a question of local, individual knowledge rather than any ability the police may have had on a wider scale.

⁴⁴ Davis, 'Law Breaking and Law Enforcement', p.205.

⁴⁵ Stevenson, 'The Criminal Class in the mid-Victorian City.' pp.270-271. Stevenson gives a number of reasons for this, that many of the residential areas were so poor that there was little opportunity for crime, that there was a 'local code' of avoiding trouble on home ground and that there was a lower level of crime in home areas than would be supposed.

⁴⁶ F.P. Wensley. *Detective Days*, (London: Cassell and Co. 1931) p. 39. see also p. 187.

Targeting and Harassment.

There are a very limited number of modern publications regarding these subjects but they do include some by retired police officers with experience of the period. The work by Samuel is of interest as it contains an account of life in the East End of London during the latter part of the period.⁴⁷ This work allows the voice of one person on the receiving end of police action, Harding, to be heard; a rare occurrence outside of reports of court proceedings. Of the retired officers Wensley is particular interesting as he goes some way to confirming that he and other officers harassed Harding.

Writing of the mid Victorian years Davis finds some support in the earlier work of Best in that they both argue that the police found a need to concentrate and target their resources.⁴⁸ Taking the issue of targeting at a very personal level it is alleged by Davis that, based on previous convictions, the police picked out certain individuals for attention.⁴⁹ This targeting, it is alleged, was a major way in which the police created a criminal class; they did not have the resources to police every area in the same way and therefore decided to concentrate on those people and places with a high public profile. This attention to certain areas is discussed by Emsley who also explores the way in which criminals more and more became a focus of police attention.⁵⁰ Interestingly he points out that that many of the ways in which this targeting was undertaken did not differ greatly from police methods earlier in

⁴⁷ F.P. Wensley, *Detective Days*. Wensley served as a police officer from 1877 to 1929, J. Berrett, *When I was at Scotland Yard* (London: Sampson Low, Marston and Co., 1932). R. Samuel, *East End Underworld: Chapters in the life of Arthur Harding* (London: Routledge, Kegan Paul, 1981).

⁴⁸ G. Best, *Mid-Victorian Britain 1851 – 1875* (London: Weidenfeld and Nicholson 1971.). Davis. 'Law Breaking and Law Enforcement'.

⁴⁹ Davis, 'Law Breaking and Law Enforcement'. see examples quoted on pages 235 and 237.

⁵⁰ Emsley, *Crime and Society*. p. 173.

the century.⁵¹ It is clear that targeting could relate to individuals, groups, areas and specific crimes.

Dealing, not with the more serious crimes but, with the lesser street offences and the argument put forward by Davis, there is a degree of agreement to be found in the earlier work of Humphries who argues that police did harass some persons and activities causing great resentment.⁵² A rather different point of view had been put forward by Walkowitz who discusses the situation regarding prostitutes working on the street and argues that, whilst they often complained of police activity, many actually moved to London to avoid harassment.⁵³

Harassment is not a topic covered to any great extent in modern writing and a rare publication is that by Stewart who discusses the trial of three Scotland Yard detectives and its aftermath.⁵⁴ The work alleges the harassment of another person involved in the case, Benson, but gives only one side of the story; the police reply to allegations made by Benson was not dealt with.⁵⁵

Discretion.

Whilst not a discrete topic within this research the use of discretion by police was vital to the way in which they carried out their role and has been explored in a considerable number of publications. Discussing the general application of

⁵¹ Emsley, *Crime and Society*. Ch. 7.

⁵² S. Humphreys, *Hooligans or Rebels: An oral History of Working Class Childhood 1889 – 1939* (Oxford: Blackwell, 1981.)

⁵³ J.R.Walkowitz, *Prostitution in Victorian Society: Women, class and the state* (Cambridge: Cambridge University Press, 1980.)

⁵⁴ R.F.Stewart, *The Great Detective case of 1877: A study in Victorian Police Corruption* (Ontario, Canada: George A Vanderburgh, 2000).

⁵⁵ The police reply to this allegation will be discussed in chapter 6.

discretion by police Davis argues that it was determined by a variety of factors including public opinion and the lack of resources.⁵⁶

This theme is also the subject of work by Petrow who takes the situation a stage further arguing that the police negotiated their role with local neighbourhoods and in doing so defined offences that they would ignore.⁵⁷ Goldstein, looking at the situation from a North American perspective, writes that the use of discretion by police was widespread and yet by its very nature was of low visibility. As a result of this he argues that it was very seldom the subject of any review.⁵⁸ Taking the issue further, Fielding writes that the exercise of discretion was in fact inevitable, it had to be, and that the deciding of priorities was a question of politics based upon perceived pressures from government, central and local, as well as public opinion.⁵⁹

The use of discretion took place, as argued by Miller, not only at a variety of levels but was often as a result of judicial decisions resulting from prosecutions which would have influenced future action.⁶⁰ This theme is taken up by Davis who argues that the use of discretion in relation to the justice system was especially noticeable in the way that the Metropolitan Police used both the Vagrancy Act, 1824 and the Metropolitan Police Act, 1839.⁶¹ It is clear from the wording of the above legislation and especially the use of such phrases as 'intent' and 'suspected person' that this had to be the case.

⁵⁶ J. Davis, 'Prosecutions and their Context' in D. Hay. and F. Snyder, *Policing and Prosecutions in Britain 1750 – 1850* (Oxford: Clarendon Press, 1989.), pp 420 - 421.

⁵⁷ Petrow, *Policing Morals*.

⁵⁸ J. Goldstein, 'Police Discretion not to invoke the Criminal Process: Low-Level decisions in the Administration of Justice'. *Yale Journal*, Vol. 69. March, 1960, p. 552.

⁵⁹ N.G.H.Fielding, *The Police and Social Conflict: Rhetoric and Reality* (London: Athlone Press, 1991), p.11.

⁶⁰ W.R. Miller, *Cops and Bobbies: Police Authority in New York and London 1830 – 1870*. 2nd edition (Columbus. Ohio: Ohio State University Press, 1973.). In this way the police would have continued with actions supported by the courts and not others.

⁶¹ Davis, 'Law Breaking and Law Enforcement'.

This general vagueness in the language of the law leads Lustgarten to argue that as a result and through the use of discretion at a variety of levels the legislation was under enforced by the police.⁶² Taking a different point of view, Silver writes that there was a moral consensus between the police and public involving the use of legal powers which was itself the subject of discretionary action.⁶³

As this thesis is concerned with looking at the situation from the bottom up, that is attempting to explore the realities of policing on the street, it is important to see what has been written regarding the use of discretion by the officer on their beats. In this respect Taylor argues that the successful officer was one who knew his community, knew when to use discretion, and when, in effect, to turn a blind eye.⁶⁴ The police officer was in a unique situation where his individuality and freedom of action was controlled yet at the same time developed allowing discretion to be used in the interests of the public.⁶⁵

Conclusion.

The main sections of this thesis are clear and will be examined with a view to showing that there are some areas of dispute particularly with regard to identification, targeting and harassment. In addition it will be shown that the legislation was often vague or badly drafted. As a result of the changes in the law and the increased responsibilities given to police there came to be a number of

⁶² I. Lustgarten, 'The Police and the substantive Criminal Law', *British Journal of Criminology*. Vol. 2. No. 1 1987, pp 23 - 30.

⁶³ A. Silver, 'The Demand for Order in Civil Society: A review of some themes in the History of Urban Clime, Police and Riot.' In D.J. Bordua, (ed.) *The Police: Six Sociological Essays*. (New York: John Wiley and Sons, 1967.). See also L. Radzinowicz, *A History of Criminal Law. Vol. 4 Grappling for Control* (London: Stevens and Sons, 1968).

⁶⁴ D. Taylor, *The new police in nineteenth-century England: Crime, conflict and control* (Manchester: Manchester University Press, 1997.), p. 138.

⁶⁵ H. Shpayer-Mayor, *The making of a policeman. A social history of a labour force in Metropolitan London. 1829 – 1914* (Aldershot: Ashgate, 1988).

allegations of targeting and harassment, in particular these were that the police were preventing released criminals from obtaining an honest livelihood. An examination of the sources finds little evidence of improper targeting, rather it shows that resources were not very effectively used, there is also very little evidence to support the allegations of harassment. The main obstacle, apart from lack of sources, to substantiate the allegations is the question of identification. Without high levels of ability in this area, it is difficult to see how such actions could have taken place. With regard to the formation of a criminal class, whilst the police were charged with enforcing the law on the streets, they were just one element of the judicial system others being parliament and the courts. It is important to note however that they were the most visible and therefore the most open to criticism and public concern.

CHAPTER 2

Criminal Class. The Subjective view.

There can be little doubt that for the vast majority of those living in London during the period under examination a sense of class was very real and an important part of the way in which they saw their lives. Class appeared to be very natural and seemed to give a sense of structure and meaning which enabled society to function at a number of levels.

This thesis considers one part of this wider class system, that of a possible criminal class, and concentrates on the separate but linked aspects; those of a 'subjective' criminal class as seen and understood by the public generally and a 'legally classified' criminal class which came into existence as the result of a series of legislative classifications. The first of these issues will be examined in this chapter whilst the latter will be discussed in chapter three where it sits more naturally alongside an examination of the law and police powers. It will be argued that, whilst there is considerable debate amongst historians as to the existence or otherwise of a criminal class it was, for those living at the time something very real. The process by which legislation gradually defined a criminal class was a long one. In general terms it can be stated that a subjectively conceived criminal class was broadly based whilst that progressively classified by legislation was a gradually narrowing one. The 'legally' classified criminal class also increasingly involved the police changing the situation from one where they had little or no contact with what came to be termed habitual criminals to one where they were directly involved.

This thesis will not attempt an in depth discussion of the wider implications of class, neither will it try to analyse the effects that such a situation had on the general

pattern of life in Victorian society.⁶⁶ It will be shown however, that whilst there was an increasing awareness of differences in the make up of classes, when it came to crime of whatever nature the public perception was that it was believed to be the responsibility of a criminal class. A definition of class can be found in a number of publications but, for the purposes of this thesis it can be said that it was a very broad term and the word was often used as a type of shorthand. It can certainly be argued that the public perception of a criminal class was a very wide one and it will be seen that in the view of some commentators this included anyone committing an offence, crime or not.⁶⁷

The concept of a criminal class is itself a difficult one about which there is considerable debate. The entire idea of a group of people having sufficient qualities in common to constitute such a class is questioned and both contemporary and modern writers put forward arguments on either side of the discussion. Some argue that such a class did exist, others that whilst the concept is an interesting one, it is also one that falls when subject to detailed scrutiny. It can however be said that there was one part of the concept of a criminal class about which most commentators agreed and that was that the vast majority of its members originated from among the working class.⁶⁸

That in the public perception, at least in the early part of the period, the criminal class consisted of all those committing offences against that law meant that this was a very wide definition. It was however one which fitted in well with many of the early writings on the subject including the descriptions given by Mayhew and

⁶⁶ A very good examination of class can be seen in Cannadine, *Class in Britain*.

⁶⁷ For a good discussion of the various aspects of a 'criminal class' see Emsley, *Crime and Society*. Chapter 3.

⁶⁸ See Dyos, 'The slums of Victorian London', esp. pp 904 – 905.

others.⁶⁹ It is not the intention in this chapter to attempt to make a detailed examination of the make up of a criminal class or to endeavour to estimate its numbers. It is however important to put the situation into some perspective by obtaining a broad idea of the make up of such a class, especially as seen by the public, and with this in mind it is particularly interesting to look at the work of Mayhew.

Writing at the very beginning of the period he categorised criminals into three groups giving the opinion that there were 'some 10,444 persons with no visible means of subsistence who are believed to be living by the violation of the law, as by habitual depredators by fraud, by prostitution etc.'⁷⁰ He differentiated between this group and others by adding that there were some 4,353 who occasionally violated the law and 2,104 who were associates of the above classes and also deemed to be suspicious characters. He therefore gave a composite figure of 16,901 persons as being members of a criminal class. This figure is really of little value as it includes categories such as prostitution which by itself was not an offence but, being published in a national newspaper, it would have given some substance to the idea that such a class existed and that they were part of it. Mayhew was a working journalist and often used graphic language to describe his subjects. In this way he wrote of 'our criminal, tribes' which he likened to Bedouins and gypsies.⁷¹ Not satisfied with such a broad description he went further and informed the public that

⁶⁹ H. Mayhew. *The Morning Chronicle Survey of Labour and the Poor: The Metropolitan Districts*. Vol. 1. (Firlie, Sussex : Caliban Books) 1980 , p. 50.

⁷⁰ Mayhew. *Morning Chronicle*, 19 October, 1849, p. 50. He also distinguishes between the casual and habitual offenders giving a complex categorisation of the types of crime and threw light on the ages of those committing offences. In the main they were between the ages of fifteen and twenty-five.

⁷¹ H. Mayhew and J. Binney, *The Criminal Prisons of London and scenes of Prison Life*, (London: Frank Cass and Co. Ltd 1st edition 1862) p.91. Reprinted 1968. New Impression.

there were some five major headings of criminals, twenty sub-headings and over one hundred categories.⁷²

A very detailed view of the criminal class and its sub-divisions can be found in the descriptions provided in the writings of Mary Carpenter in 1864.⁷³ In *Our Convicts*, and the review by Harriet Martineau, it is shown that although the concept of a criminal class was well known, details of its composition and the reasons why crime was committed were not so well understood. It was also pointed out that, whilst in the main members of the class originated from within the working class, there were educated and privileged people convicted of crime. Also writing of the situation regarding the criminal class was Greenwood, a journalist as well as author, who wrote in 1869, that he believed, whilst the number of criminals was reducing, there were, in London, some 20,000 thieves.⁷⁴

The official view regarding this basic separation of offenders was the subject of an article in *The Times* in June 1860 in which the public were informed that Samuel Redgrave, the Home Office statistician, had set out an official classification of serious crimes. Having commented upon a number of offences against the person he remarked on the remainder, that is 'Burglary, Housebreaking, Robbery on the person, Cattle Stealing, Embezzlement, Fraud, Arson, Forgery, Uttering and Coining', adding that such crimes may be ascribed to the existence of a criminal class.⁷⁵ Wring a year after Redgrave, Crofton, a Director of Convict Prisons, argued

⁷² Mayhew. *The Morning Chronicle Survey of Labour and the Poor*. 1v. p.25.

⁷³ M. Carpenter, *Our Convicts* (London: 1864.) 2 Vols. Reviewed by H. Martineau, 'Life in the Criminal Class', *Edinburgh Review*, Vol. 112. 1865 . pp 337-371.

⁷⁴ Greenwood, *The Seven Curses of London*. P. 57.

⁷⁵ *The Times*, 27 June, 1860, p. 5. The publication of the figures in this way is perhaps a reflection on the increasing standardisation of reports following Redgrave's appointment as Criminal Registrar in 1856.

that it was impossible to plead ignorance as to the existence of a criminal class which existed in its thousands and which, 'operated almost as openly as honest men carrying out their occupations'.⁷⁶ It is of course the case that Redgrave was describing the ways in which crime had been classified in official Home Office terms whilst Crofton was talking about criminals. Redgrave did however state that his statistics indicated the presence of a criminal class whilst Crofton's use of language indicates that, in his opinion, the numbers were very large and that as a result such a criminal class was easily apparent as part of the general pattern of life. From the public point of view the above differences can be said to be of little importance and the two concepts had become merged, it is important however to note that the fact that there was a system of classifying crimes did not, by itself, mean that there was a criminal class.

Archer, another early contributor to the literature on this subject in 1865, commented on the fact that within the popular concept of a criminal class there were 'different classes'. He pointed out that, in his opinion, there were a small number of 'highly skilled' men then 'huge numbers of the lowest bands'.⁷⁷ He was one of the earliest writers to note that within one class there were difference sub-groups but the general picture of the existence of such a broad based class was well expressed by Devon in 1882.⁷⁸ He argued that a criminal class was part of the normal pattern of society writing that, 'there is a criminal class in the same way as there is a professional or artisan class'. Another contributor to the debate about crime and criminals was Anderson, one time Assistant Commissioner (Crime) at Scotland Yard

⁷⁶ W. Crofton, *The Immunity of the Habitual Criminal*. (London ; 1861). p. 17.

⁷⁷ T. Archer. *The Pauper, the Thief and the Convict. Sketches of some of their Homes, Haunts and Habits*. (London: 1865) p. 26.

⁷⁸ J. Devon, *The Criminals and the Community*. (London: Bodley Head, 1882) p. 11

who, using the term ‘professional criminals’, dealt with the more serious crimes against property. Arguing that whilst criminals differed from one another, as do the members of any other class, this ‘professional’ group were responsible for all the principal offences in the area and that he was of the opinion that the professional criminal was ‘a product of our punishment of crime system’.⁷⁹ He did not use the phrase, ‘criminal class’ but plainly in his view there did exist a group of people who lived by committing serious offences.

It is clear that the above commentators and writers were of the opinion that a criminal class as popularly seen by the public did exist although there was a gradual move towards differentiating between its members. A different view, one held towards the end of the period under discussion, was that of Thomas Holmes. For some twenty-one years Holmes had been a Court Missionary and as such would have had considerable contact with a variety of prisoners over a long period. He wrote that whilst a criminal class was often spoken of and that a distinct group existed to which this title applied, in reality he thought that this was not the case. He argued that there was no such thing as a criminal class but there were plenty of criminals.⁸⁰ He then suggested a very different view of the criminal class arguing that there was a ‘very large class who have limited intelligence, who appear to be regressing physically, mentally and morally, of whom a large proportion commit various kinds of offences’.⁸¹

The question of a criminal class, its existence and composition has been discussed by a number of modern writers with mixed views. One of the earliest of modern

⁷⁹ Anderson, *Criminals and Crime*. Preface, p. VI and p. 57.

⁸⁰ T. Holmes. *Known to the Police*. (London: Garland 1984) p. 131. First published (London : Edward Arnold, 1908.)

⁸¹ Ibid. p. 132.

historians of crime, Tobias, accepted the Victorian view that a criminal class did exist adding that it was, ‘substantially a phenomenon of London and other large cities’.⁸² Stevenson, who dealt specifically with the implications of the 1871 Prevention of Crimes Act, agreed that such a broad general grouping existed but writes that whilst there is little evidence of a smaller, prison hardened group, there is the suggestion that such a group existed and that they shared certain peer group fantasies.⁸³

Doubts as to the existence of a criminal class have been expressed by a number of other historians and it has been argued that, whilst there existed at least a group of professional criminals, it is difficult to call them a class, Emsley argues that such a term implies ‘a larger number and a more homogeneous group than existed’.⁸⁴

This view supports one made earlier, by Gatrell, to the effect that, ‘the identity, role and importance of a professional criminal class can be over emphasised’.⁸⁵ One of the most detailed studies of the concept of a criminal class is that by Radzinowicz and Hood in the *Michigan Law Review*, August, 1980. The introduction to their work is entitled ‘The elusive Concept of a Criminal Class’ and in their view the ‘criminal class was perceived as being ‘vast, self-contained, self-perpetuating, largely unreclaimable, implacably hostile, and alien to the interests of the state’.⁸⁶

They were also of the opinion that the public view of the concept was of long standing, lasting well into the twentieth century.⁸⁷ This section of the article

⁸² J.J. Tobias, *Crime and Police in England 1700 – 1900*. (Dublin: Gill and Macmillan, 1979). p. 69.

⁸³ Stevenson, ‘The Criminal Class in the mid-Victorian city’. Thesis abstract.

⁸⁴ Emsley, *Crime and Society*. pp 84 and 85.

⁸⁵ Gatrell, ‘The decline of theft and violence in Victorian and Edwardian England’, pp 238 – 237.

⁸⁶ Radzinowicz, L and Hood, R, ‘Incapacitating the Habitual Criminal’, *The English Experience*’ in *Michigan Law Review* Vol. 78: 1305 August 1980 p1308.

⁸⁷ Ibid. pp 1308 – 1389.

concludes however with the statement that the English never fully accepted the idea that criminals were a separate species.⁸⁸

Of particular interest to this thesis is the work by Davis who examines in detail the issue of a criminal class in the Victorian period. She argues that, subject to homogeneity, not only did it exist but that it comprised two elements, one the casual poor and secondly those already known to police.⁸⁹ The police it is argued, because of limited resources had to prioritise and as a result concentrated on these two groups, the casual poor because they were plainly visible on the streets and the others because they were known to police as a result of previous convictions. As an example of the later group in 1862 the ‘garroters’ were popularly, but wrongly, believed to be a sub -set of a wider criminal class which had been recruited from among the respectable working class majority.⁹⁰ These issues will be addressed throughout this thesis but it is important to note that these groups can well be said to comprise the subjective view of a criminal class as understood by the general public.

Whilst accepting that the terms crime and criminal class are ones that lack clarity there are a number of ways in which they can be examined. In the public mind there was little doubt that such a class, responsible for the majority of crimes, existed and as has been seen could be both identified and in general terms, quantified.

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Evidence of the existence of a ‘subjective’ criminal class as recognised by the public, can be obtained from a number of sources. The expressions ‘criminal class’ or ‘criminal classes’ were frequently used in a variety of areas, newspapers, parliamentary reports and debates. It was this belief which, in many instances,

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⁸⁸ Ibid. p. 1317.

⁸⁹ Davis, ‘Law Breaking and Law enforcement’, pp 169 and 170.

⁹⁰ Davis, ‘Prosecutions and their Context’, p. 423.

influenced the way in which legislation was formed. A very simple example of this process being the public outcry after the so called garrotting outbreak in 1862 and the passing of the subsequent garrotting Act aimed specifically at this offence and the offenders. The public perception was that a series of robberies had been carried out by particular members of the criminal class, those convicts released from prison on tickets of leave. In reality this group was not responsible but, as a result of the public outcry and belief that they were members of a criminal class, pressure was put on parliament resulting in the passing of what was popularly known as the Garrotting Act.⁹¹

Throughout the period, however, the 'official' concept of a criminal class was gradually refined, re-classified by legislation, moving from a very broad base in the early period to a much narrower one which took more notice of the type of crime and history of the offender by the early years of the twentieth century. This process, which will be examined in the following chapters, began with the passing of the Habitual Criminals Act 1869 which had the effect of legally, as well as popularly defining a group of criminals as being 'habitual criminals'. This classification was itself the subject of further discussion and re-classification so that it came to be recognised that there were two types of habituals, those who repeatedly committed minor crimes, served short sentences then re-offended, and a much smaller group committing the more serious crimes who came to be termed professional.

As a result of the changing legislation the police were given special responsibilities in connection with habitual criminals and it is argued by Davis that,

⁹¹ An Act for the further Security of the Persons of Her Majesty's Subjects from personal Violence, 1863 (26 and 27 Vic. C.44).

as a result of these changes, the police used their new powers to deal with offenders on the street and in doing so created a criminal class. It is clear that this argument, based in the early years of the period under discussion can be said to reflect a belief in a broad based criminal class. This can be seen as being in line with the public's subjective view of such a grouping as against that argued in this work as a gradually narrowing, legislatively defined criminal class.

Public Opinion

That the public were concerned with the issue of a criminal class can be seen in a number of ways including, letters to *The Times* from Mr. Clay, possibly John Clay the Preston Prison Chaplain, who was a well respected commentator on criminal matters. Writing of, the garrotting outbreak, he, lays the blame for the offences at that class, or sub set of criminals released from prisons on tickets of leave.⁹² In his first letter he dealt with the difficulties faced by police in dealing with the situation and in a second letter some six months later he agreed that a criminal class existed, that it was not very large but that it posed a threat to the community.⁹³ Taking evidence from another prison chaplain, the Rev. H.J. Moran, The Penal Servitude Commission of 1863 asked if a particular prisoner known to him belonged the regular criminal class. He expressed the opinion that he did not but that he was man of avowed 'infidel principles' when he came into prison. Just what was meant but the phrase 'infidel principles' is not known but it is clear from the reply that Moran did not deny the existence of a criminal class, simply that the individual in question, possibly convicted of unusual offence, did not belong to it. It is also clear that even

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A somewhat similar view, although differing in detail, can be seen in

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⁹² *The Times*, 25 August, 1862, p. 25.

⁹³ *Ibid*, 16 February, 1863, p.8.

at this early date some commentators, especially those closely concerned with dealing with criminals, were separating one offender from another. In this way, although having been convicted of an offence for which he was imprisoned, the individual was said not to be a member of what was commonly accepted as a criminal class.

One of the ways in which the public perception of a criminal class was re-enforced was by way of a number of publications which described them in emotive language not unlike that used earlier by Mayhew. Harriet Martineau, a social commentator, for example wrote in 1865 that they were ‘These wolves of society.’⁹⁴ With perhaps a wider readership *The Times*, in 1868, described the situations as between respectable society and the criminal class as that between ‘two warring classes.’⁹⁵ In the following year the same newspaper published an article dealing with crime and criminals referring to the idea of a criminal class and argued that they were as easily seen as ‘animals in the Zoological Gardens’⁹⁶. It is easy to see how the public perception of such a class could be enhanced by the use of colourful language rather than that of a drier more precise nature.

During the public discussion on the proposed Habitual Criminals Act 1869 questions were asked in *The Times* as to the ways in which this, ‘new and exceptional class’ [Habitual Criminals] if they were not to be sentenced for life could be dealt with.⁹⁷ The following month the newspaper went to some lengths to claim that it was very easy for the police to point out who these persons were.⁹⁸

⁹⁴ H. Martineau ‘Life in the Criminal Class’. *Edinburgh Review*. Vol, 112 .250. 1865. p. 353.

⁹⁵ *The Times*. 10 March, 29 October, 1868. p. 9

⁹⁶ *Ibid.* 10 March, 1869. p. 9.

⁹⁷ *Ibid.* 23 February, 1869. p.9.

⁹⁸ *Ibid.* 10 March, 1869. p.9.

The lead up to the Habitual Criminals Act also generated a great deal of debate on the question of a criminal class in parliament. Whilst introducing the Bill in the House of Lords the Earl of Kimberley made a speech in which he described what, ‘we usually call the criminal classes’.⁹⁹ He developed the theme of ‘classes’ as against a ‘class’ arguing that there was a danger of differentiating between those convicted of ‘grievous’ crimes and other criminals and that the ‘criminal classes’ should be viewed as a whole, as ‘a great army’ which was making war on society and that society, ‘should for its own defence, make war on them’. There can be no doubt therefore that in the debate it was clearly stated that, although it had different levels, a criminal class existed and that action needed to be taken against it.

The fact that the public perception of a criminal class was continually being re-enforced can also be seen in the debate leading to the Prevention of Crimes Act 1871. Lord Houghton wrote to *The Times* at length on the subject of crime and criminals and stated, in reference to the Habitual Criminals Act 1869 that, ‘it had been supposed that by the operation of that measure they [the police] would get hold of all the Habitual Criminals of the country and to concentrate them into a condensed criminal class who they could effectively control and restrain’.¹⁰⁰ Later the same month *The Times* reported on the membership of a criminal class details of which were taken from the Annual Report of the Commission of Police of the Metropolis.¹⁰¹ This article is of interest as it brought to the attention of the wider general public information normally confined to parliamentarians and those with particular interests. Set out in the article were the number of known thieves,

⁹⁹ *Hansard*, 3rd series. CXCV111 p.338. 26 February, 1869.

¹⁰⁰ *The Times*, 5 July, 1871. p.6.

¹⁰¹ *Ibid*, 26 July, 1871. p.4.

depredators, suspected persons and receivers and it also informed its readership of the numbers aged under and over sixteen further classifying them in the main areas by gender. Throwing some further light on the composition of this group the Honorary Secretary of the Discharged Prisoners Aid Society, Mr. W. Bayne-Ranken, stated quite dramatically in a letter to the same newspaper that there were ‘generals of the criminal army, and the lower ranks.’¹⁰² Given the writer’s position and his consistent contact with criminals this statement reflected not only a subjective view, in line with that held by the wider population, but was also one formed as a result of his professional duties.

Despite the fact that legislation was gradually refining the concept of a criminal class, in terms of subjective public opinion, there remained the idea of a class of persons responsible for all crimes. Commenting on the changing situation *The Times* argued that although some kinds of crime seemed to have disappeared altogether and that ‘although professional systematic crime was no longer to be found there were criminals in abundance’.¹⁰³ This article did not state that the criminals were members of a criminal class but the same newspaper did publish a different picture of the situation the following year, 1881, when it printed its view as to the composition of the criminal classes, ‘that is to say the drunken classes.’¹⁰⁴

That such a statement should be made is perhaps not so surprising when taking into consideration the fact that there was a great deal of public concern at the level of drunkenness but is possibly best seen in the context of this thesis as an example of the rather lax way in which the term criminal class was used. This description of a

¹⁰² Ibid, 13 September, 1873, p. 8.

¹⁰³ Ibid, 25 October, 1880, p. 9.

¹⁰⁴ Ibid, 3 November, 1881, p. 7.

criminal class is rather at variance with the concept of a group of persons, the members of which were responsible for committing crime, but can be said to reflect a public view of the nature of such a class and that the perception related to all offences against the law, crimes or otherwise.

Parliamentarians continued to discuss the issue and evidence of this can be seen in 1886 when, in reply to a question, the Home Secretary stated that the ‘audacity of the criminal classes was not increasing and year by year decreased in numbers’.¹⁰⁵ It is certainly the case, as seen in discussions in parliament leading to the 1908 Prevention of Crime Act that there was an awareness of the mass of offenders being less than professional and drifting in and out of crime.¹⁰⁶ It is however important in that through the media the perception of a criminal class had been debated and, whilst there were differences as to its composition, the generally held view was that such a criminal class did exist.

One of the difficulties in discussing the public perception of a criminal class is that the vast majority of sources are those from correspondents to *The Times*, from parliamentarians or witnesses at enquiries most of whom were in some way professionally involved in the situation. The voice and the opinions of the ‘ordinary working man’ are rarely heard. Exceptions to this situation can however occasionally be found in the reports from public enquiries where members of the ‘working class’ had been called to give evidence; such a situation can be seen in the Royal Commission on Police 1908.¹⁰⁷ Among the witnesses called to give evidence in the case was William Southey, a shopkeeper, who had known a local criminal,

¹⁰⁵ *Hansard*, 3rd Series Vol. CCC11, 1 March 1886 p. 1532

¹⁰⁶ Parliamentary papers. *Hansard* 4th series. Vol. CXC. 12 June, 1908. p. 129

¹⁰⁷ Royal Commission on the Duties of Police, 1908. pp 331 – 342.

Harding, for some twenty-five years. During this period he had never known Harding to do any work, had seen him steal and gave evidence to the fact that he was the leader of a gang about thirty strong whom he knew to be involved in a variety of crimes. He described Harding as being, 'a danger to respectable people'.¹⁰⁸ The witness did not describe Harding in terms of 'class' but it is clear from the evidence that he was considered to be separate from and a danger to the majority of working class people in which he had his roots. It is also in broad terms a good example of the fact that there was a long -standing distinction to be drawn between respectable and rough/criminal elements of the working classes.

Conclusion.

The concept of a subjective criminal class is a difficult one and any attempt to give it set parameters, to identify its membership or to indicate the numbers involved is, save in a very broad sense, virtually impossible. Many modern writers even question its existence.

For the purposes of this thesis however, this is not important. What is important is the idea that the general population of the period thought that such a class existed; they had the perception of a group of people whom they called the criminal class. It is also clear that this 'subjective criminal class' was very broadly based.

An examination of letters and 'Leader's' in *The Times* shows that the topic was one of continuing interest and that articles were contributed by persons from a range of backgrounds although none are available, even if written, from members of that class. That the idea of such a class was widespread can also be seen in the

¹⁰⁸ Ibid. p. 336. The committee report noted that, whilst not all were called, there were other similar persons willing and able to give such evidence.

contemporary writings by such officials as Crofton and reports of speeches by parliamentarians and those concerned with the welfare of discharged prisoners.

Of modern writings the most interesting is that by Davis, not only for her belief that such a class, subject to the question of homogeneity, existed but also that the police, due to the need to prioritise the use of their resources, were at least in part, responsible for its creation. This belief will be further examined in the following chapters but as has been seen above there was a public perception of such a criminal class and this can be said to have existed prior to the period under examination.

Throughout the period there were a number of events, on occasion particular crimes such as in 1862, which can be said to have reflected and re-enforced contemporary perceptions of a criminal class. In this particular case leading to the passing of new legislation. The concept of a criminal class and what to do with its members was, as a result of these changes, highlighted causing the broader concept to be repeatedly in the public eye. It is also argued that some of the ways in which the criminal class were described, some of the language used, expressions such as, 'the drunken classes' only go to confuse the issue but, whatever the language, it meant that the issue was being discussed. In this way the public perception that such a class existed was reinforced.

It is also clear that some parliamentarians and commentators with a special interest in this topic had, within the broad classification of a group as a criminal class, begun to differentiate between offenders both in terms of their previous history and the nature of the offences. This differentiation was given official support by Redgrave who set out a number of categories, sub groups, by which crimes should be recorded. There was a strengthening move away from dealing with a

single 'criminal class' and towards dealing with the problem at a number of levels.

These changes, the differences between the concept of a 'subjective' criminal class and one created as the result of the ways in which classifications were changed will be discussed in the following chapter. It will be seen that not only were the official classifications always different from and narrower than those looked at subjectively but they were themselves gradually refined and became even narrower over time.

CHAPTER 3

Legislation.

Introduction.

This chapter will examine, in detail, the key legislation passed during the period under examination and in particular will focus on the developing need to deal with released convicts and those convicted of the more serious offences. As a consequence there came into being at the end of the period a small group with common features, not only had they all committed a number of serious offences and to be at least sixteen years old but they had to have served a period of Penal Servitude. In addition they had to be of a type that lived by crime knowing no other occupation. It was this group that can properly be called a criminal class and which will be examined in this thesis.

In order to properly structure the discussion it will be in two parts, the first will examine the legislation as it affected changes in the way crime and criminals were classified and, it is argued, in doing so a criminal class was created. The second will concentrate on the way the changes affected police powers and responsibilities generally. Both sections will be discussed chronologically and will include opinions on the changes from police as well as the public. By using this approach it will be possible to obtain a progressive overview of the developing situation.

As the period developed it became clear that there was a desire on the part of Parliament to deal with a comparatively small group of criminals for whom increasingly severe sentences were provided. In terms of a possible criminal class it will be argued below that legislation, as a result of a series of re-classifications, separated the more serious offenders from the majority.

Initially the police had very little contact with or responsibility for the very serious criminals especially those released on tickets of leave. This position gradually developed with legislation giving the police increased responsibilities for the supervision of this group eventually leading to a situation where many of their duties were taken over by other agencies.

Legislation set out the framework within which the police worked, detailed the constraints placed upon them and indicated the necessity for officers to make individual decisions and to use discretion. The police in general and the Metropolitan Police in particular were given considerable powers by the legislation but at the same time the way in which some acts were framed caused difficulties and in particular cases made the implementation of some sections impossible.¹⁰⁹

During the period under examination not only did definitions regarding crime change, with a gradual focusing of attention on those who were considered to be the more serious offenders, but, in addition, there were also parts of the legislation which had direct resource implications for the Metropolitan Police. The most obvious examples of this being the need to establish a centralised criminal record system and then the founding of a specialist branch to deal with released convicts, that of the Convict Supervision Office.

Historiography.

Much of the work in this area has been previously discussed but there is some which dealt particularly with the question of legislation and its effects on both the police and criminals. Of particular note, as it goes to the heart of the topic, is the

¹⁰⁹ As examples of the way in which the legislation was flawed see Habitual Criminals Act, 1869 (32 and 33 Vic. c.99) sec. 4, which removed the need for those of tickets of leave to report regularly to police. See below for detailed discussion of these topics.

work of Stevenson who argues that the acts were not very effective.¹¹⁰ He gives a variety of reasons for this including the uncertainty of detection, a police responsibility, and the underlying fact that parliament was reluctant to extend police powers.¹¹¹ He was not alone in commenting on the inefficiency of the system, Bartrip argues that as a result, 'enforcement and administrative difficulties' often made the 'Law in action' far less onerous or significant than the 'Law in books'.¹¹² Taking another view the work of Emsley shows that some of the definitions involved were less than precise and that whilst there was a progression it was of an *ad hoc* nature rather than as a consistent policy.¹¹³

Legislation. The Police and a Criminal Class.

It is argued in this thesis that the ending of transportation was the event which precipitated the need to look afresh at what to do with those convicted of offences and then later released from prison. In essence this was by way of replacing the existing system with one of penal servitude to be served in this country. As a result of this change in treatment there came into being a particular group of criminals, different from the bulk of offenders, with a history in common in that they had all been convicted on indictment and sentenced to a similar punishment. Certainly the Penal Servitude Act 1853 dealt with all offences for which transportation had previously been the sentence substituting it with a period of imprisonment to be served in this country.¹¹⁴ In terms of a subjective view of a criminal class, as seen by

¹¹⁰ Stevenson, 'The Criminal Class in the mid-Victorian City'. p.19.

¹¹¹ Ibid. p 23.

¹¹² Bartrip, 'Public Opinion and Law Enforcement', p.177.

¹¹³ Emsley, *Crime and Society*, p. 277.

¹¹⁴ Penal Servitude Act, 1853, (16 and 17 Vic. c. 99.) Section 2 of the act dealt with those who would have been sentenced to transportation for up to fourteen years replacing them with periods of detention in prisons in this country.

the public, it can be said that all these prisoners would fit into that category. An examination of the offences for which persons had been transported however shows that there was a very wide range and that, at least in the early stages, the majority of convictions were for minor offences. As examples in the first shipment to Australia in 1787 more than 50%, some 431 were in this category.¹¹⁵ This was of course well before the Victorian era but figures are available regarding the male convicts transported to Australia between 1787 and 1852, in effect the entire period.¹¹⁶ These records clearly show that crimes against property accounted for some 80% of the total; and whilst such offences were taken very seriously in the nineteenth century, at least half were of a less serious nature with some 34% for unspecified larcenies. Only 15% were for burglary or housebreaking. It is clear that the majority had been convicted for lesser offences although all had been sentenced to transportation for seven years. It has however been shown that, in the later part of the period, a substantial number of those transported had previous convictions and that eight out of ten were thieves.¹¹⁷

The separation of offenders and offences into those triable summarily as against on indictment was well established but the range was extended by the Summary Jurisdiction Act 1855, which allowed many offences, once only triable on indictment and therefore liable for transportation, to be heard at the lower court. Among the offences now liable to be tried at the lower court were simple larcenies where the value did not exceed five shillings, attempts to commit larceny or simple

¹¹⁵ R. Hughes, *The Fatal Shore*, (London: Harville Press, 1987), p. 72.

¹¹⁶ L.L. Robinson, *The Convict Settles of Australia: a enquiry into the Origin and Character of the Convicts Transported to New South Wales and Van Deiman's Land 1787 – 1852* (Melbourne, 1965) quoted in Hughes, *The Fatal Shore*, p. 163. The serious offence of Robbery is not mentioned.

¹¹⁷ Robinson. *The Convict Settlers of Australia*. pp 159 – 160.

larceny.¹¹⁸ Any of those accused of these lesser offences who were shown to have previous convictions were however still liable to be dealt with on indictment and could have been sentenced to penal servitude to be served in this country, these offences comprised a substantial portion of the total crime committed.¹¹⁹ In terms of the effect this legislation had on the judicial process it has been shown that for indictable offences against property there was a drop in committals from 22,347 in 1855 to 15,928 in 1856.¹²⁰ Dealing with the broader category, that of the number of committals for all offences, it can be seen that in 1855 there had been a reduction of 6,535 persons so treated, some 25.1% on the figures for 1856.¹²¹ By extending the range of offences able to be dealt with at the lower court the act was a move towards defining those considered to be more serious. The range was however still very large.

The year, 1856, saw an important development in the classification of offences with the introduction of the County and Borough Police Act.¹²² This Act, section fourteen, required the 'Justices of every County and the Watch Committees in every Borough to submit to the home Office every October returns for each year ending 29th September.' Included in the details required to be supplied were the number of offences reported to police, the number of persons arrested with the nature of the charges against them with results of proceedings and any other information seen to

¹¹⁸ Summary Jurisdiction Act, 1855, (18 and 18 Vic. c.126), sec. 1.

¹¹⁹ Emsley, *Crime and Society*, p. 32.

¹²⁰ Gatrell, V.A.C. and Hadden, T.B. 'Criminal Statistics and their interpretation', in Wrigley, A. *Nineteenth-century society: Essays in the use of quantitative methods for the study of social data*. (Cambridge: Cambridge University Press 1972.) p. 356. These figures are national rather than confined to the Metropolitan Police District.

¹²¹ Parliamentary Papers. 1857 session 2 (2246) Return of Judicial Statistics relating to Police and Constabulary Criminal Proceedings, 1856. p. 8.

¹²² County and Borough Police Act, 1856. (19 and 20 Voc. C.69)

be appropriate. It is of interest that the Act, section thirty-two, stated that, 'Nothing in this act shall extend to any part of the Metropolitan Police District or City of London'. Despite this it can be seen that the Metropolitan Police did submit returns both along the lines set out above and in accordance with the guidelines set out by Redgrave since 1834.¹²³ These classified offences into six areas, Offences against the Person, Offences against Property involving violence, Offences against Property not involving violence, Malicious offences against property, Offences against the currency and Miscellaneous offences. As a result of these changes the police were informed of the way in which they should classify and record crime and this can be seen in the way the Annual reports were made by the Commissioner with effect from 1869.¹²⁴

The next stage in the narrowing legal classification of crime and criminals can be seen in 1864 with the passing of the Penal Servitude Act.¹²⁵ In developing the concept of penal servitude the act covered the release of convicts on licence, stipulating that they had to report to police and notify any changes of residence. Theoretically this gave the police a great opportunity to identify and therefore control this group of offenders. In reality this was not the situation as there were loopholes in the legislation and the composition of those subject to the requirements was still very large and diverse.

Having established this new system in which released convicts were popularly seen as part of a criminal class in themselves the issue of a particular group of criminals, those released from prison on Tickets of Leave, came to the fore and was

¹²³ Emsley, *Crime and Society in England*, p. 22. See National Archives (P.R.O.) MEPO 63/2 for the year ending 29 September, 1858.

¹²⁴ ARCPM. 1869. p.18.

¹²⁵ An Act to amend the Penal Servitude Acts, 1864, (27 and 28 Vic. c.47), s.4.

the subject of considerable comment in the press in 1869. This included *The Times* which highlighted the problem asking what was to be done, the answer was to be found in the Habitual Criminals Act 1869.¹²⁶ Not only did the legislation classify the more serious criminals it also began to increase police involvement with them. Notably this was by the introduction of a criminal record system and, on conviction, the possible new sentence of police supervision.¹²⁷

The process of differentiating between offenders had been taken a stage further by this Act by separating, at least legally, the differing ‘classes’ of criminals. It introduced into law the concept of a person repeatedly committing offences of a serious nature as defined in the First Schedule, that of an Habitual Criminal, and empowered police to deal with them more effectively. In addition the act redefined, for the purposes of registration, the word ‘crime’ stating that it was to cover any felony. It is argued by Radzinowicz and Hood that the purpose of the 1869 act was to attack on all fronts, ‘the whole of what was usually called the criminal classes’.¹²⁸

The act was however a considerable move towards a refinement of offences attaching the appellation ‘habitual’ to those repeatedly committing offences shown in the first schedule. The definitions can however be said to have created two types of habitual criminals: one with a series of lesser convictions having almost drifted into the category and another, more serious and professional. They could both legally be called habitual criminals and in addition both could be seen in the popular, subjective view, as being members of a criminal class. That the act had limitations

¹²⁶ Habitual Criminals Act, 1869. sec. 8. *The Times*, 2 February, 1869. p.9.

¹²⁷ The criminal record system was introduced under sec. 5.

¹²⁸ L. Radzinowicz. and R. Hood, ‘Incapacitating the Habitual Criminal: The English Experience’, *Michigan Law Review*. Vol. 78:1305 - 1359. August, 1980. p. 1341.

can however be seen in comments made by the Recorder of Portsmouth in the summer of 1869 when he noted that there were a multitude of cases where men, women and children have been twice convicted of petty offences which nevertheless were larcenies at law.¹²⁹ For the police it can be said that the Act was a move towards the creation of a theoretically identifiable, still broadly based, group of criminals with which they had to deal.

In view of the importance of the Habitual Criminals Act and the manner in which it separated out different 'classes' of criminals it is necessary to set out the definitions with which it was concerned. Part of the argument of this thesis is that it was this act, more than the previous penal servitude legislation, which really defined serious crime and therefore by extension serious criminals. Further, it was this specific group which, as a result of changes in the way crime and criminals were classified, formed the beginning of a criminal class. There began a focusing of legislation on a smaller group of released criminals some of whom, those described as convicts, were at large on tickets of leave.¹³⁰

Part Two of the 1869 act, section 8, defined a habitual criminal as being a person who, 'is convicted on indictment of any offence specified in the First Schedule hereto... and he be proved to have been previously convicted of any offence in the said schedule.'¹³¹ The section continued, 'then in addition to any other punishment which may be awarded to him, it shall be part of the sentence passed on him...that he is to be subject to the supervision of police....for a period of seven years or such

¹²⁹ Quoted in Stevenson, 'The Criminal Class in the mid -Victorian City'. p, 372.

¹³⁰ *The Times*, 5 August, 1869, p. 6. published a letter from 'Mr Bruce' possibly the Home Secretary, in which it was stated that at that date there were in England and Wales some 1,500 men and 450 women holding tickets of leave with an average length of licence being one year and seven months.

¹³¹ For details of the offences contained in the First Schedule, see Appendix 1.

lesser period as the court shall direct.' In connection with the above it is important to note that although the second conviction needed to have been on indictment the previous one need not have been, it could well have been a conviction at summary trial.

The Habitual Criminals Act, section 8, gave considerable powers of arrest to police enabling them even if no overt crime had been committed to arrest the alleged offender and take him before a court. This could lead, on summary conviction, to imprisonment for up to a year. Davis gives considerable importance to this legislation arguing that the police used the powers designed to deal with a specific group comprising the more serious criminals against the casual poor so as to create a criminal class. Certainly some parts of the act were new; the clause dealing with released convicts obtaining a livelihood by dishonest means came into this category.¹³² The act also stated that it was not necessary when arresting on suspicion to show precisely the purpose or intent.¹³³ In practical terms this would have made arrests in this category easier as it was no longer necessary to prove in court just what the accused had been about to do. A conviction could be obtained based on evidence of his past character and circumstances of the case. This power was not, as suggested, aimed at the more serious offenders but was clearly stated as being an amendment of the existing legislation. Evidence from the reports by divisional superintendents showed that the act was welcomed and assisted them in supervising, 'Low Public Houses and Beer Shops' in that it created the offence of

¹³² Habitual Criminals Act, sec. 3.

¹³³ Ibid. sec. 9.

harbouring thieves.¹³⁴ In addition it was reported that it had the effect of helping them to remove from the streets those who 'impudently and openly' duped respectable persons, included in this group were fraudsters and beggars.¹³⁵ The bulk of the act however was just a repeat of powers contained in the 1824 Vagrancy Act.

Police powers of arrest had been extended but the wording was often very imprecise and the question of what constituted 'dishonest means' was to remain a problem until the beginning of the twentieth century and the Prevention of Crimes Act 1908. Within the 1869 act were a number of sections which dealt with specific offences, and one, section 11, reversed the usual assumption of innocence in the case of those charged with receiving. It stated that if found in possession of stolen property and having a previous conviction for the offence, 'he shall be deemed to have known such goods to have been stolen unless he has proved to the contrary'.¹³⁶ Section 17 also had the effect of taking the regulations regarding dealers in old metals further than was previously the case by stipulating the minimum amount they could deal in and under what circumstances.¹³⁷ The effect of this was to make illegal the dealing in small amounts of metal such as could be obtained from burglaries and unattended premises.

The police were charged with the implementation of the act but, as the legislation changed the ways in which crime was classified and as these changes originated in

¹³⁴ Ibid. sec. 10.

¹³⁵ ARCPM, 1869, p. 37 and 1870, p.44. The reports do not detail the ways in which the public were duped except to say that they often involved an element of fraud. Both reports from E division. Section 10 of the 1869 act also imposed penalties for any person keeping such premises who knowingly allowed or harboured thieves or reputed thieves on his premises.

¹³⁶ Habitual Criminals Act, sec. 11

¹³⁷ Ibid. sec. 17.

parliament, had a criminal class been created, it would have, at least in part, been the responsibility of that body, not simply the police.

Along with the changes in classification regarding 'habitual offenders' another change was that concerning all those liable to be included in the new Criminal Register. The 1869 act had given the Metropolitan Police the responsibility to keep such records and section Five stated that records of 'all convicted of crime in England shall be kept in London under the management of the Commissioner of Police of the Metropolis.'¹³⁸ Its definition, and therefore the possible legal classification of a criminal class based on this register, was flawed. The definition covered all those convicted of crime which meant that a very large number of offenders were registered; in practice this made the register of little use. The fact that records were required of such a large grouping indicates that crime was still being looked upon as single entity although covering a wide range of offences and therefore of offenders. It is however possible to see that the process of separating offenders into different classes had begun.

In an attempt to clarify the situation the Commissioner of the Metropolitan Police had, in 1869, caused 'very careful' enquiries to be made as to the actual number of Thieves, Receivers and Suspected Persons known to police. The result was a total of 4,336 persons being so recorded.¹³⁹ The Commissioner, however, commented on the fact that this figure did not include those committing the less serious offences and that there were, 'very many unknown'. It does however indicate that the police had separated offenders into serious and less serious cases and had

¹³⁸

Ibid. sec. 5.

¹³⁹

ARCPM, 1869, p. 3.

been able to put a figure on the former. Despite this there was still a blurring of approach between the legislators and police in that, 'suspected persons', a group not mentioned in the first schedule to this act, although included in the 1856 legislation, had been included in police statistics.

From a public point of view it can be said that action had been taken to deal with a group of criminals as defined by the act but the case for saying that the classification of habitual criminals created a criminal class was weakened. According to both the Commissioner and speeches by members of parliament there were very many who were unknown making any actual grouping incomplete and Petrow, writing of the above, argues that the effect of the act was merely to brand certain criminals as habituels.¹⁴⁰

The Habitual Criminals Act had dealt with repeat offenders as a whole but his was to be developed in 1871 by the Prevention of Crime Act.¹⁴¹ It specified the punishment to be received by certain offenders, licence holders, and stated that any contravention of the statute could be punishable by a term of imprisonment for up to one year, with or without hard labour.¹⁴² Included in this section were the offences of obtaining a livelihood by dishonest means, failing to give his or her name and address when required by police, being found in a situation whereby it was believed he or she was about to commit an offence and being found in certain premises without being able to give a good account of themselves. This might be described as fine tuning of the regulations set out in the 1869 act but it did have the effect of re

¹⁴⁰ Petrow, *Policing Morals*, p. 85. *The Times* 5 July, 1871. p.6. speech by Lord Houghton.

¹⁴¹ Prevention of Crime Act, 1871. (34 and 35 Vic.) c.112.

¹⁴² Ibid. sec. 7.

-enforcing the previous legislation and therefore the legal position of habitual criminals released on licence.¹⁴³

In the minds of both police and public, despite the fact that the numbers of a possible criminal class had been reduced by the changes in classification set out in the First Schedule, there was still a belief that there was a wide range of offenders included in a criminal class. Police documents also show that the differences were realised when, in asking for returns regarding offenders and suspects, it required that the details be shown in the 'different classes'.¹⁴⁴ These different classes were not specified in the police order but it was clearly an indication that the police, at least, in general terms were separating offenders, as described above, and there is evidence that this was taken a stage further in the report from the superintendent of K Division in the Annual Report for 1877.¹⁴⁵ In addition to dealing with the generality of crime on the division it also shows the way in which a small group, a sub-set of criminals, were being dealt with. It details the way in which those subject to preventive legislation were being policed and although there was still confusion between first schedule offences and others it indicates that criminals were not all being considered under the same umbrella; there was a recognition of differences.

Further evidence of the way in which the police were looking at the situation and using the concept of sub-sets within a broader classification can be seen in evidence given to the enquiry into the police in 1878. It was here that Chief Inspector Harris,

¹⁴³ The act also corrected the errors of the Habitual Criminals Act in that it restored the requirement for ticket of leave holders and supervisees to report to police. Sec. 8.

¹⁴⁴ M.P. Orders, 19 September, 1874. National Archives (P.R.O.), MEPO 7/36.

¹⁴⁵ ARCPM, 1877. K Division report p.42 which shows that of the number convicted 'seven were licence holders, six were supervisees, one expirer and seventy-five who had previously been convicted of felony. Several others of these classes were convicted for attempts to steal, loitering, uttering, assaults etc.'

the officer in charge of the Executive Branch at Scotland Yard, informed the committee that records were kept of vast numbers of offenders in excess of what might be called the 'principal criminals.'¹⁴⁶

The police can therefore be said to have been alive to the issue of habitual criminals and the fact that details of the number of previous convictions was shown indicates that there was a comparatively small but nevertheless significant group of repeat offenders. It was out of this group at the beginning of the next century that there came to be a further classification of criminals; those liable to Preventive Detention.

The separation of serious from less serious offenders had been extended in 1855 and this was taken a stage further by the Summary Jurisdiction Act 1879 in that it removed an additional number of offences from the need for trial on indictment.¹⁴⁷ This change in classification also removed many offenders from the liability of being classified as habitual criminals within the terms of the 1869 Act. The type of offences had been set out in the first schedule to the Habitual Criminals Act but these were varied so that, in the case of simple larceny the value of stolen property rose from five shillings to forty shillings.¹⁴⁸ This new figure also applied to offences of larceny from the person, as a clerk or servant, embezzlement, receiving or abetting these offences. Certain conditions had however to be met before the cases

¹⁴⁶ Departmental Commission enquiring into the State, Discipline and Organisation of the Detective Force of the Metropolitan Police, 1878, Paras. 4251 and 4252. National Archives (P.R.O.), HO 45/9442/66692. The phrase, 'Principal Offenders' relates to the way in which the police classified offenders in their annual reports in accordance with the system originated by Redgrave. In addition the police had, since 1874, used classification in respect of 'minor offences'. Letter from Chief Clerk, National Archives (P.R.O.) HO 45/9518/22208, correspondence dated 16 May, 1874.

¹⁴⁷ Summary Jurisdiction Act, 1879 (42 and 43 Vic. c.49.)

¹⁴⁸ The figures five and forty shillings can have little impact unless they can be put into context. In the 1850's, the sum of £5 would have been the equivalent of seven weeks wages for the average labourer. Bartrip, 'Public Opinion and Law Enforcement', p. 159.

could be tried at the lower courts and these included, in the case of young offenders, that they consented to be tried in this way and, in the case of adults, that they pleaded guilty. This act can be seen as another example of what can be called a 'labelling' theory as part of the increasing concentration on the more serious offences.

These changes in the judicial system were of course important to the way justice was administered and for the police it meant that the pool of offenders liable to be habitual criminals was reduced. Looking at these changes from the point of view of the public these differences can be said to be a rather academic. For the vast majority of people a crime was a crime and all the offenders were members of the wider criminal class.

Precise statistics regarding repeat offenders are difficult to obtain but some indication can be found in the report of the Departmental Committee on Prisons for 1895.¹⁴⁹ This report acknowledged the difficulty in quantifying the situation but estimated that, 'the number of re-committed prisoners averages 7,000 and this is a moderate estimate, the figure 21,918 which represents suspected persons at large is not, we should suppose, any means too great proportionately to the number of habitual criminals in prison'. The accuracy of these figures must be suspect due to the difficulties in identification, but they do provide a picture, albeit a rather tenuous one, not only of the number of habitual criminals in prison but also an estimate of the number who had served sentences and were now at large. The figures were national ones and in order to obtain an indication of the scene as regards the

¹⁴⁹ Report of the Departmental Committee on Prisons, 1895, p. 11. The term 're-committed' means simply that these persons had offended before and been previously sentenced to some form of imprisonment

Metropolitan Police it is necessary to look at the Annual Report of the Commissioner for the same year. This shows that some 874 licence holders had been released into the Metropolitan Police District, a reduction from 960 the previous year and that there were, in 1895, a total of 1,120 reporting to police as a condition of their release as against 1,488 in 1894.¹⁵⁰ A picture of the situation can therefore be obtained regarding at least some members of the groups outlined above and this indicates that according to official statistics these had been reducing. The same report does however show that the number of licence holders, supervisees and ex-convicts arrested was 1,021 as against 881 in 1893. No reasons were given for these changes.

This official version of the situation regarding the number of the more serious criminals was not universally accepted and there was a considerable variation in the way that crime figures were interpreted at the time. Commenting, not on the number of offenders but on the number of crimes, *The Times* argued that ‘they [the crimes] reached a minimum in 1890 or 1891, and since that time the crimes – the work to a large extent of the professional or Habitual Criminal – have been rising’.¹⁵¹ The article does not make comparisons with official figures and deals with offences committed rather than offenders; it is however clear that in the public view the perceived increase in crime was attributed to the more serious criminals. The article continued by suggesting that the wider criminal class was being separated into smaller groups as the result of the imposition of shorter sentences. By this means the less serious crimes were being committed by persons who spent short periods in

¹⁵⁰ ARCPM, 1895, p. 5.

¹⁵¹ *The Times*, 30 May, 1896. p. 11. That there were differences of opinion can be seen in police statistics for 1894 which show that for offences under the heading of Felony there was a decrease over the previous two years. ARCPM, 1894. p.43.

prison followed by periods on release only for the cycle to be repeated. Two types of habitual criminal were highlighted, the above and those committing the more serious offences for which longer sentences were required.

The police were faced with a problem of how to differentiate between those groups and in particular how to be able to identify individual criminals so as to be able to prove previous convictions. The differences in the seriousness of offences, and therefore of type of repeat offender, was reflected in their ability to use fingerprints as a method of identification.¹⁵² Initially this had been confined to the more serious offenders, those sentenced at Assizes or Quarter Sessions to imprisonment for one month or longer after conviction for specific offences.¹⁵³ This meant that the vast majority of those convicted were not fingerprinted although the police were able to apply for fingerprints to be taken for other offenders in special cases.¹⁵⁴

This situation is necessarily vague due to lack of records but it is clear that at a variety of levels, official in terms of standard procedure and occasionally in terms of particular cases the police had an opportunity to focus on those committing the more serious offences. The individual requests made by superintendents could well have reflected local situations and therefore locally active criminals and could cover individuals, previously subject to preventive legislation who, for a number of reasons had been dealt with at a lower court.¹⁵⁵ Regrettably details of such requests and how many were made are not available.

¹⁵² The question of identification will be examined in detail in Chapter 4.

¹⁵³ M.P. Orders, 21 August, 1901, National Archives (P.R.O.), MEPO 7/63.

¹⁵⁴ Ibid.

¹⁵⁵ As will be seen in chapter five this could well have been due to problems of identification.

The Act, which introduced the punishment of Preventive Detention, made important changes to the definition of a habitual criminal who now had to be over the age of sixteen. There had to be three previous convictions since that age, and in addition, in order to come under the requirements of this legislation, the accused had previously to have been convicted as a habitual criminal and sentenced to preventive servitude.¹⁵⁶

The above section did not stipulate that all the previous convictions needed to have been on indictment but it did increase the number of convictions required before being considered for the new punishment. In reality the individual would need to have four convictions before he could be dealt with in this way: this was intended to show that the individual was offending deliberately and was not drifting into and out of crime. It was argued in the parliamentary debate that some habituals were so weak-willed that this is what many did.¹⁵⁷ As a result of the legislation there was established a group of criminals who were similar in both type and quality. The classification required that they were all offenders with repeated convictions which could have applied to others but, in addition they had to have committed a number of crimes of a serious nature. As a result they had all made themselves liable for a very severe sentence, that of Preventive Detention.

The legislation and particularly the above section took the separation of offenders a stage further and was crucial in determining a persons status by use of the phrase, 'leading a persistently dishonest or criminal life'. This type of condition had previously caused the police difficulties and had been recognised by the fact that

¹⁵⁶ Prevention of Crimes Act, 1908. (8 Edw. 7. C. 59) sec. 10.

¹⁵⁷ *Hansard*. 4th series CXC 12 June, 1908. pp 498 - 499.

action could only be taken with the prior permission of the Commissioner. These concerns were further developed in the 1908 act when conditions were imposed requiring police to obtain the permission of the Director of Public Prosecutions and to inform the accused by giving him at least seven days notice of the intention to prefer the charge.¹⁵⁸

By increasing the number of previous convictions before a person could be called a habitual criminal and inserting the safeguards before prosecution there was an increased focus on a particular group of offenders. Criminals classified in this way were similar to one another in a number of ways. They had all shown that they were repeat offenders and, as the new punishment could only be awarded after a progression of convictions including penal servitude, that they were committing the more serious offences. They were deemed to be individuals who had chosen crime as a way of life and were therefore different from the mass of other offenders. It is possible to argue that the introduction of this legislation was a criticism of previous enactments; certainly the Habitual Criminals Act and the Prevention of Crimes Act had tightened the categorisation of serious criminals but had not gone as far as was now considered appropriate. It is also the case that it was now possible to identify, without any doubt, the individuals concerned and their previous convictions could more easily be proved making such a move possible. This certainty of identification was not available when the earlier legislation had been drafted.

Within the government there were some additional concerns over these provisions especially those expressed by Churchill who was Home Secretary. Pointing out that within the existing 188 police forces there were a number of

¹⁵⁸ Prevention of Crimes Act, 1908 sec. 4(b)

different points of view as to those likely for such prosecutions and, going beyond the wording of the legislation, he ordered that the following restraints should be placed on any prosecutions. The police were not to suggest proceedings unless the accused was over the age of thirty, had already completed a term of penal servitude and was charged with a serious offence. Seriousness was to be determined by the degree of skill involved, whether violence had been used and the possession of a firearm or other lethal weapon.¹⁵⁹ In effect Churchill had further refined the make up of those to be included in the category subject to the legislation.

Commenting, some twelve years later, on the implementation of the act, the Prison Commission papers contain correspondence from the Lord Chief Justice in which he states that the 'professional criminal' as defined constitutes a separate and peculiar class, which demands special and peculiar treatment.¹⁶⁰ Continuing, the Lord Chief Justice noted that not only was there a distinction between types of habituals but that, 'this country still remains without any system for dealing with habitual petty offenders'. This correspondence, with a slightly different emphasis from that of Gladstone in the debate on the Prevention of Crime Bill, 1908, indicates that in his opinion the term, 'professional' had come to replace that of 'habitual' as seen in the legislation.¹⁶¹ This correspondence was of course some six years after the implementation of the legislation but it does go to show the way in which it was perceived and its limitations.

¹⁵⁹ Prison Commission correspondence. National Archives (P.R.O.), PCOM 7/291. Correspondence on PCOM 7/290 shows that up to the 30 September, 1916 there were sixty-one cases of persons under the age of thirty where a sentence of Preventive Detention had been passed. See also M.P. Orders, 16 February, 1910. National Archives (P.R.O.) MEPO 7/72. and R.F. Quinton, 'The need for preventive detention', *Edinburgh Review*. 220 (1914), pp 167- 179.

¹⁶⁰ Prison Commission correspondence, National Archives (P.R.O.), PCOM 7/291 pp. 2 and 3. Dated 1 November 1920.

¹⁶¹ *Hansard*, 4th series. Vol. CXC. 12 June, 1908, pp. 498 – 499.

Whilst accepting that there were differences between them, by the introduction of the Prevention of Crimes Act 1908, and Home Office instructions regarding its implementation, not only had there been a tightening of the legislation but as a result a criminal class had been defined. The fact that this group was more and more coming to be called 'professional' is an indication of the way in which the focus had been narrowed. A study of the figures relating to these types of conviction show how small a group it was and there is little doubt that this was in part due to the intervention by the Home Secretary, the Director of Public Prosecutions and it is suggested the outbreak of war.¹⁶² The Annual Reports of the Metropolitan Police District show that that between 1909 and 1914 a total of 190 persons had been so dealt with. Whilst not necessarily comparing like with like the above figures need to be considered with those suggested by Anderson in 1901 when he argued that there were just some seventy professional criminals in the entire country.¹⁶³

As a result of this act attempts had been made to differentiate between groups of criminals, between the newly defined 'habituals' and those considered as being professional. It is also clear that there could be problems in deciding just which group an individual would appear in, it would be possible for individuals to commit a series of offences over a long period so as to bring them within the definition of habitual yet they were not by any means professional. They could well have survived by committing a series of petty crimes but, due to the guidelines introduced by Churchill, they could not be classed as professional and dealt with as such within the act. Equally it would be possible for an individual to be seen as professional by

¹⁶² Petrow, *Policing Morals*. p. 111.

¹⁶³ Anderson, 'Our Absurd System of Punishing Crime', *The Nineteenth Century and After*. Vol. 49, 1901.p.283.

committing a few very serious crimes for gain yet not have the number of convictions to come within the definition of Habitual.

Not everyone was in favour of the act especially the initial idea that sentences should be of indeterminate length.¹⁶⁴ Whilst there was some opposition to the proposals it was accepted by even some of the more vocal that, 'in considering a measure of this kind, what was called a criminal class had to be presupposed.'¹⁶⁵ This statement can be seen as an acceptance by some members of society that such a class, however defined, existed and that measures were needed to deal with it.

Writing on the issue of habitual criminals and the role of police, Petrow argues that whilst the preventive legislation was not effective it did help the police in the manufacturing of a criminal class.¹⁶⁶ It is clear that this must have been the case in that the police, as the operational arm of the judicial system, by the mere fact of arresting offenders contributed to the construction of such a body. It is also clear that the powers given to police, to be discussed below, were limited and often badly drafted. The actions of police were, however, just part of the wider judicial system and therefore the creation of a criminal class was just as much a function of the work of parliament and the courts as it was of the police. One of the important differences between the police and the other groups is that they, the police, were highly visible to the working class, respectable or otherwise, the others, including Judges and the Home Secretary, were not.

¹⁶⁴ *Hansard*, 4th Series. Vol. CXC. 12 June 1908. pp 466 – 468. Speech by Mr.Lavell Slater in which he questioned the correctness of sentencing prisoners to 'life imprisonment' without hope of freedom. The reply from the Home Secretary, p. 467 was to the effect that the intention was that there should be opportunity for 'recovering complete liberty'.

¹⁶⁵ Speech by Hilaire Belloc, *Hansard* Vol. 4. 7 December, 1908. p. 165.

¹⁶⁶ Petrow, *Policing Morals*, p. 82.

Legislation and its impact on police.

Whilst this thesis is concerned with a period from 1850 two very important acts were placed on the statute book prior to this date, the Vagrancy Act, 1824 (5 Geo.4.c.33) and the Metropolitan Police Act, 1839 (2 and 3 Vic. c. 47.).

Much of the Vagrancy Act was intended to deal with issues and people who, whilst popularly considered to be part of the criminal class in contemporary eyes, are outside the terms of reference of this thesis. The act covered such offences as vagrancy and begging both of which were of considerable public concern and took place on the streets of London where the police operated. Within the wording of the act however the police found powers to deal with much of the 'crime' of the day and in particular enabled them to deal with suspicious persons whom they believed may have been intending to commit crime.¹⁶⁷ The word, 'intending' occurs frequently and much would have depended upon the opinion of the officer in the case who had to use his discretion and judgement. The most contentious part of the act was Section 4 which, according to Moriarty, gave police 'great powers for the arrest and prosecution of persons who were 'reputed thieves' or who, by their actions appear likely to commit crimes'.¹⁶⁸ These powers of arrest existed without the need for a warrant being obtained and applied on rivers and canals as well as the streets including public open spaces.¹⁶⁹

¹⁶⁷ *Marylebone Mercury*, 1 February, 1867, gives seven examples of police use of the Vagrancy Act on D Division Metropolitan Police, cited in Davis, 'Law Breaking and Law Enforcement'. p.228.

¹⁶⁸ Moriarty, *Police Law* p. 353.

¹⁶⁹ Vagrancy Act, 1824. sec. 4. 'Any person may arrest without warrant every suspected person or reputed thief frequenting or loitering about or in any river, canal or navigable stream, dock or basin, or in any quay, wharf or warehouse near or adjoining thereto, or any street, highway or avenue leading thereto, or any place of public resort or any place leading thereto, or any street, highway or any place adjacent to a street or highway with intent to commit a felony'.

The section particularly uses the words ‘intent’, ‘suspected person’ and ‘reputed thief’. As far as the latter group is concerned there would have been a need for police to have knowledge of the individuals including their background and any previous convictions. It will be seen, when the question of identification is discussed in chapter four, that whether at a local or force level, this was very difficult to achieve. Certainly when the act came into operation, and for the first years of the Metropolitan Police, criminal records were largely in the ‘heads’ of the officers concerned and it was to be a long time before the police could reliably and regularly prove the identity of a ‘reputed thief’.¹⁷⁰

The situation as outlined above was therefore difficult, but it was even more so in relation to a ‘suspected person’ and his ‘intent’ to commit a felony.¹⁷¹ The number of offences defined as felonies changed over time but the real difficulty in the early period lay in deciding just what particular offence the suspect was ‘intending to commit’. This issue was eventually resolved by the Habitual Criminals Act 1869 which stated that, ‘it shall not be necessary to show that the prisoner was guilty of any particular act or acts tending to show his purpose or intent’.¹⁷² The other difficult issue particularly concerns the police and the courts in deciding just what was ‘reasonable suspicion’? This must depend on what the officer saw and why the

¹⁷⁰ A reputed thief was, according to Moriarty, *Police Law*, p. 354, ‘a person who from his associates, conduct and general mode of living has previously come under notice as a person probably engaged in thieving’. The first Criminal Record system was not established until 1869 under the Habitual Criminals Act, sec. 5.

¹⁷¹ The Vagrancy Act does not give a definition of a felony although the scope was well understood by the legal literature of the time. It can be said that whilst the definition did change over time it generally meant offences of a more serious nature, those triable at a higher court rather than before a Magistrate. Moriarty, *Police Law*, p. 2 shows that included in this definition were the more serious offences against persons or property such as murder, rape, burglary, robbery, larceny forgery etc. These were more serious than misdemeanour's. For a more detailed view of the way that the description Felony changed over the years see Earl Jowitt and C. Walsh (eds.) *The Dictionary of English Law*, Vol. 1. (London: Sweet and Maxwell Ltd, 1959).

¹⁷² Habitual Criminals Act, 1869, sec. 9.

acts caused him to reach such a conclusion that an offence was about to be committed. It is impossible to set out precise parameters for this and it took a long time, 1886, before any guidance was given to police officers on the streets. Police orders then stated that arrests could be justified, even though it was found that no felony had been committed, if the officer had acted on reasonable grounds.¹⁷³ Police powers were very wide, open to misinterpretation with the question of intent being problematic. For the individual officer any such action would depend on his view of the situation, he had to act or not as he thought fit and then justify his actions at the police station and later at court or in a possible civil action.

The act shows that parliament had a generalised idea of a criminal class but by leaving its implementation to the police and the courts the more precise definition of that class was initially at least determined by police actions. The Metropolitan Police, as agents of the legislation in London gave it form, and in the public mind they were the body responsible for implementing the act and its consequences.

Whilst the Vagrancy Act was very broad in its approach dealing with a wide number of offences and applied to the country as a whole the Metropolitan Police Act, 1839 was concerned with just the policing of London.¹⁷⁴ Section sixty-six of this act gave police substantial powers, without warrant, to stop and detain certain persons, again on suspicion.¹⁷⁵ Under the act the police could also detain vehicles if it was suspected that they contained anything stolen or unlawfully obtained and in

¹⁷³ M.P. Orders, 18 August, 1886. National Archives (P.R.O.), MEPO 7/48. Additional light is shown on the topic in Moriarty, *Police Law*, p. 353 who states that more than one overt act was required to bring a person into the category of a suspect.

¹⁷⁴ Metropolitan Police Act, 1839.

¹⁷⁵ Metropolitan Police Act, 1839. sec. 66, 'any such Constable may also stop, search and detain any Vessel, Boat, Cart or Carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained maybe found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.'

addition could stop any person whom they thought had in their possession any similar articles.

Powers of action being ‘without warrant’ meant that the individual officer had to assess a situation and then act on his own initiative or discretion, a situation that could be fraught with difficulties. With a few exceptions the powers given to police were to directed to all officers regardless of rank, there were however circumstances where, as in the case of a need to board a ship on the river, the authority was only given to superintendents and inspectors.¹⁷⁶

The police had power to stop and question anyone against whom they could allege that there was a ‘reasonable suspicion’, a further complication was the fact that there was again no neat definition of what this phrase actually meant.’¹⁷⁷In practical terms the phrases ‘reasonable suspicion’ or ‘reasonable grounds’ could cover a variety of circumstances including the time of day or night, location, previous reported crimes in the area, behaviour, age, appearance or simply the carrying of tools. Thus a person carrying a parcel late at night in an area where there had been a number of burglaries and being dressed inappropriately for the location could be stopped and questioned. The result could be an arrest and recovery of property; it could also be the wrongful stopping of someone who was entirely innocent.

The above acts gave police officers the opportunity to act on their own initiative: they could stop and question suspects either through knowledge of previous history or believed intent. Additionally they had the power to stop and search vehicles and

¹⁷⁶ Metropolitan Police Act, 1839. (2 and 3 Vic. C.47) sec. 33.

¹⁷⁷ It is possible to argue that ‘reasonable suspicion’ had a far lower burden of proof than ‘balance of probabilities’ let alone ‘reasonable doubt.’

persons regarding possession of property. In doing this they had to rely on a wide variety of indicators as shown above. Just how many of these stops were justified, how many were figments of the imagination or deliberate harassment will never be known. Records of this type do not exist, but the fact that these powers were used can be seen a variety of ways. As early as 1844 a police order was issued in which superintendents were directed to use section 66 of the Metropolitan Police Act to stop carts in the outer districts.¹⁷⁸ It is also possible to see some statistics regarding the number of those arrested as ‘Suspected Persons’ later in the period showing that in 1869 some 2,058 persons were arrested in this category of whom 1,434 were discharged by magistrates, over 60%.¹⁷⁹ Why so many should be discharged is not known but it is clear that the processes were used and that opportunities for harassment did exist.¹⁸⁰ Parliament had created very wide ranging powers for police to use and it is possible that they were not always applied correctly.¹⁸¹

As the way in which criminals were dealt with changed following the end of transportation so legislation was enacted to deal with the new situation. The first of the new acts was the Penal Servitude Act 1853 which formally sanctioned and structured the process by which those no longer able to be shipped abroad were to be

¹⁷⁸ M.P. Orders, 19 June, 1844, National Archives (P.R.O.), MEPO 7/8.

¹⁷⁹ ARCPM, 1869, p. 18. Whilst the exact act and section used for these arrests is not known the probability is that they were under sec. 66 of the Metropolitan Police Act 1839 as in 1869 and later in 1871 additional powers were given to police.

¹⁸⁰ For further details of the numbers discharged see Williams, C.A. ‘Counting Crimes or counting people: some implications of mid-nineteenth century British police returns.’ *In Crime, History and Societies* Vol. 4 No. 2 (2000), pp 77-93.

¹⁸¹ A modern version of this situation was enquired into in the 20th century, The Brixton Disturbances, 10 – 12 April, 1981. Report of an enquiry by the Right Hon. The Lord Scarmon OBE. c. 8427. HMSO, 1982. This dealt with the use and misuse of power and as a result, whilst acknowledging that when properly used they were a useful tool for the police, record keeping had to be improved.

dealt.¹⁸² The main effect of this legislation was to substitute penal servitude for transportation with the following additional changes.

Table. 1.

Changes in tariff. Transportation to Penal Servitude.

Previous years of Transportation.	Years of Penal Servitude.
Up to 7 years.	4 years.
7 – 10 years	4 – 6 years.
10 – 15 years.	6 – 8 years.
Exceeding 15 years	6 – 10 years.

In the case of Life sentences, this was to remain the same.

Source. Penal Servitude Act, 1853. Sec. 4.

Having stipulated that prison sentences were to be served in this country the act then set out the way in which they would be dealt with when entitled to be legally at large in this country.¹⁸³ This system of early release on licence which came to be known as ‘tickets of leave’, was based largely on the experience of such releases in Australia and, was to give the Metropolitan Police a good deal of trouble. In particular it led to allegations not only that police were targeting this group but also that they were subject to harassment. Yet, save for circumstances requiring the revocation of a licence, police were not mentioned in the Penal Servitude act.¹⁸⁴

Whilst the system was considered to be new in this country and was brought in to deal with a completely new set of circumstances in reality this was not quite the case; for a number of years not all those convicted and sentenced to transportation

¹⁸² Penal Servitude Act, 1853.

¹⁸³ Penal Servitude Act, 1853. sec. 9.

¹⁸⁴ For details of such licences see Penal Servitude Act, 1853, secs. 9 – 11.

had in fact been so dealt with.¹⁸⁵ They had completed their sentences in this country and then been released but it was not until the system was formally ended that any real public concern was expressed. There was a fear that those released on tickets of leave were responsible for a series of violent crimes, the garrotting outbreak of 1862 being a particular example.¹⁸⁶ It is also possible to see a forerunner of a ticket of leave, this time involving the police in a licence issued to one James Browne alias John Williams at Chester as early as 1838. Just how many of these licences were issued is not known but they were to be signed by the 'Commissioners of Police', presumably those of the Metropolitan Police, and in the notes on the above given to Browne it stated that 'the Police Constables are directed to avoid any marked recognition of you, or doing anything which may unduly prejudice you, so long as you continue in unexceptional courses.'¹⁸⁷ This shows that, even at this early stage the police were being directed not to interfere with or harass licence holders and indicates a fear that that abuse could take place.

The Metropolitan Police file containing the above document is marked, 'Specimen of restriction order to Convict on Licence'. Whilst this was not a ticket of leave as later came into use, it did contain some similarities and indicators for the future. Police were involved in the form of a superintendent, there were warnings as to police conduct and it appears to have been one of the systems upon which the later procedure was based.

¹⁸⁵ Emsley, *Crime and Society*, p. 271.

¹⁸⁶ For discussion of this topic see Bartrip, '*Public Opinion and Law Enforcement*', pp 150 - 181.

¹⁸⁷ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 3/1782. Dated 6 May, 1838. See appendix. 3. This licence was in some ways stricter than those which followed and included the need to inform police of the address at which residing and any change within twelve hours. In addition it had to be carried on the person and the holder was to appear before a superintendent of police every three months.

This act was however only the beginning of changes in the criminal justice system and further legislation was required. An important change was seen in 1855 with the enactment of the Criminal Justice Act, which had extended the type of offences able to be dealt with at a Magistrates court.¹⁸⁸ This caused problems for the police in that as a result of the introduction of this new process the time between first appearance and the case being heard was in many cases shortened and the police therefore had to be in a position to prove a person's previous convictions, if any, much quicker. This state of affairs was recognised by many of the accused who exploited the situation by pleading guilty at the lower court, passing themselves off as first offenders and thus receiving a lesser sentence than if their antecedents had been known. That this was the case can be seen in a letter to the Home Office from the Governor of Wandsworth House of Correction in 1859 when he reported that a number of repeat offenders had been dealt with at Magistrates Courts when if their previous convictions had been known they should have been sent for trial, this included one inmate who had previous convictions for robbery with violence.¹⁸⁹ This difficulty was certainly noted by contemporary writers, including Sir. W. Crofton who wrote that not all habitual criminals were being recognised and that as such the system operated most unequally and was therefore detrimental to the public.¹⁹⁰

¹⁸⁸ Criminal Justice Act, 1855 (18 and 19 Vic. c. 126.) These were the less serious offences which made up the bulk of the work of these courts. For details of the number of offences involved see D. Jones, *Crime, Protest, Community and Police in 19th century Britain*, (London: Routledge, Kegan Paul, 1982), p. 135. The powers given to Magistrates Courts were further extended under the Summary Jurisdiction Act, 1879 (42 and 43 Vic. c.49)

¹⁸⁹ Home Office correspondence, 19 January 1859, National Archives (P.R.O.), HO 45/6823.

¹⁹⁰ W. Crofton, '*The immunity of the Habitual Criminal*', quoted in Stevenson, 'The Criminal Class in the mid-Victorian City', p. 36. The original work by Crofton is not available at the British Library, reference D.6056.c.26, being shown as destroyed by fire. The police were well aware of these difficulties

One of the main problems with the Vagrancy and Metropolitan Police acts and one that caused some public concern was the fact that in many cases there was not always complete proof that a person had committed or intended to commit a crime. In practical terms it can be said that a pickpocket, seen to steal and then being found to have the property in his possession was clear cut but the legislation had given the police power to act if they 'thought' that there was an 'intent' to commit an offence. These powers were taken a stage further in 1861 with the passing of the Offences Against the Person Act.¹⁹¹ Having set out offences as being either a felony or misdemeanour the act then gave police powers to arrest, without warrant, persons found in a variety of circumstances. In this way police could arrest, "any person who he shall find lying or loitering in any Highway, Yard or other place during the Night, and who he shall have good cause to suspect of having committed or being about to commit any Felony mentioned in the act."¹⁹²

This legislation is interesting on a variety of levels and in particular sets out that the offences had to have been committed at 'Night' and also placed the responsibility for deciding whether or not there was 'good cause' directly on the officer in the street.¹⁹³ It is possible that a suspect may have been arrested for what was thought at the time to have been 'good cause' only for it to be found later that this did not exist. The vagueness of the above wording must therefore have also put greater weight on

and took particular steps to try and get over the problem issuing instructions as the use of the criminal record system as well as enlisting the aid of warders, National Archives (P.R.O.), MEPO 2/499 and 8/3.

¹⁹¹ Offences Against the Person Act, 1861, (24 and 25 Vic. c.100).

¹⁹² Offences Against the Person Act, 1861. As the title states the offences were those against the person and included such routine incidents as assaults with intent to commit a felony as well as on police and the more serious such as Murder.

¹⁹³ Ibid. sec. 66. Similar powers of arrest also existed under the Malicious Damage Act, 1861, (24 and 25 Vic. c.97.), sec. 57.

the judgement of the individual officer and his use of discretion; it also leaves open the possibility for harassment to take place.

The next step in the process was the passing of the Penal Servitude Act 1864 which saw substantial developments in the way in which released convicts were treated and also increased police responsibilities in this area.¹⁹⁴ The licence could be revoked if the holder failed to conform to a wide number of conditions including the requirement for the convict to report to the ‘Chief Officer at the chief police station of the borough or division to which he may go, within three days of his arrival therein.’¹⁹⁵ Additionally he was required to report once a month and then at any changes of address. These responsibilities and the consequences for failure were extended in section 5 of the act by stipulating that the licence had to be produced, ‘when required, to any police officer’.

There then followed what can be called a ‘catch all’ statement by making it a specific offence if he were to break any of the other conditions of the licence which could lead to the licence being revoked. This was taken a stage further by stating that if convicted of breaking the conditions of his licence the offender, could after summary trial, be punished by imprisonment for up to three months, with or without hard labour. The additional conditions were spelt out as being the requirement not to violate the law and not to associate with notoriously bad characters; these included reputed thieves and prostitutes, in addition it stipulated that he should not lead an idle and dissolute life, without visible means of obtaining an honest livelihood. This latter condition was considered to be very vague and became the

¹⁹⁴ Penal Servitude Act, 1864, (27 and 28 Vic. c.47), sec. 4.

¹⁹⁵ For full conditions attached to licences see Home Office correspondence, National Archives (P.R.O.), HO 45/9320/16629A. (6).

subject of public comment. Greenwood, for example, argued that the released convicts were being placed in, to use modern terminology, a 'no win' situation.¹⁹⁶ He explained that many were employed casually such as on the docks and at railway stations with no means of proving such employment.

The police had been given very wide powers of arrest. 'Any Constable or Police Officer may, without Warrant, take into custody any holder of such a licence whom he may suspect of having committed any offence or having broken any of the conditions of the licence'.¹⁹⁷ This was another example of police being empowered to act, to arrest on sight and without a warrant on 'suspicion'. Whilst there is limited evidence that such arrests took place and licences were revoked a good example can be seen in a police order of 9 June 1864 which stated that the licence of a convict on a ticket of leave, George Austin, had been revoked by the Secretary of State. Austin had been arrested and convicted for attempting to enter a house with a false key.¹⁹⁸

Cases involving the possibility of offences being committed by licence holders were of particular concern to police and resulted in orders being issued that, wherever possible, arrests were not to be made and the alleged offender was to be kept under observation, the facts being reported to the Commissioner.¹⁹⁹ Greenwood writes that the purpose of this referral was to enable a 'quiet enquiry' to be made before a decision was taken.²⁰⁰

¹⁹⁶ Greenwood, *The Seven Curses*, p. 125.

¹⁹⁷ Penal Servitude Act. 1864, sec. 6.

¹⁹⁸ M.P. Orders, 9 June, 1864, National Archives (P.R.O.), MEPO 7/25. See also Report of the Commissioners on the Acts relating to Transportation and Penal Servitude. Vol. XX1 1863.c.283 Appendix L., p.186 which gives a list of those on licence dealt with in 1862. The appendix does not however show how many licences were revoked.

¹⁹⁹ M.P. Orders, 19 August, 1864. National Archives (P.R.O.), MEPO 7/25.

²⁰⁰ Greenwood, *The Seven Curses*. p. 121.

Obtaining an overall picture of the situation regarding the behaviour of released convicts is difficult as the available records are often confused by linking together those released on licences and those discharged from prison after the expiry of their full sentence. The Penal Servitude Acts Commission does however provide some figures showing that in 1863 some 187 convicts were discharged into the Metropolitan Police District. Of these 75 were stated to be of good character and some 112 were 'doubtful or bad.'²⁰¹ The question of employment can be called a 'grey area' of the law and there can be no doubt that the police had to act very carefully in these cases.²⁰² The onus of proof had been placed on the defendant who needed to show he was gainfully employed and, as has been illustrated, this was not always an easy matter. For the police this legislation meant that for the first time they had been given a specific role to play in the supervision of those discharged convicts who had been freed on a ticket of leave.

There were several ways in which this act and previous ones had been badly drafted and as a result caused the Metropolitan Police particular difficulties. The requirements did not ensure that a convict on release from prison was required to give an address and in many cases they were discharged without one being given or, on some occasions, the one provided was so vague as to be of little use. Included in this later category were addresses such as 'London'.²⁰³ The phrase, 'Chief Officer' was to cause particular problems for the Metropolitan Police, in London this officer was the Commissioner and it was impossible for him to deal with each individual

²⁰¹ Royal Commission on Transportation and Penal Servitude with minutes of evidence and appendices, 1863, Appendix 17.

²⁰² The records do not show any examples of this situation but the fact that a great deal of care had to be taken is clear through continued reminders in Police Orders.

²⁰³ As an example see M.P. Orders, 4 August, 1862, National Archives (P.R.O.), MEPO 7/23.

case particularly where the issue of failing to report was concerned. Writing to the Home Office in 1872 Henderson stated that there was no power to force released convicts to give an address and with regard to failing to report that there were currently seventy cases in this category. As a result the act was a 'dead letter'.²⁰⁴ Whilst the police were finding parts of the legislation difficult to enforce convicts, as a result of the need to report regularly to police, felt that they were more vulnerable to attention and possible harassment.²⁰⁵ In these situations it would, from their point of view, been natural to blame the police for any setbacks and loss of or failure to obtain employment and this view was often expressed at public meetings and given as an excuse at trials.²⁰⁶ Indeed it was Monro's belief that the actions of police regarding released convicts was being incorrectly perceived by the public as well as other police officers that led to the production of the pamphlet setting out the legislation and the way in which it worked in the Metropolitan Police.²⁰⁷

There remained the question of what to do regarding the inability of the Commissioner to deal with those convicts who failed to report. The Habitual Criminals Act 1869 as well as defining a habitual criminal made an attempt to rectify this situation.²⁰⁸ In particular it dealt with the definition of a Chief Officer

²⁰⁴ Home Office correspondence, National Archives (P.R.O.), HO 45/9320/16629 letter from Henderson to Home Office, dated 12 November, 1872. This view was later confirmed by Monro writing of the situation in his pamphlet on the Convict Supervision Office. Home Office correspondence. National Archives (P.R.O.), HO 144/184/A45507, p. 5.

²⁰⁵ For details of the regulations regarding discharged female convicts see M.P. Orders, 19 August, 1864, National Archives (P.R.O.), MEPO 7/25.

²⁰⁶ As examples see S. McConville, *English Local Prisons, 1860 – 1900: Next Only to Death*. (London: Routledge, 1995), pp 36-37 in which he describes a meeting held by the Earl of Carnarvon of eighty ticket of leave men hearing their complaints regarding lack of employment and police harassment. Also the example quoted by Emsley, *Crime and Society*. p. 291 describing the defence put forward by Charles Hunter at his trial at the Old Bailey in November, 1856, stating that he would work if he could but that the police were preventing him.

²⁰⁷ Monro, National Archives (P.R.O.), HO 144/184/A45507, see letter dated 17 November, 1886.

²⁰⁸ Habitual Criminals Act, 1869. See appendix 1 for First Schedule Offences.

stating that as far as the Metropolitan Police was concerned it referred to the Commissioner of police or an Assistant Commissioner, or District Superintendent'.²⁰⁹ The section went on to say that, unlike London, in the provinces the term included a chief officer of police or of a division. Theoretically therefore the Commissioner could now nominate persons to act for him but as in practice these frequently changed it was not a viable option.²¹⁰ The issue came to a head in 1872 when Sir Thomas Henry, a London Magistrate, stated that in cases of failing to report the warrant could only be applied for by the Chief Officer i.e. the Commissioner.²¹¹ This meant that the act was unworkable; no action could be taken against ticket of leave holders who failed to report.

Under this 1869 act the powers of police to arrest those believed to be obtaining a living by dishonest means now stated that any officer, if authorised in writing by a chief officer of police, could arrest without warrant any convict who is the holder of a licence.²¹² This enshrined in legislation the orders previously given to police in this regard. In practical terms, given the substantial powers of arrest already in police possession under the 1824 Vagrancy Act, arrests could still have been made without using this section.²¹³ It is of interest that in effect the law, by stating that the authority had to be in writing, gave authority for the Commissioner to issue an arrest warrant, normally a function reserved for the courts.²¹⁴

²⁰⁹ Ibid. sec. 2.

²¹⁰ Home Office correspondence, National Archives (P.R.O.), HO 45/9320/16629A.

²¹¹ Ibid.

²¹² Habitual Criminals Act, 1869, sec. 3.

²¹³ For example the Vagrancy Act, 1824.

²¹⁴ It should however be noted that the two Commissioners were appointed as Justices and could act as such. Metropolitan Police Act, 1829 (10 Geo. 4. c.44) sec. 1.

More importantly the act sanctioned the setting up of a National 'Register of Criminals'.²¹⁵ This was to be kept in London by the Commissioner of the Metropolitan Police and information was to be supplied to it, 'from time to time', not only by chief officers of other police forces but also the gaolers or governors of county and borough prisons. In terms of the register being useful it got off to a poor start, the term 'from time to time' not being particularly helpful although it could be interpreted as meaning 'when necessary'. It was, however, the beginning of a nation-wide system of criminal records and, although at first it was of little use, as it developed so it became increasingly valuable.

This innovation was not the only new aspect of this act. Of great importance for the police was the fact that it also spelt out the new sentence of police supervision as follows,

In addition to any other punishment which may be awarded to him, it shall be deemed to be part of the sentence passed on him...that he is to be subject to the supervision of the police... for a period of seven years or such less period as the court shall direct. Commencing at the time he is convicted and exclusive of the time during which he is undergoing his punishment.²¹⁶

By this section the police were given considerable responsibilities in connection with discharged convicts but again the legislation was flawed. Not only did it not give any indication as to how this supervision was to be exercised it also increased police difficulties by withdrawing the existing requirement for ticket of leave

²¹⁵ Habitual Criminals Act, 1869, sec. 5.

²¹⁶ Habitual Criminals Act, 1869, sec. 8. The Metropolitan Police were informed that those under supervision would be dealt within the same way as those on Tickets of Leave see M.P. Orders, 28 October, 1871, National Archives (P.R.O.), MEPO 7/34.

holders to report to police as outlined in the 1864 act.²¹⁷ As a result whatever knowledge the police may have gained of this group of criminals through the need for them to report was lost; there was now no official point of contact. The situation was not to be rectified until the 1871 Prevention of Crimes Act.

Set out in the 1869 act were the offences liable to be committed whilst under police supervision including again the difficult one of failing to obtain an honest livelihood. It also set out and developed the offences of being found in any place and believed to be about to commit or assist in any crime punishable either summarily or on indictment and also being found in any building, yard or similar places without being able to give a good account of himself.²¹⁸ For police the power of arrest was without a warrant for offences punishable summarily, but, in the case of not obtaining a honest living repeated that it had to be authorised in writing.²¹⁹

In addition to acknowledging that much of the act was a repetition of the powers already held under the Vagrancy Act, section 9 tackled the question of proving intent to commit a felony. It was not necessary to show that the person was guilty of any particular act or acts and that he might be convicted from the circumstances of the case and from his previous character as proved to the justices or magistrate.²²⁰ There was as a result a greater need for police to be in a position to prove any previous convictions.

²¹⁷ Ibid. sec. 4.

²¹⁸ Ibid. sec. 8.

²¹⁹ Summarily can be defined as a conviction by a Judge or Magistrate without a Jury whilst Indictment can be seen as a trial before a Judge sitting with a Jury. *The New Oxford Dictionary*. (Oxford: Oxford University Press 1998.) The dictionary of *Public General Acts* (26 and 27 Eliz. 2) (H.M.S.O. 1979) defines a 'summary offence' as being an offence which, if committed by an adult, is triable only summarily', that is before a lower court, an indictable offence is defined as 'an offence which, if committed by an adult, is triable on indictment.', this means that an accused is sent for trial at a higher court.

²²⁰ Prevention of Crimes Act, 1871, sec. 15.

The criminal register was now in place and theoretically should have been the answer. It was however far easier to state a requirement than to deliver on it.²²¹

Included in the reasons for this were the large numbers involved, the lack of use and the fact that information held on divisions was not always passed to Scotland Yard.

Developing the theme of dealing with criminals, yet trying to ensure that those released on tickets of leave or under supervision were not discriminated against the act, and following police orders, set out offences liable to be committed by licensees of public houses and similar premises. It was an offence if they 'knowingly lodged or harbour thieves or reputed thieves or knowingly permits or suffers them to meet or assemble therein, or allows the deposit of goods therein having reasonable cause to believe them to be stolen'.²²² The police orders detailing these requirements set out the fact that the police action was to point out to licensees those persons on their premises who were thieves, though not those on a ticket of leave.²²³ This requirement implied an ability on the part of individual police officers to have a general knowledge of local criminals and also a detailed knowledge of the 'legal' status of each person.

The legislation then went on to consider the situation regarding persons suspected of receiving stolen goods. Part IV stated that, if found in possession of such goods evidence of previous conviction shall be admissible in evidence as to his knowledge

²²¹ Examples of the practical way in which records were used and their shortcomings can be seen in evidence given to the departmental enquiry into the Detective Force 1878 – 1879. National Archives (P.R.O.) HO 45/9442/66692. Superintendent Turner, para. 1690, stated that the information should be sent to Scotland Yard but it wasn't and Superintendent Thompson, para. 1860 stated that he alone had records of seven or eight thousand people contained in twelve volumes but they are 'perfectly useless'.

²²² Habitual Criminals Act, 1869, sec.10.

²²³ The supervision of licensed premises using these new powers was considered to be very important and was supported by several of the divisional superintendents. M.P. Orders, 6 April, 1870, and 7 January, 1871, National Archives (P.R.O.) MEPO 7/32 and 33. See also ARCPM, 1870, p.8. Metropolitan Police documents, National Archives (P.R.O.) MEPO. 3/88 folio 136, dated 1 February 1869. shows a report from H division outlining police activity in this area.

that the goods were stolen. This evidence could be given prior to evidence of the present allegation provided that at least seven days notice of this intention was given. The Act continued to say that it was the task of the accused to prove the contrary.²²⁴

This was a reversal of the usual legal concept of a person being assumed innocent until proved to the contrary; the only condition attached being that the accused had to be given the seven days prior notice. Metropolitan Police documents do however show that on at least one occasion, in a practical situation, this requirement was not fulfilled. In February 1870 a report from D division stated that there was insufficient time between arrest and trial to allow for the seven days notice to be given. The case proceeded without comment at either the Magistrates Court or Sessions.²²⁵ It is clear that this section placed a great responsibility on police not only to produce the convictions in time to inform the accused but also to ensure that they were accurate. The regulations regarding the proving of previous convictions was generally tightened, police were now required to produce two forms of proof consisting of a written extract of conviction from the court records and, 'by giving proof of the identity of the person against whom the conviction is sought to be proved with the person appearing in the record or abstract of conviction to have been convicted.'²²⁶ This meant that in addition to a written record the previous conviction now had to be proved by personal recognition of the accused by someone present at the previous conviction.

²²⁴ Habitual Criminals Act, 1869, sec. 11.

²²⁵ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 3/88. report dated 19 February 1870. No other examples of this kind of situation are available.

²²⁶ Prevention of Crimes Act, 1871, sec. 18.

Illustrating the developing power given to police, this section went on to set out police rights of entry to premises in order to search for and seize stolen goods stating that a Chief Officer of police could give written authority. In effect this meant issuing a search warrant, again a function normally carried out by courts.

The situation regarding those believed to be obtaining a dishonest living was again dealt with in the Prevention of Crimes Act 1871 which reinforced the possibility of their licences being revoked.²²⁷ Important though this may have been to the wider framework of the way in which licence holders were dealt with and the possibility that their licences could be withdrawn it needs to be put into context. Bartrip shows that in England and Wales between 1855 and 1869 some 20,703 persons had been released on licence, of these only 1,845, approximately 9% had their licences revoked for whatever reason.²²⁸ The fundamental issue of ticket of leave holders and those under supervision, especially the question of their reporting to police was dealt with under sections 5 and 8 of the 1871 act. Most importantly it repealed the entire Habitual Criminals Act 1869 and that part of the 1864 Penal Servitude Act dealing with licence holders reporting.²²⁹ The need for ticket of leave holders to report was re-instated and widened to include those under supervision.

Police powers to deal with ticket of leave holders and those under police supervision were, even allowing for their inability to deal with those failing to report, substantial and open to misuse and, whilst documentary evidence does not exist, it is not difficult to see the potential for police and released criminals to come into conflict. Having to report to police on release from prison, then monthly,

²²⁷ Ibid. sec. 3.

²²⁸ Bartrip, 'Public opinion and Law Enforcement', p. 155.

²²⁹ Prevention of Crimes Act, 1871, sec 21.

together with any changes of address it is easy to see how allegations of targeting and harassment could be made. The proof or otherwise, revolved around the ability of police to 'know' the persons by whom the allegations were made, without this ability it is difficult to see how individual released convicts could be so treated. Outside of statements made at trial there is little evidence that this was the case, a rare example of where the released criminal was known, at least locally, was the case of Harding a well known criminal in the East End of London. He states that on release from prison on a ticket of leave he did not feel safe and that he feared being arrested.²³⁰ The police had a developing criminal record system which should have assisted in this process but just how many 'criminals' could be identified, how many were known to the arresting officer is not known.²³¹

The difficulty faced in London by the police who were unable to deal with persons failing to report was eventually resolved by the 1879 Prevention of Crimes Act. The act stated that instead of the Commissioner naming a specific person, found to be impossible, reporting and subsequent action could be taken by 'the constable or person who at the time when such notification is made is in charge of the police station or office of which notice had been given to such holder or person as the place for receiving notification.'²³² The changes were important for two reasons, by stating that the report could be to a police station or office it enabled such actions to take place at Scotland Yard, not itself a police station, in the Convict Supervision Office and, in cases of default in reporting, proceedings could now be

²³⁰ Quoted in Samuel, '*East End Underworld*', pp 210 - 211

²³¹ See chapter 4 for the rate of identifications at police stations.

²³² Prevention of Crimes Act, 1879. (42 and 43 Vic. C.55.) sec. 2.

taken at a station or divisional level rather than through the Commissioner.²³³ The police, being required to focus on those described in legislation as being the more serious criminals, had to deal with the situation; this was by way of forming the Convict Supervision Office at Scotland Yard which was given particular responsibility for dealing with this group of criminals. The police view of the way they saw their new responsibilities can be seen in the orders relating to the new office which set out three distinct groups of criminals with which they had to deal.

²³⁴

1. Persons twice convicted of Crime.
- 2 Supervisees, i.e. such of the persons twice convicted of crime as are under sentence of Police Supervision.
- 3 Licence Holders. i.e. persons who having been sentenced to Penal Servitude having before the expiration of their sentence been liberated on licence.

It is clear from the above that the focus of attention was now on a smaller but still very varied group of offenders and it should be noted that there could be considerable overlap of membership of all three. As an example of this anyone in group 1 could well have been released on licence or had the additional sentence of police supervision imposed upon him. It is argued that this group was not yet sufficiently homogeneous as to constitute a criminal class, the range of offences was still very wide and would have included many drifting into and out of crime. It is possible that individual criminals may well have quickly accumulated such

²³³ Details of the setting up of the Convict Supervision Office and its staffing can be seen in M.P. Orders, 1 June, 1880, National Archives (P.R.O.), MEPO 7/42.

²³⁴ For full details of the working of this office see report by Monro, National Archives (P.R.O.), HO/144/184/A45507.

convictions and at a young age, but many grew out of this way of life in later years.²³⁵

The responsibility for supervising discharged convicts was eventually removed from the police with the implementation of the Probation of Offenders Act 1907.²³⁶ This gave rise to the probation system, the appointment of probation officers to take on the supervisory role building upon the Probation of First Offenders Act 1887.²³⁷ By taking from police the responsibility to supervise released convicts it can be argued that they therefore had a greater opportunity to concentrate upon recidivists. Given that police supervision, since 1880, had been conducted largely by members of the Convict Supervision Office however, the resource implications can be said to be minimal.

As the public perception of appropriate treatment for habitual criminals changed so did the responsibilities placed upon the police. In this way the 1908 Prevention of Crimes Act not only re-defined the habitual criminal, it also emphasised the need for previous convictions to be properly proved and notice served upon the accused.²³⁸ In order to come into this category the previous convictions and age had to be taken into account.²³⁹

Regulations regarding previous convictions and the safeguards required have been discussed above but it is important to note the reasons for this caution. They

²³⁵ See Emsley, *Crime and Society*, p. 32 for discussion as to ages and gender of the majority of criminals.

²³⁶ Probation of Offenders Act, 1907, (7 Edw. 7.c.17).

²³⁷ Probation of First Offenders Act, 1887, (50 and 51 Vic. c.25.) For a detailed discussion on the origin of the Probation Service see Vanstone. M. *Supervising Offenders in the Community: A history of Probation Theory and Practice*. (Aldershot; Ashgate 1988.)

²³⁸ Prevention of Crimes Act, 1908, sec. 10.

²³⁹ Ibid. sec. 10(2). The act did not say that the previous convictions had to have been on indictment.

were considered to be necessary in light of the lengthy sentences likely to be imposed and in addition because it was felt by some in the Home Office that the police would use the act to rid themselves of serious offenders.²⁴⁰

The main effect of this legislation was that persons convicted and sentenced to penal servitude could additionally be sentenced to a period of preventive detention. Police therefore lost responsibility for prosecutions of this nature and this removed the possibility of harassment resulting in such serious charges. In practical terms it was easier for police to prove the first part of section 10(2) of the 1908 act, especially with the greater accuracy of criminal records and the process of identification afforded by the introduction of fingerprinting. The later part of this clause, 'leading a persistent or dishonest or criminal life' was not so clear cut. It is possible that an accused may have had a string of convictions for less serious offences, dealt with at the lower courts, making the evidence clear and could cover offences such as begging, illegal hawking and, in the case of females prostitution. The proving of a 'dishonest life' would have been far more difficult.

Conclusion.

This chapter has dealt with two inter-related yet different aspects of legislation in the period under discussion. It has examined the ways in which legislation developed creating a narrowly based criminal class consisting of the most serious offenders and has also discussed the powers and responsibilities given to police. This criminal class has been shown to be different to that suggested by Davis who argued that it was based on the common poor and those known to police. In addition it has been shown that some of the powers given to police, not all of which

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Radzinowicz and Hood, 'Incapacitating the Habitual Criminal', p. 1364.

originated in the period, were very vague and, in particular, some of the preventive legislation was badly worded making the responsibilities given to the police difficult to carry out.

As a result of a series of classifications parliament gradually tightened its focus on a small group of persistent, habitual and professional criminals. It is this latter group that, it is argued, as a result of changes in legislation made up a 'legal' as against a 'subjective' criminal class. In terms of numbers this class was small but in terms of public concern it was differentiated from the mass of habitual offenders by a combination of the number and type of previous convictions, the nature of the crimes committed and the degree of violence or seriousness.

As the law gradually separated the more serious offences from those of lesser importance so extra responsibilities and powers were given to the police. With regard to their contact with discharged convicts their role had changed from being virtually non-existent to the creation of a specialist, non operational branch, the Convict Supervision Office, and then to the start of the probation service. That there was scope for officers to harass individual ticket of leave holders and those under supervision is clear and was reflected in the structure of the 1908 act.

Much of the legislation passed during this period was badly drafted causing difficulties for the police and expressions of concern from some social commentators. In particular this concerned the fact that the police were, for a period, unable to deal with those due to report as a condition of their licences but who failed to do so. Concern was expressed that police powers could be misused which would lead to released convicts being harassed. In order for this to have been the case much would have depended upon the ability of police to identify persons, suspect or not,

on the streets of London. It will be shown in chapter four that, in this respect, the Metropolitan Police were far from effective.

CHAPTER 4.

Identification.

Introduction.

The question of identification is central to this work and was one to which the police in a variety of forms devoted considerable time and resources. It was an issue which caused considerable difficulties throughout the period and about which there were considerable differences of opinion. Coupled with this is the question of accuracy and, assuming that the records are correct, it is surprising that only a few errors were recorded.

Throughout the period there was a persistent belief that criminals bore their immorality on their faces and this was strengthened by the preoccupation with distinctive criminal features. This had been seen in research by Havelock Ellis and others towards the end of the nineteenth century which led many to the belief that criminals could be distinguished in this way from the rest of the population.²⁴¹

As far as the police capabilities were concerned there was a very simplistic, idealistic and widely held view of their abilities in this area which was that expressed by Harriet Martineau. She was of the opinion that 'a policeman from a distance knows in the streets of any town which of the people he meets have been, ought to be or will be convicts.'²⁴² The idea that the police could simply pick out a criminal because of certain physical characteristics was also held by a number of prominent people including E.F. Duncan, Director of Prisons, who thought that there

²⁴¹ Havelock Ellis, *The Criminal*, pp 206, 214 and 229. quoted in Emsley, *Crime and Society* p. 78.

²⁴² H. Martineau, 'Life in the Criminal class', *Edinburgh Review*, Vol. 122, No. 250 (October, 1865) p. 342.

were certain physical features common to the majority of criminals.²⁴³ In terms of exact appearance Mayhew goes to some length to note the different physical and mental characteristics arguing that, in relation to men, 'they are more or less distinguished for their high-cheek bones and protruding jaws'.²⁴⁴

Writing in 1864 Carpenter comments on the appearance of 'convicts' saying that they have, 'a malignant scowl, an air of dogged endurance, a crafty smoothness of external aspect evidently concealing a depth of dangerous cunning'.²⁴⁵ This description can be said to be not quite 'physical' but it does go to show that there was a body of opinion which attributed certain characteristics to criminals. A rather unusual comment on the physical characteristics of criminals can be seen in the writings of Griffiths who, dealing with female prisoners towards the end of the century, thought that, 'All, almost without exception, have a depraved and brutalised expression'.²⁴⁶ This view of the female criminal was also noted by Reach in Manchester who wrote that, 'they [the women] were coarse looking and repulsive – more than one with contused discoloured faces'.²⁴⁷

Griffiths however also expressed a rather different view to the above. Whilst accepting that the features were often to be seen in 'the dangerous classes', he did not see it as a universal description of 'born criminals', not all those criminals he saw would have fitted the description. He also thought that many of the features

²⁴³ Quoted by Stevenson, 'The Criminal Class in the Mid-Victorian City'. p. 86. See also M.J.Weiner, *Reconstructing the Criminal 1830 – 1914*. esp. p. 357. And Emsley, *Crime and Society*, pp 77-78.

²⁴⁴ Mayhew, *The Morning Chronicle survey of labour and the Poor*, pp 239 – 240.

²⁴⁵ M. Carpenter. *Our Convicts*, Vol.1. First published 1864. reprinted (Montclair, New Jersey: Patterson Smith 1969.) p.11.

²⁴⁶ A. Griffiths, *Fifty Years of Public Service*, (London: Cassell and Co, 1905), p.356.

²⁴⁷ Quoted in J. Ginswick, (ed.) *Labour and the Poor in England and Wales*, 8 vols, (London; Frank Cass, 1983), 1. p. 79.

could also be seen in a large part of the general classes.²⁴⁸ There was therefore a difference of opinion; at the best it can be said that for much of the century there were many favouring the suggestion but this has to be tempered by the view, based on long experience, of Griffiths.

A more realistic approach was that taken by Greenwood when discussing arrests of released convicts when he said, 'it is clear that all must depend upon the personal knowledge of the police constable of the persons and antecedents of the suspected person.'²⁴⁹

The fact that the identification of criminals, especially habitual criminals, was a problem and that the police did not have what might be called superhuman powers in this regard, can be seen in the setting up of a Home Office committee to enquire into the best way of identifying such persons. The committee reported in 1894 and can be said to have set the seal on the view expressed by Greenwood when it stated that,

It may at the outset be stated in general terms that the practice of the English police...is always dependent on personal recognition by police or prison officers. This is the means by which identity is *proved* in criminal courts, and, although this scope is extended by photography, and it is in some cases aided by devices as the register of distinctive marks, it also remains universally the basis of the methods by which identity is *discovered*.²⁵⁰

The report continued,

²⁴⁸ Griffiths, *Fifty Years of Public Service*. p. 145.

²⁴⁹ Greenwood, *The Seven Curses*, Chapter 7. 'Adult Criminals and the New Law for their better Government'. p. 121.

²⁵⁰ Report of a Committee appointed by the Secretary of State to inquire into the best means available for identifying Habitual Criminals with Minutes of Evidence and Appendices, 1894, Parliamentary Papers, c. 7263. Italics in original.

Even with regard to local criminals, the difficulty of personal recognition becomes very great in the large centres of population. The number of criminals seen by each officer is so great that it is impossible after any considerable interval for any but a man endowed with a singularly good memory to remember more than a few of them; and unless the memory is aided by photographs and registers, mere personal recognition is insufficient to secure the identification of those persons who repeatedly come before the courts. This is especially the case in London, where not only the criminal but the ordinary population is constantly moving from one district to another, and where an offender might be arrested in a dozen police divisions and convicted in a dozen different courts, without being seen twice by the same officer.²⁵¹

The committee clearly identified the main difficulties associated with the identification of criminals in London and stated that they were the reliance on human memory, which was made more difficult because of the numbers involved and the fact that there was constant movement. This chapter will examine the measures taken by the police in an attempt to improve their ability in this area of work. These range from visits to courts and prisons, the gradual introduction of photography and the use of criminal records. In addition situations where police and criminals came into contact by way of the payment of gratuities or the need for regular reporting will be discussed with this issue in mind and the question of

²⁵¹ Habitual Criminals committee. 1894, p.6. See also the earlier Penal Servitude Acts Commission, 1863. Vol. XX1. Report, para. 36. regarding difficulties in identification.

‘branding’ as a method of easy identification will be considered. Consideration will be given to the way in which resources were used, and an attempt will be made to evaluate the effectiveness of the methods adopted.

The police were charged with dealing with ‘criminals’ as a group or class but each attempt at identification would, in the normal course of events have been an individual process and this is at the heart of the issue. This precise identification of an individual, or alleged criminal be it for the purposes of proving previous convictions or establishing responsibility for an offence, was extremely important to police. Similarly in order to substantiate the allegation that the police targeted those ‘known to them’ there would need to be evidence that they were in a position to do this. It will be shown that despite considerable efforts they were not always best placed to carry this out.

Historiography.

There have been a considerable number of publications regarding the question of identification of criminals by police some dealing with a specific topic, others taking a more comprehensive approach. Some works are therefore very detailed others, especially those written by ex-police officers, tend to be very subjective. Included are a number of dissertations, which examine parts of the question with varying outcomes.

The most exhaustive history of what is now known as the Criminal Record Office is the work by Heberton and Thomas.²⁵² This work traces the development not only of the broad system of keeping records but particularly examines such topics as distinctive marks, photography and later fingerprints with comments on the short-

²⁵² Heberton. and Thomas, *Criminal Records*, especially chapter 2.

lived Bertillon system.²⁵³ An in depth examination of both the introduction of photography and the short lived Bertillon system can be seen in the work of Sekula in which he discusses the idea that whilst the hopes for photography were not immediately realised it was a move forward.²⁵⁴ The work by Ireland covers the gradually introduction of photography and some of its problems with a short section on the suggestion that branding should be used as a method of identification.²⁵⁵

A number of reasons are given for the gradual development of the record system and some of the difficulties including the fact that since the end of the 18th century it could no longer be assumed that the majority of offenders were known in the locality in which they lived.²⁵⁶ The Criminal Register was considered by the Home Office to be, 'at most only paper assistance to police, and was better at tracing previous convictions than identifying habitual criminals'.²⁵⁷ Discussing the development of the Metropolitan Police in this area of work Smith argues that initially at least only rudimentary records were kept and photographs were of little use. He points out that the first attempts to obtain photographs were frustrated, 'by the subjects pulling faces and trying to turn their heads aside'.²⁵⁸

²⁵³ The Bertillon system was a French method of identification using measurements of parts of the body. It was considered inappropriate for use in this country due to the large number of measurements required, the difficulty of ensuring that they were standardised and the fact that in France they were taken at time of arrest as against, in this country, on the authority of a Magistrate. Habitual Criminals Committee, 1894, pp 19 – 24 and 28.

²⁵⁴ A. Sekula, 'The Body and the Archives', *October*, Vol. 39, 1986. pp 3 – 64. This work also includes a discussion on the idea of using phrenology as an aid to identification.

²⁵⁵ R.W. Ireland, 'The Felon and the Angel Copier: Criminal Identity and the promise of Photography in Victorian England and Wales' in Knafl, L.A. (Ed.) *Policing and War in Europe*. Criminal Justice History. Vol. 16. (London: Greenwood, 2002). pp 53 – 86.

²⁵⁶ Heberton and Thomas, *Criminal Records*. p. 14.

²⁵⁷ Ibid. p. 15.

²⁵⁸ P. Smith, *Policing Victorian London: Political Policy, Public Order and the London Metropolitan Police*. (Westpoint, Connecticut: Greenwood Press, 1985) D. Thomas, *The Victorian Underworld*, (London: John Murray, 1998) p. 283.

The early days of the criminal register were therefore not very successful, in theory the records should have been a great help to police but in practice it was to be a long time before this was achieved.

The most detailed examination of the issue is that of Petrow when, under the heading 'Habitual Criminals', he devotes a chapter to the questions of 'Identification' and 'Elimination'.²⁵⁹ Included in this work is an overview of the system of registration, photography, anthropometry and fingerprints all of which provide very useful background. It is however the intention in this chapter to extend this work focusing particularly on the effects various systems had on the work of the police and will attempt an assessment of their actual value. In addition this thesis will question a basic conclusion reached by Petrow regarding the ability of police to identify criminals. He argues that the police were able to identify the ordinary, run of the mill, criminal but were not very successful when dealing with the more serious offender.²⁶⁰ Interestingly he gives as a reference for this view a page of the Booth collection which deals with the way in which the investigator was accompanied on his survey by a police officer. The page of the survey does not explicitly show what was said by the police officer to Booth and therefore it is not clear how this conclusion was reached.

A different question that of what the released criminal may have done to hide his identity and therefore escape any possible recognition by police is dealt with by Bartrip who argues that the first action of a released convict would have been to destroy his licence. He could then, it is argued, if stopped by police, masquerade as

²⁵⁹ Petrow, *Policing Morals*, especially chapter four.

²⁶⁰ Ibid. p. 75.

a first offender.²⁶¹ One of the implications of this is discussed by Stevenson who argues, quoting Crofton, that as a result a number of licence holders were not being recognised by police as repeat offenders.²⁶² Of particular interest to this thesis are the comments by Stevenson regarding the issue of branding. He argues that Crofton was wrong to reject it as a means of identification whilst, at the same time, pursuing a system of ‘cumulatively scaled structure of sentences’.²⁶³ It will be shown that there was a divergence of opinion on this particular topic; the penal system was introducing more and more restrictions on the lives of criminals, including more severe sentences, yet the idea of branding was rejected on the grounds that any such physical marking would be against the move towards rehabilitation and an infringement of individual liberties.²⁶⁴

Davis writes that police activity at least in the early part of the period under discussion was directed at identifying and controlling the criminal class.²⁶⁵ In terms of the size of this group she quotes information found in the Judicial Returns for 1859 which state that nationally there were 304,109 individuals, 1225,470 males and 178,639 females, who could be classified under the heading ‘Criminal Occupations’.²⁶⁶ Of these the report stated that, approximately 14,000 were to be found in London.²⁶⁷ Arguing that police attention was focused on this group, the poor and those ‘known to police’, she is of the opinion that the police saw them

²⁶¹ Bartrip, ‘Public Opinion and Law enforcement’, p. 160. Quoting S. White, ‘The Nineteenth Century Origins of Pre-Sentence Reports’. *Australian and New Zealand Journal of Criminology*, Vol. 11. 1978. p. 162.

²⁶² Stevenson, ‘The Criminal Class in the mid-Victorian City’. p. 36.

²⁶³ Ibid. p. 126.

²⁶⁴ In the twentieth and twenty-first centuries this would have been called Human Rights but this was not a phrase in use during the period under discussion.

²⁶⁵ Davis, ‘Law breaking and Law Enforcement’. p. 3.

²⁶⁶ Ibid. p.5. Judicial Returns, 1860, Parliamentary Papers XXV1. p. 345.

²⁶⁷ Ibid. p.6.

indiscriminately as criminals or potential criminals. Whilst not disagreeing that a criminal class came out of the working class it is argued that Davis has made the question of identification by police appear easier than it really was and in the bulk of cases was not necessary. In her thesis figures are given which rather contradict the allegations, these show that of those arrested and dealt with summarily in 1856, the identity of over three quarters was ‘known from the outset’, and only one, out of a total of eighty-three, was arrested for summary theft as a result of police knowledge.²⁶⁸ Dealing with the more serious offences of Burglary and Robbery committed by released Ticket of Leave men the figures show that only two out of a total of twenty eight were as a result of local police knowledge. Describing police action in these cases she writes, ‘in the majority of theft prosecutions the police took an active role: they were called in by the prosecutor to make the arrest, or the prosecutor took the offender to the police station and gave him or her into charge’.²⁶⁹ In addition Davis writes that, ‘in a large portion of their arrests for summary thefts, the police depended upon the victim’s ability to identify the perpetrator for them’.²⁷⁰ The police role in such cases was therefore not one of identification in terms of action on the streets nor can it be said to have been the result of targeting. The offenders were known in some way to the victims who detained the alleged offender; the police simply processed the allegations. The problem the police were left with was that of identifying the accused in order that any previous convictions could be given at court.

²⁶⁸ Ibid. Table 1.

²⁶⁹ Ibid. p. 193.

²⁷⁰ Ibid. p. 195.

General histories of the police, or the crime situation in this period, have not devoted a great deal of time to the question of identification although some such as Thomas have in broad terms shown the attempts from visits to courts, prisons and the use of photography.²⁷¹

When dealing with the writings of retired police officers, who had experience of serving during this period, care has to be taken as they frequently project a favourable view of their actions which might not necessarily be correct. There are a number of publications by persons from this group in which they particularly address the question of identification; its difficulties and the often chance way in which recognitions took place. Anderson, at one time Assistant Commissioner (Crime), argued that London had particular attractions for criminals, as against country districts, in that it was difficult to find a particular criminal amongst the seven million people then living in the capital.²⁷² In the same publication he does however make a statement which is contradicted by Petrow, above in that with relation to professional criminals, 'They are few in number and well known to the Police.'²⁷³

On a practical note, showing how training had developed within the police, Thompson, a retired Detective Inspector, noted that he had received some instruction in the 'art of recognition' pointing out that some parts of the body and face were

²⁷¹ D. Thomas, *The Victorian Underworld* (London: John Murray, 1998), p. 283. Others include M.J. Weiner, *Reconstructing the Criminal: Culture, Law and Policing in England 1830 – 1914*. (Cambridge: Cambridge University Press, 1990), pp 300 – 306 and in connection with those on Tickets of Leave, P.W.J. Bartrip, 'Public Opinion and Law Enforcement'. Pp 151 - 181.

²⁷² R. Anderson, *The Brighter side of my Official Life*, (London: Hodder and Stoughton, 1919) pp. 147-148.

²⁷³ Anderson, *The Brighter side of my Official Life*. p. 237

difficult to disguise.²⁷⁴ This practical side of identification and some of its difficulties especially in relation to travelling criminals is touched on by two other detectives, Wensley and Leeson. They describe the lengths some officers would go to in an attempt to improve their knowledge of criminals and particularly note one officer who spent a lot of his off duty time sitting in court studying those who appeared in the dock.²⁷⁵

Identification at Police Stations.

Save for isolated cases it is not known how many persons had been arrested because they had been identified by police as being wanted for or suspected of crime. It is however possible to examine, via the Annual Reports of the Commissioner, figures relating to the number of persons arrested and identified at police stations as having been previously arrested. The content of these reports and the way statistics were presented did however fluctuate over the period. It was not until the appointment of Vincent in 1878 that there was a degree of standardisation in the way information was supplied, and even then the change was gradual.

The annual reports contain returns relating to the number of persons charged with offences, who were recognised as having been in custody more than once for felony during that year. One off offenders, no matter how serious the offence, or those who were recidivists but with gaps of at least a year between offences, were not included. Details were also supplied of the number of persons arrested for felony and larceny

²⁷⁴ W.H.Thompson, *Guard from the Yard*. (London: Jarrods, 1938) p. 26.

²⁷⁵ F.P. Wensley, *Detective Days*, (London; Cassell, 1931), p. 13. Wensley was a serving officer 1887 – 1929. R. Leeson, *Lost London: The memoirs of an East End Detective*, (London: Stanley Paul, 1934) p.63. Leeson was a serving officer 1890 – 1910.

of property, first time offenders or recidivists, in the Metropolitan Police District.²⁷⁶

The returns show offences of the more serious type involving not only assaults but also the theft of property from buildings about which the police were so concerned. Lesser offences, such as misdemeanours, which were in the main dealt with at the lower courts, were not included.²⁷⁷ The persons charged and recorded in these statistics would have been responsible for the more serious offences; in addition they were all repeat offenders.

Because of inconsistencies with earlier records a sample period 1883 to 1892 has been chosen for examination.²⁷⁸ It was one where the detective department, some five years after the appointment of Vincent, had been reorganised and expanded, criminal records had been improved and identification visits to prisons had become more productive. As a whole the force was developing its professionalism. Given the above one would expect to see improvements in identification rates yet this was not the case. Despite the strength of the force increasing by about 20% from 12,662 in 1883 to some 15,000 in 1892 the number of identifications at police stations rose

²⁷⁶ Larceny, the stealing of property was a felony at common law and has been defined as the taking of goods of another with intent to deprive the owner of the same, it could be 'simple' or 'aggravated'. Earl Jowitt and C. Walsh, *The Dictionary of English Law*. Vol. 1. (London: Sweet and Maxwell, 1959.) Felony was a serious crime punishable by death, imprisonment, fines etc and included treason, murder, robbery, larceny, bigamy. See *New Oxford Dictionary of English* (Oxford: Oxford University Press 1998.) and Moriarty, *Police Law*. pp 5 and 152. The definition of Felony has changed over time but in English Law comprised those offences of murder, wounding, arson, rape and robbery for which the penalty included the forfeiture of land and goods. Forfeiture was abolished in 1870 and in 1967 Felony was replaced by the term Indictable Offence. *New Oxford Dictionary of English*.

²⁷⁷ A study by Williams, based on Sheffield, has shown in detail that not only were these offences the bulk of the work of the police but that it would have involved a surprisingly large number of men. Williams .A. 'Counting Crimes or counting people: some implications of mid-nineteenth century British police returns.' *Crime History and Societies*, Vol. 4 pt. 2, 2000, pp 78 – 93.

²⁷⁸ The return has been confined to this ten year period because of availability of consistent records. It was at a period just before the idea of fingerprints came to be taken seriously, the years are compatible with others used and is of a manageable nature.

by less than 2%.²⁷⁹ There are a number of possible explanations for this situation over and above the fact that the vast majority of offences committed were of the lesser type dealt with summarily.

Staffing levels had increased without a corresponding improvement in identifications but this should not, by itself, be taken as a negative. Identification had become more difficult due to the growth in population and the fact that London was rapidly developing with the building of new suburbs and criminals had an increased ability to travel to commit crimes due to the increasingly effective public transport system. During this ten-year period the population of London grew from 5,042,566 to 5,810,759, an increase of 15%. The number of new houses built increased by 138,517 and the length of the streets and squares to be policed increased by approximately 323.5 miles.²⁸⁰

To put the situation into perspective regarding the activities of the detective department, those officers specifically charged with dealing with crime, in 1883 some 6,041 persons were arrested by that department for the more serious offences, ten years later this had increased slightly to 6,400.²⁸¹ Police records do not always show the staffing of the detective department but the report for 1881 puts the number, including those at Scotland Yard, at two hundred and forty.²⁸² The total strength of the force at that time was 11,234.²⁸³ It will be seen however that despite being responsible for close to fifty per cent of the arrests for serious crimes the identification rate for those offences committed by recidivists was very poor.

²⁷⁹ See ARCPM, 1883, p. 20 shows the number of identifications at 257 and the ARCPM for 1892, p. 35 shows the number of identifications at 262.

²⁸⁰ Annual Reports Commissioner of Police of the Metropolis, 1883 – 1892.

²⁸¹ Ibid. 1892.

²⁸² Ibid. 1881, P. 7.

²⁸³ Ibid. p. 1.

The following table shows that the number of persons arrested for Felony and Larceny, repeat offenders, fluctuated over the decade with a high of 13,943 and a low of 12,103. Despite these variations in the number of arrests the identification rate varied very little averaging 1.7% over the period.

It is however possible to look at the figures in a number of ways. It can be argued that, had Davis been correct and the police had targeted those known to them, then the number of identifications would have been greater. It is also possible that, contrary to the earlier statement by Petrow, the figures indicate that, even when dealing with the more serious offences, felonies, the police were very poor at identification.²⁸⁴ The fact that the figures were included in the reports can also be seen in different ways, their inclusion could emphasise the importance placed by police on identifying past offenders, they could also be seen as an indicator that the number of recidivists, at least within the given time scale, was very small. They are perhaps at best seen as a measure of the work carried out by police which is open to a number of interpretations.

²⁸⁴Petrow. *Policing Morals*. p. 75.

Table. 2Identifications at Police Stations 1883 – 1892.

Year.	Nos. recognised at Stations as having been in Custody more than once for Felony during the year.	No. of persons arrested for Felony and Larceny of property in M.P.D. ²⁸⁵	%	Strength of M.P.D.
1883	257	13865	1.8.	12622
1884	216	12995	1.6	12880
1885	223	12433	1.7	13319
1886	203	12147	1.6	13804
1887	248	12769	1.9.	14081
1888	282	13943	2.0	14261
1889	227	12946	1.7	14725
1890	233	12103	1.9	15264
1891	226	12970	1.7	15038
1892	262	13302	1.9	15000

Source. Annual Reports, Commissioner of Police of the Metropolis, 1883 to 1892.

The statistics indicate a very low rate of identification but it is important that they are considered alongside other factors. A significant qualification is the fact that, of the numbers arrested for Felony and Larceny, it is not known just what percentage were first offenders or recidivists, it is, however, unlikely that they were all first offenders. In addition these identifications were those made at a police station, after arrest, and therefore do not include any made in other areas of police work.

It is important to note that the above table refers to the total number of identifications and there is no evidence to show by whom they were made, they could have all been by detectives or they may have been by uniformed officers. The number of detective officers would have varied from division to division and they were of course far fewer than those in uniform. At the station however, even if the arrest had been by detectives alone, the uniformed officers would have been

²⁸⁵

M.P.D. Metropolitan Police District.

responsible for acceptance of the charge, actual charging and then secure custody.

In this way there would have been opportunities for both branches to have made the identifications. The above figures, even allowing for the areas of uncertainty, and possible differences in interpretation, do show that overall the rate of identification was very low. It will be shown that this situation was to improve with the use of Warders and the staff of Convict Supervision Office. It is possible however to examine the number of overall arrests made by detective officers in the same period and to see them as a percentage of the total.

In order to place the information into context it is important to understand the respective staffing levels as regards the detective department. The annual reports do not contain details for the entire period but other documents show that in 1884 the entire staff of the detective department including those based at Scotland Yard was forty-four inspectors, one hundred and fifty-two sergeants and ninety - three constables, a total of 289 as against a force strength of 12,880.²⁸⁶ Of the above, twenty-four inspectors were employed centrally, as were eleven of the sergeants and four of the constables. The bulk of the detective force was employed on divisions and would therefore have been responsible for the vast majority of the arrests made by that department.

²⁸⁶ M.P. Orders, 3 May, 1884. National Archives (P.R.O.), MEPO 7/46. Strength of force taken from ARCPM, 1884.

Table. 3.Arrests by Detective Officers 1883 – 1892.

Year.	No. of Arrests by C.I.D. For Felony and Larceny of Property.	Percentage of total.
1883.	6041	43.57.
1884	5772	44.41
1885	5606	45.08
1886	6156	50.67
1887	6254	48.97
1888	5803	41.62
1889	5559	42.93
1890	5918	48.89
1891	6188	47.71
1892	6400	48.11.
Average.		46.19.

Source. Annual Reports. Commissioner of Police of the Metropolis, 1883 – 1892.

The detective branch, despite their very small numbers made a high proportion of such arrests and this is not surprising. They were the branch of the police specifically charged with dealing with the more serious crimes especially habitual criminals. It is important to remember that these officers were specialists, had easier access to information and were not involved in a multitude of other tasks. However given that they made just under 50% of the arrests over the period it is clear that even these officers were not very good at identifying those who had in the past year been in custody for felony on more than one occasion.

In addition to the arresting officers other officers employed in the police stations would have had the opportunity to see those arrested and could have made the identifications. In order to obtain a full picture of the situation it is therefore necessary to examine who these officers may have been and in this way see if they would have been in a good position to identify recidivists. Once at the station the charges would have been investigated by the officer in charge, either an Inspector or

Sergeant, who could be considered to have been in a good position to make the identification. The arresting officer, in the presence of the accused, would have given his evidence of arrest and the accused would have been given the opportunity to reply. If the evidence was accepted the accused would have been formally charged and then placed in a cell usually by a uniformed constable pending being bailed or taken to court.²⁸⁷ Despite this contact an examination of the pattern of working in the police shows that the situation was rather different. The opportunities for identification existed but could not be taken.

Personal details of the inspectors and sergeants involved at any one station at any given time are not available but the pattern of working that was adopted over the entire force can be seen. Officers of these ranks would routinely spend half their tours of duty inside the police station, which would include the taking of charges, and half outside on patrolling duties.²⁸⁸ In addition to this the general pattern of shift working was as follows. In town divisions during the day, 6a.m to 10p.m. each officer worked two of the four, four hour shifts, whilst in outer divisions there were two reliefs of eight hours. Night duty consisted of eight-hour shifts.²⁸⁹ In addition officers were often taken away for other duties and there was a gradually increasing entitlement to rest days and annual leave.²⁹⁰ Whilst officers would normally only

²⁸⁷ For a somewhat literary description of charge room procedure see G.A. Sala, *Twice Round the Clock or the Hours of the Day and Night in London*. (Leicester: Leicester University Press 1971) first published London 1858, pp 390 – 392. The procedure in the charge room would appear to have changed little between 1858 and that experienced as a serving police officer between 1958 and 1983.

²⁸⁸ M.P. Orders, 10 August, 1863. National Archives (P.R.O.), MEPO 7/24.

²⁸⁹ Ibid. 25 January, 1888. National Archives (P.R.O.), MEPO 7/50.

²⁹⁰ The number of days given as leave fluctuated over time and there is evidence in Police Orders of 1 June, 1868 that constables and sergeants were to be given one days leave in seven. National Archives (P.R.O.), MEPO 7/42. These entitlements were however subject to duties permitting. An example of the way in which the entitlement to leave fluctuated can be seen in the ARCPM, 1885, p. 5 which stated that, with exceptions, one fourteenth of the force was on leave every day. The report for 1910 p. 4 shows that with effect from the previous year officers were given a weekly rest day. For a in

change divisions on promotion, the ever-changing staff on duty at police stations would militate against their being able to build up a good knowledge of criminals and they could only have known a small fraction of those charged at their places of duty. This did not mean that these officers never made identifications but it was likely to be very rare and therefore worthy of commendation.²⁹¹ It can also be argued that the knowledge of criminals largely resided with individual officers and that the problem faced by police was their inability to disseminate this knowledge in an effective manner.

A number of other issues came to the fore as a result of the Habitual Criminals Act and the introduction of a criminal register. At a basic level it became important that descriptions as supplied should be as accurate as possible.²⁹² It was not however until April 1870 that instructions were issued to the effect that a standard measure of height was to be fixed in each police station so that at least this measurement could be as accurate as possible.²⁹³ The setting up of this basic tool was followed by instructions specifying which areas of the body to be examined for any marks; these included the Face, Neck, Hands and Wrist and it was stated that they were particularly to be taken in cases where burglary or other serious offence was alleged.²⁹⁴ A detailed account of the use of this register is contained in the report of the 1894 Committee into Identifying Habitual Criminals. Having set out nine areas of the body into which marks were classified, including thighs, legs, feet

depth discussion of the working life of a police officer see Shpayer-Makov. H. *The making of a policeman: A social history of a labour force in metropolitan London 1829 – 1914*. (Aldershot: Ashgate, 1988).

²⁹¹ M.P. Orders, 23 July, 1880 and 31 January, 1880 both National Archives (P.R.O.), MEPO 7/42.

²⁹² Ibid. 5 December, 1870, National Archives (P.R.O.), MEPO 7/32.

²⁹³ Ibid. 28 April, 1870,

²⁹⁴ Ibid. 5 December, 1870, For a detailed account showing how the system using the register of distinctive marks was to be used see National Archives (P.R.O.), MEPO 6/4.

and ankles the report concluded that even in the forces which frequently consulted the register, few identifications were made.²⁹⁵

The committee were informed by Chief Inspector Neame, Metropolitan Police, of the need for greater precision in both describing and measuring the marks and it was felt by the Chief Inspector that, as the register stood, it was of limited value, although it was noted how many criminals had a tattoo.²⁹⁶ It is not surprising that the use of marks was limited and its value was further reduced in 1903 when police orders stated that only the visible parts of the body such as face and hands were to be examined and note taken of any stoop, bow legs or malformation.²⁹⁷ The order specifically stated that clothing was not to be removed for the purposes of taking a description and that the body and legs were not to be searched for marks or scars. The reasons for excluding some parts of the body from the search and the fact that clothing was not to be removed are not given although it is the case that fingerprinting had recently been established as the primary means of identification. It is however clear that by restricting the observations to the parts of the body free of clothing the potential for the register of descriptive marks to be of real use was dramatically curtailed.

Being under arrest was however only one of the reasons a criminal would have attended a police station. Some needed to attend to claim the payment of gratuities; others were required to do so as part of their being released on licence or under police supervision.²⁹⁸ Theoretically therefore these were situations where they were

²⁹⁵ Habitual Criminals Committee, 1894, p. 7.

²⁹⁶ Ibid. p. 10. This topic is further discussed under Branding below.

²⁹⁷ M. P. Orders, 9 February, 1903. National Archives (P.R.O.), MEPO 7/65.

²⁹⁸ Some prisoners were able to earn gratuities whilst serving their sentences, which were paid to them, in instalments, by police at police stations.

seen by police officers enabling them to be later identified if required. This was certainly the view held by the 1894 committee into identification which stated that, as a result of these personal interviews, the police had a good opportunity of obtaining knowledge of criminals and as a result the ability of police to identify, 'is by this means encouraged and developed to a very high Degree'.²⁹⁹

An examination of the realities of these situations however shows that this was not the case. Details of these payments are not always available but, taking a period 1857 to 1862, records show that a total of 217 convicts on tickets of leave were paid gratuities in the Metropolitan Police District and eleven applications, for reasons not known, were refused giving a total of 228.³⁰⁰ In the year 1862 some fifty-seven convicts had been paid gratuities of whom only eight were discharged from prisons in the Metropolitan Police District.³⁰¹ This same year of the fifty-seven claimants, five were paid in two instalments and one in three making a total of sixty-four visits.

³⁰²

On making the application each convict was seen by the divisional superintendent who had discreet enquiries made as to the applicant's mode of life and if satisfied, paid the money usually in instalments in the presence of an Inspector or Sergeant.³⁰³ The one officer who would have seen all applicants would have been a superintendent. He, as the officer in charge of the division had a wide range of responsibilities many of which were of an administrative or supervisory nature

²⁹⁹ Habitual Criminals Committee, 1894. p.5.

³⁰⁰ Penal Servitude Acts Commission, 1863, Vol. XX1. Appendix. H.

³⁰¹ Ibid. Appendix. K.

³⁰² Ibid. Appendix K. Note. Records do not exist for the years 1883 – 1892 showing payments of gratuities in terms of the number of payments made.

³⁰³ Bartrip, 'Public Opinion and Law Enforcement'. p. 159. shows that by February 1856 some 5,000 convicts had been released on licence of whom 3,000+ had no gratuity to collect and that of the 1,828 entitled to apply some 586 failed to do so. M.P. Orders 3 August, 1865 show that payments were to be made in monthly instalments of not more than £2. National Archives (P.R.O.), MEPO 7/26.

which did not involve a great deal of time on the streets.³⁰⁴ The other officers involved, inspectors and sergeants were, as has been shown, not permanently available at the stations and therefore they would have individually seen only a few of the applicants. It is also clear that the payment of gratuities was not spread over the entire Metropolitan Police District. Five of the inner divisions are shown as not dealing with any gratuities in this period and the vast majority were confined to two divisions both situated in the east of London, G and K.³⁰⁵ If the payment of gratuities was to have assisted in identifications it would in all probability have been on these divisions. Details of the number of gratuities paid are not always shown in police records although those for 1888 do show that, in this year the sum was £119.6.9.³⁰⁶

It is clear that the number of convicts receiving gratuity payments at police stations was small, the main officers dealing with the actions were superintendents and therefore the value as a means of identification was limited.³⁰⁷ The system was however to change. Once established the Convict Supervision Office took over responsibility for the payments and whilst the staff of this office had a number of opportunities to identify criminals, from the point of view of divisional officers any such opportunity was reduced. The Convict Supervision Office took over a number of responsibilities in addition to the payment of gratuities including visits to prisons

³⁰⁴ For an outline of his duties see Metropolitan Police Instruction Book. 1829. National Archives (P.R.O.), MEPO 8/1. and subsequent additions. See also evidence given to the Departmental Committee into the State, Discipline and Organisation of the Detective Force of the Metropolitan Police, 1878. paras. 1944-1952.

³⁰⁵ Penal Servitude Acts Commission, 1863, Appendix. K. If the payment of gratuities was to have assisted in identifications it would in all probability have been on these divisions.

³⁰⁶ ARCPM, 1888. p.6.

³⁰⁷ The Metropolitan Police continued to pay gratuities until April 1914 when the system was discontinued. M.P. Orders, 11 April, 1914, National Archives (P.R.O.), MEPO 7/76.

and also saw the convicts on their discharge from prison making the necessary enquiries regarding employment and residence. The staff therefore had three opportunities of seeing many released persons and it will be seen that some additional identifications were made but it is important to note that the staff of this office comprised just some eight officers with force wide responsibilities.

The situation regarding those released prisoners reporting on a ticket of leave or under police supervision was somewhat different. There was a requirement of their licences that they had to report to their local police on release from prison then monthly with an additional requirement to report if changing address.³⁰⁸ Much of responsibility for this was taken on by the Convict Supervision Office and in 1888 some 2,100 persons male and female either on licence or under supervision were reporting to police. Of the males thirty-four were reporting at the Convict Supervision Office, twenty-one were allowed to report by letter the remainder, 1,824 reporting to local police.³⁰⁹ Of the females who had slightly different reporting conditions, 42 were under the care of refuges and 179 were reporting to police. In that year the Annual Report shows that some 1,065 licence holders had been liberated or moved into the Metropolitan Police District and that the office had registered some 36,778 licence holders and supervisees up to 31 December 1888.³¹⁰

In the same way as for the payment of gratuities the persons when reporting any

³⁰⁸ It is important to note that the statistics for both the number of persons reporting and the payment of gratuities can be affected by the fact that a number of released convicts went under the care of the Discharged Prisoners Aid Societies. The reporting requirements were varied and the societies undertook the management of the gratuities. To put some figures to this situation it has been shown that in 1869 of 368 male ticket of leave holders discharged into the Metropolitan Police District 290 placed themselves in care of the societies. Greenwood, *The Seven Curses of London*. p.121.

³⁰⁹ ARCPM, 1888, p. 5.

³¹⁰ Ibid.

changes at their local station would have been seen by the inspector or sergeant on duty at the time.

Some of the figures quoted in the report relate nationally, others just to the Metropolitan Police but by stating the number reporting in London do give an indication of the potential for identifications to be made. A number of reports by divisional superintendents are however included and these give figures relating to those re-arrested but do not say how they had been identified, whether before arrest or at the police station.³¹¹

That the Metropolitan Police were concerned to identify those arrested, particularly those with previous convictions, is clear, it is also the case that, despite specific directions regarding issues such as distinctive marks, they were not very successful. The fact that identification was a difficult issue for divisional officers and that a number slipped through the net can be seen in 1888 when some fifty-seven licence holders were recognised for the first time by officers of the Convict Supervision Office.³¹² This highlights the value of specialist officers undertaking the role and will be further discussed below.

The above discussion has been in relation to possible identifications at police stations either after arrest, when receiving payment of gratuities or when reporting as a condition of their release. They are all what might be called passive examples, where the actions and identifications were secondary to some other activity, they all related to situations after arrest without any proactive work by police. There is

³¹¹ See ARCPM, 1876, p. 37. The superintendent of K division stated that of the persons arrested for felony thirty-four were notorious thieves, fifteen being on a ticket of leave, ten were under police supervision and there were nine whose terms of penal servitude had expired. It gives a total of 1319 persons arrested for felony in that year but does not indicate when they were released.

³¹² Ibid. 1888, p.5.

however a good deal of evidence that the police were very active in trying to identify remanded persons who had not otherwise been recognised, initially at court and then later when inspected at prison on remand.

Court and Prison Visits.

The difficulties faced by police in identifying suspects under arrest at police stations, in discovering if they had they previously offended, needed to be dealt with. This was undertaken by using police officers to visit the courts then later the prisons, the system being gradually developed so that experienced officers from across the force were being used. The reasons behind this move included the fact that many of the accused were travelling criminals who would not necessarily be known to officers making the latest arrest. This use of a few officers at both courts and prisons did mean that some expertise was acquired but it also meant that the knowledge they obtained was not easily available to the vast majority of the force. This was a re-occurring problem for the police.

Courts.

Court visits were intended to aid the identification of those with previous convictions. Initially the visits were to the lower Magistrates/Police courts where remanded prisoners were appearing. Later these were replaced by a more systematic series of visits to remand prisons. Magistrates normally ordered remands in order that police might establish a person's identity so that previous convictions might be given but this was not always the case and on at least one occasion the remand was for the benefit of the accused. ³¹³

³¹³ *The Times*, 18 November, 1856. p. 9. This was the case of James Sparswick who was granted a remand in order that he could show he was leading an honest life.

For the police the situation regarding proving identity and therefore any previous convictions was made more difficult by the two acts which extended the range of offences able to be dealt with at the lower, Magistrates Courts.³¹⁴ As a result of these changes it is calculated that the percentage of cases able to be dealt with by magistrates increased from 45% in 1831 to 70% in 1892.³¹⁵ In practical terms this meant that many more offenders were being remanded, usually for seven days, in order that identity may be established and certainly in the early days of criminal registration this was not always easy to achieve. Knowledge of previous convictions was important, without such information a court might not be able to sentence appropriately, deal with an accused as a first offender and, on conviction give a much lighter sentence than if he had appeared at the higher court. Similarly it was important to establish an accused person's age as young offenders would attempt to appear older so as to be liable for a short prison sentence rather than two years in a reformatory.³¹⁶

The police were well aware of the difficulties they faced in connection with identification and the proving of previous convictions and in 1865 took a step which was to prove of great future use. Under the heading 'Prisoners' a police instruction stated that in appropriate cases an application could be made for a prison warder to attend the court.³¹⁷ It had been realised that prison warders were often in a better position to identify prisoners, especially those on remand. In the event of an identification being made the warder would give evidence to this effect and inform

³¹⁴ Criminal Justice Act, 1855 and Summary Jurisdiction Act, 1879.

³¹⁵ Jones, *Crime, Protest and Police*, p. 135.

³¹⁶ Sindal, 'The criminal statistics of 19th century cities'. p. 30. Under the Youthful Offenders Act, 1854 (17 and 18 Vic. c.86) a person under the age of sixteen could be sent to a reformatory for two to five years.

³¹⁷ M.P. Orders, 29 April, 1865, National Archives (P.R.O.), MEPO 7/26.

the court of any previous convictions. A good example of this in practice can be seen in the case of George Roberts who appeared at Southwark Police Court in February 1869.³¹⁸ At court he was recognised by a warder from Wandsworth Prison, Richard Kemp, as having been sentenced to transportation for life, having twice escaped and then being found again in England in 1851. He had then been sentenced to fourteen years transportation which he worked out. In 1866 he had been convicted again in England for the offence of burglary and sentenced to eighteen months hard labour, since then he had twice been arrested for vagrancy. These details were unknown until the evidence of identification by the warder and are a good example of police and warders working together. The value of warders and the mistakes that could be made if they were not used can be seen in the case of Callao or Callaghan in 1889.³¹⁹ In this case a warder had attended court to give evidence of identity but had not been called, the accused was convicted on the evidence and identification by police and a member of the Mendicity Society, he was said to have had eleven previous convictions for begging. As a result he was sent for trial at North London Sessions where he was convicted under the Vagrancy Act as an incorrigible rogue. It was later found that he was not at the scene as alleged and the conviction was quashed.

Just why the warder was not called to give evidence is not known but the above does show that whilst identifications were best made by warders who would have seen the prisoners over an extended period this information was of no use if not used properly.

³¹⁸ *Hansard*. 3rd series, 19 February, 1869 pp 147 and 162.

³¹⁹ Habitual Criminals Committee, 1894, p. 14.

The police were given a greater responsibility as a result of the Habitual Criminals Act 1869. This was the keeping of the actual criminal records and so there was a situation where the actual identification was best proved by warders yet the police retained the responsibility for using the records to prove past history.³²⁰ Police court records for the early part of this period do not exist and it is therefore impossible to know from this source the details of persons being dealt with by magistrates.³²¹ It is, however, possible to get some idea of the numerical situation from the Annual Returns of the Commissioner, as examples it is shown that in 1860 some 62,937 persons were arrested in the Metropolitan Police District of which 30,407 were summarily convicted, 29,717 were discharged by Magistrates and 2,813 were sent for trial.³²² The same return contains figures for all years up to 1870 in which year some 71,269 persons were arrested, of these 43,338 were convicted summarily 24,146 were discharged by Magistrates and 3,785 sent for trial. It is of note that just in the region of 5.3% of those arrested were sent for trial, a very small percentage.

Whilst the above figures are of necessity very broad it is however possible to examine in some detail the use of police officers in an attempt to identify prisoners, be they on first appearance or remand. This can be seen by use of police orders which exist in their entirety for this period and included the fact that superintendents could apply for officers from other parts of the Metropolitan Police District to attend Magistrates Courts in cases emanating from their divisions. It was soon seen that this

³²⁰ M.P. Orders, 9 April, 1889, National Archives (P.R.O.) MEPO 7/51.

³²¹ Enquiries at the London Metropolitan Archives show that Police Court records are only available for one court, Hammersmith and West London in 1878 the next available being Bow Street in 1895, Westminster in 1897, Lambeth, Marylebone. Old Street and Clerkenwell in 1905-1906 with Woolwich not being available before 1919.

³²² ARCPM, 1870. Return No. 10.

order could be wasteful of manpower and new regulations were issued stating that superintendents, save in special cases, were only to name divisions in which it was thought the prisoner might be known.³²³ On occasion this could still mean officers from each of the divisions then existing, a total of at least seventeen officers. The order stated that the selected officers were to be, 'the best qualified' and who had a 'general knowledge of thieves'.³²⁴

As the system developed a small number of officers came to be regularly named for this duty and until October 1858 any such applications would have been accompanied by a description of the prisoner concerned if such had already been given in 'Informations'.³²⁵ For example in September 1857,

Bow Street Court. A Police constable from each division is to attend at 12 noon on 16th instant to identify John Day charged with stealing from a shop. He is 36 years old, 5'4", Dark complexion, hair turning grey, dark eyes, dressed in black dress coat, figured waistcoat and dark trousers, states he comes from Ware, Hertfordshire.³²⁶

The same order contained a similar notice regarding a John Brown appearing a Lambeth Court but in this case only officers from twelve divisions were involved. As such orders gave very good and detailed descriptions of the accused persons the appearance of officers from other divisions appeared to be an attempt to establish

³²³ M.P. Orders, 14 December, 1855, National Archives (P.R.O.), MEPO 7/131.

³²⁴ Ibid. 22 April, 1856, National Archives (P.R.O.) MEPO 7/131.

³²⁵ M.P. Orders, 23 October, 1858, National Archives (P.R.O.), MEPO 7/132. Informations were published up to five times a day and were circulated to the entire force. In addition to persons on remand they contained information regarding missing persons, property lost, deserters, absconders and property found.

³²⁶ Ibid. 14 September, 1857, National Archives (P.R.O.), MEPO 7/19. See also M.P Orders, 16 and 25 May, 1859 MEPO 7/20.

whether or not the accused had committed offences in a different area or under a different name.

In order to appreciate the extent of such operation a random example of the deployments can be seen in an examination of the records for the month of January 1859.³²⁷ This shows that during the month some 511 visits to court were made by police officers all of whom were ordered to attend in an attempt to identify prisoners. On twelve of these days the visits were in relation to persons mentioned in Informations, two named specific officers, one named specific prisoners and, on five of the days officers from each division were to attend.³²⁸ On occasions the court attendances could be targeted on persons arrested at specific events and in some numbers. In this way orders of 9 February 1859 directed officers from fifteen divisions to attend Bow Street Court to identify persons arrested for pick-pocketing during the opening of Parliament on the third.³²⁹ In this case the divisions were given twenty four hours to select the officers but it is not known if those selected had been on duty at the event, possibly even the arresting officers, or if they were from those 'best qualified'.

It is clear that a substantial number of officers could be involved in such identification attempts and that they were in addition to those attending court to give evidence in the case. Police Orders for May 1859 shows that a total of sixty-six officers were warned to attend five courts all on the same day and in May 1861 some

³²⁷ Ibid. January 1859, National Archives (P.R.O.), MEPO 7/20.

³²⁸ With regard to the way that the force was organised it is interesting to see that very little time elapsed between publication of the order, the date of court attendance and that of the entry in Informations. Thus in police orders of 25 January, 1859, notice was given for officers of number of division to attend Lambeth Court the following day in relation to an entry in Informations on 22 January, 1859, National Archives (P.R.O.), MEPO 7/20.

³²⁹ M.P. Orders, 9 February, 1859, National Archives (P.R.O.), MEPO 7/20.

seventy officers were between them warned to attend seven courts, again all on the same day.³³⁰ Many orders directed that the ‘best qualified’ officers were to attend and examples of how this worked and details of some of the officers involved can be seen in police orders in July and November 1865.³³¹ The first order named officers who were to give aid to other divisions in connection with crime and amongst those detailed were Sergeants Evans, G and Briden K divisions. The latter order instructed officers to attend Bow Street Magistrates Court and detailed eleven named officers including Briden. Police orders of August 1865 show that Evans had been awarded the sum of £3 for a good arrest.³³² By this stage the evidence shows that a limited number of officers were increasingly being used for this task. The number of identifications, if any, is however not known.³³³

The visits to court were routinely dispensed with in 1870, yet there were still occasions when they took place.³³⁴ In the main these visits would have been in special circumstances and this can be seen in a variety of ways. In August 1875 officers from four divisions were to attend Ilford Petty Sessions to identify persons on remand, the order referred not just to the recently published Informations but also to a memorandum, not available, from the Commissioner.³³⁵ An order issued in March 1876 was as follows, ‘Chiswick Petty Sessions. A Divisional Detective from

³³⁰ Ibid, 25 May, 1859 and 25 May, 1861, National Archives (P.R.O.), MEPO 7/20 and 7/22.

³³¹ Ibid, 29 July and 2 November, 1865, National Archives (P.R.O.), MEPO 7/26.

³³² Ibid, 17 August, 1865.

³³³ It is to be noted that these officers were additional to the local officers dealing with the case.

³³⁴ Ibid, 17 June, 1870, National Archives (P.R.O.), MEPO 7/32.

³³⁵ Ibid. . 26 August, 1875, National Archives (P.R.O.), MEPO 7/37.

each division at 11.30a.m.³³⁶ This was the first occasion on which divisional detectives had been directed to attend as against named uniform officers.³³⁷

The occasional use of named officers continued at least until 1878 when a pattern appeared of the same officers being detailed to attend the lower courts. Officers such as Butcher, C division, King, D, Foster, H, Chamberlain and Lucas Y appear on several occasions.³³⁸ At least two of these officers were the sergeants in charge of Detectives on their respective divisions and Butcher, Foster and Chamberlain gave evidence to the 1878 enquiry into the detective department.³³⁹

Substantial resources were given over to the task of establishing an accused person's identity so that previous convictions could properly be given. Gradually the methods became more sophisticated. Blanket coverage at the beginning of the system was largely replaced by the use of named officers, some of whom were detectives, and in this way there was a building up of knowledge of particular criminals. In addition the greatest improvement can be said to be by the use of prison warders. Save for the individual cases shown there is however no available evidence by which to judge the effectiveness of this process. It is not known how many identifications were made. After 1870 a new system was introduced regarding remand prisoners, that of visiting them at their remand prisons.

³³⁶ Ibid. 7 March, 1876, National Archives (P.R.O.), MEPO /38.

³³⁷ Ibid.. 7 March ,1876, Reference was made in the order to and entry in Informations and to a memorandum from the Commissioner details of which are not available. It was also unusual in that detective officers from each division were to attend at a court situated well to the west of London and a long way from such divisions as K to the East and P to the South. It is therefore possible that the order was in reference to a travelling criminal or a particular crime but details are not available.

³³⁸ Ibid, 24 April, 1876, 5 June, 1876 and 12 March, 1878, National Archives (P.R.O.), MEPO 7/38 and 7/40.

³³⁹ Departmental Commission into the State, Discipline and Organisation of the Detective Force of the Metropolitan Police 1878.As examples Butcher para 2529, Foster 2160 and Chamberlain 2918.

Visits to Prisons.

Having ceased to visit the courts the police now began a system of visiting prisons both remand and convict, and in order to be able to follow the changes the two will be separately discussed. It is important to keep in mind the different functions of the visits and the fact that the visits were conducted under difficult conditions. The remand prisons were more numerous than those for convicts and the way in which individual prisons were used changed considerably over the period. Prisoners on remand were in the main sent to local prisons whilst those serving long sentences were detained in convict prisons. The way in which prisoners were examined would of course be affected by the physical layout of the prison and there were differences. The general pattern was for the remanded prisoners, usually dressed in plain clothes, to be paraded round a yard and the visiting officers would stand in a corner and view them as they passed.³⁴⁰ In addition, with regard to the convict prisons, a good example of the difficulties faced by the police can be seen in the evidence given by Mr Cecil Douglas to the 1894 enquiry into the identification of habitual criminals. As a result of his discussions with police officers it became clear to him that the prisoners who paraded for inspection attempted to hide their appearance thus hoping to make identification more difficult; they wore plain clothes for the inspection and whenever possible used garments which were not a good fit, often clothes that were much too large.³⁴¹ The implication of this is that the prisoners feared they would be liable to be later identified and took steps to make this as difficult as possible. There were a number

³⁴⁰ Griffiths, *Fifty Years of Public Service*. p. 353.

³⁴¹ Habitual Criminals Committee, 1894, Minutes of Evidence, p. 46.

of other ways in which the about to be discharged convicts could attempt to hide their identity and these will be discussed below.³⁴²

The number of prisons to be visited by police varied throughout the period but the scene was set in 1870 when a list of prisons in the Metropolitan Police District was published. The main convict prison was at Millbank and the others included three for women only at Tothill Fields, Brixton and Fulham Refuge, the others being the House of Correction at Wandsworth, Coldbath Fields, Horsemonger Lane Prison, New Model Prison, Caledonian Road, City Prison, Holloway and Ilford Goal.³⁴³ Millbank had been designated as the convict prison to which all convicts to be discharged into the Metropolitan Police District were sent prior to being released and was visited once a week. The other prisons, whilst containing a variety of prisoners did not, from that date, discharge convicts and were therefore only visited, in connection with prisoners on remand.³⁴⁴ The designated convict prison changed over the period but it was clearly a good move to concentrate all those prisoners to be discharged in one place and this made the task of police, as they had only the one to visit, considerably easier.³⁴⁵

³⁴² For a good description of some of these problems, and solutions, see Griffiths, *Fifty Years of Public Life*, esp. 353.

³⁴³ M.P. Orders, 29 April, 1865, National Archives (P.R.O.), MEPO 7/28. This list was altered by Police Order 9 February, 1870 and The Old Military Prison was added to this list via Police Orders, 30 June, 1870, both MEPO 7/32. This order also contained details of the timings.

³⁴⁴ Royal Commission on Penal Servitude, 1863. Evidence by Sir Richard Mayne, paras. 1618-16621. There is evidence that these early visits were conducted by Inspectors in much the same way as those to remand prisons. The dates were however different and the visits were not at first properly co-ordinated. M.P. Orders, 2 February, 1863 when detailed instructions were given. National Archives (P.R.O.), MEPO 7/24.

³⁴⁵ As an example Millbank closed in 1890 and was replaced by Wormwood Scrubs prison. M.P. Orders, 1 November, 1890, National Archives (P.R.O.), MEPO 7/52.

Remand.

The earliest evidence relating to police visiting prisons is an order of December 1832 which stated that, 'the visits [were] to be made by intelligent constables from each division one day a week.'³⁴⁶ Later the same month this was amended stating that they were to be made in rotation by the same men on the same day.³⁴⁷ Which prison(s) were to be visited is not stated but it is an indication that the visits were considered to be of importance by use of the phrase, 'intelligent constables'.³⁴⁸ Taking this a stage further the Commissioner in his evidence to the Committee enquiring into the police in 1834 confirmed that, 'it has lately been made a regulation that they should visit goals so as to be acquainted with the persons of all that are committed and known when they are set at liberty to visit them weekly'.³⁴⁹ At this stage the instructions appear to refer to both remand and soon to be released prisoners. The instructions in the period under discussion were clarified in January 1855 when it was ordered that the visits to remand prisoners should take place prior to their court appearance the following Monday.³⁵⁰

The purpose of these visits can be seen in a police order in April 1856 which specifically stated that the visits were to examine remand prisoners so that they could inform Magistrates of any previous convictions.³⁵¹ Such a system of visiting remand prisoners was not without its problems and there was a need for the

³⁴⁶ M.P. Orders, 2 December, 1832, National Archives (P.R.O.), MEPO 7/131.

³⁴⁷ Ibid, 10 December, 1832.

³⁴⁸ It is of note, but not surprising, that the expression, 'intelligent constables' or those 'best qualified' appears in a large number of the orders relating to this subject.

³⁴⁹ Parliamentary Committee appointed to enquire into the state of the Police of the Metropolis, 1834, Vol. XV1, para. 342.

³⁵⁰ M.P. Orders, 2 January, 1855, National Archives (P.R.O.), MEPO 7/131. Changes in the way soon to be released convicts were visited will be discussed below.

³⁵¹ Ibid, 22 April, 1856, National Archives (P.R.O.), MEPO 7/134.

instructions to be reinforced. This took the form of the publication of rotas showing that officers of Inspector rank were also to attend. Two Inspectors from divisions in rotation were to attend. The visits were taking place weekly and involved considerable resources.³⁵²

At this time the Metropolitan police consisted of nineteen divisions from which the Inspectors were detailed to attend and it can be seen that in 1860 there were 192 officers of that rank.³⁵³ The evidence does not show if this duty was shared amongst all inspectors and their duties are not specified but it would appear that they were mainly supervisory. Given the time scale and possible length of time between visits it is unlikely that the introduction of inspectors was of any real use for the purposes of identification.

In practical terms there were difficulties with this system, the main one being cases where a person was remanded for so short a period that he would not have been seen under the existing arrangements. In these circumstances superintendents were able to apply to the Commissioner for authority for police to attend directly at the court to identify the accused.³⁵⁴ This police order also covered circumstances where in special cases superintendents could apply for authority for particular officers to attend prisons for the purposes of identification, in addition to those routinely attending. A good example of this situation can be seen in August 1870, when twenty named officers, including one inspector were directed to attend the House of Detention at Clerkenwell³⁵⁵ On this occasion some forty-one officers were involved at the prison. This number may have been unusually large but it was by no

³⁵² Ibid, 1 January, 1859, National Archives (P.R.O.), MEPO 7/20.

³⁵³ ARCPM, 1869, p. 14.

³⁵⁴ M.P. Orders 4 July, 1865, National Archives (P.R.O.) MEPO 7/26.

³⁵⁵ Ibid, 26 August, 1870, National Archives (P.R.O.), MEPO 7/32.

means unique. Later that year officers from A. E. N. and P. divisions were warned to attend the same prison particularly to see a person named in Information of 14 December.³⁵⁶ The same order drew attention to Horsemonger Lane Goal stating that ‘special attention of Police visiting this prison, 17th to be called to a woman described in No., 122 Information 10th. ‘May be known on B or T division. P.C. Randall of the later division to attend’. In October 1876 a divisional detective from each of eight divisions was warned to attend Ilford Goal at 10.45 a.m. on 14 October.³⁵⁷ A similar order was issued in respect of Horsemonger Lane prison in March 1878 when some twenty-two officers were directed to attend.³⁵⁸

This did not, however, mean that the practice of visiting courts had completely ceased and there is evidence that they on occasion took place alongside the visits to prisons. In June 1876 thirteen named officers were ordered to attend Marylebone Magistrates Court respecting an entry in Informations of the first of that month.³⁵⁹

As a consequence of their attempts to identify prisoners with previous convictions the police had moved from a system in which a large number of officers attended courts to a much more systematic approach. The attendances were better targeted often involving named officers and prisoners. It is difficult to evaluate the effectiveness of this approach but there are however some positive comments. In the Annual Report for 1870 Superintendent Hayes, B. Division reported that, ‘the practice of sending Police to the Prisons to identify Prisoners instead of to police courts works well, and I believe it to be a great advantage over the old system’.³⁶⁰

³⁵⁶ Ibid, 16 December, 1870.

³⁵⁷ Ibid, 12 October, 1876, National Archives (P.R.O.), MEPO 7/38.

³⁵⁸ Ibid, 12 March, 1878, National Archives (P.R.O.), MEPO 7/40.

³⁵⁹ Ibid 5 June, 1876, National Archives (P.R.O.), MEPO 7/38.

³⁶⁰ ARCPM, 1870, p. 40.

In order to be able to say that the system of prison visits was useful for identification purposes it would be necessary to establish just what opportunities the divisional officers had. A unique view of this can be seen in the Commissioners report for 1873 and in particular the comments contained in the report from K division.³⁶¹ This stated that the divisional detectives, of whom there was one sergeant and thirteen constables, had between them spent some 104 days in visiting prisons for the purposes of identification. The pattern of attendance, how often the officer in charge took part is not known, given the importance attached to these visits it is, however, reasonable to assume that the responsibility for this task had been equally shared between them. If this were the case it would have meant that each officer would have spend approximately seven days a year on this duty. In practical terms visiting prisons so infrequently would hardly have improved the overall ability of police to recognise many of those with previous convictions.³⁶²

The entire system of visiting prisons was reviewed by Vincent on his appointment in 1878. In July of that year it was suggested to the Home Office that the present system of visiting prisons should be abolished, that the prison warders should have a greater role to play and that they should visit with the police.³⁶³ Approval for the visits to be made jointly was given in the following November.³⁶⁴ As a result orders were issued that there would be a changed system of visits and that they would be undertaken by officers of the detective department who would

³⁶¹ Ibid, 1873, K Division report p. 101.

³⁶² M. P. Orders, 13 March, 1871, National Archives (P.R.O.), MEPO 7/33 shows that uniformed officers had been replaced by divisional detectives. No further information is available to suggest how effective the visits had been.

³⁶³ Metropolitan Police correspondence, 29 July, 1878, National Archives (P.R.O.), MEPO 2/172.

³⁶⁴ Metropolitan Police correspondence, 8 November 1878. National Archives (P.R.O.), MEPO 2/172.

attend Newgate Prison and the House of Detention Clerkenwell on three days a week for the purposes of identification.³⁶⁵ These prisons were by this date the two delegated prisons for London to which the majority of remand prisoners were sent. Millbank was visited under the arrangements for prisoners being released on licence or under police supervision but the others were not visited regularly. The use of officers from the detective department at Scotland Yard was to be supervised by a detective from that office and, in addition, with effect from the above date, officers from the City of London police were to attend.

The change was soon seen to have brought about results and the number of persons identified was quantified. Between 11 November 1878 and 12 February 1879 some 269 persons were identified by warders and police. These figures were recorded in a report from Chief Inspector Shore, Scotland Yard, who commented that it was, 'a decided improvement on the old system'.³⁶⁶ No other details are available but the report was supported by the Commissioner in his report for 1878 in which he stated that 'by a new system of visiting prisoners under remand established on 13 November, 205 have since been recognised by warders and police as having been previously convicted'.³⁶⁷

It is clear that the change in procedure had brought about an improvement from that of 1865 but there are some unanswered questions. Importantly it is not possible to establish the percentage of those identified as the total number seen is not known, in the same way it is not known just how many had been previously recognised when arrested or when charged at the police stations. The use of warders to work

³⁶⁵ M. P. Orders, 8 November, 1878, National Archives (P.R.O.), MEPO 7/40.

³⁶⁶ Metropolitan Police Correspondence, 14 February, 1879, National Archives (P.R.O.), MEPO 2/172. The annual rate of identifications based on these figures would have been in the region of 1,076.

³⁶⁷ ARCPM, 1878, p. 7.

with police in this area was extended to Holloway prison but it was decided that as a matter of routine they would not attend court.³⁶⁸ The procedures by which identifications were recorded at prisons make attribution difficult. The warders, who saw the prisoners first, were to record all identifications made by them in a register as were the police but, for reasons not given, whilst the police were able to have access to the entries prepared by warders the opposite was not the case. No explanation was given for this, it could be seen as an attempt to ensure that identifications were independently made, preventing the warders relying on the work of others or that the police information was not relevant to the warders. In view of this it is not possible to establish how many identifications would have been made by police without any input from the warders.

Further figures relating to identification rates under this new system were soon forthcoming and Police Orders in January 1880 stated that, 'this important duty has been very satisfactorily conducted during the past year under Chief Inspector Shore (Central) resulting in the identification of 1,542 persons against whom previous convictions were proved at their trial by Police and Warders.'³⁶⁹ That the system was a success and recognised as such outside of the police can be seen in a commendation from the Secretary of State expressing the satisfactory way in which the visits had been carried out.³⁷⁰

The system of visiting prisons continued but with a succession of changes. In this way officers were warned to parade at the House of Detention Clerkenwell instead of Newgate in 1882 and this was further adjusted in April 1886 when, 'Persons

³⁶⁸ Metropolitan Police correspondence, 19 June, 1889, National Archives (P.R.O.), MEPO 2/172.

³⁶⁹ M. P. Orders 1 January, 1880, National Archives (P.R.O.), MEPO 7/42.

³⁷⁰ Ibid, 30 January, 1880.

remanded or committed for trial will from the 1st prox to be taken to Holloway prison instead of Clerkenwell.³⁷¹

There can be no doubt that the move towards joint identifications, involving police and warders, was a great improvement and this can be seen in a number of ways. In 1883 the Commissioner dealt with the matter in very broad terms noting that since the implementation of the new system, some six years previously, some 8,174 persons had been identified at remand prisons and later had their convictions proved against them.³⁷² More detailed information can be seen in a report from Chief Inspector Shore in 1888 when he gave a breakdown of identifications over a different, seven year, period.³⁷³ This issue was also examined in 1894 by the Habitual Criminals Committee over a different but continuing period and the joint results are as shown below,

Table. 4.

Number of persons awaiting trial/remanded identified by Police and Warders
1881- 1893

Year.	Warders	Police	Total.	Police as a % of total.
1881	1588	160	1748	9
1882	1389	359	1748	21
1883	1427	399	1826	22
1884	1730	256	1986	13
1885	1834	247	2081	12
1886	1727	186	1913	10
1887	1367	227	1594	14
1888	1495	216	1711	13
1889	1188	274	1462	23
1890	1553	244	1797	14
1891	1485	186	1671	11
1892	1765	199	1964	10
1893	1759	190	1949	10.

³⁷¹ Ibid, 14 January, 1882, National Archives (P.R.O.), MEPO 7/44 and 28 April, 1886, National Archives (P.R.O.), MEPO 7/48.

³⁷² ARCPM, 1883. p. 10.

³⁷³ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/172. Report dated 7 April, 1888.

Totals	20,307	3,143	23,380	
Annual Average	1562	241.7	1,798	14.

Sources Metropolitan Police correspondence National Archives (P.R.O.) MEPO 2/172.and Report of a Committee Appointed by the Secretary of State to inquire into the Best Means for Identifying Habitual Criminals. 1894. c. 7263. P.11.

The 1888 report commented on the fact that the number of identifications had declined over the period due to the fact that the number of warders attending had been reduced. It continued by outlining some of the difficulties faced by police by showing how the system of identifications was carried out. The prisoners were first seen by the warders and any identifications passed on to the visiting detective inspector from Scotland Yard, in addition the warders found identifications easier as ‘for the past twelve months the prisoners paraded in prison uniform’.³⁷⁴ For the police this was not an advantage, they would only have seen the prisoners in plain clothes, appearances can change dramatically by the use of different clothing. The figures also show that identifications by the police were only a small percentage of the whole but, given that prisoners were first seen by warders and the fact that the total number of prisoners seen is not known, it is impossible to properly evaluate the police contribution.

The system of visiting prisons was kept under constant review and was not without its detractors. It was none the less pointed out by the Commissioner that Mr. Anderson [recently appointed Assistant Commissioner Crime] who had been in a good position to judge the merits of the system having been Secretary to the Prison

³⁷⁴ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/172 report dated 7 April 1888.

Commission argued that despite the objections. 'it secures important results which would be sacrificed for a time at any rate if it were suddenly abandoned'.³⁷⁵

Changes were however being made to the system and in June 1889, unless subpoenaed or specifically requested by Magistrates, the warders were no longer required to attend court.³⁷⁶ No explanation was given for this change and given the high rate of identifications by warders it is difficult to understand except in the fact that the process of identification was now a joint one and that it would have been unnecessary for both police and warders to attend.

The most thorough review of the system was that by the Committee appointed in 1894 to enquire into the 'Best Means Available for Identifying Habitual Criminals'. The committee dealt at length with the entire system of visiting prisons and set out the process as then applied. It was of the opinion that,

the most effective method is the inspection of remand prisoners at Holloway. To the prison are sent all persons committed for trial or remanded by Magistrates within the Metropolitan Police District and here, three times a week come Warders from the Goals at Wormwood Scrubs, Pentonville, Wandsworth and Chelmsford and detective offices from the twenty-two Metropolitan Divisions, an Inspector from New Scotland Yard and six officers of the City of London Police, to view the unconvicted prisoners at the hour of exercise. In this way a prisoner whose identity is unknown to the

³⁷⁵ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 1/55. letter from Commissioner, Warren, to Home Office, 30 October, 1888. Anderson was Assistant Commissioner Crime, 1888-1901 and it should be noted that the correspondence pre-dated the enquiry into the identification of habitual criminals.

³⁷⁶ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/172. Report by Inspector Jarvis dated 21 June, 1889.

constable by whom he had been arrested, will often be recognised by either a warder who has known him in prison, or by a police constable who has had him in custody on some previous charge.³⁷⁷

The report emphasised that the joint approach was an important one and an improvement on the previous system. In addition it particularly noted the fact that 'this method is merely a specially organised form of the personal recognition that is the basis of the whole of the English system, but so much more importance is attached to it by the Metropolitan Police that it seems to deserve very special consideration.'³⁷⁸ The report does not take this statement any further but it is clear from the resources allocated to the question of identification over a number of years in the Metropolitan Police that this issue was an important one.

Due to the manner in which the identifications were made there is no way in which one can accurately measure the performance of police officers attending the prison and whilst the report rightly emphasises the importance of this method to police it does little to evaluate their participation.

Any system, which is reliant upon the memory of human beings to identify those with previous convictions, is far from foolproof. This is especially the case when the persons accused do not want to be recognised and, in order to achieve this, change their appearance. Divall, a retired Detective Chief Inspector who served between 1882 and 1913 describes a case where despite the use of warders and police

³⁷⁷ Habitual Criminals Committee, p. 10. As a matter of routine therefore some twenty-nine officers would attend in addition to an unknown number of Warders.

³⁷⁸ Ibid. p 11.

the system failed.³⁷⁹ A female prisoner was arrested on four occasions and committed for the offence of passing bad money, on each occasion she was acquitted. He describes how, by changing her clothing and appearance the woman was able to appear in court in a different way thus making identification difficult. The best that can be said regarding this case is that the facts eventually came to light; the real, unsolvable, problem lies with those that did not.

The ability to identify those on remand had improved but just as important is the question of accuracy. This issue was addressed by the 1894 committee who reported that, 'with one possible exception... no instance of any prisoner actually having undergone additional imprisonment through a previous conviction being erroneously imputed to him has been brought to our notice'.³⁸⁰ Continuing, the report noted a number of cases where prisoners had initially been credited with offences they had never committed and in explanation stated that they were due to the faulty memory of some constable or warder but that they had been corrected before the prisoner suffered as a result.³⁸¹ It has to be said that 'clerical error' was involved in at least one of the known cases and there may have been more which did not come to light.

The 1894 enquiry into the identification of habitual criminals examined all the existing and proposed methods and came to the following conclusion. The system of visiting remand prisons was to be continued in the short term but they were to be replaced by a joint system of using anthropomorphic measurements, the Bertillion

³⁷⁹ T. Divall, *Scoundrels and Scallywags (and some Honest Men)*, (London: Ernest Ben, 1929), p.

83.
³⁸⁰ Habitual Criminals Committee, p. 13.

³⁸¹ Ibid. The report then gave details of a number of cases where for a variety of reasons the identification or previous convictions had been found at fault although not necessarily because of the above system.

system, and the new method of fingerprints.³⁸² This was however to be restricted to those convicted under Sec. 7 of the Prevention of Crimes Act 1871 plus a few others.³⁸³ This was a key change as it heralded the use another method of identification, one that was in the case of fingerprints to prove reliable

Prison visits by police continued in the short term and in 1894 detailed orders were issued as to the new structure.³⁸⁴ Officers from each division and one from the Convict Supervision Office were to parade outside Holloway prison every Monday, Wednesday and Friday in order, with officers from the City of London Police to inspect prisoners on remand or committed for trial. The visits were to be supervised by a Detective Inspector from Scotland Yard whose responsibility was to deal with the records and report results. It is interesting to see that despite the changes there was some continuity of approach in that included in the order was the phrase, 'The very best officers for this duty are invariably to be employed'. This is virtually identical with the phrase used by Sir Richard Mayne in 1853 and reinforces the fact that at the heart of the system was personal recognition.

By 1901 the Commissioner was able to report that the anthropomorphic system had been totally replaced by fingerprints and, in addition the attendance of divisional officers at prisons had been dispensed with.³⁸⁵ It was noted in the order that as a result there was a considerable saving in time and manpower.

Visits by other officers were cancelled in November 1903 and in March 1906 an order was issued restricting the visits to three a week by an Inspector from Central

³⁸² Ibid. p.31.

³⁸³ Sec. 7 of the Prevention of Crimes Act covered those twice convicted of crime.

³⁸⁴ M. P. Orders, 19 June, 1894, National Archives (P.R.O.), MEPO 7/56.

³⁸⁵ ARCPM, 1901, p. 8.

Office.³⁸⁶ No reason is given in the orders for these changes but it is possible, given the dates, that the introduction of fingerprinting was having an effect. The Inspector was required to consult with prison staff and then report any identifications that had been made. The vital communication with divisional officers was maintained as in the event of identifications being made information would be passed to the divisional officers dealing with the case.

It is clear from figures supplied in the Commissioners report for 1901 that the new system of using fingerprints, following the Belper Committee recommendations, was proving its effectiveness in establishing identity and therefore previous convictions, if any, of those on remand or in custody awaiting trial.³⁸⁷ There were however from the police point of view limitations to the system. The fingerprints were to be taken in prison by warders, not police, and then only of a narrowly defined group of criminals. This limitation could however be overcome by applying for a restricted number of other prisoners to be fingerprinted. In this way prisoners who may have only committed one serious offence, or who were believed to belong to a class of travelling thieves who would otherwise be outside the scope of the regulations, could have their fingerprints taken and recorded in the criminal register at Scotland Yard.³⁸⁸

With the establishment of the fingerprint system it became possible for an accused person's identity to be established without doubt once under arrest and on remand. It was also to eventually prove very valuable in discovering the perpetrator

³⁸⁶ M. P. Orders, 11 November, 1903 and 5 March, 1906. National Archives (P.R.O.), MEPO 7/65 and 7/68. 'Central Office' being Scotland Yard.

³⁸⁷ ARCPM, 1901. pp 7 – 8. Unpublished report of the Departmental Committee on the method of identification of criminals, 1900, quoted in Petrow, *Policing Morals*. p.89.

³⁸⁸ Habitual Criminals Committee, p. 30.

of a crime if prints were left at the scene. Whilst the 1894 Committee had reported that very few wrongful identifications had been made, the doubt could always exist; with fingerprints this uncertainty was removed.³⁸⁹

Over time the number of officers involved in the process had been reduced and specialist officers employed. For the majority of offenders however identification would only have been possible if the officer had previously dealt with the individual or remembered him from a given description. The fact that this latter situation was rarely achieved by officers in the street can be seen in a Police Order of June 1878 in which the Commissioner directed that a Constable Viney be recommended for a reward. He had recorded details of a wanted person in his notebook some five months previously and had then recognised and arrested him.³⁹⁰ Realistically this was a rarity and would always remain the case. From a practical point of view, the effectiveness of the officers on duty in the streets of London had hardly improved.

There was however another group of prisoners, convicts, who were visited by police with the intent, not necessarily of identification and to prove previous convictions, although this did occur, but primarily to be able to recognise them after release. It is this system that will be next examined.

Pre-Release.

The need for police to be able to recognise convicts once released from prison came about as the result of the ending of transportation in the 1850's and the requirements of the Penal Servitude Act 1853. Convicts, instead of being sent abroad

³⁸⁹ See *The Times* 20 September, 2005, p. 9. when doubt was expressed as to the reliability of fingerprint Identification. In this case the doubt arose, not from the system itself but from the fact that fingerprint examiners could be influenced by outside factors. In this case the possibility of human error in the way in which the marks were interpreted.

³⁹⁰ M. P. Orders, 4 June, 1878, National Archives (P.R.O.), MEPO 7/40.

to serve their sentence, were imprisoned in this country and then released on a licence, a ticket of leave, after having served a substantial portion of their punishment. It was whilst still in custody but shortly prior to release that these convicts had to be seen by police.³⁹¹ Details of police visits to prisons for this purpose are not clear for the early part of the period but it can be seen that in 1863 arrangements had been made with the Home Office for all convict prisoners who were to be released into the Metropolitan Police District to be sent to Millbank prison where they would be examined, shortly before their release, by police once a week.³⁹²

Two inspectors from divisions, in rotation, accompanied by an experienced sergeant or constable from each division, except Thames, were to visit Millbank Prison every Wednesday at 11 am for the purpose of inspecting convicts about to be discharged on tickets of leave.³⁹³ This order was added to the following month when instructions were given for police in addition to visit Brixton and Fulham Prisons on the first Wednesday of the month in order to inspect female convicts due for release.³⁹⁴ The convicts were to be in civilian clothes and were to be inspected separately with care being taken that each officer had a clear view, the purpose being later identification.

³⁹¹ All gaol'd offenders were known as 'prisoners' but those sentenced to Penal Servitude (Hard Labour) or transportation were known as 'convicts'. National Archives (P.R.O.), Domestic Records Information No. 88.

³⁹² Royal Commission on Penal Servitude, 1863. Evidence given by Sir Richard Mayne, paras. 1618-1621.

³⁹³ M.P. Orders, 2 February, 1863, National Archives (P.R.O.), MEPO 7/24.

³⁹⁴ Ibid, 20 March, 1863, National Archives (P.R.O.), MEPO 7/24. It will be seen that over the period the 'convict' prison and indeed other prisons changed, for the purpose of this thesis only the main changes will be noted.

In order to assist in achieving this aim, the details of all convicts examined were entered on a 'Descriptive Form' which was sent to Scotland Yard where they formed part of the criminal record system in use prior to the Habitual Criminals Act 1869. Included on these forms were details of the officers attending so that should the need arise for future identification it would be possible to call upon these officers and thus help prevent a convict assuming a false identity if re-arrested. Details of those released, including intended address, where given, were circulated to the force by being printed in police orders on a separate sheet, each descriptive form was numbered consecutively and the number was to be quoted whenever the convict was dealt with. At a local level superintendents were instructed to keep a register of liberated convicts at the end of the Occurrence Book at the main station.³⁹⁵

This system was an important step forward as it meant that the police were able to keep an up to date record of all convicts who had served a lengthy prison sentence. In addition to the central record it also meant that, in theory at least, local police superintendents would have a record of all released convicts living on their division. In practice, as shown by evidence given to the 1878 Committee enquiring into the detective force and reports by Chief Inspector Shore, this was not always the case.³⁹⁶ Not all divisions kept the records and once released convicts, not all of whom had given an address, were quick to change appearance making it very different to that shown in the forms.

³⁹⁵ For a detailed description of the use of the Occurrence Book see Royal Commission upon the Duties of the Metropolitan Police. 1908. c. 4156. Reports and Appendices. Vol. 1. 15. see also National Archives (P.R.O.) MEPO 8/3 para. 167.

³⁹⁶ Departmental Committee into the State, Discipline and Organisation of the Detective Force of the Metropolitan Police. 1878. Evidence of superintendents Thomson, H division, paras. 1860 and 1861, and ex Detective Sergeant Bell, M division, paras. 4010 to 4015. Report by Chief Inspector Shore. Home Office correspondence dated 27 July, 1878, National Archives (P.R.O.), HO 45/9568/76073.

The Descriptive Forms, whilst a great step forward had limitations. They did not contain any details of where the offence had been committed or of the police officer involved in the original case. There was therefore a gap in the available knowledge which meant that the police officers of the division where the given address was situated were not necessarily the ones originally involved. Had a convict left prison and gone to an area where he was not known the only officers who could currently identify him were those present at the inspection, one from each division. Thus in order for an enquiry to be made on division regarding these persons, contact would have to be made with the new and growing records department at Scotland Yard.

In the same way as visits to remand prisons were continually being refined so were the visits to convict prisons. In December 1866 all convicts, male and female, with the exception of those at Brixton and Fulham, who previously resided in Middlesex or Surrey, were to be sent to Millbank prison prior to release.³⁹⁷ The practical effect of this change was that, based on previous residence, there was now one convict prison to which all convicts, from wherever imprisoned, would be sent. An important addition to this move was that all prison governors, including those outside London, were to send to the Metropolitan Police descriptive forms of all convicts on release regardless of their intended destination. At Scotland Yard therefore was a national register, not just of those convicted of offences but particularly of all convicts, those who had committed the more serious offences.

³⁹⁷ M. P. Orders, 31 December, 1866, National Archives (P.R.O.), MEPO 7/27. It should be noted that all of Middlesex and part of Surrey lay within the Metropolitan Police District.

Visits to convict prisons continued with variations until at least 1907.³⁹⁸ Within this period the main changes were that the Inspectors were replaced by members of the detective department in 1871 and by officers of the Convict Supervision Office in 1880.³⁹⁹

Just why the function of visiting soon to be released convicts was given to the detective department only two years after its enlargement is not known but it can be seen as a logical step as they were believed to be 'the most intelligent' and they had been tasked with the role of dealing with the more serious offenders. In terms of the number of officers likely to be involved the detective department consisted of 180 officers on division with a further twenty-seven at Scotland Yard.⁴⁰⁰ The strength of the force at this time was 9,160.⁴⁰¹ Whilst all officers were concerned with crime generally the detective officers were specifically tasked to deal with crime and therefore criminals, especially those deemed to be habitual, and were theoretically at least in a good position to carry out the visits. In this way, the police were not only using specialist officers to visit prisons but were gradually linking the information obtained with the development of criminal records. Despite these changes the results, as will be seen below, were not very good.

In addition to these tasks the police were given extra responsibilities as a result of the Prevention of Crimes Act 1871. They were now to inspect those being,

³⁹⁸ Ibid, 2 July, 1907, National Archives (P.R.O.), MEPO 7/69.

³⁹⁹ Ibid, 13 March, 1871, National Archives (P.R.O.), MEPO 7/33 and ARCPM, 1880. p. 7.

⁴⁰⁰ Ibid, 1869, National Archives (P.R.O.), MEPO 7/31. M.P. Orders, 15 January, 1872, MEPO 7/34. The number of detectives attached to each division varied. A division at this time had none, V an outer division had just five whilst the second smallest allocation was to H division, an inner city area of great deprivation. The largest allocation was to the fast developing Y division which had sixteen detective constables and E division comprising much of the west end of London which had twelve.

⁴⁰¹ ARCPM, 1870, p.1.

‘discharged on a ticket of leave or otherwise’.⁴⁰² The order relating to this did not define ‘otherwise’ but, as the act had re-created the sentence of ‘Police Supervision’, it is reasonable to assume that these were now included. Despite this change the regulations did not cover the vast bulk of other prisoners being discharged having completed the full sentence of whatever length.

Having been concentrated at Millbank in 1866, the system was also changed in 1872 so that visits were made to Southwark and Brixton prisons and the Thames Division, previously excluded, were now, with the appointment of two divisional detectives to that division, directed to take part. It was stated that these officers, ‘have visited prisons alternately...in order to gain a knowledge of thieves’.⁴⁰³

A system had been established which should have improved the ability of police to recognise convicts after their release. There were however a number of police officers who expressed doubt as to the value of these arrangements. One of these was District Superintendent Walker, reporting in 1870, who was of the opinion that, ‘in the prison visiting the police are seen and remembered by the thieves and usually with much better memories than those they look upon can boast of. The thief will not ‘work’ where the policeman is, whether the latter knows him or not’.⁴⁰⁴ If this view was correct it could be argued that the convicts were unintended beneficiaries of the system.

At the 1878 Departmental enquiry into the Detective Force evidence was given by a range of officers from Scotland Yard and divisions as to the way the visits to

⁴⁰² Prevention of Crimes Act, 1871 sec. 8 and M.P. Orders, 5 January, 1872, National Archives (P.R.O.), 7/34.

⁴⁰³ ARCPM, 1872, p.109.

⁴⁰⁴ Ibid, 1869, p. 34. It is of interest that Walker was at that time the only ‘professional police officer’ to be appointed to the rank of District Superintendent.

inspect convicts soon to be discharged were conducted and their effectiveness.⁴⁰⁵

Chief Inspector Harris, Administration department Scotland Yard set the scene by repeating the staffing arrangements, ‘all such prisoners (Ticket of Leave and Police Supervision) prior to liberation are paraded before the visiting police, their names and full descriptions are read out and their marks shown. This is done with a view to future identification’.⁴⁰⁶ Sergeant Forster, H division was of the opinion that the visits were not of much assistance whilst Sergeant Chamberlain, L division thought that they did give the officers some idea of criminal, adding that he thought that there was a greater value in the old system whereby officers visited courts rather than the prisons.⁴⁰⁷ Police evidence to the enquiry was at best lukewarm but it is important because the last two witnesses were sergeants, actually engaged in the process and working on divisions. They would have been personally involved in the visits and were therefore able to give practical, hands-on, opinion as to the realities of the situation.

In order to find a really positive opinion of the system of visiting prisons prior to release one has to jump forward to 1894 and the evidence given to a Home Office Committee by E. Coathope, Chief Constable of Bristol.⁴⁰⁸ In his written reply to a circular, without supporting evidence, he stated, ‘I may suggest that from experience gained when attached to the Detective Department, Scotland Yard, the police derived most useful and valuable information by their weekly visits to the prisons.’

This is on the face of it a very positive endorsement of the system but it is important

⁴⁰⁵ Departmental enquiry into the Detective Force, 1878

⁴⁰⁶ Ibid. p. 4224.

⁴⁰⁷ Ibid. para 2153 for Foster and 2920 for Chamberlain.

⁴⁰⁸ Habitual Criminals Committee, 1894. p. 69. This officer was the only one to reply to a questionnaire from the committee to mention prison visits, the others were mainly concerned with such issues as photography.

that other factors are taken into account. This officer, a surgeon by training, had been a direct entrant to the Detective Branch prior to 1877 where he served for less than three years before resigning. He had never served in the uniform branch or spent any time on division unlike the majority of his colleagues and it could therefore be argued that his knowledge of 'criminals' was rather limited. At Scotland Yard his duties would have been to deal with specific, allocated offences.

On his appointment as Director of Detectives in 1878 Vincent reviewed the system of visiting prisons, at first only making minor changes.⁴⁰⁹ In a reply to a question from the Commissioner regarding the value of the visits he stated that he had been informed that the visits never achieved good results due to the ease with which convicts could change appearance once released.⁴¹⁰ This opinion can be said to be based upon a report from Chief Inspector Shore who thought that unless an officer had previous knowledge of the convict it would be impossible to identify him as the convict he inspected in his liberty suit a few days before. The officer summed up his views by saying that, 'I am of the opinion that visiting prisons to inspect prisoners about to be discharged does not tend to increase the knowledge of police'.⁴¹¹

As a result of this review it was decided that they would continue but with one important and immediate change along the lines adopted for remand prisoners. In November 1878 it was agreed that warders should accompany police officers especially when visiting Millbank where the majority of London convicts were

⁴⁰⁹ M. P. Orders, 8 November, 1878, National Archives (P.R.O.), MEPO 7/40.

⁴¹⁰ Metropolitan Police correspondence, 10 May, 1878 and 2 July, 1878, National Archives (P.R.O.), MEPO 2/172. Letter from Commissioner to Vincent and his reply. Photography is discussed below.

⁴¹¹ Home Office correspondence, 27 July, 1878, National Archives (P.R.O.), HO 45/9568/76073. p. 3.

discharged.⁴¹² At this time other convicts were being released from Coldbath Fields prison but it was pointed out that none of the warders working there were able to identify any prisoner with more than a ten-year sentence.⁴¹³

The entire system by which released convicts were dealt with was changed in June 1880 when one chief inspector, one inspector and three sergeants were appointed to work, in plain clothes, on this process under the Director of Criminal Investigation.⁴¹⁴ This was the setting up of the Convict Supervision Office which took over not only the visiting of prisons but all aspects of work dealing with convicts released on Tickets of Leave or under police supervision.⁴¹⁵ The actual visiting of prisons was undertaken by three members of this staff and these same officers, if possible, were to see the convicts again when they reported to Convict Supervision Office on release and would then visit them ‘very quietly’ at their registered addresses for the purposes of verification.⁴¹⁶ These officers saw the released convicts on at least three occasions and, once the system had become established there was a greater chance of identifications.⁴¹⁷ It has been seen that in 1888 fifty-seven previously unidentified criminals were recognised and this was improved in 1889 when ninety convicts were identified.⁴¹⁸ These figures are important in that they show the value of using officers with a specific role and

⁴¹² Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/172.

⁴¹³ Ibid. report by Chief Inspector Shore.

⁴¹⁴ M.P. Orders, 1 June, 1880, National Archives (P.R.O.), MEPO 7/42.

⁴¹⁵ ARCPM, 1880, p.7.

⁴¹⁶ Habitual Criminals Committee, 1894, Minutes of Evidence p. 39.

⁴¹⁷ ARCPM, 1888. p.5. First at registration, then at place of employment/residence and also when reporting.

⁴¹⁸ Ibid, 1889. p.6. For a detailed description of the workings of this office see ARCPM, 1888 and Home Office correspondence, National Archives (P.R.O.), HO 144/184/A45507.

indicates that prior to their introduction this number of offenders would in all probability have gone unrecognised.

As part of its role the Convict Supervision Office also took on the task of record keeping and thus the existing methods of identification were joined in one office; a great improvement. There were however drawbacks to the system and an important one was that the more serious offenders, especially the habitual criminals, were no longer inspected by divisional officers, those tasked with dealing with them on the streets. This defect was to an extent overcome by the increasing use of criminal records and especially photographs, but it will be seen that these methods did not always lead to success. As with the identification of remand prisoners it was not until the introduction of fingerprinting that identity could be positively established.

The introduction of fingerprinting did not however mean that visits to convicts about to be discharged were done away with. As late as 1907 orders were issued to the effect that 'Every Wednesday at 9.30a.m. an Inspector and other available officers from the Convict Supervision Office, are to attend Pentonville Prison to inspect convicts prior to their liberation'.⁴¹⁹ The structure of this order, the use of the words 'other available officers', would hardly indicate a high priority being given to the visits and tends to place their importance below that of other duties, they would only take part in the visits if they had no other commitments.

Unlike the reports regarding remand prisoners, and save for the examples given above, there are no available records to show the value of visits to convict prisons. It is not known how many of those released were subsequently recognised or, force wide, how many of those released were re-arrested in the same year. The best

⁴¹⁹

M. P. Orders, 2 July, 1907, National Archives (P.R.O.), MEPO, 7/69.

available picture can be seen in the 1894 enquiry into identification and this also gives some idea of the scale of the situation. This report shows the number of licence holders and supervises registered at Convict Supervision Office over a four year period, 1890 –1893 and that 6,799 of these released convicts were registered as against 6,595 other criminals.⁴²⁰ The report also shows that in the same period some 4,098 suspects were identified from Criminal Records, part of the explanation for which was the growing use of photographs.

Photography.

There is no doubt that photography, the taking of photographs and using them as part of the criminal record, had an important role to play in the identification of criminals. It was thought that its introduction would enable easy identifications to be made and once photographs were included in criminal records the proving of previous convictions would be easier. There was, from an early date, recognisable support for the use of photography, in May 1866, the *Police Service Advertiser* published an article advocating their use arguing that they would help in the apprehension of wanted criminals. The article noted that it had arranged for such ‘advertisements’ to be included in future publications.⁴²¹

Superficially it was a simple process but, in practice, this was not quite the case. There were deficiencies in the system which meant that at one time not enough photographs were being taken, at another, too many, and of great importance was the fact that those taken were often not a good likeness. By the end of the period

⁴²⁰ Habitual Criminals Committee, 1894, Ibid. p. 39.

⁴²¹ *Police Service Advertiser*, 19 May, 1866. This reference is to the use of Engravings to show the portrait and it is interesting to note that according to *The Times*, 12 February, 1884, p. 4. they were still being used by the *Police Gazette*.

although mistakes were made, many of the difficulties had been overcome and the use of the process had been extended.

As an early example of the way the system could go wrong it can be seen that in 1865 they were being used in connection with prison visits but in August of that year the wrong photograph had been attached to the papers, descriptive form, of an offender about to be discharged.⁴²² These photographs were taken by prison staff and then forwarded to Scotland Yard where it is possible that a clerical error was made. Details of what went wrong are not available but it can be said in light of the police order that at some stage the mistake had been rectified. It is impossible to know just how many errors were made and went undetected.

In 1868 the Secretary of State had authorised the photographing of certain prisoners whilst detained at police stations.⁴²³ This use was however very tightly controlled and superintendents had to apply to the Commissioner for permission, those to be photographed were to be 'noted prisoners' and the instructions especially included all 'Fenian prisoners of note'.⁴²⁴ The number of prisoners liable to be photographed was therefore very limited although the term 'noted prisoners' was not absolutely defined.

The process of obtaining permission may not have been difficult as by this date all divisional stations were connected to Scotland Yard by telegraph and for stations nearby such as those on A, Whitehall, division the system could have worked quite

⁴²² M.P. Orders, 29 August, 1865, National Archives (P.R.O.), MEPO 7/26.

⁴²³ Ibid, 3 April, 1868, National Archives (P.R.O.), MEPO 7/30.

⁴²⁴ 'Fenians' was the term used to describe Irish political agitators.

efficiently.⁴²⁵ For outer divisions such as T division, which included Kensington as well as some rural parishes, although telegraphic communication existed across the division, it could have made the actual taking of photographs difficult. Details of the practical way in which the system worked are not available but it is clear that use of the equipment would have required a level of expertise and it is not known if the suspects to be photographed were taken to a central location or the equipment taken to them. It is impossible to evaluate this new step; no details are available of the number of photographs taken or their subsequent use.

The gradual development in the use of photography as part of the evidence to prove previous convictions was not a move that met with universal approval. The Chief Magistrate at Bow Street Magistrates Court, Sir Thomas Henry wrote to the Home Office expressing his fears, 'I ...look upon Photographs and Descriptive Returns as a very dangerous class of evidence which is apt to give rise to cases of mistaken identity'.⁴²⁶ This fear was realised on at least one occasion as late as 1893 when confusion arose out of the use of photographs and personal identification.⁴²⁷

With the introduction of the Habitual Criminals Act 1869 additional responsibilities were given to the Metropolitan Police in the form of the registration of criminals but at this stage the use of photography was not specified.⁴²⁸ The police did however continue to use photographs as an aid to identification and a good example of their value can be seen in a report from T division in 1870.⁴²⁹ This

⁴²⁵ J. Bunker, *From Rattle to Radio*. (Studley. Warwickshire: Brewin Books, 1988.) p. 50. Some outer stations on T division, Brentford and Chiswick were connected to the telegraph system by 1871. p. 57.

⁴²⁶ Home Office correspondence, 13 March, 1869, National Archives (P.R.O.), HO 12/184/85,459.

⁴²⁷ This relates to the case of Arthur Blake details of which will be discussed below.

⁴²⁸ Habitual Criminals Act, 1869, sec 5.

⁴²⁹ ARCPM, 1870, p. 36.

showed that on one occasion a prisoner in custody had been identified by use of photography even though she had given a different name. The woman in question had recently been released from a prison outside London and it was only by use of the photograph that her true identity had been realised enabling correct previous convictions to be given against her. This is an interesting report as it shows the potential of the use of photographs and that the officers were using the records created under the Habitual Criminals Act to good effect. In establishing the identity of this woman the possibility of an incorrect sentence being given by the court was avoided. A not dissimilar report from Y division in the following year showed the value of photographs in that two prisoners had been identified in this way.

The big step forward in the development of photography in the police came with the Prevention of Crimes Act 1871 which extended and formalised its use.⁴³⁰ The act detailed who should be photographed, and how. These were set out in regulations sent to the governors of prisons in November 1871. Under these regulations every person, 'who has been convicted of crime as defined by the Prevention of Crime Act (whether summarily or on indictment) shall be photographed within one month previous to discharge from prison.' and 'when wearing their own clothes and without any headdress'.⁴³¹

This regulation was at the heart of the problems regarding numbers. It is important to note that the regulations related to 'every person' who has been

⁴³⁰ Prevention of Crimes Act, 1871. sec, 6(6).

⁴³¹ Home Office correspondence, 15 March, 1877, National Archives (P.R.O.), HO 45/9518/22208c The document went on to detail the number of prints to be made and in what circumstances.

convicted of a crime as defined in the act.⁴³² This meant that the numbers were huge and the problem was not to be resolved until the Prevention of Crimes Amendment Act 1876 and a Home Office instruction in 1877 which placed the emphasis on 'habitual criminals and those discharged from sentences of penal servitude'.⁴³³

Almost exactly a year later questions were being asked in parliament as to the value of photography in connection with crime.⁴³⁴ Information was required as to the number of convicted criminals who had been photographed, how many photographs were kept in the 'Books kept in London', and how many convicts had been identified as a result. The returns were addressed to Prison Governors and in the case of Holloway some thirty had been recognised, out of a total of 582, and dealt with for fresh offences.⁴³⁵

The scale of the situation can be seen when the Commissioner reported that, 'From the 2nd November 1871 to the 31st December 1872, 373 cases of detection have occurred by the identification of the photographs of criminals registered in the Habitual Criminals Office in London. From the 2nd November 1871 to the 31st December 1872, 30,463 photographs of criminals have been received from the

⁴³² This is defined as 'any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences or the offence of conspiracy to defraud or any misdemeanour's under the fifty-eighth section of the act passed in session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six. This covered the offence of being found by night either in possession of housebreaking implements without lawful excuse, or armed or disguised in any building with intent to commit a felony. Prevention of Crimes Act, 1871 (34 and 35 Vic. c. 112) sec. 20. As an example the ARCPM 1886 – 1895 show some 241 arrests for being in possession of housebreaking implements by night with 212 convictions.

⁴³³ Home Office correspondence, 29 July, 1879, National Archives (P.R.O.), HO 45/9518/22208c. Home Office circular dated 15 March, 1877.

⁴³⁴ Photographs of Prisoners. Return to an address of the Honourable House of Commons 10 March, 1873. Parliamentary Papers, 1873, Vol. L1V.

⁴³⁵ Ibid, p. 3. See also Petrow, *Policing Morals*, esp. p. 87.

Governors of County and Borough Goals and Convict Prisons in the Habitual Criminals Office in London.⁴³⁶

The above statistics are not very clear in that whilst they show the identification rate they do not say from where these originated and the very large number of photographs received were from all of Great Britain. As a result of the sheer weight of numbers the system was very difficult if not impossible to use and in addition it is not possible to say how many of the photographs taken related directly to the Metropolitan Police.⁴³⁷ It is therefore difficult to properly evaluate the number of identifications, the only comparable figure being that of the number sent from prisons in both the Metropolitan Police District and the City of London which is shown as a total of 10,182.⁴³⁸

What can be seen is an attempt by the Metropolitan Police to evaluate the system, when divisional superintendents were asked for their opinions as to its value. Included in the questions asked were those relating to how often the criminal register had been used and the number of identifications, not just from photographs. Views varied but, in summary, most superintendents were of the opinion that whilst the system had potential, the arrests would have taken place without the use of the register and therefore without photographs.⁴³⁹ It is clear that at this stage the police were not convinced of the value of photography as a tool to be used in identifying criminals. The register was not only too large but was also growing very quickly.

⁴³⁶ Ibid. pp. 1 -6.

⁴³⁷ Home Office correspondence, 1 March, 1875, National Archives (P.R.O.), HO 158/3, folio 799 shows that with effect from this date all enquiries of the register were to be made to the Home Office rather than Scotland Yard.

⁴³⁸ Photographs of Prisoners, p.3.

⁴³⁹ Home Office correspondence, National Archives (P.R.O.). HO 347/16. dated 1 January 1875.

The fact that identification was always a central issue for the police and that they were continually seeking ways to improve their ability in this area can be seen in correspondence between the Commissioner and the Home Office in January 1875. Confirming the view that the register was of little use the Commissioner suggested a change in the way photography was used. He argued that, 'This can be done, when to a certain extent by the use of photography taken before conviction, for which there is no legal authority'.⁴⁴⁰ The Commissioner was therefore admitting that although sanctioned by the Secretary of State and police orders in April 1868 the photographing of prisoners at police stations was strictly speaking illegal. It was explained that when the police had a suspect in custody they on occasion took photographs before a trial. These were sent to Scotland Yard where a search would be made and if a match was found details were supplied to the division concerned. It is clear that the Commissioner found this system to be useful but how frequently it was used and with what results is not known.

The central system, largely because of its size, was very cumbersome and of little use but some officers did see that photographs could be important in a very personal and specific way in order to deal with particular offences. In evidence to the 1878 enquiry into the detective force Detective Sergeant Littlechild, attached to Scotland Yard, explained that his particular role was to deal with swindlers and moneylenders. He informed the committee that he had, 'the photographs of all those who have been convicted and I have a list of every advertised address of which there

⁴⁴⁰ Home Office correspondence, National Archives (P.R.O.), HO 45/9518/22208 letter dated January 1875.

is any complaint.⁴⁴¹ That such records were often personal to the individual officer can be seen in evidence given later to the committee by Ex Detective Sergeant Bell, M division who kept information regarding all criminals known to him but his did not include photographs or descriptions.⁴⁴² Evidence that photographs were being taken and copies made in excess of the regulations can be seen later in the period in the case of Beck; the file dealing with this case contains loose photographs, in an envelope.⁴⁴³ These appear to be of Beck but as they are not in any way notated this cannot be proved. It is of interest that the photographs concentrate on the ears which bears out a statement by W.H. Thompson that they are the one part of the face that cannot be changed and are therefore a good aid to identification.⁴⁴⁴

Clearly in its early days the system of keeping criminal records, centrally or locally was not very efficient; centrally this was due to its size and locally, as they were often kept as personal records, there was no uniformity across the force. Of great importance was also the fact that Scotland Yard had expressed doubts as to the accuracy of records kept not by individual officers but at divisional police stations. Calling for returns of burglars and housebreakers a police order requested details of convictions, type of sentence and whether a photograph is obtainable. The order concluded, 'Some Divisions state that no thieves of the class indicated reside in their Districts. Great care must be exercised that this statement is absolutely correct'.⁴⁴⁵

The wording, 'is obtainable', the reliance on returns from divisions and the questioning of statements regarding thieves of 'this class' all reflect the fact that the

⁴⁴¹ Departmental enquiry into the Detective Force, 1878. paras. 1245 –1247.

⁴⁴² Ibid. para. 4012.

⁴⁴³ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 3/154.

⁴⁴⁴ Thompson, *Guard from the Yard*. p 26.

⁴⁴⁵ M.P. Orders, 17 October, 1878, National Archives (P.R.O.), MEPO 7/40.

details held at local stations were not always considered reliable and in any event, some nine years after the establishment of the Criminal Register, they were not available centrally at Scotland Yard. They could not therefore easily be disseminated across the police district, given the acceptance that criminals frequently travelled to commit crimes this adds to the belief that identification was very difficult.

The arrival at Scotland Yard of Vincent as Director of Detectives in 1878 saw the beginning of improvements in the way that photography was used. The Home Office were informed that photographs of prisoners together with their names and register numbers was useful although not always provided and that he intended, 'to start a classified photographic collection of criminals with a view to the better prevention and detection of crime', this was agreed to by the Home Office in August 1878.⁴⁴⁶ These arrangements were confirmed the following month and applied to all releases from male and female convict prisons, three photographs were to be supplied of every such person discharged into the Metropolitan Police District.⁴⁴⁷ It is impossible to say what crimes or how many would have been prevented by the use of photographs but it is clear that Vincent thought them to be of great value. It is important to note however that the vast majority of those being released from prison were not included in this move, applying only to those released from convict prisons on Tickets of Leave, under Police Supervision or Penal Servitude prisoners having fully completed their sentences. The start of a photographic collection of criminals

⁴⁴⁶ Home Office correspondence, HO 45/9568/74847(2). letter dated 21 August, 1878. Note this document is now missing from the file at National Archives.

⁴⁴⁷ Ibid. letter dated 3 October, 1878.

was however a move in the right direction as it improved the chances of identifications being made.

Vincent was not alone in believing in the value of photography; he was supported by the Commissioner who, in evidence to the Royal Commission on Penal Servitude expressed the opinion that photographs were, 'of very great use indeed in identifying criminals'.⁴⁴⁸ Some of the practical difficulties with this approach were however expressed by Chief Inspector Shore, Scotland Yard who compiled a report regarding the whole question of identification, with or without photographs.⁴⁴⁹ This report detailed the extraordinary lengths released prisoners would go to in order to change their appearance including changing into different clothes and boots and finally calling at a hairdresser where they were shaved and had their hair style changed. The appearance of the released convict would by these means have been very different from the way they looked when photographed.

Whilst detailed figures as to the value of photographs are not available for this early stage in their use, Vincent in his report for the year 1879 did give an example of a situation where they had been used very successfully.⁴⁵⁰ He quoted a case where photographs had been supplied to every constable in the northern counties and Scotland with the result that the wanted person was soon arrested. Details of this case are not available but it does highlight some of the difficulties faced by the Metropolitan Police. The forces supplied with the photographs, whilst varying in size and geography would have been predominantly rural where persons would have

⁴⁴⁸ Royal Commission to enquire into the workings of the Penal Servitude Acts, 1878/9. Parliamentary Papers, Vol. XXXVI 1. Minutes of Evidence para 4443.

⁴⁴⁹ Home Office correspondence, report from Chief Inspector Shore, 27 July, 1878, National Archives (P.R.O.), HO 45/9568/76073.

⁴⁵⁰ ARCPM, 1879. p.5.

been better known and therefore any stranger more easily identified. This was not necessarily the case in London or other large, anonymous areas with frequently changing populations.

Having begun to develop the use of photographs Vincent continued to press for further improvements. He was well aware that there were loopholes which needed to be addressed and pointed out the following. As the regulations stood photography was restricted to Habitual Criminals and those discharged from Penal Servitude whilst there were, 'dangerous in the highest degree persons sentenced to imprisonment only, even after the proving of previous convictions and that these frequently returned to crime, the absence of photographs meaning that their arrest could be considerably delayed'.⁴⁵¹

In support of this argument he gave two examples. The first related to a male who had been sentenced to fifteen months imprisonment for stealing from hotel bedrooms over a period of weeks. In this case a photograph would have aided detection and could have been used as a preventive measure by being shown to hotel staff. In a second case a male had been awaiting trial for passing counterfeit coins, he had previous convictions although without photographs to establish identity these could not be proved. A proper penalty of Penal Servitude was therefore unlikely.

In practical terms the restriction of photography to only a narrow class of prisoner meant that unspecified numbers were being released without a photograph being taken. These failings not only hindered crime prevention and correct sentencing but also seriously frustrated police attempts at identification. The dilemma facing the

⁴⁵¹ Home Office correspondence, letter from Vincent to Home Office, 29 July, 1879. National Archives (P.R.O.) HO 45/9518/22208C.

police was that whilst a record system including photographs existed it failed to cover all of those whom they thought should be included.

In order to, at least in part, deal with the situation Vincent proposed a solution; this was that police should be given authority to photograph certain selected prisoners, named to prison governors, at least thirty days before discharge.⁴⁵² He suggested that there would be in the region of fifty cases per year in London and approval was given for this action in August 1879.⁴⁵³ Writing in the annual report for 1880 Vincent described how the system was being developed saying that ‘considerable benefit had been obtained from the circulation among the Principal Police forces of the world of illustrated returns of habitual criminals at large.’ Commenting on the way in which the supervision of prisoners was being conducted and the use of registers and photograph albums at Scotland Yard he noted that, ‘Police Officers and the Warders of Her Majesty’s Prisons are daily leading to the discovery of old offenders in prisons recently arrested.’⁴⁵⁴

These ‘Illustrated’ returns contained photographs of criminals wanted for offences, not just in London, but nationally and included personal descriptions, details of offences and ‘*modus operandi*’. In Metropolitan Police cases additional information was given which included details of the police division involved or more particularly the officers to whom known. It is also clear that the criminal

⁴⁵² Ibid. Letter dated 29 July 1879.

⁴⁵³ Habitual Criminals Committee, 1894, Minutes of evidence, p.39 shows that by 1891 it was thought too many photographs were being applied for and applications were restricted to Section 7 cases of the Prevention of Crimes Act, 1871 and cases of ‘special or extraordinary interest’.

⁴⁵⁴ ARCPM. 1880 p.8.

record system was improving as in the majority of Metropolitan cases the ‘Office No.’ was given.⁴⁵⁵

In terms of identification rates using photographs, some information can be seen in the report of the Convict Supervision Office for 1890 - 1891.

Table. 5.

Return showing the number of persons Photographed and Identified 1890 - 1891.

Number of Prisoners photographed

<u>1890</u>	<u>1891</u>	Increase
1322	1890	568 c.43%

Number of Identifications

176	563	387 c. 304%
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Source. Returns of work of the Convict Supervision Office National Archives (P.R.O.) MEPO 2/583.

Of the total identifications in 1891, some 548 were made by Metropolitan Police Officers as against fifteen by other forces and warders. These identifications were the result of 2,617 attendances at Convict Supervision Office, a success rate in the region of 21% but this was not necessarily just from examining photographs.⁴⁵⁶

It is tempting to attempt to evaluate these and the earlier figures in table 4 and to say that as the use of photographs became established so the identification rate went up. It must be noted however that the identifications were not solely by means of photographs and the figures do not relate simply to the Metropolitan Police.

⁴⁵⁵ Illustrated Circular No. 4, issued by the Director of Criminal Investigation October, 1881, National Archives (P.R.O.), HO 45/95128/22208. For an example of an Illustrated Circular see Appendix. 4.

⁴⁵⁶ Habitual Criminals Committee 1894, evidence given by Chief Inspector Neame, p. 39, shows the figures for the years 1892 and 1893 with a reduction in the number of photographs obtained but a dramatic increase in the rate of identifications although these were not solely from the use of photographs. See also National Archives (P.R.O.), HO 45/9693/A49542, entry dated, 13 December, 1893, again the figures given relate to identifications from the records, not solely photographs.

The subject of identification of criminals and the way that this as carried out was examined in 1891 by the House of Commons Standing Committee on Law. Having discussed the questions of measurement and photography recommendations were made that all persons confined in prisons in England and Wales should be included in the system.⁴⁵⁷ The Home Secretary countered objections to this proposal that it went too far and would include unnecessary cases by arguing that the measure was necessary in order to be able to identify old offenders. This move was greater than that suggested by Vincent and provided a very large records base.

That there was a growing use of photographs and that they were not retained solely at Scotland Yard can be seen in the report of the Habitual Criminals Committee which noted that they were circulated to all divisions as well as to other police forces.⁴⁵⁸ The terms of reference of this committee were restricted, being confined to Habitual Criminals, but the report does show the way in which photographs were being use in an attempt to identify all criminals.

The use of photographs had improved over the second half of the 19th century but this did not mean that identifications were necessarily easier. There were still difficulties and one of these is clearly shown by Clarkson who, in 1899, wrote that, 'before the days of instantaneous photography it was frequently difficult to obtain a good likeness for the unwilling criminal would at the critical moment, violently distort his features in the hope of defying future recognition'.⁴⁵⁹ These practical

⁴⁵⁷ *The Times* 12 June, 1891 p.8. Report of House of Commons Standing Committee on Law, c.268 and 274, 11 June, 1891.

⁴⁵⁸ Habitual Criminals Committee, 1894. p. 10. Circulation to the other forces took place three times a year.

⁴⁵⁹ Clarkson and Richardson, *Police*. pp 359 – 360. See also *The Times*, 28 September, 1887, p. 3. for details of a case where a female criminal had sixty photographs taken at different times despite which identification was very difficult.

difficulties were commented on by a member of the 1894 committee into Identification, Arthur Griffiths, who gave an account of what was on occasion required to get a photograph at all, 'Stratagem had to be applied, and I have within my experience one case where the trick was done by fixing the camera at a cell window, but carefully concealed from the yard outside, in which the prisoner was exercising round and round, and when the convict crossed a particular spot, prearranged as exactly opposite the apparatus, he was 'caught' by the lens.'⁴⁶⁰

These two examples illustrate the difficulties in the taking of photographs but neither comment upon their value as a means of identification and mistakes were made. This is well illustrated by the case of Percy Arthur Blake who had been arrested for burglary in May 1893. He was rambling and incoherent and the arresting officers having searched the photograph albums at Convict Supervision Office thought that he was a Harry Steed alias, John Blake who had previous convictions for burglary. At court corroboratory evidence of this identity was given by police and warders of the fact that he was Steed. Other police records did however indicate that Steed had at one time fractured his right leg but there was no sign of this on the accused. Percy Arthur Blake, as was the accused real name, was eventually acquitted of the allegation but was later admitted to a lunatic asylum.⁴⁶¹

This case and others quoted in the report shows the fallibility of any system of identification reliant upon personal recognition or, more particularly on photographs. Evidence of identity had been given in the above case by two persons to support the

⁴⁶⁰ Griffiths, *Fifty Years of Public Service*. p. 348.

⁴⁶¹ Habitual Criminals Committee, 1894, p.15. An earlier but less well documented case was the subject of questions in the House of Commons 4 August 1887 when a mistake occurred regarding the identification of a suspect previously circulated with a photograph, it was only at court that the identities were seen not to be the same. *Hansard* 3rd Series, Vol. CCCXV111 p.1126 – 1127.

photograph yet it was wrong. Photographs as well as personal recollections are not always accurate and the example highlights the difficulties faced by police who went to great lengths in order to establish identity. It was a difficult problem and Chief Inspector Neame, Scotland Yard, reported to the Habitual Criminals Committee that on one day in March 1893, '21 officers attended to search for 27 prisoners, taking in all 57½ hours to search: resulting in 7 identifications. This was an average of more than two hours for each prisoner sought for, and more than eight hours for each identification.'⁴⁶² These very time-consuming searches were all in relation to persons in custody, either at a police station or in prison on remand.

The main finding of the Habitual Criminals committee was that the future of identification lay with fingerprinting, initially to be undertaken along with other methods including the Bertillon system, and this was the recommendation.⁴⁶³ It did however deal in detail with the question of photography setting out the way in which they should be taken, when and by whom the only qualification being that additional photographs should only be taken on the order of a magistrate.⁴⁶⁴ So far as the police were concerned this recommendation was set out and extended in a police order of February 1901 when it was stated that such photographs could only be taken, at the specific request of a superintendent. The question previously left unanswered as to the disposal of photographs in the case of a non-conviction was dealt with by

⁴⁶² Habitual Criminals Committee, 1894, p. 18. The return, p. 39, also develops the figures relating the number of photographs and identifications in that in 1892 some 1,221 and in 1893 some 1,086 persons were photographed. The number of identifications was shown as 1,265 and 2,124 respectively. It will be seen that the number of identifications exceeded the number of photographs and therefore included those identified from other records.

⁴⁶³ Ibid. p. 31.

⁴⁶⁴ Ibid. p. 35.

instructions that in these cases they should be forwarded to the Convict Supervision Office for disposal.⁴⁶⁵

The development of the use of photographs did not stop here. Home Office permission was obtained for police to use photographs of 'fugitives from justice', a six month trial being authorised in November 1901.⁴⁶⁶ In the May of the following year it was shown that 162 negatives of persons, documents and property had been taken. This had resulted in some 996 copies being made and an unstated number of persons who were committing crime arrested. In particular it was noted that they had been very useful in the Liverpool Bank Forgeries case. The system was sanctioned permanently in May 1902.⁴⁶⁷

The next step was a far greater one in that it was reported in November 1902 that action was being taken in very different situations. This was to take photographs, 'which cannot be otherwise obtained of thieves and the many equally dangerous suspected persons whose haunts are known to police'. The photographs were to be taken in the streets or places frequented by these suspects with a view to the prevention and detection of crime.⁴⁶⁸ Whilst the number of photographs taken in this way is not known it is clear that the system had changed considerably. From police taking occasional photographs in police station strictly in order to obtain an identification and to be able to provide previous convictions they were now being

⁴⁶⁵ Metropolitan Police General Orders, Para. 383, 7 July, 1908, National Archives (P.R.O.), MEPO 7/70.

⁴⁶⁶ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/575 dated 5 November, 1901. Authority was also given for photographs to be taken of 'articles of jewellery' and other 'documents'.

⁴⁶⁷ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/575, letter dated 20 May, 1902.

⁴⁶⁸ Ibid. Letter dated 10 November, 1902. This also contained a request for more equipment. It is possible to argue that this system was a forerunner of C.C.T.V.

taken, without the suspect's knowledge, in the streets. It would appear that the main aim was to be able to identify a suspect without or before an arrest being made.

As the police use of photographs was extended so were the ways in which they were used. In addition to police officers and warders being involved they were now being shown in special cases to witnesses of crime.⁴⁶⁹ When endeavouring to assist witnesses to identify persons responsible for offences police could show them a number of photographs to see if they recognised anyone. This system was clearly open to abuse by unscrupulous police officers and in an attempt to overcome this photographs were sent to police stations in boxes of 100, the only identification mark being that of a number on the back and particular care was taken not to direct the witness to any particular photograph. In order to be as fair as possible regulations stipulated that the photographs shown to witness were not to include any of persons found not guilty of offences or those with one or two convictions who had since release been leading an honest life. The need for care is clear and there is no available evidence to show how often they were used or the results but it is another use of photographs in order to attempt to identify those responsible for offences.

As the use of photography developed so did the number of identifications and it can be seen in the Commissioner's report for 1914 that in that year some 1,057 photographs had been circulated and some 465 identifications made.⁴⁷⁰ These identifications resulted in an apparently low number of 211 arrests.

A further development can be seen in the wider circulation of photographs of wanted persons with the issuing of lists of 'Expert and Travelling' criminals in

⁴⁶⁹ Metropolitan Police General Orders, 1907, National Archives (P.R.O.), MEPO 7/69.
⁴⁷⁰ ARCPM, 1914. p. 8.

Supplement A of the *Police Gazette*.⁴⁷¹ It contained information including the full description, convictions and methods of those included as well as their photograph. Of interest, as it illustrates that even at this date not all photographs were of a good quality or gave a true picture of the accused, is a note against the entry regarding George Thompson stating that, ‘The portrait is very good likeness’. The entries were nation-wide and the publication was available to all police forces showing that for those included at least there was a real possibility that they might be identified as they moved about the country.

Since its introduction photography had improved steadily and had become a more reliable tool by 1914. Identification rates, by a variety of means, had increased and photographs were beginning to be used by witness to crime. Although figures are not always available it is clear that the number of photographs taken had increased substantially but it was not until the second half of the twentieth century that police routinely began to photograph accused persons at police stations.⁴⁷² Despite the improvements mistakes were made and photography by itself never became a foolproof means of identification.

By the use of photography the police had improved their ability to identify criminals but not all of those committing crimes were subject the same level of attention. Substantial efforts had been made to identify the more serious offenders especially those who were considered to be ‘Travelling’ and ‘Professional’ but these were not the majority. Photographs did have several advantages over other methods of identification. They could easily be disseminated to other forces, and copies could

⁴⁷¹ *Police Gazette*, 2 January, 1914. National Archives (P.R.O.), MEPO 6/66. See example at Appendix. 5.

⁴⁷² Personal knowledge. Serving police officer, 1958 – 1983.

be held by individual officers if necessary. A major disadvantage was that those having their photographs taken often tried to avoid a good likeness being recorded or so changed their appearance that they were hardly recognisable. They were therefore little more than an aid to identification, which continued to be primarily that of personal recognition. It is clear that a start had been made to obtain photographs of suspects prior to arrest but there is no evidence to show how effective this move may have been. The officers on duty in the streets were still reliant upon personal memory and written descriptions on occasion backed up by photographs. What was needed was a less fallible method of establishing identification once in custody and this came about at the turn of the century with the introduction of fingerprinting.

Fingerprinting.

The introduction of fingerprinting gave to police a guaranteed method of establishing the identity of a person in custody and as it developed became a useful tool in discovering the persons responsible for particular offences. It was however a development right at the end of the period under examination and the process by which fingerprints were taken and then examined, classified and made into a record system was not a quick one. In terms of identifying suspects in the street they were of no use and it took time for the number of impressions held in records to grow into a useful size. For most of the period the fingerprints were taken in prison by prison officers and it was not until 1914 that the Commissioner could report that this function had been taken over by police.⁴⁷³ Included in this report were figures showing that since their introduction in 1901 some 103,658 identifications had been

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ARCPM, 1914. p.8.

made by this means without error. From a practical policing point of view there had been problems with the introduction of fingerprinting not least of which was that the majority of those convicted of lesser offences, and sentenced to less than one month or less did not have them taken.⁴⁷⁴ This file notes that the fingerprints were taken at prison and requests for additional suspects to be fingerprinted had to be signed by a police officer of not lower rank than superintendent.⁴⁷⁵ A suggestion that this system should be changed can be found in a memorandum to the Home Office contained in this file which argued that all persons charged with crime within the Metropolitan Police District should have their fingerprints taken at police stations.⁴⁷⁶ This was approved by the Home Office on 20 December 1913 and by October 1914 some fifty-eight police stations had been supplied with the necessary equipment. In that period some 677 cases had occurred where the taking of fingerprints at police stations had resulted in an identification.⁴⁷⁷ Again this figure by itself does not give a complete picture as one does not know how many sets of fingerprints were taken but it is an indication that the difficulties surrounding identification whilst in custody were being resolved.⁴⁷⁸

It is tempting to compare identifications by means of fingerprints with those made otherwise at police stations, at court, in prison or by photograph. To do so however would be a wrong step as the manner of such identifications was so

⁴⁷⁴ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/1569, dated 14 April, 1913.

⁴⁷⁵ Ibid.

⁴⁷⁶ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/1569 memo dated 22 October, 1913

⁴⁷⁷ Ibid .memo dated 8 October, 1914.

⁴⁷⁸ S.A.Cole. *Suspect Identities: A history of Fingerprinting and Criminal Identification*, (Cambridge, Massachusetts: Harvard University Press, 2001) gives a good overview of the development of fingerprinting with some of its advantages over other systems. It is however largely based on experience in the United States of America.

different. Fingerprinting provided another process of identification, by means of a set of marks consisting of loops and whirls which were taken from the criminal, analysed at Scotland Yard and compared with those already on record. The important difference between fingerprints and the Register of Distinguishing Marks is that, as shown above, the latter could be altered and were not always accurately recorded and the taking of a photograph did not ensure a good likeness. Fingerprints were unique and constant to the individual, the issue of personal identification in these cases did not apply.

Branding.

For most of the period under discussion the police had devoted considerable resources in an attempt to establish the identity of those arrested but without a great deal of success. Identification remained primarily a case of personal recognition in the nineteenth century but there was however a method by which individuals, once arrested, could have been identified had certain simple steps have been taken; this was the suggested use of 'branding'. It was a proposal that did not always find favour with the police yet sections of the public especially at times of heightened awareness of crime as was the case with the 1862 'garrotting' panic were clearly in favour. *The Times*, which put the blame for such crimes, the 'outrage', on the ticket of leave holders at large in society proposed the following aid to identification, 'In the Middle Ages justice had stern contrivances for furthering her objects, and they use to brand criminals, in order that upon their return to society they might be more easily caught again if they took to their old ways.'⁴⁷⁹ Just how the 'brand' was to be applied, where and in what circumstances was not stated and, unless it could have

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The Times, 14 August, 1862. p.14.

been done in a way that was immediately obvious, and this was not suggested, it would not have aided identification prior to arrest.

Linked with the development of the Register of Distinctive Marks within the criminal record system branding could have worked by assisting identification after arrest particularly at police stations. Initially the police supported the idea and the Commissioner in 1863 thought that, ‘it seems to be the natural way of identifying them, and I think it might be very simply done, and it would certainly be effectual’, he went on to define the type of cases where it would be used including those on first conviction for serious crime and generally in the case of a second conviction. He continued that in his opinion, ‘I do not see that anyone would have a right justly to complain of it’, and that ‘There is very great difficulty now in ascertaining whether a man has been before convicted, and such a mark would make that at once apparent’.⁴⁸⁰ The Commissioner was not put off by evidence to the committee that the system had been tried in France and had failed, feeling that it would have been of use in this country. He emphasised that the police were having difficulties in this area and that the qualified suggestion would have been of use. This view was supported by the Governors of Bristol and West Sussex Goals as well as those of Coldbath Fields and West Riding Prisons.⁴⁸¹

The suggestion also found favour with the Commissioner of the City of London Police, Sir James Frazer, who suggested that branding should be confined to every convict on liberation on licence and everyone else after a second conviction for a

⁴⁸⁰ Royal Commission on Penal Servitude, 1863, evidence by Sir Richard Mayne para. 1715-1716.

⁴⁸¹ Report of the Select Committee into Discipline in Goals and Houses of Correction, 1863. Minutes of Evidence, paras. 2372- 2373.

felony'.⁴⁸² He continued by pointing out that such a system was used in the army in the case of deserters and those dismissed for bad conduct.

An opposing view was that given by Sir Walter Crofton, he argued that, 'any mark to be of use would cling to a man for life and would interfere with his prospects afterwards'.⁴⁸³ The issue of 'individual liberties' was fundamental to thinking at this time and was in line with the move away from the punishment of the body in penal affairs and the desire to rehabilitate.⁴⁸⁴ Also against the idea was Greenwood who explained the way the system was to have worked, a pattern of alphabetical letters arranged to show not only the prison in which the person had been last confined but also the date of the last conviction, he then stated that he was not in favour of the idea arguing that it was a demeaning suggestion made by a 'gentleman holding high office in the police force'.⁴⁸⁵

Whilst the proposals were not adopted this did not mean that the idea went away. Writing to the Home Office in 1876 regarding ticket of leave holders who failed to report, the Clerk of the Peace for Kent suggested that they should be branded. He made the following proposal; 'such marking need not be indelible but could be removed when advisable on prisoners reporting themselves to police'.⁴⁸⁶ It is possible to see the reasoning behind this suggestion and, could it have been implemented, would have gone some way towards removing the objections. It does however miss the point that if the mark was not permanent it could be removed by

⁴⁸² Greenwood, *The Seven Curses*, p. 61- 62

⁴⁸³ Select Committee into Discipline. p.3261

⁴⁸⁴ See D. Garland, *Punishment and Modern Society: A study in Social Theory*. (Oxford: Clarendon Press, 1990). Chapter 6 p. 135.

⁴⁸⁵ Greenwood, *Seven Curses*. p. 61 - 62.

⁴⁸⁶ Home Office correspondence, National Archives (P.R.O.), HO 45/9320/16629D letter dated 7 April, 1876.

the criminal as well as the police. In this case far from assisting in identification or acting as a spur to reporting it could have allowed the criminal to remove the mark and disappear. From the point of view of an accused person the absence of such a mark would have supported any claim that he had not been previously convicted. The papers containing the suggestion from Kent were forwarded to the Commissioner of the Metropolitan Police and Henderson replied, 'I am not of the opinion that branding prisoners is desirable either from the Police or any other point of view'.⁴⁸⁷ The Home Office supported this view in a note on the file dated 13 December 1878 without either the Commissioner or the Home Office adding any other comment.

In spite of this rejection the idea was still not dead and the governor of Maidstone Goal, Capt. H.K. Wilson suggested, not branding, but a 'mark' similar to that used on deserters which he argued could be done by inoculation, cupping or better still a tattoo.⁴⁸⁸ The suggestion of using a tattoo is an interesting one in the light of the writings of a professional tattoo artist to the effect that a 'tattoo mark is obviously one of the best means of identification, and in my experience, I had certainly many more criminal characters who wanted to get rid of a tattoo than any that wanted to acquire one'.⁴⁸⁹

There is of course a great difference between a mark inflicted to show previous criminal activity and one showing affection, association or belief. The principle

⁴⁸⁷ Ibid. letter dated 13 May, 1876.

⁴⁸⁸ Departmental Enquiry into the State, Discipline and Organisation of the Detective Force of the Metropolitan Police, 1878. para.. 4865.

⁴⁸⁹ G.Burchett, *Memoirs of a Tattooist. From the Notes, Diaries and Letters of the late 'King of Tattooists.'* P. Leighton (ed.) (London 1858) pp. 185-189.

however is the same, by whatever means a mark is placed on the body which cannot be removed and which becomes part of the identity of the wearer.

There were, however, a number of conflicting views as to the value of tattoos and distinguishing marks in general. Griffiths wrote that until 1893 the best aids to identification were a register of habitual criminals and, 'a register of the distinctive marks borne on the person, all of which were on the register'.⁴⁹⁰ The application of a tattoo would have been a particularly distinctive mark and there is little doubt that they would have been of use as part of the distinctive marks register. This view is confirmed by the 1894 committee examining identification when it stated, 'it is extraordinary how large a number of habitual criminals provide the police with an easy way of identifying them by names or initials tattooed on the bodies.'⁴⁹¹ The practical situation as then existed was explained to the committee by Chief Inspector Neame who, when questioned as to the value of the Distinctive Marks register, explained that it was not used very often.⁴⁹² His reasoning was simply that the marks currently entered in the register were too vague and lacked precise reference points to other parts of the body.⁴⁹³

There were therefore differences of opinion as to the value of tattoos and marks and thus branding, one being theoretical the other more practical, but these statements were made some thirty years after the statement by Sir Richard Mayne. At the time of his statement criminal records were virtually non-existent and therefore their use would have been limited, there were however other reasons why

⁴⁹⁰ Griffiths, *50 years of Public Life*. p. 347.

⁴⁹¹ Habitual Criminals Committee, 1894 p.10.

⁴⁹² Ibid. p.39.

⁴⁹³ For a detailed description of the use of the Register of Distinctive Marks see Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 6/4. A tattoo or branding could well have overcome this problem

the suggestions were not taken up. What the police needed was a simple system by which criminals could be identified but branding would only have been apparent after arrest and in the absence of good records such marks would have been of little use. With the introduction of a central Criminal Record system in 1869 under the Habitual Criminals Act an attempt could however have been made. The mark need not have been visible in every day life but it could have been placed on the shoulder where it could have been seen in routine searches at a police Station. As suggested a simple code system could have been put into use so that identity could be established and previous convictions ascertained.⁴⁹⁴

On occasions the public feared that the police were acting incorrectly in their attempts to establish identity and as a result allegations had been made in parliament that a prisoner had been stripped naked in order for any marks to be seen and in reply it was stated that such an event as alleged did not take place and that such action would only have been permitted in exceptional circumstances.⁴⁹⁵ As has been seen police were restricted in the way they could examine the body of a suspect and these included a ban on the removal of clothing.⁴⁹⁶ Given these limitations there would have been a need for the police regulations to be changed but had this been done the system could still have been of use prior to the introduction of fingerprints.

A number of other objections were made including that it was wrong to use force but given the fact that the infliction of physical punishment had been previously sanctioned in particular situations this should not have been insurmountable. Victorian society had frequently enacted legislation with just such

⁴⁹⁴ M.P. Orders, 5 December, 1870, National Archives (P.R.O.), MEPO 7/32. This specified the areas of the body to be examined especially in the case of those suspected of burglary.

⁴⁹⁵ *Hansard*, 4th Series, Vol. C1. 27 January, 1902 p. 960.

⁴⁹⁶ M.P. Orders, 9 February, 1903, National Archives (P.R.O.), MEPO 7/65

a course in mind, under the Offences Against the Person Act, 1861 there are several sections that sanction the use of ‘Whipping’ of persons under the age of sixteen and, as a result of the garrotting outbreak in 1862, parliament had again approved of whipping in certain cases.⁴⁹⁷ The marks made by whipping would, in normal circumstances have disappeared with time; one of the main arguments against the use of branding which would have been permanent would have been that of ‘individual rights’. Crofton was right to make the comments he did but, whilst the move was away from physical punishment and towards re-habilitation and re-integration, the police were in some difficulty. Nothing would help identify criminals in the street but branding, together with improvements in the record system, would have enabled quicker and more certain identifications. Any attempt to disguise the mark would have been clear evidence that a previous conviction of some kind existed.

Conclusion

Throughout the period the primary means by which the police were able to identify criminals was that of personal recognition and it has been seen that this was, despite the claims of Martineau and others, particularly difficult in areas such as London. A realistic view of the situation is that whilst the issue was a very important one and despite the fact that the police allocated substantial resources with an increasing use of technology their ability in this area of their work remained poor. There was a gap between the public perception of what the police were able to achieve and that of the reality.

⁴⁹⁷ Offences Against the Person Act, 1861, (24 and 25 Vic. c.100) secs. 28, 29, 30, 32, 56 and 64 and An Act for the Security of the Persons of Her Majesty’s Subjects from Personal Violence, 1863, (26 and 27 Vic. c.44), sec. 1,2 and 3.

Improvements were made by the introduction of photography; the use of specialist officers and developments in record keeping but it was not until the introduction of fingerprinting that identifications could be made with certainty. Even here however the identification could only take place after an arrest, when at a police station or in prison. As an attempt to deal with serious criminals, especially those thought to be 'travelling criminals' the period also saw a number of publications but those included in this way were few in number.

Even when dealing with those repeat offenders, who had committed felonies in the same year, the rates of identification at police stations was very poor but at least here there are some figures which allow conclusions to be drawn. At the police stations the identifications could have been made by a range of officers, uniform and plain clothes and it is not possible to ascertain which officers made identifications in any particular case. What is of interest is that, even allowing for their small numbers, the officers particularly responsible for dealing with the more serious offences, the detectives, made less than fifty per cent of the arrests, yet it was these officers who were in possession of the latest information and had greater access to the photographs and other records both centrally and locally. It is clear that even the 'specialists', the detectives, were not very good at this 'identification' part of their role.

With regard to the other methods, visits to courts and prisons, any attempt to evaluate the numbers involved is difficult and it was not until the inclusion of prison warders in the process, then the introduction of the Convict Supervision Office that any real conclusions can be drawn. Even then the figures have to be treated with caution as several questions remain unanswered. In this way the number of persons

inspected or examined at courts is not known and with regard to remand prisons visits none are available for the early part of the period. Even then some of the later figures are often confusing as on occasion they were based on prison populations and it is not always clear if the figures relate nationally or simply to the Metropolitan Police. The visits to convicts prior to their release were aimed at their later identification if accused of crime. The records show that this area did improve but that it was not an easy task.

Fingerprinting, which came into use in 1901, provided the answer in terms of accuracy and the identity of suspects once arrested but this took time to become established. Prior to their introduction a possible method of identification had been suggested which was by the use of branding but this was rejected on the grounds that it was against the rights of an individual as well as penal policy and that, once so branded, the criminal would be marked for life. It is suggested however that had the branding been applied to a part of the body not normally exposed to public view, such as the shoulder, then this could then have been examined after an arrest and start made towards a positive identification.

There can be no doubt that individual officers on the streets or in police stations would have been able to recognise persons that they had previously arrested but this was very much a personal situation. Save for a small number of very serious, professional thieves, those who were included in both the confidential circulars and Supplement A, and well known local characters, the bulk of offenders would not have been easily identified by most officers. It is argued that it was these, serious criminals, who were members of a 'Criminal Class' and it is important to note that, in terms of identification, even the introduction of photography and fingerprinting

did not in the early stages include the bulk of lesser offenders. There can be little doubt that a few persons, those responsible for repeated minor offences, could have become well known to individual local officers and these offenders could well fit into the description of a widely based criminal class as given by Davis. There is, however, little evidence to show either that they were routinely targeted or harassed by police so as to create the class. This, coupled with the fact that so many offenders were given into custody and that the police were so poor at identification, means that their contribution to its creation can easily be overstated.

CHAPTER 5

Targeting.

Introduction.

Targeting is a modern term indicating that special attention is being paid to a group, class, area or offence and this thesis will show that it took place at a number of levels during the period under examination. Additionally, this chapter will explore the basic aims and objectives of the Metropolitan Police, the way it was structured and the way they dealt with specific tasks and problems as they developed. It will be argued that the police were not very efficient in the use of their main resource, manpower, and that the targeting of criminals was a task more difficult in reality than theory.

A variety of other, similar, terms were and are used to describe the way the police worked, as examples of this Davis uses such phrases as 'concentrate their attention' and a 'policy of containment in certain areas'.⁴⁹⁸ When discussing the role of the gradually developing detective department Petrow argues that their role was to 'make themselves well acquainted with all the criminals in their districts'.⁴⁹⁹ It is clear that the act of targeting not only determined who or what was going to be the subject but also indicated the use of resources. The Metropolitan Police, faced with a rising population in London and limited resources, had to decide how they would best deploy their manpower. In making these decisions however there were a number of influencing factors and it was not simply a matter of the police deciding for themselves how to proceed so as to give each area of concern an appropriate

⁴⁹⁸ Davis, 'Law Breaking and Law Enforcement', pp 211 and 214.

⁴⁹⁹ Petrow, *Policing Morals*, p. 56.

response. Included in this area of study therefore are issues such as their primary objectives, outbreaks of particular crimes, changes in legislation, increased responsibilities and public opinion.

Another issue that has to be examined in this context is the strength of the Metropolitan Police not only absolutely but also in relation to where it was being deployed and the changes taking place in London. It has been noted that strength of the Metropolitan Police varied over the period in question. As an example, between 1891 and 1901 there was an overall increase in the strength of the Metropolitan Police of just under 5%, yet the number employed in the inner, most populous, divisions fell by a total of 129 some 3.71 per cent.⁵⁰⁰ In the outer divisions there was an increase of 1,564 officers, some 16.15 per cent. This can be explained by the movement of some officers from inner divisions and the allocation of a substantial part of the increased strength to the outer areas. In terms of the ratio of police officers to the population of London it can be seen that this grew worse over the period; in 1891 the figures show a ratio of 1/379 whilst in 1901 this had grown to 1/418.⁵⁰¹ In order to put these figures into context during the period the population of the Metropolitan Police District increased from 5,713,859 to 6,678,808 a rise of just under 17per cent. In this period it has also to be noted that some 202,127 new houses had been built and the length of streets to be patrolled increased by 631.23 miles.⁵⁰² Whilst the bulk of the building took place in the new suburbs there was still a substantial construction programme in central London where the number of officers had been reduced and the general situation was that the strength of the force

⁵⁰⁰ See Appendix .6.

⁵⁰¹ ARCPM, 1891 and 1901.

⁵⁰² ARCPM, 1891- 1901.

was not sufficient.⁵⁰³ The reports from superintendents often noted that due to the shortage of officers many of the beats were too long to be properly covered and in 1885 the Commissioner requested an increase in numbers.⁵⁰⁴ It is of note that, according to Morris, the Home Office had a view that the relationship between the number of officers in the Metropolitan Police and the population of that district should be in the region of 1/450.⁵⁰⁵

Also included will be a wider view of the influences and pressures involved including that of public opinion which was especially important at particular times in connection with specific offences and more broadly how the police dealt with crime and criminals.

Historiography.

There is a limited amount of literature available relating to the specific issue of targeting in relation to routine policing although some work has been undertaken on subjects outside the scope of this work including the action taken in relation to the Fenians and the Contagious Diseases Acts⁵⁰⁶. One of the few writers to discuss in any detail the way in which the police operated is Petrow, whose work gives a view of the changing role of police in connection with the issues of supervision and the function of the detective force.⁵⁰⁷ Additionally, Emsley, covering such situations as convicts released on tickets of leave, suspicious persons generally, as well as

⁵⁰³ Inner Divisions comprised those of A, B, C, D, E, F, G, H, L and M divisions whilst the outer ones were J.K.N. P.R.S.T.V.W.X and Y. Source. Petrow, p.36 which shows the situation in 1910. It is important to note that divisional boundaries were changed according to developments in demography and that some, as an example, T division, whilst having a large rural area also contained built up areas such as Kensington.

⁵⁰⁴ Details of the increases and their effects can be seen in the ARCPM, 1887. p. 4.

⁵⁰⁵ R.M. Morris. 'The Metropolitan Police and Government'. Unpublished PhD. Open University, 2002. p.6.

⁵⁰⁶ Walkowitz, *Prostitution and the Victorian Society*: and T. Bunyan, *The History and Practice of the Political Police in Britain*. (London: Quartet Books, 1977.)

⁵⁰⁷ Petrow, *Policing Morals*.

specific areas including lodging houses, argues that the police targeting of the above could be self fulfilling, they found what they expected to find and thus their actions were justified.⁵⁰⁸ Taylor itemises a number of offenders against whom the police were required to act on behalf of the state and in response to public pressure. These include prostitutes, habitual criminals and drunkards as well as aliens, juvenile delinquents and gamblers.⁵⁰⁹ Whilst not dealing with the allocation of resources, targeting, Taylor does show the extent of the pressures the police were under and the importance of public opinion, in this way it is clear that the police were often reacting to situations and were concerned about the way in which they were seen.

The argument that the ways in which the police worked generally, as well as any targeting of particular groups, was brought about by the lack of resources is explored by Davis who argues that, as a result of this the 'casual poor' and 'known criminals' were the subject of special attention.⁵¹⁰ She argues that the police, as a result of limited numbers, resorted to the targeting of persons whom they believed fitted their expectations of potential criminals. The evidence provided does however show that most of the offences committed were not those subject to preventive legislation and were therefore outside the scope of this thesis.

The essential difference between the work of Davis and this thesis is that she is of the opinion that the police found this targeting comparatively easy whilst it is here argued that this was not the case. This is not to say that the police did not know where criminals congregated but equally this does not mean that they were either easily identifiable or became the subject of wide spread police targeting. There is

⁵⁰⁸ Emsley, *Crime and Society*, and *The English Police: A political and Social History* 2nd edition (London: Longman, 1996)

⁵⁰⁹ Taylor, 'Policing the Community'.

⁵¹⁰ Davis, 'Law Breaking and Law Enforcement'. pp 168 - 169.

also a distinction to be drawn between police action to identify a particular individual and that to target a whole group. Evidence exists to show that targeting of an individual did take place, see below, but in the case of groups the evidence shows that this was only in the short term and in connection with particular offences or localised disorder on the streets.

A number of works have been written by retired police officers with experience of the period under review. Two of these are of particular interest one being by Anderson, at one time an Assistant Commissioner and the other by Wensley a retired senior detective.⁵¹¹ Anderson describes specific examples of targeting, including pickpockets and travelling criminals whilst Wensley is of particular interest as he describes the targeting of a named individual, Harding.

Public Opinion.

The question of public opinion and its effects on the working of the police has been the subject of considerable study.⁵¹² In this thesis discussion will focus in particular on the ways in which the police dealt with those convicts released on tickets of leave or under supervision with additional input relating to the targeting of resources for specific purposes such as burglary. These pressures were particularly acute at times of the outbreak of 'sensational' crimes including the 'Garrotting' outbreak of 1862 and the 'Ripper' attacks some twenty-six years later.⁵¹³ When looking at this particular topic the question arises as to which sources will be used

⁵¹¹ Anderson, *Criminals and Crime*. Wensley, *Detective Days*.

⁵¹² These include Davis, 'Law Breaking and Law Enforcement', Emsley, *Crime and Society*, Miller, *Cops and Bobbies*, R.H. Peters, 'Political interference with Police; Is it something new?' *Police Journal* Vol. 64, No.2. 1991., Petrow, *Policing Morals*, Reynolds and Wooley, *Seems So*, R. Sindall, *Street Violence in the 19th Century: Media Panic or Real Danger*. (Leicester; Leicester University Press, 1990)., Stevenson, 'The Criminal Class in the mid-Victorian City', Taylor, 'Policing and the Community.'

⁵¹³ As an example see 1862 Garrotting outbreak *The Times* 14 August, 1862. p.14.

and why. A substantial number of publications expressed opinions on the issues and to try to use them all would not be practical. In order to obtain a comprehensive view of the situation as regards public opinion regarding the above and other issues *The Times*, for reasons given above, will be used as the main source.

Public opinion was important in any discussion of targeting and was often directed specifically at a small group of criminals as in the case of ticket of leave holders and the way that they should be treated. There can be no doubt that the ending of transportation together with the legislation of 1869 and 1871 directed police to target specific groups of people whose composition had been determined by parliament.⁵¹⁴ The targeting of these released convicts was the most difficult of all the issues that the police had to deal with in this area and in view of the nature of the issues involved public opinion was very vocal. A good example of this is the situation regarding a prominent Member of Parliament, Hugh Pilkington who was believed to have been attacked in the street, 'garrotted', and as a result there was a public outcry against those believed to have been responsible. Reporting the incident, *The Times* attacked not only those on such releases and those supporting liberal ways of treating convicts, but also compared unfavourably the English system with that on the continent.⁵¹⁵

As the manner of dealing with those more serious offenders developed so the views of the public were expressed often with a view that turned out to be incorrect. *The Times*, dealing with the issue of Penal Servitude expressed an opinion that with regard to the supervision of the convicts there would be, 'a practical absence of all

⁵¹⁴ Habitual Criminals Act, 1869 and Prevention of Crimes Act, 1871.

⁵¹⁵ *The Times*, 14 August, 1862. p.14.

surveillance by the police over the holders of Tickets of Leave'.⁵¹⁶ This turned out not to be the case as, under the act, there was a requirement that the released convicts reported to police on a monthly basis.⁵¹⁷ Another, rather different, view was given in a letter from D.W. Harvey, published in November 1862, which argued that the police 'should be instructed to afford them the countenance which their conduct deserves'.⁵¹⁸ This letter can be taken a number of different ways; it can be said that the police should help released convicts if their conduct warranted such action or deal with them severely if they continued to commit offences. That the police should behave towards released convicts in a manner determined by their conduct was repeatedly the subject of orders, as seen above, given in this regard. The public understanding, at least as expressed in this letter, was that the police were to be even handed in their dealings with this group and not to persecute them because of their previous history.

That the public often expressed very different views about these subjects can best be seen in the lead up to the Habitual Criminals Act 1869. As the discussion on the proposed legislation developed so *The Times* published a number of articles which attempted to allay the fears of those opposed to supervision. In January 1869 *The Times*, arguing for a change in the law with tighter control of those committing crime, expressed the view that there was not much fear of the police using it so as to

⁵¹⁶ *The Times*, 28 August, 1862. p.8. The term 'surveillance' is not defined and can have many meanings, in this context it can be said to mean being 'watched' by police. It is also defined as 'close observation, especially of a suspected spy or criminal'. J. Pearsall (ed.) *The New Oxford Dictionary of English*. (Oxford: Oxford University Press 1998.)

⁵¹⁷ Penal Servitude Act, 1864 sec. 4.

⁵¹⁸ *The Times*, 11 November, 1862, p.3.

make it difficult for them to obtain employment'⁵¹⁹ The article concluded that if this did take place the officers could be dealt with and punished.

Among some sections of the public there was a real fear that the police were not behaving properly and that as a result many released convicts were unable to live an honest life. Reflecting the fears of many, Lord Shaftesbury bewailed the lot of those outcasts, who by reason of police supervision 'cannot return to a normal life'.⁵²⁰ He argued that whilst there should be some form of supervision there were dangers that if a man was watched by police and therefore be unable to obtain employment they would be forced to choose between starvation and crime. Two days later the newspaper replied to these comments admitting that Lord Shaftesbury made a good case but added that 'there is no sufficient ground for ...suggesting that a man once convicted could be the subject of continual persecution and supervision, and would be liable to be hunted down by any policeman who was his enemy'. The article concluded by asking an interesting question relating to supervision, 'we cannot help asking ourselves what the alternative would be'.⁵²¹ As the law stood in mid-century there was no practical alternative.

Another view, however, was that police supervision was not close enough; T.G.L. Baker, a Magistrate in Gloucestershire, held the opinion that those on tickets of leave should be closely supervised by police arguing that this would help in their identification.⁵²² Dealing with specific groups of criminals he later argued that

⁵¹⁹ *The Times*, 27 January, 1869, p.7.

⁵²⁰ *Ibid*, 6 March, 1869, p.5. see also *The Times*, 18 March, 1878 when the Recorder of London expressed the view that police supervision frequently prevented men getting an honest living.

⁵²¹ *Ibid*, 8 March, 1869, p.8.

⁵²² *Ibid*, 7 December, 1868, p.5.

something had to be done to deal with the, 'professional thieves' advocating that what was required was a central register.⁵²³

Public opinion at this stage can be said to be ambivalent, many people thought that there was a need for the police to so supervise these criminals so that they could either prevent them from committing crime or, if they did so, to arrest them. At the same time the fear was expressed that police supervision could prevent them from obtaining employment and thus be thrown back upon crime as a means of obtaining a living.

Whilst it is not possible to know the balance of public opinion, how many were in favour and how many against supervision, there can be no doubt that the police were in a difficult situation. If they acted against suspects in a way that was thought to be oppressive by the public they would be criticised, if they were seen not to be taking action against known criminals they would also be in the wrong. In practical terms the police were reluctant to watch suspects in case of complaint and the knowledge that if the officers involved were found to have been improperly observing a released convict they could be disciplined.

A very emotive view of the situation and therefore of the role of police can be seen in a speech to a women's group by the Countess of Catchim who argued in 1869 that, 'as these disorderly persons wage war on society, society in its turn must wage war on them'.⁵²⁴ The speech does not give details of the 'disorderly persons' but it does indicate a view that there was a conflict taking place between

⁵²³ *The Times*, 17 December, 1868, p.10. It should be noted that Baker was from a rural area with a greater possibility of identification. His remarks regarding a central register were to come to fruition in the Habitual Criminals Act.

⁵²⁴ *Ibid*, 18 March, 1869, p.7.

criminals and society and that the only way to fight it was by the use of force and increased police powers.

In an attempt to set out its position regarding both the Habitual Criminals Act and the role of police *The Times* published a leader article in April 1870. In this it was argued that the act had been passed against what it called 'deep rooted prejudices against police supervision' and went on to discuss the future and the possibility of the measures failing.⁵²⁵ Should the system fail it argued, 'the blame does not fall so much upon those whom the duty of shaping the legislation to which we refer as those who have been charged with the supervision and enforcement of its workings'. *The Times* was therefore expressing a view that any such action by police could be seen as an infringement of civil liberties and that should this prove to be the case then it would have been the fault of the police, not parliament.

Particularly in relation to those on Tickets of Leave therefore the police had a very narrow line to walk and in light of the failings subsequently seen in the legislation, particularly as to the means of carrying out supervision, this was putting at least some of the blame in the wrong area. As the system developed and the police became more proficient in dealing with those under supervision *The Times* changed its view. Commenting on the increased powers under the Prevention of Crimes Act, 1871 it acknowledged that membership of the criminal class had been reduced and that police supervision had given the police a greater knowledge of criminals and considerable control over their actions.⁵²⁶ The article continued to say

⁵²⁵ Ibid, 16 April, 1870, p.9.

⁵²⁶ Ibid, 15 August, 1872, p. 7. Prevention of Crimes Act, 1871. sec. 5. reporting requirements.

that the situation 'has tended to teach the criminal that although the police will be his master, yet if he is honest, they may be his friends.' The police therefore had used their extra powers of supervision to deal more effectively with criminals yet at least as far as *The Times* was concerned were still in a position to assist as considered appropriate. These articles were all in relation to the issues surrounding police supervision and the Habitual Criminals Act but it can be seen that some general concerns of police action remained. It is clear that the police were aware of the need to address public opinion and that lay behind the actions of Munro in publishing details of the work of the Convict Supervision Office but the fears regarding police action against serious criminals did not go away.⁵²⁷

Arthur Harding, himself a released convict, towards the end of the period under discussion expressed the view that, 'during this period [of supervision] the ex convict was at the mercy of the police'.⁵²⁸ That many held the view that the police would possibly misuse any powers given to them under new legislation can clearly be seen in the way that safeguards were built into the system of preventive detention in the early twentieth century.⁵²⁹ It is of particular note that those responsible for introducing these latter safeguards were government ministers.

Whilst public opinion was particularly noticeable at times of heightened awareness and alleged serious offences mistakes supposed to have been made by police at a less serious level of crime were often highlighted and actions criticised. Allegations of wrongful arrest had been made at the time of the 1862 Great

⁵²⁷ Pamphlet prepared by Munro setting out workings of the Convict Supervision Office, National Archives (P.R.O.) HO 144/184/A45507. report dated 17 November, 1886.

⁵²⁸ Quoted in Samuel, '*East End Underworld*,' p. 165. For further discussion of Harding see chapter 6.

⁵²⁹ See discussion Chapter 2.

Exhibition, Kensington in the case of a man, subsequently found to be a prominent Quaker, who was arrested for being a pickpocket. The accused was subsequently freed, a reference having been given by Cobden.⁵³⁰ The following day *The Times* reported the arrest of two, 'Surrey servants' for a similar offence and the paper took objection to the fact that, in their opinion, they, the police, were neglecting to deal with garroters at the expense of innocent visitors to the exhibition.⁵³¹ All the allegations were dismissed when the cases appeared at the court and the press made much of the fact that innocent people were being wrongfully arrested. Without detailed evidence of the facts it is difficult to draw conclusions but in practical terms it must be said that the fact that the cases were dismissed does not by itself mean that the action of the police was malicious or in any way incorrect. Whilst it is unlikely that the same officers were involved on both days they could all have acted in good faith, properly targeting places where large crowds gathered, only to find that they had in fact been mistaken. At a time of heightened awareness of crime however it is easy to see why the press should have reacted in the way that they did.

The above remarks by the Countess of Catchim, dramatic thought they may have been, did have some support in public opinion as can be seen some thirteen years later when *The Times* published an article dealing with what was called disorder on the streets.⁵³² As has been seen above, general instructions were given drawing officers attention to powers that they already possessed and which applied across the force. They do not show that specific targeting took place and whilst there can be

⁵³⁰ *The Times*, 15 July, 1862, p. 13.

⁵³¹ *Ibid*, 16 July, 1862, p.9.

⁵³² *Ibid*, 20 June, 1882, p. 9.

little doubt that local officers made arrangements to deal with local problems evidence of the arrangements is lacking. It is also the case that the existing records, especially relating to the attempts at identification, concentrate upon the more serious offenders, not those dealt with summarily.

For the police one problem remained unsolved; this, simply put, was that of identification. The police found the identification of the more serious offenders difficult and this would have been even more so, not least because of the numbers involved, of the other offenders.

The concern expressed about the treatment of released convicts by police largely died down after the introduction of the Prevention of Crimes act and particularly after the establishment of the Convict Supervision Office. In the main this was because the legislation had been improved making the role of the police clearer and the responsibility for its implementation had been given to a small group of specialist officers.

This situation had also been affected by the way in which police resources had been used to deal with crime in general and public complaints over the availability of police. This was of particular concern to the police and the need to acknowledge public concern was dealt with in 1870. As a result of a number of complaints including those from some London vestries the Commissioner set up a system by which it was hoped the public would be able to find a police officer when needed, this was by a system of Fixed Points.⁵³³ As a result some 108 points were set up which were manned between 8a.m. and 12 midnight and all were in locations easily accessible to the public. In addition to increasing the availability of police officers to

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M. P. Orders, 5 December, 1870, National Archives (P.R.O), MEPO 7/32.

the public it is of note that the hours were such that, in addition to being available during the day, the posts were also covered during what Superintendent Williamson later called the 'criminal hours' of 5p.m - 11p.m. By the end of the following year the number had increased to 207 and the officers were instructed not to move from the points so that they could easily be seen.⁵³⁴

In terms of their value as a means of preventing crime there is no evidence to suggest that they were a great success and there were a number of complaints of insufficient numbers and the fact that they could easily be avoided by those about to commit crimes.⁵³⁵ This article challenged the basic way in which the police operated, questioning the need for regular patterns of work, the writers address was not given but, if he was from a residential area, in the outer divisions where the doubling up of officers on a beat was common, the fixed point system would have been of limited use.⁵³⁶ Despite this use of resources complaints from the public continued and in 1886 a resident of central London wrote to *The Times* bemoaning the fact that although he had been the subject of unruly behaviour he could still not find a policeman. Continuing he alleged that the only way he eventually managed to find a police officer, and then after an hours searching, was at the local police station.⁵³⁷ The issue of staffing levels and the availability, as seen from a public point of view, was raised in another letter to *The Times* two years later when it was alleged that

⁵³⁴ Ibid, 9 August, 1871, National Archives (P.R.O.), MEPO 7/33. The number of these points varied over the years in response to changes in the demography of London..

⁵³⁵ *The Times*, 12 August, 1878, p. 11, letter from Mr R.L. Melville.

⁵³⁶ It is of note that I was not until 1933 that the system by which beats were worked were changed allowing for greater flexibility in the light of local circumstances. National Archives (P.R.O.), MEPO 2/2912.

⁵³⁷ *The Times*, 21 October, 1886, p.8.

although the author's house was just 300 yards from a fixed point it had been entered in broad daylight and ransacked without any police action.⁵³⁸ The letter concluded with the suggestion that most of the police would have been at Whitechapel and records show that some forty-two officers had been posted to H division from across the police district.⁵³⁹

From a police point of view this last letter raises a problem faced by all such organisations with limited resources and the need to deal with unexpected and dramatic incidents. If the writer of the letter was correct it would highlight a situation where the police had to respond to a situation which could not properly be dealt with by the local police. The only way this could be done quickly was by sending officers from other divisions to the scene of the problem and this would have reduced the number of officers available to perform ordinary duties elsewhere.

There can be no doubt that the police reacted to a variety of public pressures and, in doing so, were able to commit resources, a good example being the police enquiries into the alleged White Slave Traffic. As a result of public concern a specialist branch was set up comprising one Inspector and a Sergeant based at Scotland Yard and a total of eight Constables working independently on C.D.H and L divisions.⁵⁴⁰ Acting on information received from religious groups, social and other workers the police investigated three groups of people, bullies, ponces and procurers whom it was alleged were preying on young women with a view to

⁵³⁸ Ibid, 11 October, 1888, p.3.

⁵³⁹ This was presumably a reference to the police action in connection with the Ripper killings. See M. P. Orders, 31 October, 1888, National Archives (P.R.O.), MEPO 7/50.

⁵⁴⁰ Metropolitan Police correspondence, 16 November, 1912, National Archives (P.R.O.), MEPO 3/668.

enticing them abroad.⁵⁴¹ In addition to showing that the police could react to such allegations this situation also showed a clear case of the differences between what the public thought was the case and the reality of the situation; the Inspector in his final report stated that, 'there has been an utter absence of evidence to justify these claims'.⁵⁴² The branch was disbanded and any future allegations of this sort were dealt with by the Criminal Investigation Department.

Targeting and Harassment

It is argued that targeting and harassment are really two sides of the same coin, this being the case much of what is discussed below could apply equally to the chapter on the latter issue. The bulk of the available evidence will however be examined in this chapter as, by doing so, a better understanding of the circumstances under which the police operated can be obtained.

In addition to the problems involved with limited resources the police also faced a number of other difficulties. These included the fact that they had to walk a very narrow line between what can be called legitimate targeting and illegal harassment. This was a particular issue in connection with the ticket of leave situation and the release of prisoners under police supervision. Harassment will be dealt with in detail in the following chapter but it is important to note here that it is a difficult topic to discuss and therefore evaluate. Allegations that such took place were made, usually against individual officers, but evidence is very limited. This section will concentrate on the police and two main, yet connected, areas of activity. The first is the ways in which their main resource, manpower was routinely used and then, as a

⁵⁴¹ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 3/668.

⁵⁴² Report by Inspector Curry, 7 November 1913, National Archives (P.R.O.), MEPO 3/668.

specific aspect of a more general problem, how they dealt with their responsibilities for the supervision of convicts on release from prison.

The primary objectives of police remained the same throughout the period but it will be argued that, in light of statistical returns for burglary and housebreaking, these were not carried out very effectively. With regard to crime and especially contact with released criminals the police moved from a situation where they had very little involvement to one where they took on special responsibilities eventually requiring the input of specialist resources.⁵⁴³

The issue of staffing levels is an important one and whilst additional numbers were authorised for particular issues such as the 1869 extension of the detective force, this was not always the case.⁵⁴⁴ Records show that as London developed and changed, especially demographically, additional staffing was not always approved.⁵⁴⁵ Linked with the changes in staffing levels is the fact that, over the period, the range of responsibilities increased and as a result the increased numbers were not always apparent on the streets performing routine duties.⁵⁴⁶

The changing role, as well as specific situations, meant that decisions had to be made regarding the use of resources and how, where and in what numbers they should be deployed. These decisions were taken at a number of levels from commissioner to constable; evidence that this was the case is clear regarding the

⁵⁴³ M. P. Orders, 1 June, 1880, National Archives (P.R.O.), MEPO 7/42, shows staffing levels of the newly created Convict Supervision Office.

⁵⁴⁴ Ibid, 27, July, 1869, National Archives (P.R.O.), MEPO 7/31, relates to a substantial increase in detectives and their establishment on divisions.

⁵⁴⁵ Approval was sometimes given for extra staffing, the ARCMP for 1879 shows an additional 200 officers but requests for more staff had to be made six years later. ARCMP 1885, see J division. In June 1912 approval for an increase was given but it was stated that in future adjustments would have to be made out of existing staff. National Archives (P.R.O.), MEPO 2/1489, letter dated 20 June, 1912 regarding Y division. See above for ratio of police to public 1891 and 1901.

⁵⁴⁶ ARCPM, 1887. C division report p. 48. This shows that as a result of 'the enormous amount of vehicular traffic'... 'it is found necessary to withdraw many men from the beat'.

commissioner but is rarely available when concerning the officers on duty on the streets. In practical terms however it was these latter officers who had to implement the decisions taken by senior officers and it raises the question as to how effective these decisions were. It will be argued in this thesis that much of the way in which the resources were allocated to tasks, targeted, was statistically at least of poor value. Given that this was the case one needs to ask why it was continued.

In the absence of other sources, it is inevitable that statistics play a large role in the assessment of police work, effectiveness, the meeting of aims and objectives, can sometimes be seen in particular cases but generally it is difficult to measure in any detail. There is very little available documented evidence from the police to show how effective they were in any given situation, there are many examples of orders being issued setting out the action to be taken but rarely can any results be seen. Importantly it must be noted that it is not possible, save in very general terms to assess how effective was a police officer working his beat, how much crime he prevented. It is not possible to prove a negative.

It is important to be aware of the fact that there were a number of occasions when events well beyond the Metropolitan Police District had the effect of requiring the targeting of resources and in some cases this targeting became permanent. In this way the Special Irish Branch was established in 1887 to deal with Fenian activities and this eventually become permanent being renamed Special Branch.⁵⁴⁷

Targeting was without a doubt a legitimate, even necessary tool for the police to use and it is clear as with the introduction of fixed points that the basic allocation of

⁵⁴⁷ M. P. Orders, 5 March, 1887, National Archives (P.R.O.), MEPO 7/49. This gives the staffing of the new branch as two Inspectors, four Sergeants and twenty Constables.

officers required refinement over time as the situation changed. These changes often required specialist deployments but they were not always effective and in order to see how such actions were taken it is necessary to examine the orders issued. These were often very specific and, given the finite resources, frequently required the cancellation of police leave.⁵⁴⁸ In addition to specific situations, orders were occasionally issued directing the force to take note of particular powers that should be employed. These were usually in order to deal with problems occurring over a length of time or on a particular police division.⁵⁴⁹ As an example, in 1850, an order was issued directing superintendents to ensure that their officers were aware of the need to follow and search suspicious characters.⁵⁵⁰ Additional police orders covered both general situations such as public houses and brothels, street offences including begging and the repeated drawing of attention to the offence of burglary especially when committed via porticoes or insecure premises.⁵⁵¹ Even without detailed evidence regarding the cause for such orders it is clear that police policy meant that very little of its work was not in some way targeted and given the limited resources this was to be expected. There is, however, a difference, which will be explored below, between the above specific instances of targeting and that of a much more general nature.

Although it will not be examined in detail, one of the greatest changes within the period in question was the development of the detective department. In terms of

⁵⁴⁸ Ibid, 22 March, 1869, National Archives (P.R.O.), MEPO7/31 and 16 February, 1874, MEPO 7/36.

⁵⁴⁹ As examples officers were reminded of the powers under the Metropolitan Police Act, 1839 sec. 47 and 66. M. P. Orders, 25 September, 1887, National Archives (P.R.O.), MEPO 7/40 re use of Stops in the street.

⁵⁵⁰ M. P. Orders, 7 January, 1850, National Archives (P.R.O.), MEPO 7/131.

⁵⁵¹ Ibid, 3 July, 1888, National Archives (P.R.O.), MEPO 7/50. This order also dealt with the distribution of leaflets to householders especially in the suburbs.

targeting and the use of resources as it developed so its role and therefore its purpose was gradually defined. In October 1877, following on from the departmental commission into the detective force, and later orders in relation to their role, it was stated that their function could generally be described as dealing with offences of a more serious nature.⁵⁵² In terms of targeting orders were given to superintendents that they were not to be 'burdened with ordinary or trivial cases.'⁵⁵³ There was also a view expressed that, despite the improvements, the detectives were not very efficient. This was certainly the opinion of Monro who felt that there was 'decidedly room for improvement' in their work.⁵⁵⁴

Staff Deployment and the Prevention of Crime.

The most basic of targeting actions, the deployment of staff, must, at least in part, have been based on received information, instructions or in pursuance of their primary objectives. In reality if information was available that certain offences were being committed in a particular location then a reaction in the first instance would have been to deploy extra staff to that area.⁵⁵⁵ In the case of instructions the distinction is clear whether the orders originated from the Home Office or were determined by the way of legislation or public pressure. As examples of this type of instruction one can see the formation of the Convict Supervision Office arising out of the Home Office enquiry into the detective force and, as has been seen, of the

⁵⁵² Metropolitan Police correspondence, 18 October, 1877, National Archives (P.R.O.), MEPO 2/37.

⁵⁵³ Ibid. 25 March, 1878. National Archives (P.R.O.), MEPO 2/37.

⁵⁵⁴ J. Monro, 'The London Police', *North American Review*. Vol. 151, 1891 p 628.

⁵⁵⁵ The allocation of extra staff to H division, see below, in 1888 is an example of this. Metropolitan Police Orders 31 October, 1888. National Archives (P.R.O.) MDEPO. 7/50.

short lived White Slave Traffic branch as the result of public and government pressure.⁵⁵⁶

At a very fundamental level the structure of policing and its priorities were set out in directions given to police regarding their primary objectives under the Metropolitan Police Act 1829. These primary objectives were the 'prevention of Crime, the next the Detection and Punishment of Offenders if crime is committed' and then the 'protection of Life and Property, the preservation of Public Tranquillity'.⁵⁵⁷ The objectives are of course very wide but there is a clear distinction between the prevention of crime and that of the detection of offenders. That this distinction existed can be seen in a number of ways including the very practical one of rewards given to officers for their actions in this regard.⁵⁵⁸ The Metropolitan Police took their primary objective, prevention of crime, very seriously with repeated police orders drawing attention to the number of insecure premises and the need to involve the public fully in the protection of their property. This targeting of prevention was to remain throughout the period under examination.⁵⁵⁹ A great deal of police activity was directed at targeting private property in an attempt to prevent crimes and in practical terms it should be noted that property be it in form of goods or personal possessions can be more easily quantified, protected and targeted than can attacks on people. Research has shown that in this period well

⁵⁵⁶ See M. P. Orders, 1 June, 1880, National Archives (P.R.O.), MEPO 7/42 in relation to the Convict Supervision Office and correspondence dated 16 November, 1912, National Archives (P.R.O.), MEPO 3/668, regarding the White Slave Traffic.

⁵⁵⁷ Metropolitan Police Act, 1829 (10 Geo. 4. c.44). See Instruction Book for Use of Candidates and Constables of the Metropolitan Police Force, 1871, National Archives (P.R.O.), MEPO 4/36.

⁵⁵⁸ M.P. Orders, 25 May, 1830, National Archives (P.R.O.), MEPO 7/1.

⁵⁵⁹ See M. P. Orders, 23 January, 1854. National Archives (P.R.O.), MEPO 7/16 when superintendents were reminded that some were improperly employing officers in plain clothes and that this did not assist in the prevention of crime and that they were liable to be seen as spies.

over half of the offences committed were against property, usually small scale thefts.⁵⁶⁰ Many of these small-scale thefts were difficult to target but houses, shops, warehouses and the like could be protected and a substantial effort was made towards this end especially at night when in law the offences would be more serious.⁵⁶¹

This does not mean that offences against the person were ignored. Some attempts were made to target those committing crimes involving personal violence but only in particular situations; good examples being the police activity as the result of the 'garrotting panic' of 1862 and in 1888 in connection with the 'Jack the Ripper' murders on H division.⁵⁶²

Throughout the period the geographical area of the Metropolitan Police remained virtually the same but the area to be covered by individual officers on their beats changed according to their duty. The average length of a daytime beat in London, in 1870 was some 7 ½ miles with those at night being just 2 miles.⁵⁶³ Despite the lower size of night duty beats compared with those during the day, and the fact that, theoretically at least, there were three times as many officers on duty as against a day relief, the beats were still considered to be too long.⁵⁶⁴ There are many

⁵⁶⁰ Emsley, *Crime and Society* p. 32.

⁵⁶¹ Metropolitan Police General Orders, 1893, National Archives (P.R.O.), MEPO 8/4 p. 275, shows that burglary was defined as being committed by a person who breaks and enters a dwelling house by night with intent to commit any felony therein or breaks out of any dwelling house by night either after committing a felony therein or after having entered a dwelling house either by day or night with intent to commit a felony therein. This is different from housebreaking which covers a far wider range of buildings both day and night.

⁵⁶² M.P. Orders, 4 August, 1862, National Archives (P.R.O.), MEPO 7/23. Home Office correspondence, National Archives (P.R.O.), HO 144/220/A 49301 A and B.

⁵⁶³ Samuel Smiles, 'The Police of London', *Quarterly Review*. CXXXIX (1870) pp 87-129 at p. 100. Chadwick MSS 16 Police Memoranda etc. (1855-1869) report by William Farr M.D. F.R.S. on the Metropolitan Police Superannuation Fund. Quoted in Emsley, *Crime and Society*, p.246.

⁵⁶⁴ For a view of the deployment of staff across all divisions and for Night and Day duty in 1856 see Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/26.

examples of superintendents complaining about this situation and the Annual Report for 1886 contains complaints on this theme from outer divisions such as J.P.R.T and X.⁵⁶⁵ An earlier report from P Division complicates the issue by stating that not only were the beats 'too extensive to afford proper protection' adding that other duties often took away even the available officers.⁵⁶⁶ As far as the total number of beats in the force area is concerned in 1869 it was shown that during the day there were some 921 beats and at night 3126, five years later there had been a slight change and that daytime there were some 980 beats whilst at night there were 3,500.⁵⁶⁷

In order to work towards the priorities set by parliament the police had to decide how their main resource, staff, would be allocated. A number of different options were suggested and even tried out but by 1869 sources show that a set pattern had been decided upon.⁵⁶⁸ The Commissioner's Annual Report for this year shows that some 60 per cent of available officers were employed on night duty, the remaining 40 per cent being divided in two leaving at best just some 20 per cent of the force on duty at any one time during the day.⁵⁶⁹ The actual hours worked were basically night duty of 10 p.m. to 6 a.m.; but for those on day duty the hours varied according to the divisions to which they were attached. In this way those on outer divisions would work two shifts, 6 a.m. to 2 p.m. and 2 p.m. to 10 p.m., if attached to an inner

⁵⁶⁵ ARCPM, 1886. Reports from J.P.R.T and X divisions.

⁵⁶⁶ Ibid, 1884. P Division. There are also similar complaints from R division, difficulties on Night Duty and Sunday evenings from C and D divisions and the use of double patrols from V Division.

⁵⁶⁷ Ibid, 1869. p. 2 and *Westminster Review*. Vol. 45. January- April, 1874. (London: Trubman and Co.).

⁵⁶⁸ As examples, see suggestion by Capt. Harris. 1853 with variations of Night Duty Hours. National Archives (P.R.O.), HO 45/OS 5698, in same year a three day rota was tried on C Division. National Archives (P.R.O.), HO 45/4620 and a suggestion from Superintendent Walker that there should be a fifty/fifty split, half on night duty, half on days. National Archives (P.R.O.), MEPO 2/5802. None were proceeded with.

⁵⁶⁹ ARCPM, 1869, p.1. The report shows some additional officers being on duty in the evening but no details are given and this was not repeated in subsequent reports. In the 1869 report it was noted that within the basic 60/40 split there were some variations, the night duty being between 60% and 66%.

division the normal pattern was one of four shifts, half would work 6 a.m. to 10 a.m. and then 2 p.m. to 6 p.m. the other half 10 a.m. to 2 p.m. and then 6 p.m. to 10p.m.

Prior to this pattern being finally adopted there were some suggestions as to the ways in which staff deployment could be improved and therefore be better targeted towards the primary objects. It is important to note that whilst figures regarding staffing levels exist at a divisional level little is known as to the way they were deployed within the division. Documentary evidence does however exist regarding an attempt to vary the pattern on N division in 1853. It is dangerous to draw conclusions from just one example but this experiment does provide some interesting information and it will be shown that some of the results it produced were replicated in practice on other divisions later in the period.

N division was situated to the East and North of central London consisting in part of some very densely populated parts of the East End as well as some of the developing suburbs. The experiment, based at Hoxton, a built up area, entailed the deployment of seven sergeants and one hundred constables who were split into groups covering the twenty four hour period. The figures in the following table show that there was a concentration of officers between 10p.m. and 2a.m. The Night/Day split was only slightly different from the norm of 60/40 with 63.5 per cent being on night duty and 36.5per cent on days yet the variations within this allocation are of interest. The correspondence also gives a rare example of a breakdown of the type of offences and when they were committed as follows:-

Table. 6.Entries in Charge and Robbery Books. 1853 N Division Hoxton

<u>Times.</u>	<u>No. of entries.</u>	<u>Percentage.</u>	<u>% of officers on duty.</u>
6a.m. – 10a.m.	465	(4.5))
10am – 2p.m.	1196.	(11.6)) 12.1/2
2p.m. – 6p.m.	1739	(16.8))
6p.m. – 10p.m.	2521	(24.4)	25
10p.m – 2a.m.	3261	(31.6)	75
2a.m. – 6a.m.	1142	(11.1)	62.1/2

Total 10, 324.

Source. Metropolitan Police documents National Archives (P.R O.) MEPO 2/108.

Of particular interest is a pencil note on the papers, not dated, which said, ‘The greater number of felonies were committed between 6 and 10p.m. signed D.L.’⁵⁷⁰

It is clear that at this station the greater number of offences, some 56%, were committed between the hours of 6p.m. and 2 a.m. yet for the first four hours only 25% of the available officers were on duty. The pencil note however states that the majority were committed in this period and that they were the more serious offences, felonies. According to the above some 62½ per cent of the officers were on duty between 2 a.m. and 6a.m. when just 11.1% of the offences were committed. It is therefore possible to argue that the deployment of officers was, at least in connection with property offences, improperly balanced, more officers should have been

⁵⁷⁰ One of the difficulties with statistics relating to crime is that of determining accurately when the offence was committed. Whilst the time would have been clear when an arrest was made and where the complainant was certain there would also have been a number of crimes reported where this information was not available.

employed 6p.m. to 10p.m. It is clear from the above and the pencil note that local officers were examining staff deployment in relation to the commission of crime but this experiment was not continued.

The report continued by giving a breakdown of the offences committed during the parts of the day and shows that in the 'Morning' [no times being given] they were 'area robberies' and of clothing via doors and windows left open, in the evening they included thefts from unfinished houses, breakings into inhabited houses by skeleton keys or through open attic windows.⁵⁷¹ Those committed at night are shown as Burglary, Robbery from the person, stealing cattle, poultry etc.

It is important to note that the above information relating to entries in the two books would have been for all arrests and it is clear that this would correlate to the number of officers on duty.⁵⁷² In terms of targeting it does however show that there must have been a concentration on the objective of prevention which would go some way to explain why such a high proportion was still on duty between 2 am and 6a.m. The experiment did not drastically change the overall distribution of officers but did attempt to concentrate resources more efficiently. This was an attempt on one division to find a more productive pattern of working, each division in the Metropolitan Police would have had different patterns of crime and therefore a need to be flexible in the use of resources. Save as shown below this does not appear, no records exist, to have been the case.

⁵⁷¹ Area robberies are described by K. Chesney. *The Victorian Underworld*, (London: Maurice Temple Smith, 1970) p. 152. and involved the stealing of property left outside in basement areas or from where access could be obtained into easily entered property.

⁵⁷² From personal knowledge each station would have a charge book into which all arrests would be entered be they for drunkenness, theft or murder.

Despite a number of suggested variations there was a rigidity in the way the main resource was deployed to divisions throughout the Metropolitan Police.⁵⁷³

A good example of this can be seen in the situation on G division in 1908 where despite a changing demographic and geographical situation the staffing pattern remained the same. G division was virtually a desert at night yet their staffing levels remained steady whilst there was a lack of officers in the developing outer divisions.

⁵⁷⁴ An examination of the returns contained in the annual reports of the commissioner shows that at the time of the superintendent's report G division covered an area of 1.84 square miles with a police strength of 575 officers. This compares with details from 1869 which shows an area of 1.10 square miles and a staff of 348; in 1885, mid period, the figures quoted were 2.07 and 547 respectively.⁵⁷⁵ The nature of the division as seen by the report had changed, the population had dropped by 3,511 and in terms of housing there had been a decrease of 4,791.⁵⁷⁶ The number of officers, however, had not greatly changed and an examination of the ratio between the area and number of officers shows that for the above three years there was very little variation.⁵⁷⁷ The fact that this division was so quiet at night supports information given by Detective Sergeant Forster, H division to the departmental enquiry into the detective force in 1878 to the effect that 'it is very rarely after 12 or 10'clock in the morning that anything occurs on the division

⁵⁷³ Details exist in the Annual Reports of the staffing levels on each division and therefore the changes over the period. What is not available is the way that the staffing was deployed over the sub-divisions and section stations.

⁵⁷⁴ Report by superintendent G division, 16 September, 1908, National Archives (P.R.O.), MEPO 2/1213. This division was a central one bordering the City of London.

⁵⁷⁵ ARCPM, 1869, 1885 and 1908.

⁵⁷⁶ Population 79,131 in 1898 to 75,620 in 1908. Housing 12,514 to 7,723. G division report. Ibid.

⁵⁷⁷ Ratio, number of officers to area - 1869 - .0032, 1885 - .0037, 1908 - .0032. G division report. Ibid.

to which I am attached. The cases are mostly highway robberies with violence between 9 and 1 o'clock'.⁵⁷⁸ The situation on these divisions goes some way towards supporting the situation outlined on N division that very little took place between the hours of 2a.m. and 6 a.m. yet a considerable number of officers were routinely on duty on those divisions at those times.

In order to examine this issue further it is necessary to look at a period where records relating to crimes committed and the times of day are available and this can be done by looking at the period 1891 – 1901. In general terms it can be seen that there were more offences of housebreaking, shown as having been committed during the day, than those of burglary at night, but the statistics are complicated by a number of other factors.

Table. 7.

(a) Number of offences of Burglary for ten year period 1891- 1900 and times of day shown as a percentage.

Year.	9pm-10p.m.	10-11p.m.	11-12p.m.	12-2a.m.	2-4a.m.	4.6am.	Not known.	
Total								
1891.	1.87	4.13	3.94	14.66	34.39	12.2	28.75	532
1892.	3.14	2.20	2.04	17.16	28.97	14.64	31.81	635
1893	2.71	1.52	8.03	13.68	10.53	15.85	47.66	921
1894	3.90	4.42	4.94	15.88	29.94	16.66	24.21	384
1895	3.30	3.69	2.72	10.70	34.04	28.79	16.73	514
1896	3.38	4.35	1.93	20.33	35.10	29.78	5.08	413
1897	4.26	2.60	3.08	22.03	36.49	23.45	8.05	422
1898	2.81	3.41	5.42	22.89	35.14	23.09	7.22	498
1899	3.57	4.25	5.36	20.58	38.70	22.59	4.92	447
1900	4.35	4.08	4.63	18.80	32.69	21.52	13.89	367
.								
Total	3.21	3.23	4.48	17.16	29.63	17.24	22.15	
5133.								

⁵⁷⁸ Departmental Committee into the Detective force. para.2370. H division had a similar location to that of G division.

(b) Number of offences of Housebreaking for ten year period 1891 – 1900 and times of day shown as a percentage

Year 6– 8am. 8 – 10a.m. 10 – 1p.m. 1 – 4p.m. 4 – 7p.m. 7-9pm. Not Known. Total.

1891	29.27	0.15	1.05	6.32	15.72	24.90	22.57	1329
1892	36.66	0.22	1.59	8.25	18.25	18.56	21.59	1320
1893	24.19	0.59	1.26	9.30	13.47	22.41	28.74	1343
1894	10.5	0.58	2.15	13.08	18.19	20.41	35.01	1528
1895	10.52	0.99	1.33	10.39	19.92	21.31	35.44	1501
1896	18.12	3.14	2.48	14.18	18.49	20.76	22.80	1368
1897	12.80	3.18	3.18	16.98	18.54	20.80	24.48	1413
1898	12.95	3.78	4.29	14.26	18.48	18.85	27.36	1374
1899	9.84	3.63	3.63	10.90	17.78	25.20	28.99	1321
1900	5.57	0.70	1.62	14.05	15.74	21.96	40.32	1416
Totals	16.77	1.68	2.25	11.83	17.02	18.61	29.28	13913

Source. Annual Reports Commissioner of Police of the Metropolis 1891 - 1901.

The figures above for burglary appear to contradict those given in the N division report in that the bulk of the offences over the years were committed between 2 and 6a.m. Care as to be taken however as the two sets of figures do not compare the same offences, N division particularly noted the offences of Felony of which Burglary was just one and as has been noted the situation regarding crime, the type and times, varied from one division to another. The above tables relate to the entire Metropolitan Police District and both are complicated by the fact that a very large proportion in both cases are shown as 'Not Known'. In reality this means that the person reporting the crime was unable to say at what time the offence was committed. As a result of this uncertainty it must be noted that any conclusions drawn from these figures can only be tentative.

Taking an overview, an analysis of the above crimes and years also shows that in terms of value of property stolen the average value per crime for housebreaking was,

in six out of the ten years, greater than that for burglary.⁵⁷⁹ Based on these figures it is possible to argue that the targeting of resources, purely in financial terms, was wrongly placed. It is however clear, and not surprising, that force wide the concentration of officers on night duty had the effect of a much higher arrest rate for burglary, an average of 38.14 per cent, than for housebreaking with a rate of 9.39 per cent.⁵⁸⁰

The situation as existed in the years under examination, 1850 – 1914, can be looked at in a number of ways. In terms of the primary objects, the prevention and detection of crime, and taking the widest view, it can be argued that the allocation of resources was correct. It is clear that whilst the number of offences prevented cannot be known, less were actually committed during the night and the arrest rate was higher for burglary, the more serious offence.

This has to be balanced against the fact that the daytime period was twice as long as that at night and that during the day the available officers were engaged in variety of other duties such as traffic, not required to the same extent at night. The above statistics are however representative of only a small part of the crimes committed and, bearing in mind the comments from N division, it can be argued that greater flexibility was needed.

It is clear from the above that the routine targeting of the hours of night duty was not sufficient for the force to be able to deal with the wide range of crimes committed and other arrangements had to be made in specific cases. These can be seen simply in terms of a reaction to a particular situation but it is also possible to

⁵⁷⁹

ARCPM, 1891 – 1901. See Appendix.7.

⁵⁸⁰

Ibid.

argue that the vast bulk of police activity was of this kind, situations arose which require a police response and resources were deployed. An early example of this taking place can be seen in relation to an outbreak of highway robbery on H division in 1865. In the July of that year a small number of officers, six Police Sergeants or Constables, in plain clothes were ordered to parade in two reliefs and to work four hour shifts between 9a.m. and 11p.m. Additionally sixteen constables again in plain clothes were to patrol in two shifts 12 noon to 3p.m. and 9p.m to 1a.m.⁵⁸¹ In charge of this group was to be a Detective Sergeant from Scotland Yard. The order detailed the divisions from which the officers were to be drawn and this was amended later in the month with the instruction that the officers were to patrol between 7p.m. and 1a.m.⁵⁸² With minor variations, these patrols continued until at least the week of 17 September 1865. This was just one example, another being on B division, when extra patrols were deployed in connection with a series of burglaries.⁵⁸³

It is of note that these hours were not very different to those on N Division during which the majority of offences were committed. Evidence as to the effectiveness of these short deployments is not available but there was obviously a need for special arrangements to be made to target a variety of situations and in 1871 the Commissioner reported that there had been a 'temporary augmentation' of twenty detectives to operate during the winter months in a system of patrols aimed at the areas deemed to be most exposed to crime.⁵⁸⁴ He concluded this part of his report with the words, 'with markedly good results'. This deployment had been built upon

⁵⁸¹ M. P. Orders, 1 July, 1865, National Archives (P.R.O.), MEPO 7/26.

⁵⁸² Ibid, 8 July, 1865, National Archives (P.R.O.), MEPO 7/26.

⁵⁸³ Ibid, 26 January, 1871, National Archives (P.R.O.), MEPO 7/33. As a further example of specific areas of targeting see M.P. Orders, 8 May, 1873, National Archives (P.R.O.), MEPO 7/35, aid to T Division. These also show that the initiative for such action could be other than at Scotland Yard.

⁵⁸⁴ ARCPM, 1871 p.2.

two earlier police orders the first of which stated that officers from A,B,L,M and P divisions were to parade alternately on B,C,D and T divisions and to patrol; between 6 p.m. and 12 night under the control of an officer from the Detective Department.⁵⁸⁵ The second stated that divisional detectives, well acquainted with the persons of thieves were to undertake the duty between the hours of 5p.m and 11p.m.⁵⁸⁶ In addition to the slight change of hours the divisions had previously been extended and now included G and X and was in addition to the use of eight officers to patrol on B division with reference to a particular burglary. The above orders did not, apart from that relating to B division, specify a particular crime or crimes but it is clear that they were designed to prevent as well as detect offences and offenders involving property. Further information as to the purposes of these patrols, and others to be discussed below, can be obtained from an entry in the Commissioner's Annual report for 1874. This shows that these officers had in the past year only made a few arrests but, 'the larcenies which these men were especially organised to prevent, have ceased on the ground patrolled, thus showing that they have answered the purpose for which they were organised'.⁵⁸⁷ It is therefore clear that these patrols had met the objectives laid down for the police on their formation. Further light was shone on these patrols in evidence given to the 1878 committee enquiring into the detective force. It was made clear that they were to prevent the theft of jewellery and the hours. 5p.m. to 11p.m. were described by the witness, Superintendent Williamson, the senior detective as 'the criminal hours'.⁵⁸⁸

⁵⁸⁵ M.P. Orders, 29 October, 1870, National Archives (P.R.O.), MEPO 7/32.

⁵⁸⁶ Ibid, 26 October, 1871, National Archives (P.R.O.), MEPO 7/33.

⁵⁸⁷ ARCPM, 1874. Report from Detective Department. p. 87.

⁵⁸⁸ Departmental Committee into the Detective force, 1878. paras. 6429 - 6433.

Although targeted to specific areas, at the most important hours and to particular crimes it is clear from a number of later orders that these winter patrols were not always performing as well as expected. Concern was expressed by the Commissioner that the best officers were being used when he commended two officers for the number of arrests they had made, one having made nine arrests although only two were for felonies.⁵⁸⁹ This order continued, 'except in G.H. and T divisions several winter patrols show no direct results. Only energetic officers should be employed on this duty'.

Despite the fact that the patrols had been given specific tasks it soon became apparent that they had been used for a wide variety of other duties and orders were issued that they were not, save in exceptional circumstances, to be employed in making enquiries and that their duties were to be confined to patrolling with the objectives of preventing and detecting crime.⁵⁹⁰ It is not always easy to evaluate the work of these patrols but there are a few specific instances where the work of the patrols is mentioned and a good example can be seen in the Commissioner's report for 1883. This shows that there had been an extension of the winter patrols and that on V division there had been 119 arrests and on X division some three years later it was shown that 175 arrests had been made. In addition police orders from time to time show commendations for good arrests by officers on winter patrols, although it is not always possible to evaluate these in the wider context of results set out in the annual reports.⁵⁹¹

⁵⁸⁹ M. P. Orders, 12 November, 1879, National Archives (P.R.O.), MEPO 7/41.

⁵⁹⁰ Ibid, 22 December, 1879, National Archives (P.R.O.), MEPO 7/41.

⁵⁹¹ Ibid, 10 October, 1879, National Archives (P.R.O.), MEPO 7/41, 9 January, 1880 and 7 February, 1880, both National Archives (P.R.O.), MEPO 7/42.

It soon became clear that these patrols were a useful way of targeting crime and in 1884 the arrangement was further extended to cover all divisions except A, and employed a total of eleven sergeants and one hundred and thirty-three constables.⁵⁹² The use of these patrols was kept under review and a survey was conducted in 1889 as to the usefulness of the expanded scheme across four very different divisions, one, C division, was in effect the West End of London containing much of the entertainment district, H was in the worst part of the East End, J was a developing area to the North East of London and L was situated in a densely populated area of South London. It was reported that the numbers were in general quite sufficient and replies from the last three mentioned divisions included the comment that they were good at their targeted role, the prevention of crime and the detection of offenders.⁵⁹³ As a result the Home Office was informed by the Commissioner that the patrols would continue under the same arrangements.⁵⁹⁴

In terms of evaluating the work of these patrols, some information can be seen in a return appended to the 1878 enquiry into the Detective Force. These are interesting but frustrating in that it only covers the months of January to September 1878 although it does cover the offences of burglary and housebreaking. According to these figures the month of September was by far the busiest followed by June, July and August, the lowest were the months of February and March.⁵⁹⁵

⁵⁹² Ibid, 10 November, 1884, National Archives (P.R.O.), MEPO 7/46. No reason was given for the exclusion of A division but it is probably due to the fact that the division covered Whitehall and the government offices with little or no residential accommodation. At this stage all officers working at Scotland Yard were shown as being attached to A Division.

⁵⁹³ Metropolitan Police correspondence, 26 September, 1889, National Archives (P.R.O.), MEPO

2/233.

⁵⁹⁴ Metropolitan Police correspondence, 8 October, 1890, National Archives (P.R.O.), MEPO

2/233.

⁵⁹⁵ Departmental committee into the detective force, 1878, Appendix C.

With such limited information it is dangerous to draw any firm conclusions as to the deployment of these patrols at the times given. Sources do show that in 1862 the majority of offences of burglary and housebreaking had been committed in the summer months and the returns for 1877 show that it was this period that saw the greatest number of arrests.⁵⁹⁶

As part of the 1889 attempt to establish the value of the patrols the suggestion was made that instead of a one long period of employment the patrols should be deployed in shorter periods as required.⁵⁹⁷ The divisional superintendents were asked for their views and it was generally agreed that they were of value in the prevention and detection of crime and that they should continue as before. These arrangements were confirmed in a memorandum to the Home Office on 8 October 1890.⁵⁹⁸ The above patrols were using local officers, uniformed and detective, to patrol areas where there had been a problem identified locally and the officers, even when under the charge of an officer from the detective department, worked to divisional superintendents.

There was however another set of officers starting in 1872 which, although employed centrally, was targeted at a variety of issues across the police district. This group which comprised just ten officers, attached to the detective department, were given a very varied role being required to patrol any given part of the district being used as auxiliaries to divisions and in the first year of their operation arrested fifty-two persons.⁵⁹⁹ Further details of their role were given by Superintendent

⁵⁹⁶ Home Office correspondence, National Archives (P.R.O.), HO 63/10 and Departmental Committee into the detective force. Appendix C.

⁵⁹⁷ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/233.

⁵⁹⁸ Ibid.

⁵⁹⁹ ARCPM, 1873, p. 95.

Williamson. He explained that the instructions for these officers came from Scotland Yard, not divisions and that, 'the work they would probably be called upon would be probably be watching certain people'.⁶⁰⁰ When first appointed they were targeted at a 'class of crime rife in Whitechapel, namely snatching persons watches by people in the streets'.⁶⁰¹ Initially the patrols had been very effective, but recently for reasons which the superintendent could not explain their later arrest rate had been very low. Although this group of officers were under the control of the Commissioner local officers were able to request their attendance on division, but this did not mean that they were under the control of those officers once deployed. Explaining this situation the officer in charge of detectives on C division, Detective Sergeant Butcher, stated that he would not have been aware of their role and there was no element of control or supervision by divisional officers.⁶⁰² The situation therefore was that a small group of officers could be requested to work on a division but they were directed from the centre and from there received details of the situation they were to target. It is clear that because of this the officers would have had little or no local knowledge. Evidence setting out details of their work has not survived it is difficult to quantify their results, all one can say is that, if Superintendent Williamson was correct, they were not very good.

The gradual development of the use of small groups of officers on all divisions of the Metropolitan Police indicates that the police were becoming more specific in their targeting and were willing to commit officers often for quite lengthy periods. It

⁶⁰⁰ Departmental committee into the detective force, 1878, q. 6369.

⁶⁰¹ Ibid, q. 6377 Other examples of the offences targeted were given including rowdyism at Islington. See also National Archives (P.R.O), MEPO 2/470, re similar offences on J division Bethnal Green.

⁶⁰² Ibid. q 6452.

is clear that the targeting was largely preventative and the wider use of the patrols meant that local officers were able to be used so taking advantage of their local knowledge.

Evaluation of the early targeting is not possible as the Commissioners reports did not start until 1869. What can be said however is that unlike the initial patrols concentrated in particular areas they now covered all divisions including those which were densely populated and high in deprivation. There was also a considerable amount of flexibility and with it the ability to deal with short term problems as well as those of a more serious and lasting nature. In addition to particular circumstances such as the additional 100 officers sent for two months to H division in September 1889 regarding the 'Whitechapel Murders' the police could use the ten officers as a 'Flying Brigade' to deal with particular short term problems.⁶⁰³ There is also a limited amount of evidence to show that gradually local superintendents were being given discretion to target local problems.⁶⁰⁴ These were in connection with street offences on J and G divisions although as both were towards the end of the period would hardly support the claims made by Davis who was concerned with the period of the 1850's and 1860's when there was very little local discretion as to the use of resources.

The deployment of the above officers to particular areas was a positive step, but there was still a problem of what to do about those individual criminals who were suspected of particular offences. This aspect of police work was examined by the

⁶⁰³ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/227, dated 13 September 1889 and evidence by Vincent to Royal Commission on duties of the Metropolitan Police, 1908, c.4261, Minutes of evidence q 45779.

⁶⁰⁴ Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 2/1213. Report from G Division.

committee inquiring into the detective force and it was found that attempts had been made to follow individuals but generally they had met with little success. A basic problem was that of ensuring those watched were not aware of the fact; on occasion those watched led the police a merry dance by going in and out of different premises. With evident frustration the Commissioner noted that, 'you can watch a man more than three days and all you ascertain is that he spends his time in a public house'.⁶⁰⁵ Developing this theme he explained that once a suspect is aware he is being watched he would disappear and that as a result the police lost track of him, perhaps for months and then he would re-appear in another part of London.⁶⁰⁶ The Commissioner agreed that theoretically it would be possible to pass a description from one division to another but pointed out that in practice each division was virtually a separate force and that any identification by this means would only be by, 'the greatest chance'.⁶⁰⁷ Despite the difficulties there were occasional examples of a suspect being successfully watched over a period as can be seen in a C division report in 1878 when an arrest on 'suspicion' led to a charge of possessing housebreaking implements.⁶⁰⁸

Information regarding the targeting of particular, named, criminals and the difficulties that could arise is rare but it did take place. The enquiry into the detective force was given information regarding the case of Wilson, better known as 'Sausage' whom it was explained had been seen and targeted by every detective [presumably those based at Scotland Yard] so that he could be followed. This individual was in the words of the report, 'followed and hunted like a fox', and in

⁶⁰⁵ Departmental committee into the detective force, 1878, para. 5177.

⁶⁰⁶ Ibid. para. 5178.

⁶⁰⁷ Ibid, para. 5180. See also statement by J.E. Davis, para 5030.

⁶⁰⁸ Home Office correspondence, National Archives (P.R.O.), HO 45/9755/A605557, p. 6.

particular was followed to Liverpool where information had been received that he was to commit offences. In the event Wilson saw the police before they saw him and no offences were committed.⁶⁰⁹

The best that can be said for this operation is that, at least for that moment, a crime had been prevented. It is clear that directions would have been given from the very top that such targeting should take place and considerable resources had been allocated. At a much lower level it can be seen in a report from Y Division, dated 21 September 1870, that permission was requested to follow a suspect, in this case on his release from prison. The follow up report dated 23 September 1870 shows that the observation took place across several divisions ending, inconclusively, on K Division.⁶¹⁰

There were however a number of cases where the targeting of criminals led to arrests although not always of those originally targeted. Anderson describes the case of Henry Marchant, a habitual criminal with convictions for robbery involving the use of a firearm, who was followed on his release from prison and as a result was arrested for the offence of housebreaking.⁶¹¹ More unusual was a case where Superintendent Thomas had been sent to Manchester to enquire into a very serious burglary at the offices of the Board of Inland Revenue. The superintendent was unable to complete the case in Manchester but suspected that two London criminals had been involved. Returning to London he obtained the Commissioners approval to target these suspects and set up a small team with the aim of being able to confirm

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Home Office correspondence, National Archives (P.R.O.), HO 45/9442/66692, para 5293.

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Metropolitan Police correspondence, 21 September, 1870, National Archives (P.R.O.), MEPO

3/88.

⁶¹¹

Anderson, *Criminals and Crime*, pp 16 and 17.

their involvement in the crime.⁶¹² In the event they were unable to do this, finding that the suspects could not possibly have been involved in the offence.⁶¹³ This was hardly the result that had been envisaged regarding the original suspects but further enquiries did reveal those responsible resulting in their conviction. The targeting of individuals was therefore in practice a difficult process and could on occasion lead to an unexpected outcome. Without details of the way which the two original suspects were initially wrongly identified it is difficult to comment on police action but it is clear that it required considerable expenditure of resources in order to show their innocence and the guilt of others.

Another approach to targeting crime was suggested by the departmental enquiry which was that the police should flood an area with officers and so force the criminals; Wilson was given as an example, to leave London.⁶¹⁴ This suggestion raised an issue that was giving the police some difficulties in that by taking such action allegations would be made that the police were preventing those targeted from getting an honest living. It was also pointed out that should the police take such action there would be a public protest and that in practice the police were discouraged from watching people, any officer found to have done so would be subject to disciplinary action.⁶¹⁵ The suggestion that by such action criminals would be driven out of London was supported at the inquiry by two Metropolitan Police Officers who believed that given sufficient resources this removal of criminals could be achieved.⁶¹⁶ Even if this could have been managed it does open the question as

⁶¹² This team consisted of One Inspector, One Sergeant and One Constable with the help of others.

⁶¹³ Departmental committee into the detective force, 1878, Appendix H.

⁶¹⁴ Ibid. para. 5297.

⁶¹⁵ Ibid, para. 6153 evidence given by Assistant Commissioner, Col. Labalmondiere.

⁶¹⁶ Ibid. paras. 678 and 999 Chief Inspector Shore and Inspector Graham.

to where they would go and it would have required considerable resources which the police did not have and were never likely to achieve.

Released Criminals.

Evidence given to the departmental committee into the detective force came from a variety of sources and related to both criminals in general and to those released on tickets of leave or under police supervision in particular. The police involvement in these latter cases was one set out in legislation and in practice this targeting of a group of convicts was to cause problems. These difficulties arose from a number of issues including those of identification and, in practice how they went about it. They were tasked with a specific function which was to deal with this smaller group of criminals in a different way from that of the vast majority and much of the way they went about this can be traced through the Commissioner's Annual Reports and police orders as well as various enquiries.

Initially the way in which the police went about their involvement with these groups was set out in evidence given to the 1863 Royal Commission on Penal Servitude. At first police involvement with this particular group of released convicts was very low key being mainly concerned with those who had broken the conditions of their licence and it was made clear to the Commission that the police were actually directed not to interfere with ticket of leave men.⁶¹⁷ In explanation of this order the view of the police was that the released convicts should be given an opportunity to lead an honest life without police interference. The commission also heard that the police had a practice of using officers who, whilst not especially employed for the purpose, had a good knowledge of criminals to target public

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Royal Commission on Penal Servitude, 1863 evidence by Sir Richard Mayne, para..1624.

houses and the like. These officers entered the premises and told the licensee 'that person is a thief, and so on but the Ticket of Leave man was not pointed out'.⁶¹⁸

The police had been instructed by means of an order of July 1862 that, 'public houses and places of bad repute and places of resort of criminal characters may be visited between the hours of 1 at night and 2a.m. by police in Plain Clothes acquainted with the persons of those likely to commit street robberies.'⁶¹⁹ There was therefore a targeting of this type of premises in connection with criminals generally and those likely to have committed the more serious offences in particular. The extent of the resources allocated to this targeting can be seen when in the following month orders were issued committing seventeen sergeants and 176 constables to this task.⁶²⁰ Police powers of entry to these premises had been increased with the passing of the Habitual Criminals Act 1869 and this fact was included in the Commissioners' Report for that year in that the legislation had improved police ability to supervise those within.⁶²¹

It has been demonstrated above that the ability of the police to identify criminals was not of a very high level yet in order to separate different types of criminals in such circumstances they would have required a high degree of knowledge. Evidence as to the effectiveness of these actions is not available, no documentation survives, but it is clear that the aim was that of prevention of crime and that different types of criminals were expected to be dealt with separately.

⁶¹⁸ Ibid. para. 1626.

⁶¹⁹ M. P. Orders, 16 July, 1862, National Archives (P.R.O.), MEPO 7/32.

⁶²⁰ Ibid, 14 August, 1862, MEPO 7/32.

⁶²¹ Habitual Criminals Act, 1869 and report from superintendent K division, ARCPM, 1869, p. 47. see also National Archives (P.R.O.) MEPO 3/88 for further details of the views expressed by divisional superintendent's

The changes in procedure for dealing with released criminals meant that over time the police had to take on new responsibilities. They were of a delicate nature and this is reflected in the way that, at least in the early stages, they were continually being warned as to the care needed in carrying them out. Initially there was just one group of concern to police, those on tickets of leave but the Habitual Criminals Act created the classification of Police Supervision.⁶²² The targeted group had therefore been widened and with the help of the new criminal register it was anticipated that the police would be better able to identify and control these criminals. This was easier said than done.

In order to properly understand the problems faced by the police and the level of targeting required it is important to clarify just which criminals were involved, those on Tickets of Leave, and how many offences they committed. Some idea of the numbers involved can be seen in the statistics given to the 1863 Royal Commission on Penal Servitude. Figures were provided for a three year period 1860 – 1863, covering the offences of burglary and robbery with violence.⁶²³ The report shows that in 1860 there had been eighteen arrests for robbery this increased to twenty-one in 1861 and ninety-two the following year. For burglary the figures amounted to 178. Of these it was shown that in the first year none were on a ticket of leave but in the following years this group accounted for two and four respectively.

When considering these figures a number of issues have to be taken into account. In operational terms the orders had been given to the police were clearly that they were not to interfere with those on tickets of leave and more importantly the

⁶²² Habitual Criminals Act, 1869, sec. 5.

⁶²³ Royal Commission on Penal Servitude, 1863, paras. 1540 - 1557.

commission was informed that the returns were 'very imperfect' because the police were unable to say with any certainty who was on a ticket of leave or not.⁶²⁴

Evidence was also given regarding those who, to the knowledge of the police, were at large after a sentence of penal servitude and these amounted to a total of twenty eight for the three years.⁶²⁵ It is clear that at this stage the numbers involved were not large.

Following on from the changes in record keeping introduced by the Habitual Criminals Act there are more figures available regarding those on tickets of leave and under police supervision. Contained in the Commissioner's Annual Report for 1870 are details of those registered with police of which there were between 11 December 1869 and 31 December 1870 some 31,764 of which some 1,171 were subject to police supervision.⁶²⁶ As a result of the Habitual Criminals Act the Metropolitan Police had been given responsibility for keeping criminal records for all of England and Wales and the above figures relate to that wider area, it is however possible to see from the report that in that period some 764 such persons had been released into the Metropolitan and City Police areas.⁶²⁷ In 1872 the Commissioner in his annual report stated that some 5,716 persons had been convicted of crime in the Metropolitan Police District of whom 306 had been sentenced to police supervision.⁶²⁸ Another view of the situation as regards the Metropolitan Police can be seen some six years later when Vincent reported that in 1878 there were some 465 persons on tickets of leave and under police supervision

⁶²⁴ Ibid p. 1557.

⁶²⁵ Ibid.

⁶²⁶ ARCPM, 1870, p. 27.

⁶²⁷ Ibid, Return No. 19.

⁶²⁸ Ibid, 1872, p. 21.

reporting to police in London and that 310 released licence holders and supervisees had been re-convicted.⁶²⁹

Due to the inconsistent way in which the details were recorded it is necessary to wait until the annual report for 1888 in order to get an exact picture of what the Metropolitan Police were having to deal with and how much the situation had changed since the first reported figures in 1862.⁶³⁰ This latter report contained a breakdown of the work of the Convict Supervision Office and showed that nationally there were 36,778 Licence Holders and Supervisees registered up to 31 December of that year of whom 746 had been arrested for fresh offences resulting in 647 convictions.⁶³¹ With particular reference to the Metropolitan Police District the report showed that 1,824 male licensees were reporting at police stations, some 34 to the Convict Supervision Office and twenty one by letter. In addition there were some 119 who were due to report but had failed to do so and of these ninety three had been convicted. An examination of the annual reports for a five year period, 1888 – 1892 gives a picture of those Licence Holders and Supervisees who had been released into the Metropolitan Police District.

⁶²⁹ Ibid, 1878, Report of Director of Detectives.

⁶³⁰ Ibid, 1888, p.5.

⁶³¹ The Convict Supervision Office was established in 1880. M.P. Orders, 1 June, 1880 National Archives (P.R.O.), MEPO 7/42.

Table. 8.

No. of Ticket of Leave Holders and Supervisees released into the
Metropolitan Police District 1888 - 1892.

<u>Year.</u>	<u>No. of releases</u>
1888	1065,
1889	853,
1890	860,
1891	929,
1892	1297.

Source. Annual Reports, Commissioner of Police of the Metropolis, 1888 - 1892.

The numbers were not large but they had grown from a very small base in 1862 to a situation where over the above period they averaged 960 per year. Again however it must be noted that the way in which the figures were presented was not consistent in that from 1890 they included a number who were classed as 'expirees'. Evaluation of this situation is difficult as this latter group is not defined and it is possible that, not being liable for a ticket of leave or police supervision, they had served their full sentence and were at large.

Despite these difficulties it is clear that, whilst the numbers involved were not huge, the police had needed to devote specialist resources to deal with the situation and it has been seen that eight officers were employed on this task.⁶³² A detailed examination of the working of this office is not required for the purposes of this thesis but it is important to note in terms of possible targeting that on being established it took on the role of supervising released convicts and that their office at Scotland Yard was the designated place of reporting on release. Prior to this, and an

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M. P. Orders, 1 June, 1880, National Archives (P.R.O.), MEPO 7/42.

indication that the police were keen to work with discharged prisoners and those helping them, is the fact that at least one constable had been attached to the Discharged Prisoners Aid Society and conducted enquiries on their behalf. His detailed reports regarding released convicts under licence or police supervision were the same to both the society and the Commissioner.⁶³³

As their responsibilities increased so they were very aware of the possibility that they would be accused of spoiling any chances of employment and took repeated steps to try and avoid any problems. The most obvious way in which this was done was through police orders. Officers were repeatedly warned to avoid any situations whereby a person on a ticket of leave or under police supervision could have their chances of employment damaged. These orders start to appear as early as 1856 with instructions that officers were not to interfere with those released in such circumstances, that any enquiries were to be made quietly adding that information was not to be given to the employers.⁶³⁴

The most detailed example of this careful approach can be seen in connection with the enquiries to be made relating to the 'garrotting' outbreak in August 1862. This order set out a list of convicts released on tickets of leave since April of that year who had been convicted of serious crimes of robbery and robbery with violence.⁶³⁵ Included in this list were fifteen convicts with addresses in London and the orders explicitly stated that 'careful' enquiries were to be made 'quietly' and that the enquiries were not to interfere with any person gaining an honest livelihood. It is therefore clear that even when dealing with persons who had previous convictions

⁶³³ Report of the Royal Commission into Penal Servitude, 1879 Vol. XXXV11, p. 4917.

⁶³⁴ M. P. Orders, 25 March, 1856, National Archives (P.R.O.), MEPO 7/134.

⁶³⁵ Ibid, 4 August, 1862, National Archives (P.R.O.), MEPO 7/23.

for similar offences as garrotting, a great deal of care was to be taken. Some of the addresses were very precise, others, even allowing for the fact that some parts of London were little more than self-contained villages, were so vague as to be of little use. Included in this category were those given as 'London', 'Wapping' and 'Edmonton'.

There can be little doubt that this group was a proper target for police action as all those in the list had been convicted of similar serious offences and had recently been released from prison under some form of police control. The police order does however highlight a number of other issues including those of the care to be taken in making the enquiries and the fact that additional information regarding the background of the suspects was required. The warning about the manner in which the enquiries were to be conducted shows a consistency of approach and the additional information highlights the need for good police records which at this stage did not exist. The police were in a difficult situation; there was a clear need for the enquiries to be made yet by doing so they could lay themselves open to allegations that the targeting of this group had led to harassment.⁶³⁶

This would certainly fit in with the argument put forward by Davis that it was police practice to target those known to them as having previous convictions but an examination of the detail would show that those involved as above were in relation to a specific set of circumstances.⁶³⁷ It is also clear that the police were under considerable pressure from the public to take some action as a result of the

⁶³⁶ Sources show only one case where a police officer was disciplined in connection with these enquiries. M.P.Orders, 19 February, 1872, National Archives (P. R.O.) MEPO 7/35, details a case on K division where a Divisional Detective was punished by being returned to uniform duty as a result of a complaint from a Licence Holder that his landlady had been informed he was a noted bad character.

⁶³⁷ Davis, 'Law Breaking and Law Enforcement.' pp 215-216.

'garrotting' outbreak and this can best be seen in a series of articles in *The Times* which discussed the identity of the group responsible for the offences, the increase in crime and the difficulties faced by police in dealing with them, not least of which was the need for greater control.⁶³⁸

It is clear that the police continued to feel that their role was not understood and Monro, writing to the Home Secretary as Commissioner in 1886, suggested that in light of the misconceptions popularly held in many police forces in the country and elsewhere regarding police activity in this area that a pamphlet should be issued setting out the way in which the branch responsible for this work, the Convict Supervision Office operated.⁶³⁹ He argued that there was a great deal of misunderstanding and that as a result many people were of the opinion that the police did 'nothing but hunt down discharged convicts and drive them into crime'.

From the documentation can be seen the fact that the police were concerned with two issues, one that the public had the wrong impression of the police role in these cases and secondly it was felt that other police forces would find the detail useful. The document set out the law and practice relating to the entire system by which the police dealt with released convicts and the way in which, following on from the Habitual Criminals Act, the criminal records were being kept. In particular the pamphlet dealt with the suggestion that the police were responsible for some persons losing their employment as a result of police action and how easy it was for such complaints to be made. Monro discussed the results of the system to date setting out the main points including one which highlighted the fact that the police, working

⁶³⁸ *The Times*, 14 August, 1862, p. 14, 22 August, 1862, p.4, and 25 August, 1862, p.25.

⁶³⁹ Home Office correspondence, National Archives (P.R.O), HO144/184/A45507. Letter dated 17 November, 1886.

closely with the Aid Societies, had assisted many criminals to 'apply themselves to honest courses, and in very numerous instances they retrieved their character'.⁶⁴⁰ Clearly aimed at public opinion the document set out the way in which the police were often able to financially assist some released convicts.⁶⁴¹ This was possible through the sale of unclaimed prisoners' property enabling the police to contribute to the funds of the Aid Societies as well as helping with grants of small sums of money in individual cases of destitution.

That the police felt themselves not only to be misunderstood but also vulnerable to accusations is clear and this is reflected in the cautious yet consistent way they went about these duties. The target group was a very vulnerable one with a high profile in many sections of society and it is easy to understand why the police organised themselves in the way that they did. They had substantial powers, could arrest without a warrant or prior permission and such arrest could be made simply on the fact that there was reasonable suspicion. Their main problem however was not so much that they had to be very careful when dealing with released convicts but that they were very largely unable to determine the status of those under suspicion. It was difficult to know if they were on a ticket of leave, under supervision or if they were simply prisoners released in the normal way on expiry of their sentences.

There were also difficulties in relation to the question of supervision which revolved around the fact that the legislation whilst giving police the responsibilities did not give them the means of carrying them out. This omission, relating to the need to report, was understood by the Home Secretary and led to the fear in some

⁶⁴⁰ Ibid. p. 18, point 3.

⁶⁴¹ Ibid. p. 16, point 2.

quarters that in order to perform their role the police would have to resort to espionage⁶⁴² The error was corrected in 1871 under the Prevention of Crimes Act, restoring the need to report to police but for two years at least the police were faced with a situation where they were tasked to target a group of criminals but were not really able to do so.⁶⁴³

The establishment of a criminal record system was intended to assist in the targeting of a group of criminals so that the police would have, 'a complete record of the movement of every convict under supervision, and having a central registration so that information might be given to the police if any licence holder has gone away without trace'.⁶⁴⁴ This was a very important aim and no discussion of the Metropolitan Police in relation to targeting would therefore be complete without some reference to the use of criminal records and their national responsibilities under the Habitual Criminals Act⁶⁴⁵ The above pamphlet noted, that at the time of the legislation being enacted there were, in round numbers some 1,500 male and 450 female licence holders with an average length of licence of one year and seven months. There was however soon seen to be a problem of size arising out of the way in which those to be included in the register was defined. Rather than restrict entry just to those on tickets of leave and then the new police supervision, section 5 of the act stated that the register should contain, details of 'all persons convicted of crime'. In the first six years of operation a total of 180,201 entries were made in the register a number which made it of little use. The introduction of the register was without a

⁶⁴² *The Times*, 30 April, 1870, p.8 and 15 March, 1871, p.9. speech by Sir Walter Crofton to the Social Science Association.

⁶⁴³ Prevention of Crimes Act, 1871, secs. 5 and 8.

⁶⁴⁴ *The Times*, 5 August, 1869, p. 6.

⁶⁴⁵ Habitual Criminals Act, 1869, sec. 5.

doubt a move in the right direction but, in addition to the size, there were other shortcomings one of which was that details of convictions were to be passed to the Metropolitan Police at non specific intervals. This was a very loose requirement and, from the point of view of the police, was not one which would much assist the targeting of criminals if there was a considerable delay in passing on information.

Having been given the above responsibility the Metropolitan Police soon took some specific action to circulate the information. In addition to the existing normal practise of distributing weekly details of released convicts they now included those under police supervision. In particular they used the *Police Gazette* to publish details of those who had failed to report, the entries are however limited in value as they contain many repetitions, were not always published weekly and do not show many results.⁶⁴⁶ As has been seen in the previous chapter the police were starting to use this new tool, criminal records, as a means of targeting criminals but it can also be seen that certainly in the early stages they were not a great help.

The setting up of a new system, especially one with national responsibilities, required the allocation of resources and the first indication that this was taking place can be seen in a police order of April 1870 when the force was informed that one Inspector had, 'temporarily been appointed to the Habitual Criminals department'.⁶⁴⁷ The use of the word 'temporary' is an interesting one as it suggests some doubts existed as to the way that the new branch was to be organised, it was soon made clear, however, that the use of criminal records throughout the force was to be extended. This took the form of a register of thieves and suspicious person which

⁶⁴⁶ *Police Gazette*, 22 and 24 December, 1869.

⁶⁴⁷ M. P. Orders, 25 April, 1870, National Archives (P.R.O.), 7/32.

was to be kept in each division and the orders contained details of what was to be included, 'this book is to be carefully entered up with every particular known to police. It is to be open to inspection in order that the information it contains may be as widely known as possible to police'.⁶⁴⁸ The local register was expected to contain details of a very wide range of offenders but, as yet, the copy was only to be kept and made available at the main divisional station. In practical terms what existed at this time was a central, national register and on each division a local one.⁶⁴⁹ Neither had a wide distribution and evidence given to the 1878 enquiry into the detective force shows that they were not considered to be of great use.⁶⁵⁰ The move, however limited, was one in the right direction but at this stage had little practical effect in the targeting of criminals.

It is not always possible to discover the value of criminal records to the police and how they were seen practically, an indication can however be obtained in the annual report of the Commissioner for 1871. The discussion on criminal records, far from being highlighted in the report as a tool to be used in targeting, was separated from the main items being sandwiched between a précis of the Chief Surgeon's Report and remarks on the way the Metropolitan and City Police Orphanage was being supported.⁶⁵¹

Criminal records, their value and the way in which they were being developed can be seen some two years later when it was reported that , 'a Thieves Register is now kept at each police station' and that the more serious crimes of burglary,

⁶⁴⁸ Ibid, 6 May, 1870, National Archives (P.R.O.), MEPO 7/32.

⁶⁴⁹ At this date, 1869, there were, including Thames, a total of twenty divisions.

⁶⁵⁰ This topic has been discussed in chapter 4.

⁶⁵¹ ARCPM, 1871, p. 6. This situation did not really change until the appointment of Vincent.

housebreaking and robbery were at a lower level than any year since 1869.⁶⁵² This report does not give any indication as to how the two issues were linked and it should be remembered that as shown in reports from the superintendents the identifications that were made would have taken place without the use of records.⁶⁵³

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The question of criminal records, their general value, and their use as a targeting tool was the subject of considerable discussion in the 1878 enquiry into the detective force. Commenting on local records Superintendent Turner, K division noted that he kept a book of the names, addresses, descriptions and sentences of habitual thieves and suspected persons which could be passed to other divisions and enabled him to put his finger on any of the criminals of his division.⁶⁵⁴ By this statement it would appear that at least locally the system of criminal records was working well, this was not the case however as the superintendent pointed out that there were more arrests by detectives using personal knowledge than by the use of the register adding that they were of little use to the uniformed officers who formed the vast majority of the force as they were continually changing.⁶⁵⁵ From this evidence it would appear that the local registers were of use to just the few detectives but not to the bulk of the officers performing street duty.⁶⁵⁶

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⁶⁵² Ibid, 1873, p. 2.

⁶⁵³ Ibid, 1873, p. 4. Further details can be seen in reports to the Home Office, National Archives (P.R.O.) HO 45/9518/22208 where it is recorded that some 3,008 searches were made resulting in 571 identifications. Home Office documents National Archives (P.R.O.) HO 45/10421/R99 contains a letter, dated 28 October 1895 from the Chief Constable Wolverhampton Police which, in response to the publication of the Identification of Habitual Criminals enquiry, set out ways in which police could be made more aware of the identity of criminals, this was by separating an area into small sections, putting one officer in charge and encouraging him to regularly visit common lodging houses, railway stations and other places where such persons were likely to congregate. He did not place much reliance on the existing system of passing on information by way of route papers.

⁶⁵⁴ Departmental committee into the detective Force, 1878, paras. 1631 and 1633 - 1634.

⁶⁵⁵ Ibid. paras. 1635 and 1638 - 1641.

⁶⁵⁶ The K division register contained details of 'suspects'; and it is not known, no evidence being available, if these persons were in any way the subject of targeting by police.

It is however the case that other evidence given to the enquiry showed that whilst all divisions were expected to have such records and that they should contain up to date information which ought to be available across the force this was not the case and the information was not supplied to Scotland Yard.⁶⁵⁷ The system of local records was explained by Superintendent Thomson H division who kept records with some 700 or 800 entries in twelve volumes but expressed the opinion that they are 'perfectly useless'.⁶⁵⁸ In clarification of this statement the superintendent reported that whilst they would not assist him in discovering the persons who committed a crime, they were of use once a person was in custody as a way of establishing previous convictions. In terms of targeting they did not assist him in watching criminals on his division.

Advances had therefore been made in the identification of prisoners at the police station but little if anything had been achieved in targeting suspects prior to an offence being committed. Both divisional registers contained the details of substantial number of offenders but this does not mean that targeting took place. Their value was in enabling the police to present the case at court including the details of any previous convictions by the accused. All this took place after the event and was therefore in terms of targeting of no real value at all.

The above evidence was from senior police officers with a great deal of experience and particular responsibility for the keeping of local records but they were not involved routinely in the day to day work on the streets of London. This role was undertaken by officers of lower rank including those daily in contact with

⁶⁵⁷ Departmental committee into the detective force, 1878, paras. 1690 -1691.
⁶⁵⁸ Ibid. para 1860.

criminals. The committee took evidence from Detective Sergeant Foster, the officer in charge of the eight detectives on H division. He informed the committee that he kept a personal record of some 1,000 persons in his division and then highlighted what was a major problem in that he did not have sufficient staff to be able to target criminals, they 'are employed all day in making enquiries with reference to local cases'.⁶⁵⁹ Another Detective Sergeant reported that he kept some local records but of a rather different character, 'this is a book of my own, of convictions against all of those I have known myself...it does not give a description of the men'. A rather unusual piece of evidence regarding registers was then given by the sergeant who explained that whilst he did not keep a 'register' he did keep a record of thieves and burglars which was made up from information given by each detective as they were appointed to their posts. Each officer gave the names and addresses of as many thieves as he knew and their descriptions were entered in these books.⁶⁶⁰ There was no evidence as to how, if at all, this was kept up to date.

The entire system of criminal records had been reviewed by the Home Office in 1874 and the following year largely due to the very large numbers and the fact that they were little used; the records were transferred to that office.⁶⁶¹ This did not mean that the Metropolitan Police lost all their information as they continued to keep records of offenders dealt with by them and in addition details of all convicts released on licence or under police supervision living in London.⁶⁶² In terms of their ability to target criminals improvements were made by the increasing use of

⁶⁵⁹ Departmental committee into the detective force, 1878, para. 2262

⁶⁶⁰ Ibid. paras. 4015 and 4016.

⁶⁶¹ Heberton. and Thomas, *Criminal Records* . p. 36.

⁶⁶² Stevenson, 'The Criminal Class in the mid-Victorian City'. p.72.

photography and descriptive marks and this information was included in special release notices containing details of wanted persons

Conclusion.

The examination of the issues around targeting as used by the Metropolitan Police has focused on two areas. Consideration has been given to the way in which the main resource, staff, had been used to achieve their primary objective of preventing crime and an examination has also been made into the ways in which they dealt with criminals, especially those under some form of police control. The introduction of criminal records as a tool towards targeting has been examined and in addition consideration has been given to the influence of public opinion. The criminal records were, at least initially, very poor and public perception of events has on occasion been seen to be different from the reality of the situation.

In terms of measuring the effectiveness of police actions it is important to note that it is not possible to show how much crime was prevented, all that can be done is to examine the way in which staff was deployed and to compare this with the pattern of crime. Throughout the period the Metropolitan Police, broadly speaking, employed their officers on a three shift system with night duty occupying 60% of the available officers and the two day shifts sharing the remaining 40% between them. At night there were a substantially greater number of beats to be worked than during the day but this is complicated by the fact that, especially in the outer divisions, there was sometimes the need to have two officers working a beat.

The period saw considerable demographic changes to London and as a result many of the areas of the East End were very quiet during the night especially after 1a.m. but the allocation of officers did not change. At the same time in the newly

developing suburbs there was a shortage of officers and requests for additional staff were not always sanctioned.

Although a number of variations on the basic way in which staff were deployed had been made detailed documentary evidence only exists in the case of one, that at Hoxton, N division. This shows that whilst not dramatically changing the broad division of staff, by using variations in times of duty it was possible to so use officers so as to target the times when most crime was committed. This system was not followed up but it is clear that the hours highlighted in this report, 5pm. - 11p.m., the 'criminal hours', could be covered by an increased number of officers.

Instead of making considerable changes to the basic structure of policing and bearing in mind the primary objective of preventing crime the police adopted a system of patrols, basically at the above times, targeted initially at specific offences, time of year and at first on only a few divisions which developed into to a system applicable across the Metropolitan Police District. In addition there came into being a not very successful group of just ten officers who were deployed under the control of the Commissioner at any location as determined by need. The former patrols were under the control of local superintendents which was not the case with the later group. In terms of effectiveness it must be said that the officers were, initially at least, from other divisions with therefore little local knowledge, this improved when the idea of such patrols was expanded but despite this change even then they were not very successful. It has been shown that the numbers involved in these deployments was not inconsiderable and it is clear that in doing so the number of officers available for routine duties must have been reduced.

The evidence shows that in this way the police targeted areas and particular types of criminal, in the main those who would have been committing the more serious offences and apart from very broadly based directions to use specific pieces of legislation there is nothing to show that they had in mind members of the poorer working class on the streets of London. Their primary object was however the prevention of crime and this would include many of the many thousands of offences committed on the streets.

The targeting of specific individuals as against groups shows that the police met with varied and often unexpected results. The targeting of a list of serious criminals as supplied by the Commissioner has been shown to be of little value and results of the targeting of individuals range from the direct arrest of the suspect involved, to the apprehension of others than those targeted, to a situation where the best that can be said about the operation was that a crime or crimes had been prevented. In one case the following of a suspect across several police divisions, not a common occurrence, did not result in any offences being discovered. In the majority of the above cases the police were acting on information received and had they not targeted resources in order to deal with the situation they would have been open to criticism. This was also the situation in their dealings with those released on tickets of leave or under police supervision. They were given the responsibility for dealing with released convicts yet the very fact that as a result they had repeated contact with them was taken by some as evidence of the fact that they, the released convicts, were therefore unable to obtain employment. The police took repeated steps to try and ensure that their actions did not lead to this result and the evidence is that only on one occasion was it found that police were to blame.

It is also the case that the police were very concerned at the way the public viewed their role in this regard and took steps to publish details of their work including the fact that they often helped released convicts either by obtaining employment or by giving small grants of money. It is clear that the actions of the police in relation to released convicts were open to criticism. If there was a public view that these persons were committing crimes the police would be questioned as to their lack of action, yet if they supervised too closely they could be accused of interfering with individual rights and freedoms. Davis is of the opinion that the police used existing and additional powers ;given under preventive legislation to target low level crime and those responsible thus creating a criminal class. There is however very little evidence to support the case that the police in enforcing this legislation targeted the wider community in any particular way.

The fact that public opinion affected police actions in other ways can best be seen in the way that the police instituted a system of Fixed Points so that the public would be better able to find an officer when required. This was gradually developed but there were still complaints and it is clear that as situations developed across the district the police had to send additional staff which resulted in the number of officers in other areas being reduced. In the example used the changes in staffing were as a result of a series of murders in the East End of London. This was not the same as deployments suggested by Davis to target street crime but there is evidence that the 'Flying Brigade' was used for a very short period to deal with such offences.

Targeting is a proper and necessary tool for the police to use. They did not have unlimited resources and therefore had to decide upon priorities, these were the maintenance of the primary objectives and the way in which they dealt with those

criminals covered by the developing preventive legislation. In carrying out these tasks, particularly the latter, it was however suggested that the police used targeting not only as a method of working but also that in doing so they harassed some criminals. It is this latter allegation that is the subject of the next chapter.

CHAPTER 6.

Harassment

Introduction

Throughout the period under examination the Metropolitan Police were faced with a number of dilemmas. One of particular interest is the way in which they balanced their responsibilities for the supervision of released convicts with the need to respect the rights of the individual. In doing this they were subject to scrutiny not only from those directly involved, the released convicts, but also the wider public and members of the judiciary. As a result complaints were made that the police were harassing individual convicts to the extent that they were unable to obtain employment and thus were forced back into crime.

It is this basic difficulty which will be examined in this chapter and it has to be said that direct evidence of police harassing convicts is very limited. There are a number of documents making allegations of a general nature, a very few with specific detail, and writings from commentators, contemporary and modern. Some of the complaints were dealt with at parliamentary enquiries, some by way of questions in the House of Commons but the majority by the police themselves. In the vast majority of cases the allegations were deemed to be false, only in one case is there direct evidence that such action did take place and in another the police replied to the allegation in detail showing that the action they took was correct.⁶⁶³

Harassment has a number of possible definitions all of which raise questions of background and interpretation. One of the most comprehensive discussions of the word, although in a North American context, is that by Goldstein who argues that it

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See discussion of the cases of Harding and Benson below.

is the actions by police, acting under the law, prior to any conviction as a means of punishment. He argues that it is an attempt to annoy offenders either by temporarily detaining them or by making an arrest without intention to seek a prosecution.⁶⁶⁴ The action is also defined as being 'to subject to aggressive pressure or intimidation' or 'to make repeated small scale attacks on'.⁶⁶⁵ Both the above definitions are from the twentieth century and it is necessary to try to place them into the context of this theses.

In terms of the first definition it is clear that the police believed that they were acting under the law and in accordance with police regulations. There is of course a difference between a stated policy of conforming to the law and the reality of police action on the streets. Put simply harassment can be said to be the improper use of powers even if those powers were originality based in law. In this way the supervision of those on tickets of leave can be said to be the proper use of resources under the legislation whilst any undue attention paid to that group could be seen as harassment.

That harassment did take place cannot be in any real doubt but importantly there is no evidence that harassment was used as an end unto itself. There is however some evidence that, in the early part of the period offenders, were sometimes released by police without a court appearance, It is certainly the case that persons arrested for simply being drunk and incapable were, until 1833, often released without being taken to court. This practice was repealed on the orders of the Home

⁶⁶⁴ Goldstein, 'Police discretion not to invoke the criminal process', pp 580 and 581.

⁶⁶⁵ *New Oxford Dictionary of English*.

Office.⁶⁶⁶ There is however no evidence to show that persons were arrested and then released this being deemed the appropriate punishment. In view of the above harassment can also be described as being the fact of police paying repeated attention to an individual over a period of time because of previous knowledge whether a specific offence was suspected or not. It will be shown that Harding certainly thought that the police were acting in this way towards him. Such action could also be seen if the police were continually arresting an individual for 'loitering with intent', there being no need to specify what offence was intended.⁶⁶⁷

Evidence of such harassment is limited, the best that can be said, and then only indirectly, is that an examination of the arrests made in 1871 for the offences of 'suspicious characters' that in excess of 50% were discharged by magistrates and for 'unlawful possession of goods' this figure was 40%.⁶⁶⁸ It should be noted however that for the offence of being 'a reputed thief loitering to commit an offence' the figures provided for this year show nine persons being arrested all of whom were convicted.⁶⁶⁹ In the absence of detailed evidence firm conclusions are impossible. Much of the available evidence is limited to allegations made by prisoners, at court, to welfare agencies or to prison officials. It is of course possible that such harassment did take place but there is no independent evidence by which the claims can be substantiated.

⁶⁶⁶ Miller, *Cops and Bobbies*, p. 68 - 69.

⁶⁶⁷ This was certainly a theme of the 1908 Royal Commission into the police which will be discussed in detail below.

⁶⁶⁸ ARCPM, 1871, p. 11 return No. 8. See also Williams. 'Counting Crimes or counting people,' for detailed discussion on this and similar issues.

⁶⁶⁹ Both 'suspected persons' and 'reputed thieves' were covered by the same act of parliament. Sec. 4 Vagrancy Act, 1824.

Although this thesis is primarily concerned with offences and offenders under the penal servitude system there is some evidence that at other levels the police were specifically accused of harassing, even blackmailing certain sections of society. As an example of this, the area of Clapham Common and its use by prostitutes resulted in complaints of such action which were investigated by police but there is no evidence of any action later being taken.⁶⁷⁰ This location was obviously one favoured by prostitutes and there were a number of other complaints including one from a member of the public suggesting that the remedy lay, 'by constantly harrying the women until they disappeared from the neighbourhood'.⁶⁷¹

In examining these issues and attempting to decide if the police misused their powers against criminals and therefore possibly harassed them much depends on the point of view of those involved. A police officer attempting to carry out his role would think that the powers were being properly used, those on the receiving end would think otherwise. In this way Harding alleged that the police at Bethnal Green harassed him, the officers concerned saw him as an active criminal who deserved to be targeted.⁶⁷²

Similarly it was often alleged that a person on a ticket of leave would be unable to obtain employment as a result of the undue attention paid to them by police.⁶⁷³ To compound the difficulties it has also been argued that even if an accused person holding a ticket of leave was acquitted at court he would still lose his employment as his employer might become aware of his past history for the first time.⁶⁷⁴ The police

⁶⁷⁰ *The Times*, 8 February, 1888. p.6.

⁶⁷¹ Home Office correspondence, National Archives (P.R.O.), HO 44/472/X15239A.

⁶⁷² Samuel, *East End Underworld*, p.187.

⁶⁷³ Emsley, *Crime and Society*, p.291.

⁶⁷⁴ Greenwood, *The Seven Curses*, Chapter X1 page 126.

were aware of these allegations and anxious to demonstrate that they were acting properly on occasion helping released convicts back into the world of honest work. Despite the different ways of looking at the situation it is clear that harassment did take place, as an example a senior police officer, Wensley, deliberately set out to 'get' Harding, to teach him a lesson.⁶⁷⁵

Whilst good evidence in cases of this type can rarely be obtained what one can see is that the police, from the time they were first organised, took complaints very seriously. Initially all complaints against police, of whatever kind, were dealt with by the Commissioners and it was not until the appointment of District Superintendents in 1869 that some of the responsibilities were devolved.⁶⁷⁶ These officers took over the minor complaints and enforced discipline but the 'heavy offences' were left to the Commissioner or his assistants.⁶⁷⁷ That this took place in reality rather than in theory can be seen in the case of Gorman who complained that he was being harassed in that his landlord had been informed of his bad character. The Commissioner ordered an inquiry which revealed that Gorman was a frequent complainer and associated with thieves and disorderly characters.⁶⁷⁸ It was pointed out to the Home Office, to whom the complaint had originally been addressed, that it was only by the Commissioner giving express permission that other persons would be informed of previous convictions. This had not been given in this case but it was noted that, in situations involving an employer, there might well be a just cause for

⁶⁷⁵ Wensley, *Detective Days*. pp 105 - 106.

⁶⁷⁶ M.P. Orders, 27 February, 1869, National Archives (P.R.O.), MEPO 7/31.

⁶⁷⁷ Royal Commission on the duties of Police, 1878. Evidence of Assistant Commissioner Labalmondire. p. 6199.

⁶⁷⁸ Metropolitan Police Out letter Book, 15 February, 1865, National Archives (P.R.O.), MEPO 1/47.

complaint if they had not been told and a crime had been committed on their premises.

Throughout the period there was a strong belief that police supervision could affect a released convict's chances of employment and it will be seen that this was a claim made both by those charged with offences and sections of society including members of parliament. It is to this topic that particular attention will be paid to in this chapter and will concentrate on the more serious offenders, those dealt with under the Habitual Criminals Act and Prevention of Crimes Acts. This is an area where there is a considerable amount of evidence covering both police actions and the public view including that of the accused.

Historiography

Modern writers have taken a variety of views of this subject; amongst the widest ranging have been the works by Emsley and Petrow.⁶⁷⁹ Emsley deals with habitual criminals and in particular argues that as a result of a criminal conviction many men found it difficult to obtain work and that they were treated by the police as 'their property'.⁶⁸⁰ He writes that the introduction of the preventive legislation of 1869 and 1871 contributed to such difficulties. Petrow deals with the relationships between the police and criminals and argues that a detective might well have been able to deal with lesser criminals but would have found the more serious offenders very difficult.⁶⁸¹

⁶⁷⁹ Emsley, *Crime and Society*. Petrow, *Policing Morals*.

⁶⁸⁰ A sociological construct describing a situation where society generally has left a particular group, in this case the police, the task of dealing with a particular situation i.e. released convicts. Emsley, *Crime and Society*. p. 173.

⁶⁸¹ Petrow, *Policing Morals*. p. 75.

streets.⁶⁸²

The two sides of the situation, convict and police, can be seen in the very different works of McConville and Dilnot. The former taking a rather sensitive approach describes the fears expressed by released convicts particularly in relation to employment and highlights a meeting of recently released convicts addressed by the Earl of Carnarvon in 1857.⁶⁸³ Dilnot describes some of the difficulties faced by those having to report to police and also some of the steps taken by police to allay the fears including the allocation of office accommodation at Scotland Yard, where convicts could report, away from the eyes of other occupants of the building.⁶⁸⁴ Dealing with the situation on the streets of the East End of London towards the turn of the century an important piece of work is that by Samuel who charts the experiences of a particularly well known local criminal, Harding, and the allegations of harassment made by him.⁶⁸⁵

Save for the work of Samuel the questions surrounding police harassment as outlined above have been dealt with in a very broad way although with a focus on the question of employment. The work of Stewart is however different and far more explicit in that it deals with the aftermath of the Turf Fraud in which three senior detectives were imprisoned and in particular details the case of another person, not a police officer, convicted of the same offence, Benson. The way in which Benson alleges he was treated by police on his release from prison is discussed in detail and it is argued, by Stewart, that this was a blatant case of harassment in breach of all the

⁶⁸² Humphries, *Hooligans or Rebels*.

⁶⁸³ McConville, *English Local Prisons*, pp 36-37.

⁶⁸⁴ G. Dilnot, *Scotland Yard ; Its History and Organisation 1829 – 1929*. (London; Geoffrey Bles, 1926.), the new Convict Supervision Office was so situated at New Scotland Yard that those needing to report could do so without being seen by other occupants of the buildings.

⁶⁸⁵ Samuel, *East End Underworld*.

conditions regarding police supervision.⁶⁸⁶ It will however be shown below that this was only one view of the situation.

Among contemporary writers a very interesting work is that by Devon who attempts to place the issues into context and to show both sides of the situation.⁶⁸⁷ Taking an overview and looking at the reality of the system of supervision he argues that whether or not an individual felt he was being persecuted largely depended on the frame of mind of the person concerned. Presenting a picture of the entire system of supervision as at 1869 Greenwood argues that faults could exist on both sides, not all released convicts fully complied with the conditions of their licences and the police had amongst their ranks officers who did not always remain impartial including men who were, 'malicious, prejudiced, wrong headed and foolish'.⁶⁸⁸ Presenting the view of those on the receiving end of the supervision are a number of works including that by Quinton, an ex-prison Doctor and Governor, who argues that they were often fatalistic about the future thinking that many expected to be arrested and returned to prison.⁶⁸⁹ Whilst Quinton does not go into great detail regarding these fears it is clear that they can only have originated from two situations. Either the convicts would be forced back into crime in order to sustain life or they feared that they were so well known to police that they would be watched and harassed. There is some support for this view of the situation from

⁶⁸⁶ R.F. Stewart, *The Great Detective Case of 1877: A study in Victorian Police Corruption*. (Ontario, Canada: George A. Vanderburgh, 2000).

⁶⁸⁷ J. Devon, *The Criminal and the Community*. (London: Bodly Head, 1882).pp 5 and 11.

⁶⁸⁸ Greenwood, *The Seven Curse*, p. 123.

⁶⁸⁹ R.F. Quinton, *Crime and Criminals 1876 – 1910* (London; Longman, 1910) Facsimile (London : Garland, 1984.).

Balme who discusses the belief that as a result of police action such persons would be unable to get employment.⁶⁹⁰

Of particular interest is the work of ex-police officers including Clarkson, who argues that the police in dealing with these situations had to take a great deal of notice of public opinion. This is perhaps a rather obvious statement but he continues that it was as a result of the number and nature of complaints regarding harassment that saw the setting up of the Convict Supervision Office.⁶⁹¹ Perhaps the most interesting of the works in this group is that by Wensley who refers directly to an individual case, that of Harding and specifically states that he aims to deal with him.⁶⁹² This is the only open intention to harass an individual to be found in the literature.

Public Opinion.

Before examining the way in which those subject to the specific legislation regarding their release from prison felt about the situation it is important to understand what the general public thought. In discussing this issue however it is important to bear in mind that direct evidence from those concerned, the convicts, is rare, there are occasional statements made at court but in the main their views are expressed by others. There is an inevitable overlap between discussions of public opinion and the way that the convicts felt they had been treated but the two strands will as far as possible be dealt with separately as in this way the views of the two groups can more clearly be seen. Such an approach will also help to place the police

⁶⁹⁰ E.W. Balme, *Observations on the treatment of convicts in Ireland*. (London: Simpkin Marshall and Co, 1863.).

⁶⁹¹ Clarkson, and Richardson, *Police*. (They appear to take no notice of the Departmental Committee into the Police 1878.)

⁶⁹² Wensley, *Detective Days*, pp 105 - 106.

view into context and as a result it will be seen that what on occasion appeared to be instances of harassment were on enquiry found to be something rather different.

The views expressed by the public regarding released convicts and their treatment can be said to fall roughly into two camps, those which supported police action and those critical of it with just a few presenting a balanced picture. From the point of view of those released on tickets of leave it was reported as being one where, 'We desire to live honestly, but we cannot get work. The police are our special enemies. They dog us.....tell people what we are and then everybody turns his back against us.'⁶⁹³ It is also clear that those on tickets of leave would, when accused of further offences blame police for their predicament. Standing trial at the Old Bailey in 1856 for robbery with violence, Charles Hunter alleged that not only had police interfered but that he had been hounded from job to job by the police so that, 'at last I could get nobody to trust me with anything: what had I to do? I would work if they would let me but they will not'.⁶⁹⁴ The truth of such a statement cannot be verified, it can be seen as just an excuse given to the court in order to obtain some sympathy, it may have had a basis in fact, and there is no available evidence to assist in reaching a conclusion

It was however similar to other allegations a good example of which can be found in the *Standard Newspaper* in April 1870 which carried an article entitled, 'Police Supervision'. Signed by 'a prison chaplain' the article referred to a Charles Patroni who had served a year in prison and who alleged that he had been followed

⁶⁹³ Balme, *Observations on the treatment of convicts*. See also Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 1/53 case of Chapman who alleged he had been followed by police from 1847 - 1851.

⁶⁹⁴ C.C.C. S.P. 1856 - 1857. No. 87 pp 102-103. Quoted in Emsley, *Crime and Society* Ibid. p. 291.

by police who would never leave him alone.⁶⁹⁵ The writer then continued saying that the allegation was fully born out by his experience, 'Over and over again I have been told by Prisoners of the difficulties and hindrances put in their way by the needless interference of the police'. The file in which the above was contained does not give any further information regarding the allegation and it is therefore impossible to discover what action, if any, was taken. It is of interest that it was from a prison chaplain who would over a period of time have had contact with many prisoners. Public concern at police action in such cases was apparent throughout the period although Carpenter writes that certain criminals desired to be sentenced to penal servitude as then they would be able to earn money and have a life in many ways better than if they had been free.⁶⁹⁶ Later in the period, in 1892, questions were asked in parliament regarding a Thomas Nunn, at large on a ticket of leave, whom it was alleged had been attempting to earn an honest living but was unable to do so because of police action⁶⁹⁷ In reply it was stated that the above named had not made any such allegation at his trial nor was any information given to the police. Whilst the above are only examples and it is dangerous to draw firm conclusions from such a narrow base it is clear that whilst the police were vulnerable to such allegations there is also evidence that some criminals courted arrest so as to 'improve' their situations.

The entire question of police interference is difficult one. No doubt it did take place but how often and in what circumstances is not known. An example of how important it could be for police not to act against the interests of a released convict

⁶⁹⁵ *Standard Newspaper*, 13 January, 1880. in Home Office correspondence, National Archives (P.R.O.) HO 45/9518/22208.

⁶⁹⁶ Carpenter, *Our Convicts*. p.296.

⁶⁹⁷ *Hansard*, 4th Series, Vol. 1. 15 February, 1892. p.442.

can be seen in evidence given to the Penal Servitude Commission of 1863 by the Rev. J.H. Moran, an ex-Prison Chaplain, in which he recounted the situation of a man he knew as a prisoner at Portland. This man was now employing some 300 men and had his history become known it was thought his position would be very much endangered.⁶⁹⁸ This situation raises a number of points including that of being an example of how it was possible for released prisoners to succeed. It is not clear if he was known to police, if he had reported on release from prison or the circumstances of his original offences and it is therefore impossible to take further. It does however highlight one of the difficulties in the examination of such circumstances as these in that evidence is usually available regarding only one side of the situation.

The wider issue is that of the interference with what today is called human rights. In the Victorian period the phrase used was 'individual freedoms' and fears had been raised in the media when an increase in police powers had been under consideration in the Habitual Criminals Act 1869. *The Times* in an article from 'A Correspondent' discussed the issue and argued that the public were not of the opinion that police would misuse the powers and in any event if this did take place the police officer could be punished. It then expressed a view concerning professional criminals who it was argued would not consider honest occupations and therefore 'society would not lose much by the change'.⁶⁹⁹ It is clear that consideration had been given to the question of individual freedoms and the wider society arguing that those under supervision were not necessarily seeking employment and were therefore in some way not included, their rights being of lesser importance than the vast majority. It is

⁶⁹⁸ Report on the Penal Servitude Commission, 1863. para. 4848.

⁶⁹⁹ *The Times*, 27 January, 1869, p.7.

also clear that there was seen to be a differentiation in the types of criminal and that something needed to be done about the hard core, those who came to be recidivists.⁷⁰⁰

From the beginning of the system the government had been well aware of such dangers and allegations and this can be seen in speeches and correspondence by the Home Secretary, Mr. Bruce. In November 1869 he wrote to the Mayor of the City of London with regard to the implications of the Habitual Criminals Act; he described police powers and set out how they should be exercised 'so as not to interfere with but as far as possible to assist, the efforts of those who evince a desire to return to an honest life by earning an honest livelihood.'⁷⁰¹ Some four years later the then Home Secretary acknowledged that the life of a prisoner under supervision was difficult and confirmed the above type of allegation having been made.⁷⁰²

Included in these allegations was one made by Lord Houghton at the committee stage of the Prevention of Crimes act in which he stated that in his opinion, 'The Powers of supervision... simply meant that a man should be liable to be hunted down by the police so that he should not possibly enter on a new course which would enable him to obtain an honest livelihood'.⁷⁰³

This theme was continued in a series of articles which were concerned with the question of how the rights of convicts might be interfered with by police. In

⁷⁰⁰ The question of Human Rights/Individual Freedoms, and the need for police to be able to take actions they deemed appropriate is an interesting one especially in light of the discussions regarding terrorism and terrorists in the early twenty first century. It is however a very wide subject and will not be examined in this thesis although there is clearly a need for work in this area.

⁷⁰¹ *The Times*, 17 November, 1869, p.8. Copies had been circulated to all Chief Constables and Prison Governors. Home Office circular, 85459 8 November, 1869. National Archives (P.R.O.), HO 12/184/85.

⁷⁰² *Ibid*, 21 February, 1873, p.7.

⁷⁰³ *Ibid*, 19 July, 1871, p.6.

particular in July 1871 it was argued that if released convicts were reporting as required it would not take a great deal of effort for the police to satisfy themselves that they were earning an honest living and that, for those getting their living in this way there would be no interference.⁷⁰⁴ Developing this argument further and taking into consideration the views expressed earlier by Lord Houghton *The Times* published an article under the heading 'Crime in the Metropolis' which supported the action taken by police.⁷⁰⁵ *The Times* believed that the way in which the Commissioner had regulated police action under the Prevention of Crimes act had prevented, 'this undoubtedly severe measure from appearing to be harsh and oppressive to the classes on which it operates'. In this way the article accepted that the measures could be severe and therefore, in part at least, agreed with Lord Houghton but importantly argued that in practice it had not worked out this way.

Similar allegations regarding harassment were made to the Commission on Penal Servitude 1878- 1879 by two Honorary Branch Secretaries of the Discharged Prisoners Aid Society, Mr Ranken and Mr Cave. They alleged that there had been a number of cases where situations had been lost by released convicts who had been under their care and these had occurred as the result of police interference.⁷⁰⁶ These allegations were softened by the Secretary to the Society, Major Tillbrook, who had not received many complaints of this nature and gave the opinion that in the one or two cases where employment had been lost this had not been done intentionally.⁷⁰⁷ Without precise information regarding the allegations it is difficult to make an evaluation. What one can say however is that the two Honorary Secretaries, being

⁷⁰⁴ Ibid, 5 July, 1871, p.6.

⁷⁰⁵ Ibid, 15 August, 1872 ,p.7.

⁷⁰⁶ Penal Servitude Acts Commission, 1878- 1879.

⁷⁰⁷ Ibid. para. 7446.

more closely in touch with branches of the society were in a better position to be aware of the reality of the situation than Major Tillbrook. He, being national secretary, had a wider view of the situation but was of necessity less 'hands on' and as such it was probable that he had less personal knowledge of the allegations. The same enquiry heard similar allegations of a general nature from Mr. W. Tallack, Secretary of the Howard Association who said that there had been a few cases where the police had got hold of a prisoners antecedents and had made bad use of them.⁷⁰⁸

There were however alternative views and often they originated from other prison chaplains. In this way the Rev. J.W. Horsley, chaplain of H.M. Prison Clerkenwell, wrote that whilst he had frequently received complaints of this nature he had no grounds to believe them.⁷⁰⁹ The same papers also contain support from Mr. W. Wheatley, St Giles Christian Mission, who is recorded as saying in respect of the allegations that, 'the man who really wanted to do well was never molested by the police'.⁷¹⁰

The fact that many contributors were members of the church who, given their roles, would have had considerable experience of prisoners is of interest although this does not mean that they were necessarily more reliable. The article signed by 'a prison chaplain' and the complaints made by released convicts are contradicted by the Rev Horsely and Mr Wheatley. It is therefore difficult to reach a conclusion perhaps all that can be said is that complaints of police action were made, they were believed by some sections of society and not by others. A different perspective can be seen as a result of the fact that many of the complaints had been made in court

⁷⁰⁸ Ibid. p. 3151.

⁷⁰⁹ Home Office correspondence, National Archives (P.R.O.), HO 144/184/A45507. p. 20.

⁷¹⁰ Ibid. p. 20.

and Mr Justice Field, after a case in the Queens Bench division in 1885, expressed the opinion that whilst the allegations were often made he had never seen them proved. He added that on occasion he had tested the charges with a view to dealing with them if substantiated but without result.⁷¹¹

The views held by those on the receiving end of the legislation and police action have been clearly made but direct evidence is in the main limited to statements made in mitigation at their trials. These views were to some extent supported by members of the clergy attached to prisons but in their case the evidence is hearsay and lacks any supporting first hand evidence. It is clear however that the police, given their responsibilities were directly involved in the treatment of released convicts and the way that they went about this task will be examined below.

The Police.

Having examined the variety of views held by both the public and those charged with offences it is necessary now to look at the way the police approached this task, the orders given, the statistics involved and some of the answers given to specific allegations. In this way it will be possible to obtain an overview of the situation as seen by the police, a continuity of approach and some of the difficulties that they faced.

As early as 1845 instructions had been issued as to how the police should treat released prisoners and of the action to be taken if found, 'in the service of anyone'.⁷¹² These set out the level of care and responsibility to be adopted by police and stated that no action was to be taken and the superintendents would decide if a person's

⁷¹¹ Ibid. pp 19 - 20.

⁷¹² M.P. Orders, 10 July, 1845, National Archives (P.R.O.), MEPO 7/131.

employer should be informed. This was taken a stage further and in the event of a considerable time having elapsed since conviction or if it were thought the person was a reformed character then it would be for the Commissioner to decide what action to take. The orders also carried an expectation that local officers would know those released prisoners residing in their area and in addition were expected to report any information on 'honest habits' and 'reformed character'.⁷¹³ Information regarding the number of released prisoners reported on in this way is not available: although some of the details changed the above order was repeated in its basic form at least until 1880.⁷¹⁴

The first of the orders dealing specifically with those released on tickets of leave and which set the pattern for the way in which the system was to operate can be seen in a memorandum issued to all superintendents in March 1856, in light of 'the experiment that is to be tried of releasing convicts'.⁷¹⁵ This instruction set out police practice in more detail than before, separated the two groups, those released under licence and ordinary discharges from prison, and became the norm for the period. It stated that police were to be careful not to interfere with ticket of leave holders so as to prevent honest employment; neither employers nor landlords were to be informed.

There was now a difference in the type of released prisoner in London and the police were expected to be able to differentiate between the two groups. Some officers, such as Inspector Brennan, were quite confident of their ability to do this although others including Sergeant Looime of B division saw the situation rather

⁷¹³ Such knowledge would be expected as part of the duties of police as set out in Metropolitan Police Instruction Book, National Archives (P.R.O.), MEPO 8/1. pp 38 - 39.

⁷¹⁴ As examples see M.P. Orders, 4 August, 1862, National Archives (P.R.O.), MEPO 7/22 and 22 June, 1867, MEPO 7/27. 5 October, 1880, MEPO 7/42. This latter order directed that convicts on licence found to be in Hospital, Infirmary of Workhouse should not be visited without special authority.

⁷¹⁵ Metropolitan Police Memorandum, 23 March, 1856, National Archives (P.R.O.), MEPO 7/134.

differently. The Sergeant explained that whilst he had some knowledge of men on tickets of leave he did not know them all and that information as to the history of released prisoners was passed between officers on an unofficial basis.⁷¹⁶ The officers had to rely on personal knowledge and the fact that there was no means by which the identity of a criminal could be established was a major problem.

Having set out the guide lines in January 1864 simply stating that contact was forbidden the police were directed later in the year to report on two aspects of the ways in which those on tickets of leave were living. They were required to report how many were receiving gratuities and how many of the employers were aware of the previous convictions.⁷¹⁷ The system by which gratuities were paid has been examined above and this should not have been a problem but realistically the only way police could completely establish which employers knew of the convictions would have been to ask them. This could have led to the employer learning of the convictions for the first time and would have been contrary to previous orders. The implication of the new order is that some employers would have known of the convictions showing that such a history was not necessarily a bar to employment. Regretfully results of these enquiries do not exist.

In practical terms, the situation, prior to July 1869 was that the only permanent plain clothes officers were at Scotland Yard.⁷¹⁸ The enquiries required in the above order would therefore have been carried out by the uniformed branch, there were occasions some officers were employed in plain clothes but there is no available

⁷¹⁶ Evidence given to the Select Committee on Transportation, 1856. Inspector Brennan paras. 3250 - 3290. Sergeant Loome paras. 2707 - 2712.

⁷¹⁷ M.P. Orders, 27 January, 1864, National Archives (P.R.O.), MEPO 7/25.

⁷¹⁸ Ibid, 27 July, 1869, National Archives (P.R.O.), MEPO 7/31 this set up the divisional detective staff consisting of twenty sergeants and one hundred and sixty constables.

direct evidence to show that they were employed on such enquiries. As the system developed and responsibilities increased a change was necessary and this took place in January 1872.⁷¹⁹ As a result, officers serving notices or making enquiries regarding ticket of leave holders or those under police supervision were ordered not to wear uniform, as far as possible any notices were not to be served in the presence of others and the care needed regarding employment was reinforced.

The way in which released convicts were treated and the need to do so without interfering with their freedoms was continually a theme in reports submitted to Scotland Yard. A good example of this being a report from the officer in charge of No. 1 district in 1873 who suggested that the records of criminals should be regularly updated, including how employed, so that in the event of a move his details could be passed to the new area. He considered that this could be done without 'unnecessarily harassing those men who have taken to an honest living' and finished by saying that, 'no one will dispute that it is impossible to keep too close a watch over the others'.⁷²⁰ The author of the report, District Superintendent Howard, had raised a number of important issues particularly the belief that it was possible to watch very closely some on tickets of leave whilst at the same time not interfering with those earning an honest living. In order for this to have happened however it would have been necessary to pay regular visits to places of employment with the danger of allegations of harassment being made if, for the first time, the convictions came to the notice of the employer. These visits were prohibited save in special circumstances and with regard to their movements, a system, even if less than

⁷¹⁹ Ibid, 23 January, 1872, National Archives (P.R.O.), MEPO 7/34.

⁷²⁰ ARCPM, 1873. p. 92. No 1 District report. This document is the earliest examined as part of this research to use the word harassment.

perfect, already existed whereby licence holders were required to report to police if moving from one district to another.⁷²¹ Save for exceptional circumstances, such as being arrested, if they did not report changes how would anyone know where they were? The suggestion that places of employment should be formally noted and regularly verified had not been raised before in London.⁷²² It is an interesting idea and no doubt some information of this kind was held in local records but, given the transitory nature of much employment in London, changes could well have been frequent. No immediate action was taken with regard to this suggestion but the example is important as it shows not only that police were thinking about their role but also that they saw released convicts as being in two groups one of which required close attention.

With the introduction of the Convict Supervision Office some seven years later the specialist officers did visit places of employment and their residences 'in such a manner as not to occasion the supervisees the slightest injury'.⁷²³ The individuals visited were neither followed nor interfered with and the officers were directed as far as possible to avoid making themselves known to any person but those on licences or under supervision. In his pamphlet *Monro* also set out what he saw as an approach taken by some convicts on release which was to attempt to obtain assistance by doing the rounds of the charitable agencies, police magistrates, prison chaplains and other clergymen by begging. One of the successes of the new office as he saw it was to put a stop to this practice. Regrettably *Monro* did not provide any figures to

⁷²¹ Prevention of Crimes Act, 1871, Sec. 5.

⁷²² See however *The Times*, 22 August, 1862. p. 4. Baker, a Magistrate in Gloucestershire advocated similar action by local police.

⁷²³ Home Office correspondence, National Archives (P.R.O), HO 144/184/A45507. p. 13 pamphlet published by *Monro*.

support his claim but it is clear that the police were well aware that some released convicts were simply playing the system. They would report as required, would not attempt to obtain work and try to live on hand outs from others. Whilst no evidence exists to take this situation any further it is clearly possible that any convicts stopped from such activities would have put the blame onto the police and feel that they were being harassed.

There were three groups of prisoners with which the police in this context were particularly concerned, two were the subject of specific legislation, they were either on a ticket of leave or under police supervision. The third and by far the largest were those described in statistical returns as Expirees. These are not in any way defined but being shown as a separate category it is reasonable to believe that they were released prisoners who had served their full sentences of whatever kind but whom were not the subject of any specific legislative control. Details of the released prisoners, convicts or otherwise, who they were, where they said they were going when released from prisons in England and Wales are contained in the Criminal Register.⁷²⁴ This is an extensive document and is very useful if attempting to trace an individual as all entries are recorded alphabetically. It is however of little use when dealing with a specific area such as the Metropolitan Police District. Many of the entries did not include an address and many of those given were so vague as to be of little use.

In order to establish how the police viewed the situation and how many convicts had been released under the preventive legislation one has to rely upon police documents. Of particular use are the details contained in the annual reports of the

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Prison Commission correspondence, National Archives (P.R.O.), PCOM 2/404.

Commissioner which included the views expressed by Vincent, and the figures supplied in the pamphlet published by Munro in 1886.⁷²⁵

The police view of their role was best expressed by Vincent in 1881 when he argued that the police function was to provide for, 'the strictest enforcement of the law simultaneously with its relaxation in deserving cases of genuine endeavour to revert to an honest course of life: a helping hand in conjunction with the philanthropic societies'.⁷²⁶ In terms of numbers dealt with he reported in the following year that upwards of 200 men had been assisted to obtain honest employment and some 909 enquiries had been made on behalf of the Royal Society for the Assistance of Discharged Prisoners. He further reported that 1,268 convicts on licence or under police supervision were in the Metropolitan Police District of which ninety-seven were being allowed to report by letter instead of in person.⁷²⁷

Taking a wider view Munro was able to report some details of the number of habitual criminals dealt with in the five years since 1880 showing that some 29,638 convicts had been registered in that period and that 1,369 had been liberated.⁷²⁸ Of those required to report to police some 1,542 were doing so personally and ninety were currently being allowed to report by post.⁷²⁹ The figures also show that there was an increase of 820 on those reporting in 1885 as against 1880. The recorded number of Habitual Criminals in 1880 was shown as being 15,000; of these many

⁷²⁵ Home Office correspondence, National Archives (P.R.O.), HO 144/184/A45507.

⁷²⁶ ARCPM, 1881. p.8.

⁷²⁷ ARCPM, 1882. pp 18 and 19.

⁷²⁸ Appendix to pamphlet by Munro on Penal Servitude and Prevention of Crimes Acts. HO 144/184/A45507

⁷²⁹ The apparent discrepancy in the quoted figures is explained by the fact that although the number reporting was greater than those released the latter would have included convicts released over the previous few years depending upon the length of their sentences.

had been re convicted, some had emigrated and a number lost sight of.⁷³⁰ The actual number coming under the control of the police was between 700 and 800. In 1888 there were some 3,378 licence holders and supervisees, male and female, in the Metropolis who were required to report to police with a daily floating average of 1,600 required to report monthly. The number of expirees is not specified but the report does show that between 9,000 and 10,000 of those recorded were under the provisions of Section Seven of the Prevention of Crimes Act 1871 which dealt with repeat offenders.⁷³¹

Having set out the statistics it is clear that in terms of numbers the problem was not a huge one yet they were the very people most liable to harassment by police. Commenting on the situation Monro then made a statement which as well as justifying the introduction of the Convict Supervision Office cast doubts on the integrity of the ordinary police officers. He wrote that had the supervision of convicts been left to the ordinary officer it would have, 'become a mere matter of routine harassing to the men who are subject to it, and affording no real security to society against the criminal classes.'⁷³² Despite the fact that divisional superintendents had been involved in the system it is clear that Monro was of the opinion that change had been needed, evidence for this is not available but it would go some way to support the statement made by Clarkson regarding the number of complaints made.

Allegations of a general nature regarding the number of complaints had been made at the 1878/9 enquiry into the Penal Servitude Acts, and these required an

⁷³⁰ The fact that some were lost sight of was stated as being due to the fact that the need to report was removed in the Habitual Criminals Act, 1869. sec. 4.

⁷³¹ Prevention of Crimes Act, 1871, sec.7.

⁷³² Monro, Pamphlet on Penal Servitude and Prevention of Crime Acts. p.7.

answer from police. The police explained the way in which they dealt with supervision and the Commission was informed that there were not more than two or three complaints a year.⁷³³ Importantly however the witness, Chief Inspector Harris, accepted that there had been failures. As an example of the way that the system could fall down he described a situation where a constable, in plain clothes, had called to verify that an address given by a convict on release was correct and on leaving had met the landlord to whom he was personally known. The landlord was asked if the person in question lived at that address but no other indication of the reason for his visit was given. It transpired that the landlord was also the man's employer and having made other enquiries subsequently dismissed him. The police officer had not known that the landlord was also the employer, there had been no intention to interfere with the man's employment and no blame was attached to the officer concerned. The standard procedure of not informing an employer was discussed by the committee who were informed by the witness that he knew of only one occasion where such information had been given. In this case the action had been taken on the directions of the Commissioner as the person concerned had obtained employment in a very important business by means of a false character.⁷³⁴ The only example to be found where the orders had not being properly carried out and where the police were to blame is in 1872 when a detective was returned to uniform duty for having informed a landlady that her lodger was a released convict.⁷³⁵

⁷³³ Petrow, *Policing Morals*, p. 77 noted that after careful enquiry by Henderson only two cases where found where police were at fault. No further details are given..

⁷³⁴ Penal Servitude Acts commission, 1878, para. 4926.

⁷³⁵ M.P. Orders, 19 February, 1872, National Archives (P.R.O.), MEPO 7/34.

That mistakes had been made is clear but the officers involved were based on divisions and this came to an end with the formation of the Convict Supervision Office in 1880. The staff of this office took over the responsibility for all aspects of dealing with released convicts although on occasion there was still a need for local officers to be involved. The orders dealing with these situations restated the need for care to be taken although one, in 1907, contained some unusual instructions.⁷³⁶ The need for detective officers to obtain a better knowledge of 'more experienced criminals', in this case those on tickets of leave or under supervision, was set out and this can be seen as positive even necessary aim. The aim was however thwarted by the instruction that the officers to be used were to be those 'who are not well known locally'. The only ways in which this could have been done was either by using officers newly appointed to the area or those from other divisions. If the officers had been newly appointed and locally based then this could be seen as a positive move, although, bearing in mind the fact that convicts were able to recognise police officers they would have lost any chance of being able to observe criminals undetected. If they were not local then any knowledge gained would have been of little use.

Complaints of whatever nature have been shown to be taken very seriously by the police although very few examples relevant to this work are available for examination. Throughout the period a number of allegations of police harassment other than in relation to employment were made, often by way of questions asked in parliament. In this way allegations were made that the police were blackmailing a 'great distributor of goods in London,' that an ex political prisoner from Ireland was

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Ibid, 2 July, 1907, National Archives (P.R.O.), MEPO7/69, paras.566-567.

being unduly subject to surveillance and that a Samuel Browne had been falsely arrested because he was known to the constable having threatened him in the past.⁷³⁷ These allegations were either dismissed as having no foundation or the available documents do not provide any other information.

There are however two cases where good documentation exists, one concerning Harding, was serious enough to be considered as part of a government enquiry in 1908 and the other, involving Benson, arose out of his conviction as part of the Turf Fraud.⁷³⁸ The circumstances of the two cases are very different, in the case of Harding both uniform and detective officers were involved but the allegations were locally based on H division, in the case of Benson the officers were centrally based at Scotland Yard and all were detectives. Harding alleged that he had been threatened by Wensley, a senior detective, and had been wrongly arrested by PC Cann a uniformed officer on H division, Benson had been involved in the Turf Fraud with the three corrupt Chief Inspectors, had also been imprisoned and was complaining that his rights, on release from prison, were being infringed.

In both cases the allegations were dismissed, but it will be argued that in the case of Harding the allegations, at least in respect of Wensley, can be seen as well founded, as far as Benson was concerned the action taken by police was correct and in the circumstances was a proper use of police resources.

Harding, correct name Arthur Tresadern, was a convicted criminal, having at one time been released on a ticket of leave, who lived in the east end of London. He had

⁷³⁷ *Hansard*, 3rd Series, Vol.; CCCXX1 13 September, 1887 p. 467, *Hansard*, 4th Series, Vol XC11 26 April, 1901 pp 1455-1456, and Metropolitan Police correspondence, National Archives (P.R.O.), MEPO 3/92.

⁷³⁸ In 1877 three of the four Detective Chief Inspectors at Scotland Yard were found guilty of corruption.

been a thorn in the side of police at Bethnal Green and his allegations are well documented. Between April 1901 and July 1906 he had made nine court appearances on six of which he was either discharged or acquitted.⁷³⁹ In his evidence to the Royal Commission Harding alleged that he had been 'falsely and maliciously' arrested by PC Cann for assault on police and that in another case, when he was suspected of having been involved in robberies, but had not been recognised by witnesses, had been told by Detective Inspector Wensley, 'If we do not have you for this we shall have you for something else'.⁷⁴⁰ He further alleged that the charges against him had been 'trumped- up' in line with the police practice of continuously harassing men who were known to have been one or more times convicted and that he was told by a constable, 'all right Harding, we will have you for this'.⁷⁴¹ The Commission found that the allegation of false arrest by PC Cann was not substantiated and that Harding had been guilty of the offence for which arrested even though the case had been dismissed at court.⁷⁴² In connection with the complaint against Wensley the Commission found that the allegation was emphatically denied and that there was no substance to the complaint.⁷⁴³

It is of interest that the Commission, being more concerned with offences such as begging, prostitution and betting, went out of its way to examine the above and other linked allegations and there is view held by some modern writers that the result was really a 'whitewash'. This is certainly the opinion of Petrow who quoted other

⁷³⁹ Royal Commission on the Metropolitan Police, 1908 p. 331.

⁷⁴⁰ Ibid. p. 339.

⁷⁴¹ Ibid. p. 339.

⁷⁴² Ibid. p. 342. At one time Harding had been released on a ticket of leave but by this date was simply a released convict who had completed his sentence.

⁷⁴³ Royal Commission on the Metropolitan Police, 1908. p. 339.

correspondence in support of this claim.⁷⁴⁴ All the complaints made by Harding were dismissed but the police were criticised for wrongful arrests in some of the other allegations considered.⁷⁴⁵

There can be no doubt that Harding had been watched over a long period of time and that he had been subject to harassment. Wensley wrote of him as a 'young man of great cunning and astuteness who had picked up considerable knowledge of loopholes in the law that had on more than one occasion been of service to him. I resolved to teach him a lesson'.⁷⁴⁶ In practical terms Harding, excluding the threats allegedly made by Wensley, was his own worst enemy. He was well known to local officers and whilst the attention paid to him may have been excessive it is easy to understand why such action would have been taken by the officers concerned. He appeared to almost taunt the police and used legislation regarding habitual criminals, of which he was one, to explain why he was so often accused of offences. The local officers viewed Harding as someone who deserved everything he got, he was well known as a convicted criminal believed to be actively concerned in crime and therefore worth watching. In view of the findings of the Royal Commission no action was taken against the officers concerned.

One of the most detailed allegations of harassment by police relates to the case of Harry Benson. He had been released from prison in October 1887 on a ticket of leave and almost immediately wrote to the Commissioner pointing out that, provided he complied with the conditions of his licence, he should in no way be interfered with. His letter alleged that since his discharge on the Friday morning and up to the

⁷⁴⁴ Petrow, *Policing Morals*, p. 139-140 quoting BLAdd Ms 4604 folios 281 - 282.

⁷⁴⁵ Royal Commission on the Metropolitan Police, 1908. Appendix. See case of Baker

⁷⁴⁶ Wensley, *Detective Days*, pp 105- 106.

present time, (Sunday afternoon), 'I have been followed in the most marked manner by Detectives wheresoever I have been – whether by foot or conveyance- and during the whole Friday and Saturday nights two men have watched the house where I am living from the steps on the opposite side of the street. These men go where I go, come when I come, not secretly or furtively – but openly, exciting remark and calling attention to me, so much that I fear to be turned from my present shelter through suspicions which their actions have cast on me'.⁷⁴⁷ He continued by drawing attention to the fact that, 'I cannot believe that the part I took in 1877 in helping to expose certain officials connected with the Detective Force, should have the effect of drawing down on me the vindictiveness of any present member of the Force.'

Taken at face value this would appear to be a clear case of harassment by police based on his previous conviction and association with corrupt officers. The complainant was clearly 'troubled and annoyed continually' and he alleged that he had been followed and watched from the moment of his release. This is the view taken by Stewart in his work on police corruption and the actions by police clearly appear to be in contradiction of regulations.⁷⁴⁸ What Stewart does not do however is to explore the other side of the coin, that is to examine the police reply contained in the same correspondence. The reply to the accusation was made by Monro, then Assistant Commissioner, who whilst admitting that he had placed Benson under observation denied that there was any desire to persecute him or that there was any interference with his actions. Agreeing that the police action was unusual he argued

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Home Office correspondence, National Archives (P.R.O.), HO 144/21/60045B.

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Stewart, *The Great Detective case of 1877*, pp 205 – 207.

that it had been adopted for the following reasons. The release of Benson had been anxiously awaited by his former associates Kurr and other members of the fraud gang, and there was no doubt that they had been concocting some fraud. The police had no doubt that Kurr had been tampering with police officers and that there was some concern that he would go to France where he was wanted by the police being accused of forgery and attempted poisoning at Nice. Monro wrote that he was anxious to help the French police and had received a provisional demand for the arrest of Benson and would do so if an application for extradition was made. It was pointed out that Benson had applied for permission to report to police by letter; this had been refused but he had been told that he could do so at Scotland Yard rather than at a police station. This he did not do and his whereabouts were not known having disappeared after a visit to the office of his solicitor.

This is an unusual piece of evidence in a number of ways not least of which is that both the complaint and reply are available and shows that the police had a decision to make. In ordinary circumstances the action taken would have been against all the aims of the ticket of leave system and the careful regulations set out by police over a number of years. It was apparently a clear case of a released convict being harassed by police. The reply however shows that the decision to watch Benson could be justified in terms of the information available and that it was necessary in order for the police to perform their role. The fact that Benson was suspected of being involved in criminal activities so soon after his release would also suggest that he had been involved whilst still in prison and that his criminal activities were not confined to this country. The papers also show that despite police attention Benson escaped from their view and was believed to have gone to

America. Either the police attention was not as severe as alleged or Benson was clever enough to give them the slip. Apparently he went in the front door of his solicitors' office and out the back.

This case, although accepted as being unusual, is also a clear example of the dilemma often faced by the police, from the point of view of Benson it was a clear case of his rights being interfered with, from the point of view of the police it was an example of where, had they done nothing, they could justifiably have been criticised. The case can be looked at in a number of other ways, if one takes what Benson alleged at face value it was a clear case of harassment. It can however be said that police action was appropriate. Having been offered the 'olive branch' regarding the manner of reporting which was declined, coupled with his slipping away from the watching police, his actions would tend to show that they were not those of an innocent person.

This case is perhaps a unique one and it is therefore difficult to draw from it conclusions as to the wider situation. There are no other instances recorded which one can use to draw on but it is clear that given sufficient grounds the police were willing not only to depart from their normal procedures but were able to justify their actions as being appropriate and necessary. Just what was in the mind of Benson on his release is not known, given his previous history however it is reasonable to assume that in the circumstances described above they were not those of a person intending to conform to the law.

Conclusion.

Allegations that the police harassed released convicts were easy to make, less easy to either substantiate or refute and the surviving documentation does not always

assist. The complaints were largely made by those released on tickets of leave or under supervision either when faced with fresh charges, when unable to find employment or where the person concerned was in some way of a high profile.

Examples of such allegations exist at a variety of levels, all concerned with individual cases, and with one exception the police were found, in the period under discussion, to be blameless. The one documented example where it can be said that police were harassing an individual was in the case of Harding but it is difficult to accept that this was the only situation in the period where this took place. In the absence of any evidence however it is only possible to read between the lines of what is available and to say that in all probability it did occur but when, by whom and how cannot be established. The strongest case made in favour of harassment taking place, that of Benson is however different, on the surface the police were acting in contravention of the legislation and their own regulations. The police were able to show that their actions were, given the circumstances, simply good police work and that not to have taken the action they did would have been a dereliction of duty.

The Metropolitan Police were faced with the task of dealing with released convicts and were well aware of the difficulties and pitfalls that they faced. They therefore set out guidelines by which this work was to be undertaken yet at the same time they had to be aware of their primary responsibilities those of preventing and detecting crime. The path they had to negotiate was a narrow one, they had to deal with crime and criminals yet avoid allegations that in doing so they were infringing the basic rights of those involved. Public opinion varied, at times of heightened concern they were in favour of strict measures, at others the view was that the police

were being given too much power and that the legislation was draconian. The police were therefore expected to be very strict enforcing the law yet respecting the rights of those concerned.

It is of note that the above discussion has concerned the police and individual criminals; there is no available evidence to show that the police were harassing groups. It is however alleged that the police did do this and that as a result they created out of the poor members of the working class and those known to police a criminal class. Save as in the case of Harding, an individual well known to police, there is no evidence that the police harassed groups of people on the streets of London. It would be expected that had this taken place evidence would exist even in the way that police orders were drafted directing attention to such groups, but this did not happen. The available evidence is that though the police might harass a minority that they could identify this was not the case for the majority of offenders.

CHAPTER 7.

Conclusion.

This thesis has been concerned with the Metropolitan Police and the ways in which they dealt with criminals or suspected criminals from c.1850 to 1914. In particular it has addressed the issues around the extent to which they were involved in the creation of a criminal class.

At the heart of these questions and therefore of particular importance is the issue of identification, were the police able to identify those whom it is alleged comprised a criminal class consisting of the casual poor and those already known to police? Linked with this issue is another question, that of the way in which the Metropolitan Police dealt with certain categories of criminals. To what extent were they targeted or harassed? In attempting to answer these questions it is necessary to understand the way in which the Metropolitan Police was structured, its priorities, the way in which it used its main resource, manpower, and particularly the ways in which it responded to changing circumstances.

Davis and others have argued that the police, as a result of the need to prioritise their use of resources, were active in creating such a criminal class from within the wider working class on the streets of London. In essence her arguments are based on a narrow time band, the 1860's and 1870's yet her examples are in the main offences outside the scope of this thesis. It has been argued that this approach to the question of a criminal class was in reality one reflected in public opinion as a 'subjective' view of the situation. Whilst agreeing that the police did have a set of priorities, these were different to those suggested by Davis. Unlike the broad approach taken

above, the evidence supports the case that the police focused on specific responsibilities particularly those concerned with the supervision of persons, convicts, released from prison on tickets of leave or under police supervision. This much smaller group was part of that formed by the narrowing legislative focus on the more serious offenders who were eventually redefined as Habitual Criminals. It was this group of criminals who, at the end of the period under consideration, largely as a result of the developing legislation, came to form a criminal class with a very different membership from that popularly held to be the case for much of the nineteenth century.

In order to be able to explore these issues properly the availability, limitations and strength of the sources is of vital importance. It is especially difficult when attempting to examine issues from the bottom up and the best way of describing the totality of what is available is to say that they appear very much like a jigsaw puzzle, pieces of which are missing. Whilst this can be said to be true of much historical study it is accepted that police records, at least those of the Metropolitan Police, are very poor. In particular there is the absence of systematic evidence relating to the realities of day to day policing as experienced by those officers, sergeants and constables, actually performing duty on the streets of London. It is part of the purpose of this thesis to examine the available sources, including some which have been well used, in a different way. In light of this approach some of the conclusions reached by other historians have been challenged.

Of the existing sources, police orders have been extensively used and they are very useful in that they show much of the detail of the changing nature of police activity. In a similar way the annual reports by the Commissioners chart changes but

they have a number of drawbacks. The first report was not issued until 1869 thus missing the early stages of the penal servitude system, they did not always contain the most valuable reports from divisional superintendents and as a result of changes in commissioner the focus did not always remain the same. The lack of local, divisional reports, results in a situation where there is very little locally based information and therefore any idea of the practical difficulties of police work are lost. The Commissioners reports are also challenging in another way in that the manner in which statistics were presented was not consistent. Comparisons with figures produced by other organisations were therefore sometimes difficult and although this situation gradually improved it meant that on occasion statistics other than from the exact period under discussion have to be used. This difficulty was compounded by the fact that from 1869 the Metropolitan Police had a national responsibility for criminal records often to the detriment of those relating specifically to that force. The manner of presentation did not really improve until the appointment of Vincent but the sources do enable the ways in which staffing issues were dealt with to be examined. This is particularly important when looking at the changes that were made by police as they attempted to identify those in custody or on remand. These changes can also be seen in the ways that staff was used as a result of the developing legislation with a gradual concentration on the more serious crimes and criminals, in large part those offences contained in the First Schedule to the Habitual Criminals Act.

The structure of this thesis is provided by the evolving legislative framework within which the police operated. By tracing the changes in law respecting criminals it is possible to see not only that classifications changed but also that additional

responsibilities and powers were given to the police. One of the changes dealing with the numbers of offences able to be dealt with at the lower courts caused problems for the police and others gave the Metropolitan Police some additional responsibilities without the framework in which to carry them out. In this way the police were required to supervise released criminals but the requirement for them to report to police had been removed and the way in which some of the legislation was worded made it impossible for the Metropolitan Police to take any action against those who were later due to report but did not do so.

The sources as a whole show that the police were very concerned with maintaining their primary objectives, those of the prevention and detection of crime, and targeted their resources to this end. This was not always done in the most efficient manner and some of the suggestions made with a view to improving the situation were not proceeded with.

As the population of London increased, as the nature of the city changed so did the police who were given additional responsibilities; the number of police officers grew and specialist departments were set up to deal with particular situations. In broad terms this can be seen in the development of what can be called the forerunner of the modern Criminal Investigation Department, more narrowly in the introduction of the Convict Supervision Office. Changes were also brought about as the result of improved technology including the introduction of fingerprinting which eventually removed the difficulties that had faced the police in attempting to establish identity. Despite these changes the effectiveness of the police did not substantially improve. The emphasis on prevention of crime, particularly with regard to property, as against detection, remained and fresh resources, primarily staffing, whilst allowing for some

special targeting were used in much the same way throughout the period. The basic 60/40 split between Night and Day duties remained yet an examination of other patterns of working show that a better allocation of resources could have been made. The experiment on N division showed that a more sophisticated allocation of resources, yet staying within the broad allocation, was possible and that this would have allowed additional officers to have been on duty when the majority of serious crimes were committed. This experiment finds support from a number of sources including evidence given to parliamentary enquires by officers involved in the day to day work of police and reports from divisional superintendents regarding the need to re-examine the beat system. It is dangerous to overly rely on limited resources but although these examples are restricted in scope they do show that other approaches were possible.

The available evidence shows a rigidity of approach towards resources and that, despite some gradual delegation of authority, the Metropolitan Police was a very centralised organisation. Initially there were good reasons for this approach but it was only very slowly that any discretion was given to local commanders in the way that priorities were decided upon and staff deployed. Regretfully few sources are available to show how such local discretion was exercised.

There is however evidence to show how central control was exercised in particular circumstances including the ways in which the winter and special patrols were organised. The former, comprising divisional officers, was initially allocated to inner districts by Scotland Yard and were under the control of a detective from that office. They did however, unlike the special patrols, work under the general direction of the divisional superintendents. The special patrols were even more

centrally controlled as they, just ten officers from Scotland Yard, were deployed more randomly specifically on the direction of the Commissioner. These latter patrols were entirely separated from local divisional officers but both types of patrol had limitations in terms of their effectiveness. Both patrols contained officers from divisions other than those being patrolled and whilst the winter patrols were given a specific target, that of preventing and detecting crime, especially jewellery robberies, the other patrols had a very wide brief, could operate anywhere in the police district and would have had virtually no local knowledge. The implementation of these winter patrols and their gradual extension did however show that there was a need to target certain types of crime at particular hours and times of year; the others were used in a variety of ways including the short term targeting of street offences such as thefts and 'rowdyism'. It is of note that the times during which these patrols operated coincided with the busiest hours for crime as shown in N division and elsewhere.

In terms of targeting Davis and others have argued that the police were particularly concerned with street offences but there is only limited evidence that this was the case. What evidence that is available is largely force based and apart from occasional references to 'drunkenness' or 'rowdyism' there is little to show how such issues were dealt with on divisions, each of which was almost a force of its own and details of local deployments are not generally known

An argument has been put forward to the effect that there was a consensus, shared by Magistrates, police and responsible members of the middle and working classes, that the majority of crime was committed by members of the poorer working class. There is certainly plenty of evidence that this was the case, particularly with

regard to low level street crime, and the subject has been discussed by many writers both contemporary and modern. The police as the operational, visible, arm of the judicial system were involved in this process but the evidence shows that their actions were not entirely dependant upon their ability to recognise previous offenders. Evidence given by Davis shows that in the main the police were involved after an offence had been committed or an alleged offender arrested most commonly by a member of the public. There is little evidence to show that the police targeted street crime on any but a limited scale. There is however a substantial body of evidence to show that police resources were directed at those criminals, particularly recidivists, who were committing the more serious offences, especially those of burglary and housebreaking. This can most easily be seen in the development of the detective department on divisions and the ways in which the winter patrols were deployed. It is to be noted however that this thesis does not attempt to discuss other very serious crimes such as fraud, 'white collar' offences and, save for occasional references, those against the person.

Direct evidence of police involvement with the public on a class basis as suggested by Davis is open to a number of interpretations. Force policy was, in accordance with the primary objects, to prevent crime and this was a general theme running through the way the force was organised. The introduction of the winter patrols to prevent thefts, 'in the season' can however be seen as an admission that a broad based approach had been seen to fail and that the protection/prevention had to be given at closer quarters. The evidence is that such patrols were gradually developed being employed across the police district in poor as well as affluent areas. Special patrols were used in limited circumstances to deal with some specific

problems relating to street offences but it is to be noted that these deployments were of a short duration and the officers employed were not local. It is therefore difficult to see how the officers could have operated against known offenders.

Class as such is a difficult topic and this is particularly so when discussing the concept of a criminal class. It is however clear that the public in general viewed criminals subjectively and in particular used the phrase, criminal class, as a kind of shorthand to describe all those breaking the law but this does not mean that such a class actually existed. The evidence however shows that in law there was a gradual concentration on the more serious offences, a series of classifications, and especially with the introduction of 'Habitual Criminals', the membership came to be more detailed. It is argued that if such a class came into being it was as a result of this process.

Attempting to quantify the part played by the police in this process is not easy and it is argued that the police did not, in the absence of evidence to the contrary, deliberately target a section of society, a class, without there being a specific reason for such action based either on changes in the law or specific offences. In this way the police did give extra resources to their new responsibilities under the preventive legislation and on occasions such as the 'Garrotting' and 'Ripper' outbreaks over comparatively short periods committed substantial resources. The actions of police can also be seen in another light that of simply being a reaction to changing circumstances and not to a pre-planned targeting of the bulk of criminals on the streets. A series of offences had been committed which caused some public concern and the police were forced to react not only in attempting to arrest the offenders but

also to placate public opinion and to show that they were taking some positive action.

In terms of staffing, the fact that the police continued with the allocation of the majority of officers to night duty can be seen as a self fulfilling prophecy. It was thought that the bulk of the serious offences were committed in this period and as a result of the additional staffing this was where the main effort in prevention was directed. At a very basic level this is of course targeting but a different approach to the pattern of working whilst still concentrating on the issue of prevention could have produced better results.

In contrast to the way in which it was perceived by general public opinion, by the end of the period under examination a criminal class did come into existence. It was created not simply as a result of police activity but primarily as a result of a continuing process of changes in legislative classification.

The legislation, starting with the need to deal with the problem brought about by the ending of transportation, gradually changed the judicial system including both crime and criminals so that there came into being a small number of persistent recidivists. Initially the police had very little contact with this group of released convicts who were perceived by the public as being responsible for outbreaks of crime. The court system was also involved in the changes and these allowed the lower courts to deal summarily with an even larger number of offenders. At the other end of the spectrum were the more serious criminals including a number who had been made subject to legislation requiring them to report to police on release and be under their supervision. These would have been dealt with at the higher courts and by the end of the period some of them were liable to be dealt with by means of a

new form of punishment, preventive detention. These criminals were allegedly, and in reality, habitual, leading a life of crime without other means of support and as a result had both a background and outlook which was similar to others of their kind.

Over the period the effect of the legislation had been to gradually tighten the grouping of persistent criminals and this has been explained by showing that they were like a series of circles of ever decreasing size. At the beginning of the period the number of offences and therefore offenders covered was very wide, by the end preventive legislation concentrated on the punishment of a few. There had been a change from the subjective public perception of a criminal class, as a broadly based social construct, to the reality of the situation where a few persistent criminals could, as a result of changes in the law, properly be described as such.

The role of the police was to be the agents of the legislators, charged with enforcing the will of parliament and as such they were the public face of the attempt to deal with a problem of serious criminals formerly able to be shipped overseas. There is no doubt that the ending of transportation was a watershed not only in the way in which criminals were treated but also in the role and function of the Metropolitan Police. For the purposes of this thesis the most important of the changes was the fact that the police gradually took on the function of dealing with those convicts released from prison either on a ticket of leave or under police supervision. This required that they had a formal, continuing and legally justified contact with those who had committed the more serious crimes; this new role required careful handling especially in the face of allegations that police interfered with a convicts right to employment. Initially the increased contact, particularly at the point of reporting to police at police stations on release and then monthly, was

spread across the force but by 1880 this role had largely been taken on by a specialist unit, the Convict Supervision Office. As a result of this change two issues are of note, the mass of officers had less formal contact with released convicts and therefore less knowledge of and ability to recognise the more serious criminals. The specialist officers were however in exactly the opposite position, they had regular and repeated contact with the released convicts and as such were able to identify some that had previously gone unnoticed.

An issue of concern throughout the process of dealing with this group was that of targeting and harassment. The two can be said to be different sides of the same coin and there is no doubt that the dividing line between them was very thin. Targeting, whilst not always effective, was presented as the proper way of conducting police activities and such action was often seen as reflecting the public perception of criminality. Harassment however is less clear cut. The available evidence is that there were rare occasions on which the police overstepped their role and disciplinary action was taken. The claim of harassment was certainly made by those on the receiving end but corroboration is difficult to find. There is a lack of supporting evidence for the vast majority of the claims and those made during the course of parliamentary enquiries did not stand up to scrutiny.

The main concern of those concerned with the police being given extra powers was basically one of what was then called 'individual rights or freedoms' and which to-day would be called 'human rights'. The allegations were that as a result of police action the ability of released convicts to obtain employment was curtailed. The evidence shows that the police were very aware of this problem and from the very beginning were careful not to interfere with the ability of the released convict to lead

an honest life. As early as 1856 the commissioner reported that the police were directed not to interfere with released convicts.

The vast majority of police officers were concerned not so much with the serious crimes but those more routinely committed on the streets and which were dealt with at the lower courts. It has been suggested that as part of this approach the police targeted those on the streets and in doing so created a criminal class. Apart from a lack of evidence to this effect there are two issues which throw doubt on the suggestion. It has been shown that in very many cases of less serious crime the accused was given into police custody by a member of the public, the police acting as agents of the prosecutor and, in order for targeting to have taken place, the police would have needed to be able to identify the criminals concerned. It has been shown that this was difficult enough for the more serious criminals yet alone the bulk of other criminals who comprised the vast majority of offenders. There is no evidence that the police devoted more than limited resources to this end and it is argued in this thesis that the ability of police to identify criminals in the street or elsewhere has been over emphasised.

Targeting did of course take place although not always in the most effective manner. The statistics show that there was adherence to a rigid pattern regarding the use of staff although some variations can be seen to deal with special circumstances. There is also evidence that the police, especially towards the end of the period made efforts to target the more serious and travelling criminals by means of publishing their photographs and descriptions. In general the police varied their approach by attempting to target specific types of crime allocating resources often for considerable periods but these deployments can not be described as in any way

being 'class' based, there are a number of examples showing that the attention was to areas both rich and poor. There is only a limited amount of evidence to show that the police were targeting 'street offences' and certainly none to show that this type of offence was the subject of special, sustained police attention. In order to substantiate this claim it would be necessary to show that there was action over a considerable period, the available evidence shows that such actions as did take place were limited in scope and of short duration.

As a result of the concentration of resources on night duty there were substantially more beats during these hours and the officers would have had a smaller area to patrol, preventing crime by their mere presence. London did not however remain a static entity. There was a continued process of change brought about by increases in population, the demolition of many old slum areas and the growth of the suburbs assisted by improved transportation. As a result there was pressure on the police to change the way in which they allocated resources to give greater cover to the new areas. There is evidence that not all requests for increases in staffing were approved and that even as late as 1908 divisional superintendents were pointing out that some areas of London had changed dramatically and were almost deserted after about 1a.m. Evidence of change is very limited and can be said to have been very slow. The fact that some divisions were very quiet at night had been raised at the parliamentary enquiry in 1878 but no changes in the basic structure of staffing followed. As a result the police were still operating with a system which had seen comparatively little change since the force was founded in 1829 and the implication of this is that the new areas of concern were not being properly policed.

Looking at targeting in a different way, a persistent allegation made during the period was that the police were targeting and harassing released convicts. Many of these claims being raised by prison chaplains. Two issues need to be considered in relation to these allegations one of which is that decisions as to action were taken at Scotland Yard, little discretion being given to divisional commanders, and that the majority of the allegations were based on hearsay evidence. In practical terms Scotland Yard could only issue the instructions and discipline any officer found not to have complied, this has been shown only occurred in a very small number of cases. Hearsay evidence is what one would expect from these chaplains, they were not directly involved in the process only bystanders. They were however in a privileged position in as much as they had contact with the prison population over long periods and would have heard a number of complaints of this nature. Their evidence is therefore of worth and shows that, even if not in reality, there must have been such a perception in the minds of those concerned. The vast majority of cases the allegations did not stand up to enquiry and there are good grounds for stating that the police did a considerable amount to help released convicts with grants of money and in many cases assisted them to obtain employment.

The dividing line between targeting and allegations of harassment is a very narrow one and had the police paid so much attention to a released convict that as a result he was unable to obtain employment then such a claim could certainly have been born out. The evidence shows that there were a small number of well documented cases where harassment could have taken place and in one, that of Harding, it is clear that a particular police officer, Wensley, set out to deal with him for one offence if not another. This case is unusual in that it involved both uniformed

and detective officers and is a clear case of harassment over a considerable period. Harding was a thorn in the side of the local police in the East End of London and taunted them with their failure to convict him. This is also the only case where there is evidence from the officer concerned that such action was intended rather than being just an incidental occurrence. Harding made two specific allegations to a government enquiry, one of wrongful arrest by uniformed officers, the other that he had been threatened by Wensley, both allegations were dismissed. Some writers have suggested that the enquiry was really just a whitewashing operation, that there was little or no chance that it would find in favour of Harding. It is of course possible that this view is correct but the important point for this thesis is that harassment did take place, not as frequently as some sources would suggest, but in this particular case the complainant was sufficiently notorious as to justify enquiry.

The other well documented allegation, also of a high profile, was that of the case of Benson yet in this case the police explained their actions and justified them as being proper police work. Had they not taken the action that they did they could well have been seriously criticised for enabling a known criminal to continue to commit crimes both in this country and abroad. The fact that Benson was not the innocent man he claimed to be can be seen in the facts that he eluded police, apparently left for the U.S. A. and, even whilst in prison, was believed to have been in contact with other criminals and planning crimes.

The cases of Harding and Benson highlight very different aspects of the problems faced by police and show how they could be criticised whatever action they took. Harding can be said to have behaved in a way towards the local police resulting in him being harassed by both uniformed and detective officers and although the

enquiry exonerated police there can be no doubt that they were in the wrong. On a practical level they were able to justify their actions but it is clear that they had used, or were willing to use, harassment. The allegation relating to Benson was a very different issue, a case where apparently the police had broken virtually all the regulations regarding tickets of leave yet, in practical terms, their actions were correct. Harassment as can be seen from the above examples is a difficult topic, so much depending upon the point of view of the persons receiving police attention and the police officers involved. It is difficult to take this issue much further as there is so little evidence available but there can be no doubt that such actions would have taken place at a variety of levels. The records do not show any instances of disciplinary action having taken place in cases of this kind and because of their serious nature it is likely that they would have been dealt with at the highest levels. It is therefore impossible to say if such allegations were simply swept under the carpet, although given the evidence to a number of enquiries this seem unlikely, or that they were dealt with in some other way.

Whatever the truth of the situation may have been what is clear is that, at a variety of levels, the targeting of an individual or harassment did take place. There was however a pre-requisite which was that the officers concerned must have been able to identify those with whom they were dealing. Without this ability, particularly on the streets where most of police work took place, the suggestion that the Metropolitan Police were instrumental in creating a criminal class with or without the input of the other parts of the judicial system is difficult to justify. Due to so many lesser offenders being given into police custody the question of identity before arrest was not an issue in these cases and even when these suspects were at

the police station the police were only able to identify a very small number as having been arrested previously in that year for a felony. This evidence would support the contention that the police targeted the more serious offenders and offences but does not show that there was any general targeting of street offenders.

Reflecting a generally held view, identification was stated by the enquiry into Habitual Criminals as being primarily a case of personal recognition and suggested that this was helped by the fact that those released on tickets of leave or under police supervision had to report to police on a regular basis. Whilst agreeing with the first proposition the evidence shows that although personal recognition does not change in importance the real issue is the ability of officers to recognise individual criminals. In relation to those required to report they would have been seen by the officer then in charge of the station and these frequently changed. The one officer directed to be involved in such cases where a gratuity was payable, the superintendent, had really only these occasional opportunities to see the individuals. Much the same arguments can be said to apply in the case of those officers in charge of police stations where accused persons were taken on arrest. The allegations would have been investigated by the sergeant or inspector in charge of the station and, if accepted, the accused would have been seen by other officers but again these would have changed very frequently. The matter is also complicated by the fact that over the period the police had an increasing entitlement to leave, both annual and weekly and were often taken away for other duties and court appearances. A further complication is the fact that many of those arrested would have been 'travelling criminals' and therefore not resident in the areas where arrested. In these cases the likelihood of their being recognised was even slimmer and it has been shown that

they need not to have travelled very far, perhaps from one part of London to another, for them to have been totally unknown to local officers. What appears on the surface to have been good opportunities for identification in reality was not the case. Given the above the targeting or harassment of criminals, particularly individuals, would have been very difficult and the evidence is that such cases that exist would have been of a very special nature.

Being in a position to identify criminals was very important to the police and as a result considerable resources were allocated for this purpose particularly so that they would be in a position to prove any previous convictions in court. In this way substantial numbers of police officers attended magistrates courts to examine suspects on remand, then visited both remand and convict prisons to inspect those either awaiting a court appearance or about to be released. The evidence is that the police were not very successful in any of these attempts until assisted by prison warders and then changes in personnel. The number and type of police attending gradually changed from uniform to detective and then to members of the Convict Supervision Office. Research shows that the addition of warders to the process certainly improved the rate of identifications but it is impossible to quantify the police input as the warders had the opportunity to see the suspects before the police and thus claim any identifications that were made. In terms of the judicial process just who made the identification is unimportant but the end result was of value as it helped to ensure that suspects, once convicted, were properly sentenced taking into account their prior convictions. The statistics regarding the inspection of those about to be released are of a different nature as the purpose was to be able to identify the convicts if later arrested. Figures relating to re-arrests are however of little use as

they do not necessarily show just when they were released and in both cases the statistics can lead to false assumptions as they do not show just how many were inspected or how many had already been recognised. The issue is further complicated by the fact that the police did not place much value on visiting those about to be released as they were easily and quickly able to change appearance making identification very difficult. The one step that resulted in the recognition of offenders who had in some way escaped identification was by the introduction of the Convict Supervision Office and the use of a few specialist officers.

The main difficulty with identification, be it at police stations, at court or in prison, was the fact that everything relied upon the memory of the officers concerned. With the introduction of photography it was thought that this difficulty would be overcome and it became the main hope of the identification process. Theoretically, it was very straight forward, photographs could be taken and copies made which in addition to becoming part of the criminal record, could be made available to a large number of officers very quickly and circulated *via* police publications. The evidence shows that there were teething problems; these included the fact that the process was distrusted by the courts and was slow to start. Initially not enough photographs were taken, and then the number became too great to be of any real use. At the level of identification it has been shown that even here the process was not always reliable and cases exist where the wrong identifications had been made. Photographs, although they came to be used by witnesses to crimes, were not the complete answer but they were an improvement.

This thesis has shown that despite the changes, the use of specialist officers and increased technology the ability of police to identify suspects was very poor,

certainly not good enough to be able to recognise more than a few of those they dealt with on the streets.

Fingerprints however offered a positive means of identification and once they had become established enabled police, after arrest, to positively identify anyone with a previous conviction. Whilst they were useful therefore in identifying an accused person they did not assist the majority of officers on duty on the streets but once established they did, if fingerprints were left at the scene of a crime, assist to 'identify' those responsible. Initially one of the problems faced by police was that they were not able to take fingerprints on arrest, they were routinely taken in prison in the more serious cases, but only after conviction and by a prison officer. In special cases, outside the scope of the regulations, police were able to apply to the courts to have fingerprints taken of a particular suspect but this was rare.

Whilst photography and fingerprinting were useful advances the vast majority of those appearing and being convicted at the magistrates courts would not have been covered by the regulations. Vitally it was these very persons appearing at the lower courts that have been used as examples of the membership of a criminal class and this would have made the question of identification all the more problematic. It is therefore difficult to see how the police would have been able to recognise any but a small portion of offenders as a result of their contact on the streets. It is here however that the police allegedly discriminated against the casual poor and those known to them. The streets were, and are, the place where most interaction between police and public takes place and where the police used their powers to stop and search under the Vagrancy and Police Acts.

It has been argued that it was these very powers which were used in creating a criminal class and the scene created can perhaps best be compared with the use of the same legislation in London in the 1980s where police were accused of abusing their powers under these acts against persons identifiable because of their ethnicity. Amongst the people stopped under this legislation in the period under examination there would obviously have been a number who were recognised by the individual officers possibly because they had dealt with them previously. This did not necessarily mean that that it was a targeted action or that the individuals were harassed and as such cannot be said to have turned them into a criminal class. There is no evidence to substantiate such allegations and the fact that an accused person had a previous conviction does not by itself prove that the individual was known to the arresting officer or that he was targeted or harassed.

Throughout the period what was needed by the police was a simple method by which they could, at the very least establish whether a suspect, once arrested and at a police station, had a previous conviction. Had such a method been available it would have been of great assistance to police at the early stages of an investigation and have gone some way to reduce the number of officers required to attend courts and prisons in an attempt to establish identity. A suggestion as to how this could have been achieved by branding was made by several prominent people and would have been similar to that used in the army in the case of deserters. Branding could have been carried out in a way that would have shown the place of imprisonment and the type of offence and could only have been used in the case of repeat offenders. The proposal did not find favour on the grounds of civil liberties and the fact that force would needed to have been applied. It was felt that a person so

branded would be marked for life; this would affect his chances of employment and was against the current move in penal systems away from the punishment of the body and towards re-habilitation. This latter view is to an extent contradicted by the fact that physical punishment continued to be inflicted during this period including the fact that in some circumstances it could be applied to young offenders. The refusal to use a system involving physical punishment can also be seen as being contrary to the way in which prison sentences were gradually being made more severe.

The identification of criminals in any situation, police station, prison or court was not an easy task for the police and what is particularly important is that none of the above methods would have solved the problem for the officer on duty on the streets. There is no doubt that the introduction of fingerprinting eventually resolved this problem once an arrest had been made but again this was after the event.

It has been suggested that the police used their powers under preventive legislation to deal with suspects on the streets. To justify these claims however it would be necessary to show that, as part of a deliberate policy, the police so used resources so that these groups were targeted in order to bring about this result. What can be seen is that the increased powers were used in a variety of circumstances often in an attempt to deal with released convicts separately from the mass of offenders.

Evidence exists to show that on occasion police used the targeting of street offences and particular locations as a tool but as part of their normal street duties, not as part of a deliberate policy over an extended period. There is little evidence that targeting took place regarding the offences committed on the street and whilst officers may

have routinely dealt with such incidents as part of their normal work this is not to say that as such it assisted in the creation of a criminal class. Such evidence that is given in support of the allegations shows that the offences were very varied in nature, were in the main dealt with at the lower courts and were not those subject to the developing preventive legislation. Those responsible for the bulk of the offences, especially in the early years of the period were however, in the public view, considered to be members of a 'subjective' criminal class.

This thesis, by examining the more serious offences and repeat offenders as they developed over the period shows that a different type of criminal class, as defined by legislation, did come into existence. Membership of this criminal class was confined to the few repeat offenders who, having been sentenced to penal servitude were then liable to be additionally sentenced to preventive detention. In drawing up the legislation dealing with this group it was recognised that there were two types of habitual criminals, both of which were seen to be different from respectable society. One of these groups comprised the bulk of offenders who were deemed to be drifting in and out of low level crime. When convicted they were given comparatively short sentences after which they continued with their lifestyle, they were not made subject to the 1908 legislation, the reasons for their committing crimes were said to arise from 'disability or disease'. The other, much smaller, group called by some 'professional' were different in that their life style was deliberately chosen. They had no intention of trying to earn an honest income and had shown by repeatedly committing the more serious offences that they intended to live off their criminal activities.

The numbers in the second group were small for a variety of reasons. They were the hardened criminals adopting crime as a profession and there were fears that the police would misuse their powers using them to rid themselves of many persistent offenders. Had the police been in a position to do this, had there been no higher level of decision making, than it would have gone some way to support the suggestion that they were responsible for the creation of a criminal class. Because the numbers were small the police were able to target this group by a variety of means but what is of importance is the fact that the decision whether to prosecute offenders in a way that made them liable to preventive detention was not theirs. In each case authority to proceed under the new legislation had to be given by the Director of Public Prosecutions, the police obtained the evidence including that of previous convictions then submitted the papers for further action. The potential membership of this class had therefore been initially determined by legislation, it was then further restricted by the executive directions.

There is no doubt that the police used targeting as a tool and allocated resources to this end but there is no substantial body of evidence to suggest that routinely this went further than the proper use of resources and powers. The most wide-ranging targeting can be said to have been brought about by the introduction of the re-organised detective department but these officers were few in number and were specifically tasked with dealing with the more serious offences. This is very different from the majority of officers whose role was very wide ranging.

Police ability to deal with persons on the streets who may have been causing local problems is not the same as creating a criminal class. The available evidence is that targeting took place with regard the more serious offences but this was within

the boundaries set by legislation and policies of the force. In practical terms the main problem faced by police at the beginning of the period was that they were still reliant on personal memory to identify criminals and as such were not very effective.

That the police were involved in the creation of a different type of a narrowly defined criminal class is however clear. As the 'operational' part of the judicial system they were the ones given the responsibility for dealing with crime. These responsibilities increased and became focused over the period leading to a situation where a few very serious criminals, professionals, largely as the result of tightening legislation came to be considered a particular problem and to constitute a criminal class.

Appendix 1

First Schedule Offences. Habitual Act 1869

Shooting, Stabbing etc.

Cutting and Wounding with intent etc.

Manslaughter.

Sodomy.

“assault with intent to commit. Rape.

“Assault with intent to commit.

“Aiding to commit.

Bestiality.

Child Stealing.

Feloniously throwing over the person
a corrosive fluid.

Burglary.

Breaking into a dwelling house and
Arson.

Stealing.

Breaking into a dwelling house with
Intent to steal.

Highway Robbery.

Breaking into shops, warehouses, etc.

Assaults with intent to rob.

Feloniously breaking into church and
Stealing.

Cattle stealing.

Threatening by letter to extort money.

Other felonies.

Sheep Stealing.

Larceny Dwelling, to the value off £5. from Person.
by Servants.

Letters containing bank notes. Etc.

Simple.

Misdemeanour under ⁵⁸th Sect. 24 and
25 Vict. Cap. 96.

Fraud.

Larceny Dwelling, to the value

off £5. Felony.

From Person.

by Servants.

Letters containing bank notes.

Etc.

Simple.

Misdemeanour under ⁵⁸th Sect.

24 and

25 Vict. Cap. 96.

Fraud.

Conspiracy with intent to
defraud.

Dog Stealing.

Embezzlement.

Feloniously receiving stolen
goods.

Forging and uttering forged
Instruments.

Coining.

Uttering and possessing
counterfeit

Coin.

Robbery.

Juvenile Offenders Act.

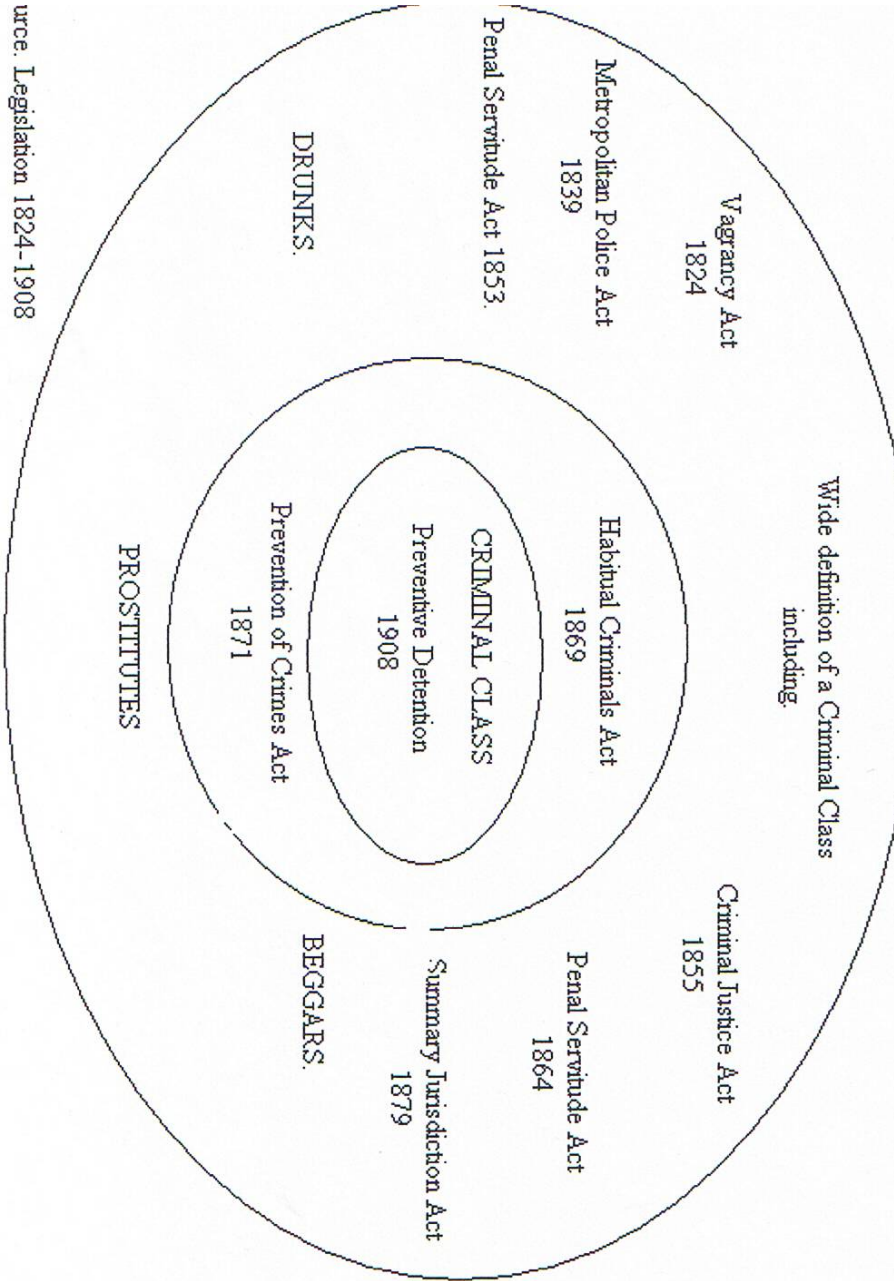
Being at large under sentence of
penal

servitude.

Home stealing.

Source. Metropolitan Police Orders. 18,
December, 1869. National Archives
(P.R.O.) MEPO 7/31.

Appendix 2.



(76.th 1001.)*James Browne alias
John Williams.***Office of the Commissioners
of Police,**dated the *sixth* day of *May*, one thousand
eight hundred and thirty-eight.

County . *Chester.*
 Parish . *St. John's.*
 Trade . . *No Trade.*
 Age . . *24.*
 Height . *5ft. 7in.*
 Person . *slender.*
 Face . . *long, sallow*
 Eyes . . *grey.*
 Nose . . *sharp.*
 Hair . . *dark.*
 Mouth . *large.*
 . . . *slight.*
 Legs . . *long.*

Marks and Remarks.
*Blue marks on both arms;
 lost a front tooth.*

James Browne alias John Williams. Take Notice,

That in pursuance of the Sentence passed upon you at the General Quarter Sessions of the Peace, held in and for the *City of Chester*, on the *first* day of *January*, 1838, or (as the case may be) the conditions of the Sureties entered into in your behalf by *William Robinson, of No. 12, Duke Street*, in the said *City*, before *A.B. and C.D.*, two Justices of the Peace, you are bound to observe the following Orders and Regulations of Her Majesty's Commissioners of Police, which will continue in full force for *Three Years* from the day of the date hereof.

- 1st. You are to inform the Superintendent of the Police of the district within which you reside, of your dwelling-place, and, within twelve hours of your removal, of every change of your abode.
- 2d. You are from time to time to attend to the Instructions of the Superintendent of Police, and on special occasions, when ordered by him, are not to leave your Dwelling, or are to remain in such place as he shall direct.
- 3d. You are to attend some stated place of public worship on Sundays, of which place you are to give due notice to the Superintendent of Police.
- 4th. You are to carry these Orders and Regulations with you whenever you are from home, and within three days of the expiration of every three Calendar Months from the date hereof, you are to appear in person and produce them to the Superintendent of Police, for the purpose of having them examined and countersigned.
- 5th. You are not at any time to be out from your dwelling between the hours of ten o'clock at night and five o'clock in the morning.
- 6th. You are not to enter any Beer-shop, Public-house, Tavern, or other place where spirituous liquors are sold, nor any house where Thieves, Prostitutes, or other disorderly characters are in the habit of congregating.
- 7th. You are not to resort to any place of Theatrical Entertainment, Exhibition, or other place of public amusement, nor to any Fair, Festival, or Public Meeting; and you are to avoid any Crowd on the occasion of any public assemblage or procession.

And you are hereby warned, That by any infraction or evasion of these Rules and Regulations you will be subject, on conviction before a Justice of the Peace, to be imprisoned and kept to hard labour for two Calendar Months, or to be Whipped or Fined, as to such Justice shall seem fit.

The object of the law by the sentence of which you are subjected to these restrictions being your restoration to honest courses, the Commissioners will be always ready to attend to any reasonable statements which you may make to them through the Superintendent under whose observations you are placed.

Whenever you have any doubt as to the prohibited places, or as to your duty under any particular order, you must apply for instructions to the Superintendent.

You are to avoid strange company and strange places, inasmuch as you will be answerable for being found in the company of convicts under control, or at places where they resort, and the fact of your ignorance of their character will not avail you to save you from punishment for the neglect of the caution you are hereby bound to observe.

The Police Constables are directed to avoid any marked recognition of you, or doing anything which may unduly prejudice you, so long as you continue in unexceptionable courses; and further, they are instructed that, whilst they are to interfere promptly to examine any suspected infraction of the regulations, they shall interfere in such manner as will be the least injurious to you.

Should you, notwithstanding all your efforts, be unable to obtain work, that circumstance will not be admitted as any extenuation of a return to unlawful courses; inasmuch, as in case of your destitution, you will be entitled to receive relief from your parish, in return for such labour as may be provided for you by the proper authority.

Signed,

CONFIDENTIAL

22208 C

CONVICT OFFICE,
GREAT SCOTLAND YARD,
7th November, 1882.

ILLUSTRATED CIRCULAR No. 7,
ISSUED BY THE DIRECTOR OF CRIMINAL INVESTIGATIONS.



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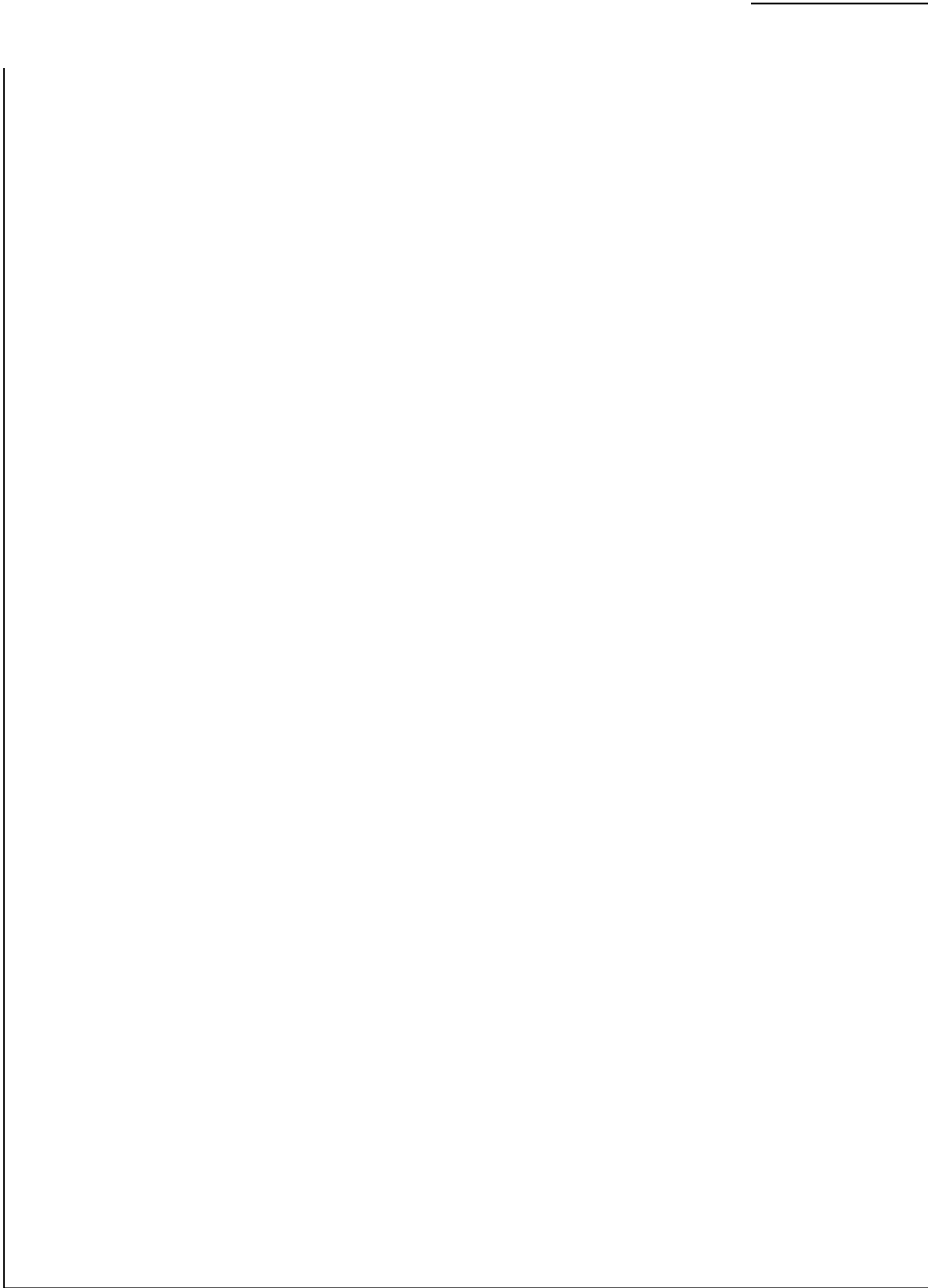
PORTRAITS OF EXPERT AND TRAVELLING CRIMINALS.

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Appendix 5



Appendix 6

	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901
CO	267	272	283	289	337	341	342	346	351	349	354
A	785	771	849	766	769	767	771	771	771	773	705
B	634	621	611	610	599	597	587	588	596	597	595
C	486	478	471	475	481	483	484	485	487	490	491
D	554	547	543	543	542	538	541	555	534	539	532
E	572	550	551	550	551	550	529	580	583	581	571
F	458	454	447	446	446	461	461	463	464	462	460
G	591	593	589	593	590	591	590	556	558	559	559
H	577	571	572	567	563	565	565	570	570	571	571
J	680	672	677	681	675	690	690	704	706	711	728
K	844	841	842	869	881	895	911	927	939	945	980
L	420	508	505	504	504	480	480	480	481	482	482
M	525	511	505	506	505	504	504	507	507	508	507
N	681	692	696	704	704	719	720	729	740	759	836
P	760	674	680	684	685	688	689	701	721	718	721
R	625	631	654	667	670	673	678	682	700	710	720
S	776	791	796	796	796	796	796	794	801	802	803
T	850	832	823	827	827	820	831	860	868	869	869
V	738	753	764	763	779	794	796	811	836	839	839
W	749	761	776	783	783	797	797	813	834	839	840
X	634	637	643	645	645	656	656	657	673	675	685
Y	780	732	791	790	789	794	801	809	819	817	830
TA	203	203	204	204	207	207	207	209	209	218	218
no. not apportioned to Division	21	0	0	0	771	115	108	156	24	21	35
Totals	14210	14170	14293	14364	14399	14421	14534	14753	14772	14834	14931

Source: Annual Reports. Commissioner of Police of the Metropolis 1891 - 1901.

Appendix 7

Appendix 7

Year.	Burglaries	Value £	Percrime £	H.Break.	Value £	Percrime £
1891	532	3548	£6.66	1329	11131	8.37
1892	637	4915	7.71	1320	10,079	7.63
1893	509	3216	6.31	1343	13398	9.97
1894	384	3494	9.09	1528	12051	7.88
1895	514	4041	7.86	1501	13461	8.96
1896	413	2874	6.95	1368	15634	11.42
1897	422	4167	9.87	1413	12299	8.76
1898	498	5269	10.58	1374	12509	9.1
1899	447	4225	9.45	1321	17751	13.43
1900	367	3199	8.71	1416	19840	14.01
1901	547	7400	13.82	1719	20,744	12.06
Average	479.090909	4213.45	8.8190909	1421.091	11645.893	10.144545

Source. Annual Reports Commissioner of the Metropolis 1891 - 1901

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