

**WHO ARE YOU? WE HAVE WAYS OF FINDING OUT!
TRACING THE POLICE DEVELOPMENT OF OFFENDER
IDENTIFICATION TECHNIQUES IN THE LATE
NINETEENTH CENTURY**

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Abstract:

From the very beginning of modern policing there were a number of problems; not the least of these was the difficulty that the police had in identifying those they had arrested. This was important for a number of reasons including the need to prove ages and previous convictions against persons charged before a court. Due to the size of London and its large, mobile population, this was particularly difficult in the Metropolitan Police area. The police had to rely largely on personal knowledge in order to prove identifications and contacts at police stations. Initially officers attended Police/Magistrates courts at remand hearings to try to bring about identifications, this was followed by attendances at Remand Prisons but the system only started to show results when prison warders were included. The other step taken was to visit the Convict Prisons to inspect prisoners prior to their release, again in this they were assisted by warders. Initially uniformed officers were used in these tasks but eventually detective officers took over the role, they were later replaced by officers from the Convict Supervision Office. The problem was eventually resolved at the very end of the Victorian period with the introduction of fingerprinting.

Keywords: identification of offenders, identification techniques, habitual criminals, Metropolitan Police, prison warders, fingerprinting

Introduction

For those police charged with dealing with offences committed on the streets of Victorian London there were, in simple terms, two main tasks. The first was to establish whether a crime had been committed and then, whenever possible, take into custody those suspected of being the culprits. In many ways this was the easiest part of the role; far more difficult and a problem which was not to be solved until the beginning of the twentieth century was the question of identification. Just who was the person they had arrested? Had he or she committed other offences, was the name given the real one, had they served previous prison sentences, how old were they and were such

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offenders in any way known to police either locally or nationally? Put simply the problem the police faced was that there was no foolproof method of identifying those with whom they came into contact as a result of making arrests. This difficulty was particularly acute in areas with large mobile populations – especially London.

Without this ability criminals would try to hide their identity, claim they were first offenders and thus receive a lesser sentence. Establishing a suspect's age also came to be important as some young offenders would try to accept a short prison sentence as an adult instead of being sent to a reformatory for two years as a juvenile.¹ As the Victorian era progressed proof of identity was also important in order that proper charges could be made: Acts of Parliament introduced specific offences for recidivists which could result in severe sentences.² These difficulties remained despite the introduction of photography and were not removed until the introduction of fingerprinting in 1901, but even then time was needed for the system to prove its worth.³

The purpose of this work is to attempt to assess the effectiveness of police activity in this area. This is a relatively new field of study as previous work has tended to be of a nature which has described and analysed policy and practice. Research conducted in this area includes that by Emsley while more detailed examinations of the specific topic include that by Petrow and research dissertations by Davis and Stevenson.⁴ Of particular interest is the work by McConville as it examines the issue in some depth although concentrates more on the situation from the inside as revealed by the actions of the prison warders.⁵

¹ Juvenile Offenders Act 1847 (10 and 11 Vic. c.82); Youthful Offenders Act 1854 (17 and 18 Vic. c.86).

² Habitual Criminals Act, 1869 (32 and 33 Vic. c.99).

³ Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870 – 1914*, (Clarendon Press, 1994) pp. 96–99.

⁴ Clive Emsley, *Crime and Society in England 1750 – 1900*, (2nd ed. Longman, 1998); Petrow, *Policing Morals*, especially ch.4, 'Identification and Elimination'; Jennifer Davis, 'Law breaking and Law enforcement: The creation of a Criminal Class in Mid-Victorian London,' unpublished PhD thesis, Boston College, 1984; Simon 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.12 (1871) in Birmingham and East London in the early years of registration and supervision,' unpublished PhD thesis, Oxford University, 1983.

⁵ Sean McConville, *English Local Prisons 1860 - 1900: Next only to death*, (Routledge, 1995) pp. 392–408.

Sources

This research has concentrated on the substantial resources available from law makers, Parliament and senior police officers but very little evidence is available from those who actually exercised their duty on the streets. Certainly in London the Metropolitan Police issued daily Police Orders, which remain virtually intact, but they have a major drawback in that while they indicate what action is required and who was to be responsible, it is rare that this source provides information as to any consequent results. In this way officers were directed to attend courts and prisons with a view to making identifications but rarely can any but very general results be seen. The orders do, however, show the way in which the pattern of action changed and by examining other Metropolitan Police and Home Office documents it is possible to draw certain conclusions.

Of particular importance, as they show the development of the police and give a rare 'bottom up' view of the practicalities of the situation and later to chart the changing ways in which the problem was being tackled, are the Government enquiries in 1863, 1878 and 1894. Of rather limited use, as the information provided changed in style and content over the period since their introduction in 1869, are the Annual Reports of the Commissioner of Police of the Metropolis. But these reports do include returns of offences committed, arrests made and convictions obtained and show how policing in London was changing. This essay will develop previous research and examine the various ways in which the police attempted to obtain identification details; it also challenges some of the existing assertions as to the ability of police in this area.⁶ In order to provide a structure the work will be in two sections. Firstly by examining reactive policy made as a result of some other action, secondly by examining the proactive steps taken by police. In this way identification possibilities at police stations will be examined as will the later visits to courts and to both remand and convict prisons. In both cases an attempt will be made to examine the effectiveness of this work.

1 Identification and its Difficulties

At the heart of the problem, especially in large cities with mobile populations such as London, was the fact that the essence of identifications relied on personal recognition. This difficulty was acknowledged by government committees in 1863 and 1894 – the

⁶ Petrow, *Policing Morals*, p. 75; Harriett Martineau, 'Life in the Criminal Class,' *Edinburgh Review*, 122(250) (October 1865), p. 342.

latter set up to examine the best way of identifying habitual criminals.⁷ Having examined methods of identification the later report then concluded:

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 the identity is proved in criminal courts, and, although this scope is extended by photography, and 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.

The Commissioner's Annual Reports to Parliament are not of the best but with the arrival of Howard Vincent as Director of Detectives in 1878 the situation began to improve and one can start to see the effectiveness of the police in this area. The reports for the period 1883 to 1892 relating to those recognised at Police Stations as having been previously arrested for felony in the year alongside the numbers arrested for felony and larceny in the same periods are particularly instructive. They show that over the period the identification rate varied very little with an extremely low average of just 1.7%.⁸ Details of officers making the arrests for felony and larceny are not known but records show that over the period there were just 287 detectives, out of a force total of 12,880, yet they made an average of 46.19% of the total number.⁹

In addition to the arresting officers other, uniformed, officers employed in the police stations would have had the opportunity to see those arrested and could have made the identifications. At the station all arrests, crimes or otherwise, 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 evidence of the arrest and the accused would have 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.¹⁰ Superficially these were good opportunities for identifications to be made.

⁷ Report of the Commission on Transportation and Penal Servitude 1863, xxi, c.283. paras. 206–208; 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, Parliamentary Papers (1894) c.7263.

⁸ Annual Reports, Commissioner of Police of the Metropolis, 1883–1892 (henceforth ARCPM).

⁹ ARCPM, 1833-1892 and Metropolitan Police Orders (henceforth MP Orders) 3 May 1884. This order shows that, including those based at Scotland Yard, there were 42 Inspectors, 152 Sergeants and 93 constables; The National Archives (henceforth TNA), MEPO 7/46.

¹⁰ For a somewhat literary description of charge room procedure see George A. Sala, *Twice Round the Clock or the Hours of the Day and Night in London*, (Leicester University Press, 1971; first published London 1858) pp. 390–392. The procedure in the charge room would appear to

Details of the Inspectors and Sergeants involved at any one station at a given time are not available but the pattern of working 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 patrol.¹¹ In addition to this the general pattern of shift working was as follows: in town divisions during the day, 6am to 10pm, each officer worked two of the four, four-hour shifts; in outer divisions there were two reliefs of eight hours.¹² Night duty consisted of eight-hour shifts.¹³ Additionally officers were often taken away for other duties and there was a gradually increasing entitlement to rest days and annual leave which resulted in the officers on duty in police stations continually changing.¹⁵ While these officers would normally only 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.¹⁶

As a result of the Habitual Criminals Act and the introduction of a Criminal Register, it became even more important that descriptions as supplied should be as accurate as possible in order to aid later identification.¹⁷ 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 precise as possible.¹⁸ The setting up of this basic tool was followed by instructions specifying

have changed little between 1858 and that experienced by the author as a serving police officer between 1958 and 1983.

¹¹ MP Orders, 10 August 1863, TNA, MEPO 7/24.

¹² The Metropolitan Police District was divided into 'divisions,' the number and shape of which changed over the period. By 1910 they totalled 21 of which the inner 10 were geographically smaller and located centrally, the remainder were the larger, more rural areas. In addition Thames Division existed to patrol the river throughout the district.

¹³ MP Orders, 25 January 1888, TNA, MEPO 7/50.

¹⁵ The number of days given as leave fluctuated over time and there is evidence in MP Orders 1 June 1868 that constables and Sergeants were to be given one days leave in seven: TNA, 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 an in-depth discussion of the working life of a police officer see Haia Shpayer-Makov, *The Making of a Policeman: A Social History of a Labour Force in Metropolitan London 1829–1914*, (Ashgate, 2002).

¹⁶ MP Orders 23 July 1880 and 31 January 1880 both TNA, MEPO 7/42.

¹⁷ MP Orders 5 December 1870, TNA, MEPO 7/32.

¹⁸ MP Orders 28 April 1870, TNA, MEPO 7/32.

which areas of the body were to be examined for any marks including the 'Face, Neck, Hands and Wrists' and they were particularly to be taken in cases where burglary or other serious offences were alleged.¹⁹ 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 and ankles, it concluded that even in the forces which frequently consulted the register, few identifications were made. This is perhaps hardly surprising when relatively few of the entries have any distinguishing marks shown.²⁰

The committee was informed that, as the register stood, it was of limited value, although it was noted that many criminals had a tattoo.²¹ The value of the register 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'.²² 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 this change 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 not the only reason that a criminal would have attended a police station. Some attended to claim the payment of gratuities; others, who may also have been able to claim gratuities, were required to do so as part of their being released on licence or under police supervision.²³ The 1894 committee into identification 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 the police to identify 'is by this means encouraged and developed to a very high Degree'.²⁴ Yet an examination of the realities shows that this was not the case in practice, mainly because of the fact that the police officers involved frequently changed.

¹⁹ MP Orders 5 December 1870, TNA, MEPO 7/32. For a detailed account showing how the system using the register of distinctive marks was to be used see TNA, MEPO 6/4.

²⁰ Habitual Criminals Committee, 1894, p. 7.

²¹ *Ibid.*, p. 10, Report by Chief Inspector Neave. See also Stevenson, 'The "Criminal Class" in the mid-Victorian city.'

²² MP Orders 9 February 1903, TNA, MEPO 7/65.

²³ Some prisoners were able to earn gratuities while serving their sentences, which were paid to them, in instalments, by officers at the police stations.

²⁴ Habitual Criminals Committee, 1894, p. 5.

Taking the 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, a grand total of 228.²⁵ In the year 1862 some 57 convicts claimed gratuities.²⁶ Of these, five were paid in two instalments and one in three, making a total of 64 visits.²⁷ On making the initial 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 in the presence of an inspector or Sergeant.²⁸ The one officer who would have seen all applicants would have been a Superintendent but he had a wide range of responsibilities many of which were of an administrative or supervisory nature not involving a great deal of time on the streets.²⁹ The other officers involved, Inspectors and Sergeants, were not permanently available at the stations and therefore they would have seen only a few of the applicants. 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 so the value as a means of identification was limited.³⁰ The system was, however, to change.

Once established the Metropolitan Police's Convict Supervision Office took over responsibility for the payments and while these officers had a number of opportunities to identify criminals, for divisional officers such opportunities were reduced. The Convict Supervision Office also took over a number of additional responsibilities including visits to prisons, seeing the convicts on their discharge from prison and making the necessary enquiries regarding employment and residence.³¹ The staff, therefore, had three opportunities of seeing many released persons and it will be seen that some additional

²⁵ Penal Servitude Acts Commission (1863), vol. xxi, Appendix H.

²⁶ *Ibid* Appendix K.

²⁷ *Ibid*. Records do not exist for the years 1883–1892 showing payments of gratuities in terms of the number of payments made.

²⁸ Peter W.J. Bartrip, 'Public Opinion and Law Enforcement: The Ticket of Leave Scare in Mid-Victorian Britain,' in Victor Bailey (ed.) *Policing and Punishment in Nineteenth Century Britain*, (Croom Helm, 1981) 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. MP Orders 3 August 1865 show that payments were to be made in monthly instalments of not more than £2; TNA, MEPO 7/26.

²⁹ For an outline of his duties see Metropolitan Police Instruction Book 1829, TNA, 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.

³⁰ The Metropolitan Police continued to pay gratuities until April 1914 when the system was discontinued: MP Orders 11 April 1914, TNA, MEPO 7/76.

³¹ TNA, HO 144/184/A45507.

identifications were made, but it is important to note that the staff of this office comprised of only some eight officers.

The situation regarding those released prisoners reporting on a ticket of leave or under police supervision was somewhat different. Their licences stipulated that they had to report to their local police on release from prison, then monthly, with an additional requirement to report if changing address.³² Much of the 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 the police. Of the males, 34 were reporting at the Convict Supervision Office, 21 were allowed to report by letter, the remainder, 1,824, reporting to their local police.³³ 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 some 1,065 licence holders had been liberated or moved into the Metropolitan Police District and the office had registered some 36,778 licence holders and supervisees.³⁴ When reporting any changes at their local station the convicts would have been seen by the Inspector or Sergeant on duty at the time. Reporting to the police station could take place between 9am and 9pm and details recorded in the Occurrence Book for the information of other officers and in case of future prosecutions.³⁵

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 the police and that a number slipped through the net can be seen in 1888 when some 57 licence holders, who had previously been seen by a number of officers, either at police stations or in prison, were recognised for the first time by officers of the Convict Supervision Office.³⁶ This

³² 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. See James Greenwood, *The Seven Curses of London*, (Stanley Rivers, 1869) p. 121.

³³ ARCPM, 1888, p. 5.

³⁴ *Ibid.*

³⁵ TNA, HO 144/184/A45507, Report by Munro 17 November 1885, 'Causes that led to the Several Enactments Relative to Penal Servitude and the Prevention of Crime Acts,' p. 15.

³⁶ ARCPM, 1888, p. 5.

highlights the value of specialist officers undertaking the role and will be examined further below.

The above are all what might be called passive examples, where the actions and identifications were secondary to another activity in that they all related to situations after arrest without any proactive work by police. There is, however, a good deal of evidence that the police were very active in trying to identify remanded persons who had not otherwise been recognised.

2 Court and Prison Visits

The difficulties faced by the police were tackled 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.

Courts

Court visits were intended to aid the identification of those with previous convictions. Initially they were to the lower Magistrates/Police courts where all accused persons appeared. Magistrates normally ordered remands in order that the police might establish a person's identity, but this was not always the case and on at least one occasion the remand was for the benefit of the accused.³⁷ For the police the situation regarding proving identity was made more difficult by two Acts which extended the range of offences able to be dealt with at the lower, Magistrates Courts, and one which made bail compulsory for many misdemeanours.³⁸ It is calculated that the percentage of cases able to be dealt with by magistrates increased from 45% in 1831 to 70% in 1892.³⁹ In practical terms this meant that many more offenders were liable to be

³⁷ *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. No other examples are available of remands being used for the benefit of the accused.

³⁸ Criminal Justice Act 1855; Summary Jurisdiction Act 1879; Criminal Procedures Act 1854.

³⁹ David Jones, *Crime, Protest and Police in 19th Century Britain*, (London, R.K.P. 1982) p. 135.

remanded, either on bail or in custody, usually for seven days, in order that identity might be established.⁴⁰

Well aware of the difficulties they faced in connection with identification and the proving of previous convictions the Police, 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. It was 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 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 1869.⁴¹ At court he was recognised by a warder from Wandsworth Prison, Richard Kemp, as having been sentenced to transportation for life, twice escaping and then being found again in England in 1851. He had then been sentenced to 14 years transportation which he worked out. In 1866 he had been convicted again in England for the offence of burglary and sentenced to 18 months hard labour, later he was twice arrested for vagrancy. These details were unknown until the evidence given by the warder and are a good example of police and warders working together.⁴²

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 1889.⁴³ A warder had attended the Magistrates court to give evidence of identity but had not been called, the accused was convicted on the evidence and identification by police officers 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 and convicted under the Vagrancy Act as an incorrigible rogue, again the warder was not called to give evidence. It was later found that Callao was not at the scene as alleged and the conviction was quashed.

The Habitual Criminals Act 1869 had given the police the responsibility for keeping criminal records including proving past history, although actual identification was best

⁴⁰ Rob Sindall, 'The Criminal Statistics of 19th-century cities; a new approach,' *Urban History Year Book*, (1986) p. 30.

⁴¹ *Hansard* 3rd Series, 19 February 1869, paras. 147 and 162.

⁴² *Ibid.*

⁴³ Habitual Criminals Committee (1894), p. 14.

proved by warders.⁴⁴ 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.⁴⁵ It is, however, possible to get some idea of the statistical situation from the Annual Reports of the Commissioner. Examples show 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.⁴⁶ 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.

While the above figures are of necessity very broad it is possible to examine in some detail the use of police officers in an attempt to identify prisoners be they on first appearance or remand. Police Orders show that superintendents could apply for officers from other parts of the Metropolitan Police District to attend Magistrates Courts in cases originating from their divisions. It was soon seen that this order, if not used carefully, could be wasteful of manpower and new regulations were issued by the Commissioner stating that Superintendents, save in special cases, were only to name divisions in which it was thought the prisoner might be known.⁴⁷ On occasion this could still mean officers from each of the then existing 17 divisions. The order stated that the selected officers were to be, 'the best qualified' and who had a 'general knowledge of thieves.'⁴⁸

As the system developed a small number of officers came to be regularly included on 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'. These were published up to five times a day, circulated to the whole force and, among other information, contained details of persons on remand, missing, deserters and absconders.⁴⁹ 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

⁴⁴ MP Orders 9 April 1889, TNA, MEPO 7/51.

⁴⁵ 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 1895, Westminster 1897, Lambeth, Marylebone, Old Street and Clerkenwell 1905-1906, with Woolwich not being available before 1919.

⁴⁶ ARCPM (1870), Return No. 10.

⁴⁷ MP Orders 14 December 1855, TNA, MEPO 7/131.

⁴⁸ MP Orders 22 April 1856, TNA, MEPO 7/131.

⁴⁹ MP Orders 23 October 1858, TNA, MEPO 7/132.

grey, dark eyes, dressed in black dress coat, figured waistcoat and dark trousers, states he comes from Ware, Hertfordshire.⁵⁰

The same order contained a similar notice regarding a John Brown appearing at Lambeth Court but in this case only officers from 12 divisions were involved.

In order to appreciate the extent of such operations a random example of the deployments can be seen in records for January 1859.⁵¹ This shows that some 511 visits to court were made by police officers all of whom were ordered to attend in an attempt to identify prisoners. On two of these days specific officers were named, one named particular prisoners and, on five of the days officers from each division were to attend.⁵² On occasions the court attendances could be targeted on persons arrested at specific events and in some numbers. Orders of 9 February 1859 directed officers from 15 divisions to attend Bow Street Court to identify persons arrested for pick-pocketing during the recent opening of Parliament.⁵³ It is not known, as records are not available, if those selected had been on duty at the event 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 show that a total of 66 officers were warned to attend five courts all on the same day and in May 1861 some 70 officers between them attended seven courts, again all on the same day.⁵⁴ 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 1865.⁵⁵ The first order named officers who were to give aid to other divisions in connection with crime and amongst those detailed were Sergeants Evans of G and Briden of K. The latter order instructed officers to attend Bow Street Magistrates Court

⁵⁰ MP Orders 14 September 1857, TNA, MEPO 7/19. See also MP Orders 16 and 25 May 1859, MEPO 7/20.

⁵¹ MP Orders January 1859, TNA, MEPO 7/20.

⁵² 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 a number of divisions to attend Lambeth Court the following day in relation to an entry in Informations on 22 January 1859; TNA, MEPO 7/20.

⁵³ MP Orders 9 February 1859, TNA, MEPO 7/20.

⁵⁴ MP Orders 25 May 1859 and 25 May 1861, TNA, MEPO 7/20 and 7/22.

⁵⁵ MP Orders 29 July and 2 November 1865, TNA, MEPO 7/26.

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.⁵⁶

The routine visits to court were dispensed with in 1870, yet there were still occasions when they took place.⁵⁷ 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.⁵⁸ An order issued in March 1876 was as follows: 'Chiswick Petty Sessions. A Divisional Detective from each division at 11.30am'.⁵⁹ This was the first occasion on which divisional detectives had been directed to attend as against named uniform officers.⁶⁰

The occasional use of named officers continued 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.⁶¹ 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.⁶² Gradually the methods to obtain identifications became more sophisticated. Blanket coverage at the beginning 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 visits to courts were largely replaced by a system of police visiting remand prisons.

⁵⁶ MP Orders 17 August 1865, TNA, MEPO 7/26.

⁵⁷ MP Orders 17 June 1870, TNA, MEPO 7/32.

⁵⁸ MP Orders 26 August 1875, TNA, MEPO 7/37.

⁵⁹ MP Orders 7 March 1876, TNA, MEPO /38.

⁶⁰ MP Orders 7 March 1876. Reference was made in the order to an 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.

⁶¹ MP Orders 24 April 1876, 5 June 1876 and 12 March 1878, TNA, MEPO 7/38 and 7/40.

⁶² 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.

3 Visits to Prisons

The police now began a system of visiting prisoners both remanded and convicted, 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 these visits and the fact that they 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 while 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. In convict prisons, prisoners who paraded for inspection attempted to hide their appearance thus hoping to make identification more difficult; they wore plain clothes for the inspection using garments which were not a good fit, often being much too large.⁶³ The implication of this is that the prisoners feared they would be liable to be identified, later taking other steps to make this as difficult as possible and these will be discussed below.⁶⁴

The number of prisons to be visited by the 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, 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 Gaol.⁶⁵ Millbank had, since 1863, 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.⁶⁶ The other prisons, while containing a variety of prisoners did not, from that date, discharge convicts and were therefore only visited in connection with prisoners on

⁶³ Habitual Criminals Committee (1894), Minutes of Evidence, p. 46.

⁶⁴ For a good description of some of these problems, and solutions, see Arthur Griffiths, *Fifty Years of Public Service*, (Cassell and Co., 1905) esp. p. 353.

⁶⁵ MP Orders 29 April 1865, TNA, 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.

⁶⁶ Minutes of Evidence, Penal Servitude Acts Commission (1863) c. 3190, evidence by Sir Richard Mayne, para. 1618. 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: see MP Orders 2 February 1863 when detailed instructions were given; TNA, MEPO 7/24.

remand.⁶⁷ 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, thus making the task of the police considerably easier.⁶⁸

Remand

The earliest evidence relating to police officers 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.'⁶⁹ Later the same month this was amended stating that they were to be made in rotation by the same men on the same day.⁷⁰ 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 gaols 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.'⁷¹ At this stage the instructions appear to refer to both remand and soon to be released prisoners. These instructions 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.⁷²

The purpose of these visits was spelt out 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.⁷³ Such a system of visiting remand prisoners was not without its problems and there was a need for the instructions to be reinforced. This took the form of the publication of rotas showing that two officers of Inspector rank from divisions, in rotation, were also to attend. The visits were to take place weekly involving considerable resources.⁷⁴

At this time the Metropolitan police consisted of 19 divisions from which the Inspectors were detailed to attend and it can be seen that in 1860 there were 192 officers of that

⁶⁷ Royal Commission on Penal Servitude (1863) c.3190, evidence by Sir Richard Mayne, paras. 1618–1621.

⁶⁸ As an example Millbank closed in 1890 and was replaced by Wormwood Scrubs prison, MP Orders 1 November 1890, TNA, MEPO 7/52. All gaoled offenders were known as 'prisoners' but those sentenced to Penal Servitude (hard labour) or transportation were known as 'convicts': TNA, Domestic Records Information No. 88.

⁶⁹ MP Orders 2 December 1832, TNA, MEPO 7/131.

⁷⁰ MP Orders 10 December 1832, TNA, MEPO 7/31.

⁷¹ Parliamentary Committee appointed to enquire into the state of the Police of the Metropolis (1834), vol. xvi, para. 342.

⁷² MP Orders 2 January 1855, TNA, MEPO 7/131.

⁷³ MP Orders 22 April 1856, TNA, MEPO 7/134.

⁷⁴ MP Orders 1 January 1859, TNA, MEPO 7/20.

rank.⁷⁵ 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, if the duty was equally shared out each Inspector would attend once every 96 weeks. It is unlikely that their attendance 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 persons were remanded for so short a period that they would not have been seen under the existing visiting arrangements. In these circumstances Superintendents were able to apply to the Commissioner for authority for police personnel to attend directly at the court to identify the accused.⁷⁶ Police Orders also covered circumstances where in special cases Superintendents could apply for authority for particular additional officers to visit prisons for the purposes of identification. A good example of this situation can be seen in August 1870, when 20 named officers, including one Inspector, were directed to attend the House of Detention at Clerkenwell.⁷⁷ On this occasion some 41 officers were involved at the prison. This number may have been unusually large but it was by no 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.⁷⁸ The same order drew attention to Horsemonger Lane Gaol 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.' A similar order was issued in respect of Horsemonger Lane prison in March 1878 when some 22 officers were involved.⁷⁹

This did not, however, mean that the practice of visiting courts had completely ceased and there is evidence that on occasion they took place alongside the visits to prisons. In June 1876 13 named officers were ordered to attend Marylebone Magistrates Court respecting an entry in Informations of the first of that month.⁸⁰ 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 more systematic approach. The attendances were better targeted often involving named officers and

⁷⁵ ARCPM (1869), p. 14.

⁷⁶ MP Orders 4 July 1865, TNA, MEPO 7/26.

⁷⁷ MP Orders 26 August 1870, TNA, MEPO 7/32.

⁷⁸ MP Orders 16 December 1870, TNA, MEPO 7/32

⁷⁹ MP Orders 12 March 1878, TNA, MEPO 7/40.

⁸⁰ MP Orders 5 June 1876, TNA, MEPO 7/38.

prisoners. It is difficult to evaluate the effectiveness of this approach but there are 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'.⁸¹

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 were available to the divisional officers. A unique view of this can be seen in the Commissioner's report for 1873 and in particular the comments contained in the report from K division.⁸² This stated that the divisional detectives, of whom there was one Sergeant and 13 constables, had between them spent some 104 days in visiting prisons for the purposes of identification. How often the officer in charge took part is not known, but given the importance attached to these visits it is possible 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 spent 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 make identifications.⁸³ Had the visits been undertaken by a limited number of officers this would of course have increased the knowledge of the few engaged but would have meant that the information obtained, if any, was confined to just these officers.

The entire system of visiting prisons was reviewed by Vincent in July 1878 who 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.⁸⁴ Approval for the joint visits was given in the following November.⁸⁵ 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 attend Newgate Prison and the House of Detention Clerkenwell on three days a week for the purposes of identification.⁸⁶ These were by this date the two designated prisons for London to which the majority of remand prisoners were sent. Millbank was visited under

⁸¹ ARCPM (1870), p. 40.

⁸² ARCPM (1873), K Division report p.101.

⁸³ MP Orders 13 March 1871, TNA, 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.

⁸⁴ Metropolitan Police correspondence, 29 July 1878, TNA, MEPO 2/172.

⁸⁵ Metropolitan Police correspondence, 8 November 1878, TNA, MEPO 2/172.

⁸⁶ MP Orders 8 November 1878, TNA, MEPO 7/40.

the arrangements for prisoners being released on licence or under police supervision but the others were not visited regularly. Officers from the City of London police were also to attend.

The change soon 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 reported by Chief Inspector Shore, Scotland Yard, who commented that it was, 'a decided improvement on the old system.'⁸⁷ No other details are available but the report was supported by the Commissioner who wrote 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.'⁸⁸

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 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.⁸⁹

The procedures by which identifications were recorded at prisons also 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, while the police were able to have access to the entries prepared by warders the opposite was not the case. In view of this it is not possible to establish how many identifications would have been made by the police without any input from the warders. As the system developed, however, the warders found identification easier since, 'for the past twelve months the prisoners paraded in prison uniform.'⁹⁰ The police would only have seen them in plain clothes.

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

⁸⁷ Metropolitan Police Correspondence, 14 February 1879, TNA, MEPO 2/172. The annual rate of identifications based on these figures would have been in the region of 1,076.

⁸⁸ ARCPM (1878), p. 7.

⁸⁹ Metropolitan Police correspondence, 19 June 1889, TNA, MEPO 2/172.

⁹⁰ Metropolitan Police correspondence, 7 April 1888, TNA, MEPO 2/172

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.⁹¹ 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 regarding the satisfactory way in which the visits had been carried out.⁹² The system of visiting prisons continued but with a succession of changes to reflect prison practice.⁹³

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, six years previously, some 8,174 persons had been identified at remand prisons and later had their convictions proved against them.⁹⁴ Detailed figures are contained in the report of the Habitual Criminals Committee and it is of note that over a 13-year period (1881–1893) 23,380 identifications were made but, on average, the police were responsible for just 14%.⁹⁵

The system of visiting prisons was kept under constant review and was not without its detractors. It was, however, pointed out 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 Commission, argued for its retention saying ‘it secures important results (for police) which would be sacrificed for a time at any rate if it were suddenly abandoned.’⁹⁶ Changes were 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.⁹⁷ No explanation was forthcoming for this change and given the high rate of identifications by warders it is difficult to understand except for the

⁹¹ MP Orders 1 January 1880, TNA, MEPO 7/42.

⁹² MP Orders 30 January 1880, TNA, MEPO 7/42

⁹³ MP Orders 14 January 1882, TNA, MEPO 7/44 and 28 April 1886, MEPO 7/48.

⁹⁴ ARCPM (1883), p. 10.

⁹⁵ Metropolitan Police correspondence, TNA, 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. Part of the reason for this was the fact that warders saw the prisoners first and were therefore able to claim the identifications: Metropolitan Police correspondence, TNA, MEPO 2/172, 1 March 1888.

⁹⁶ Metropolitan Police correspondence, TNA, 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.

⁹⁷ Metropolitan Police correspondence, TNA, MEPO 2/172, Report by Inspector Jarvis dated 21 June 1889.

fact that the process of identification was now a joint one and that it would have been unnecessary for both the 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 prison visits reporting that 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 Gaols 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 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.⁹⁸

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.'⁹⁹

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 the system failed.¹⁰⁰ 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.

⁹⁸ Habitual Criminals Committee, p. 10. As a matter of routine therefore some 29 officers would attend in addition to an unknown number of Warders.

⁹⁹ Habitual Criminals Committee, p. 11.

¹⁰⁰ Tom Divall, *Scoundrels and Scallywags (and some Honest Men)*, (Ernest Ben, 1929) p. 83.

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.'¹⁰² 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.¹⁰³ It has to be said that 'clerical error' was involved in at least one of the cases referred to by the 1894 committee and there may have been more which did not come to light.

The 1894 enquiry examined all the existing and proposed methods concluding that the system of visiting remand prisons was to be continued in the short term but the other means to be replaced by a joint system of using anthropomorphic measurements, the Bertillon system, and the new method of fingerprints.¹⁰⁴ This was to be restricted to those convicted under section 7 Prevention of Crimes Act 1871 plus a few others.¹⁰⁵ This was a key change as it heralded the use of a method of identification – fingerprints, which was to prove reliable. Prison visits by the police continued in the short term and in 1894 detailed orders were issued as to the new structure.¹⁰⁶ It is interesting to note that despite the changes there was some continuity of approach, included in the order was the phrase, 'The very best officers for this duty are invariably to be employed.' This is virtually identical to 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 the attendance of divisional officers at remand prisons had been discontinued.¹⁰⁷ Visits by other officers were cancelled in November 1903 and in March 1906 visits were restricted to three a week by an Inspector from

¹⁰² Habitual Criminals Committee, p. 13.

¹⁰³ 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.

¹⁰⁴ Habitual Criminals Committee, p. 31.

¹⁰⁵ Section 7 of the Prevention of Crimes Act covered those twice convicted of crime.

¹⁰⁶ MP Orders 19 June 1894, TNA, MEPO 7/56.

¹⁰⁷ ARCPM (1901), p. 8.

Central Office.¹⁰⁸ 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. 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. While the 1894 Committee reported that very few wrongful identifications had been made, the doubt could always exist; with fingerprints this uncertainty was removed.¹⁰⁹

Over time the number of officers involved in the process of identifying remand prisoners had been reduced and specialist officers employed. For the majority of offenders 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.¹¹⁰ 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 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 the police to be able to recognise convicts once released from prison came about as the result of the ending of transportation in the 1850s and the requirements of the Penal Servitude Act 1853.¹¹¹ Convicts, instead of being sent abroad to serve their sentence, were imprisoned in this country and then released on a licence or ticket of leave, after having served a substantial portion of their punishment. It was while still in custody but shortly prior to release that these convicts had to be seen by police. Details of police visits to prisons for this purpose are not clear for the early part of the period but 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

¹⁰⁸ MP Orders 11 November 1903 and 5 March 1906, TNA, MEPO 7/65 and 7/68, 'Central Office' being Scotland Yard.

¹⁰⁹ 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 lay in the way in which the marks were interpreted.

¹¹⁰ MP Orders 4 June 1878, TNA, MEPO 7/40.

¹¹¹ Penal Servitude Act 1853 (16 and 17 Vic. c.99).

sent to Millbank prison where they would be examined, shortly before their release, by police personnel, once a week.¹¹³

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.¹¹⁴ This order was added to the following month when instructions were given for police officers to visit Brixton and Fulham Prisons on the first Wednesday of the month to inspect female convicts due for release.¹¹⁵ The convicts were to be presented in civilian clothes and inspected separately with care being taken that each officer had a clear view, the purpose being later identification.

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 to form 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 they could be called upon 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 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.¹¹⁶

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 in 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.¹¹⁷

¹¹³ Royal Commission on Penal Servitude (1863), evidence given by Sir Richard Mayne, paras. 1618–1621.

¹¹⁴ MP Orders 2 February 1863, TNA, MEPO 7/24.

¹¹⁵ MP Orders 20 March 1863, TNA, MEPO 7/24.

¹¹⁶ 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. See also TNA, MEPO 8/3 para. 167.

¹¹⁷ 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

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 on the forms. The Descriptive forms also 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 by divisional officers regarding these persons, contact would have to be made with the new and growing records department at Scotland Yard.

The next step came in December 1866 when 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.¹¹⁸ 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. Scotland Yard therefore maintained a national register, not just of all those convicted of crimes but including all those who had committed the more serious offences.

Visits to convict prisons continued with variations until at least 1907.¹¹⁹ Within this period the main changes were the replacement of Inspectors by members of the detective department in 1871 and by officers of the Convict Supervision Office in 1880.¹²⁰ In 1869 the detective department consisted of 180 officers on division with a further 27 at Scotland Yard.¹²¹ The strength of the force at this time was 9,160.¹²²

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, TNA, HO 45/9568/76073.

¹¹⁸ MP Orders 31 December 1866, TNA, MEPO 7/27. It should be noted that all of Middlesex and part of Surrey lay within the Metropolitan Police District.

¹¹⁹ MP Orders 2 July 1907, TNA, MEPO 7/69.

¹²⁰ MP Orders 13 March 1871, TNA, MEPO 7/33 and ARCPM (1880), p. 7.

¹²¹ MP Orders 21 July 1869, TNA, MEPO 7/31, MP 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.

Detective officers were specifically tasked to deal with crime and therefore criminals, especially those deemed to be habitual, and were theoretically 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 were not very good.

The Prevention of Crimes Act 1871 gave the police extra responsibilities; they were now to inspect those being, 'discharged on a ticket of leave or otherwise.'¹²³ The order 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 changed in 1872 so that visits were made to Southwark and Brixton prisons and Thames Division, previously excluded, were now, with the appointment of two divisional detectives, directed to take part. It was stated that these officers, 'have visited prisons alternately in order to gain a knowledge of thieves.'¹²⁴

A system had been established which should have improved the ability of the 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 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.'¹²⁵ 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 as to the way the visits to inspect convicts soon to be discharged were conducted and their effectiveness.¹²⁶ Sergeant Forster, H division, thought that the visits were not of much assistance while Sergeant Chamberlain, L division, felt that while they did give the officers some idea of criminals he thought there was a greater

¹²² ARCPM (1870), p. 1.

¹²³ Section 8 Prevention of Crimes Act 1871 and MP Orders 5 January 1872, TNA, MEPO 7/34.

¹²⁴ ARCPM (1872), p. 109.

¹²⁵ ARCPM (1869), p. 34.

¹²⁶ Departmental enquiry into the Detective Force, 1878.

value in the old system whereby officers visited courts rather than the prisons.¹²⁷ The evidence from these Sergeants is important because, being engaged in the process and working on divisions, they were able to give practical, hands-on opinions 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.¹²⁸ 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 on the face of it is a very positive endorsement of the system but it is important 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 and so it could be argued that his knowledge of 'criminals' was rather limited. At Scotland Yard his duties would have been to deal with specific, allocated offences.

In a reply to a question from the Commissioner regarding the value of the visits, Vincent, in 1878, 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.¹²⁹ 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.'¹³⁰ 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

¹²⁷ Departmental enquiry into the Detective Force, para. 2153 (Forster) and 2920 (Chamberlain).

¹²⁸ 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.

¹²⁹ Metropolitan Police correspondence, 10 May 1878 and 2 July 1878, TNA, MEPO 2/172, letter from Commissioner to Vincent and his reply.

¹³⁰ Home Office correspondence, 27 July 1878, TNA, HO 45/9568/76073, p. 3.

were discharged.¹³¹ At this time other convicts were being released from Coldbath Fields prison.

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.¹³² 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.¹³³ The actual visiting of prisons was undertaken by three members of the staff who, if possible, were also to see the convicts again when they reported to the Convict Supervision Office on release and would then visit them 'very quietly' at their registered addresses for the purposes of verification.¹³⁴ 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.¹³⁵ It has been seen that in 1888, 57 previously unidentified criminals were recognised when reporting and this was improved in 1889 when 90 were identified.¹³⁶ These figures are important in that they show the value of using officers with a specific role and indicate that prior to their introduction some offenders would probably have gone unrecognised.

There were, however, drawbacks to the system, an important one was that the more serious offenders, especially habitual criminals, were no longer inspected by divisional officers. This defect was to an extent overcome by the increasing use of criminal records and especially photographs, but 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 but this did not mean that visits to convicts about to be discharged were discontinued; some were still taking place in 1907.¹³⁷

Unlike the reports regarding remand prisoners, save for the examples given above, there are no available records to show the value of visits to convict prisons. It is not

¹³¹ Metropolitan Police correspondence, TNA, MEPO 2/172.

¹³² MP Orders 1 June 1880, TNA, MEPO 7/42.

¹³³ ARCPM (1880), p. 7.

¹³⁴ Habitual Criminals Committee (1894), Minutes of Evidence p. 39.

¹³⁵ ARCPM (1888), p. 5. First at registration, then at place of employment/residence and also when reporting.

¹³⁶ ARCPM (1888), p. 5 and 1889 p. 6. For a detailed description of the workings of this office see ARCPM (1888) and Home Office correspondence, TNA, HO 144/184/A45507.

¹³⁷ MP Orders 2 July 1907, TNA, MEPO 7/69.

known how many of those released were subsequently recognised or re-arrested in the same year. The best available picture can be seen in the 1894 enquiry into identification giving some idea of the scale of the situation. This shows the number of licence holders and supervisees registered at the Convict Supervision Office over a four year period, 1890–1893 and that 6,799 of the released convicts were registered as against 6,595 other criminals.¹³⁸ 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.¹³⁹

Conclusion

There can be little doubt that the Metropolitan Police were very aware of the difficulties that they faced in attempting to identify those they had arrested. It is also clear that considerable resources were given to this problem and that they gradually took on a more active role in this area of their work. It is, however, impossible, due to incomplete sources, to comprehensively evaluate their efforts. Despite this gap in knowledge it can be claimed that over the period concerned they refined their use of staff, changed from court visits to regular attendance at prisons and, especially with the assistance of warders and the introduction of the Convict Supervision Office, gradually improved their success rate. Nonetheless it is apparent that identification was still largely a matter of personal recognition. The introduction of technologies outside the scope of this work, photography and fingerprinting, meant that early in the twentieth century they now possessed a foolproof system of identification. This was eventually to be reinforced by the use of genetics (DNA).

¹³⁸ Habitual Criminals Committee (1894), p. 39.

¹³⁹ A good review of the development of photography together with some of its problems can be seen in Richard Ireland, 'The Felon and the Angel Copier: Criminal Identity and the Promise of Photography in Victorian England and Wales,' in Louis A. Knafla (ed.) *Policing and War in Europe. Criminal Justice History. Vol. 16.* (Greenwood Press, 2002) pp. 53–86. The question of Criminal Records especially fingerprints can be examined in Bill Heberton and Terry Thomas, *Criminal Records: State, citizen and the problems of protection*, (Avebury, 1993); Simon Cole, *Suspect Identities: a history of fingerprinting and criminal identification*, (Harvard UP, 2002).