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Reconstructing Prison Lives:

Criminal Lives in the Digital Age

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Introduction

In the past few years the expansion of digitisation of historical records has allowed increasing access to family history records, census records, military and employment records and newspapers databases through the internet. In many ways this has allowed much greater access to this historical material, hitherto buried in archives, spread across the country where perhaps only the specialist researcher or the most committed family historian might dare to tread. As historians of crime and punishment, our access to criminal and prison records available through the internet has also increased significantly, particularly through the use of sites such as www.ancestry.co.uk and just recently (March 2013) the website www.findmypast.co.uk announced the release of over half a million criminal records in addition to the existing material already on their website database through collaborative projects with the National Archives. As well as the national court and punishment records available through such subscription websites like the *Criminal Registers 1791-1892*, a number of large projects or local archives have placed databases or digital criminal records or photographs online — for example, *The Proceedings of the Old Bailey 1674 to 1913* (www.oldbaileyonline.org) or registers of prisoners or criminals, for example [Aylesbury Prison](http://www.buckscc.gov.uk/sites/bcc/archives/ea_libp_risoners.page) (www.buckscc.gov.uk/sites/bcc/archives/ea_libp_risoners.page). Our recent ESRC funded project on the costs of imprisonment has used some of these records and many more to uncover the offending and prison lives of 650 convicts who were released from prison during the mid to late nineteenth century. This article will use a case study of one female convict we encountered to illuminate the rich historical material that is available on the prison lives of these offenders and will discuss some of the pitfalls in using such materials and the surprising, perhaps unintentional aspects of the records which also bring the prison to life.

Convict Prison Lives

Our project was partially concerned with the financial costs to the country of maintaining a large prison estate from 1853 to 1940; and partly to establish what the results of imprisonment were in terms of re-offending rates and the general impact on individual convict's lives over that period. The costs of building and running convict prisons were considerable, and arguably they did little to address the problem of recidivism. However, this article focuses on the individual convicts. In order to examine the impact of imprisonment on offenders' lives we relied heavily on official sources and we extensively used online digital resources wherever possible. For example, in order to establish where and when an individual convict was born we used www.FreeBMD.com and other country-based births, marriages and deaths websites. We used the same sources for the dates and places of marriages, birth of children, death, and death of the individual's spouse and other relations. The censuses gave us their occupation, address, and familial structure every ten years between 1841 and 1911; and military websites gave us additional information (although few of our convicts served after release, some had served before entering into prison). We also searched for every time the individual found themselves in court. The online criminal registers (available in *Ancestry.com*) and the trial reports available in online newspapers websites (British Historic Newspapers Online, for example) provided us with information about an individual's interactions with the courts, notably when they were sentenced to custody. Our primary objective was to examine when individuals had started to offend; when they first went to prison; how many convictions they had; how many times in their lives they were sent to prison and for how long; whether the use of imprisonment accelerated or stopped their offending or whether the length of the sentence had an impact on their personal and family lives. However, we were fortunate to find a set of records, some of which are now online, which substantially added to our understanding, not only of individual convict lives, but also provided us with a mass of information about convicts' experience of prison life and details of the daily workings of individual prisons and regimes.

We were therefore able to provide a fine-grained analysis of a sample of 650 male and female convicts sentenced to penal servitude in the mid to late Victorian period.

The Prison License System and its Records

During the demise of the use of transportation to Australia in the 1850s the British government set up the system of convict prisons. These convict prisons, mainly located in the South of England, were established to hold long term prisoners, who would have previously been transported, under a sentence of penal servitude. Long term sentences of penal servitude were put in place to replace a sentence of transportation, for example, initially seven years transportation was replaced with four years penal servitude. A sentence of penal servitude consisted of three parts; a period of separation, often at Millbank penitentiary, the second part was served in a public works prison where the prisoner would pass through certain stages or classes and a final part of the sentence would be release under license. This policy of remission (or early conditional release or parole) on license (or ticket of leave) operated as a regularised part of the system for those serving longer sentences and contrary to popular belief, meant that the Victorians did not 'lock people up and throw away the key' as is sometimes claimed. This system of release on license had been widely used in the Australian colonies and aimed to provide a pool of labour to grow the Australian colonies, and which incidentally helped a number of offenders to reintegrate into society. The UK government continued to operate the license for those convicts sentenced to serve their penal servitude on British soil (roughly from the 1850s onwards). Convicts released on license were subject to conditions, to keep a copy of the license on them at all times, they could reside where they wished but must report to the police station within three days of release and then monthly. Failure to report, leading an irregular life or committing an offence would result in the revocation of the license and immediate return to prison for the remainder of the sentence. This was felt to encourage ex-prisoners to gain employment and to resume a law-abiding life. Between 1853 and 1919 over a thousand prisoners per year were released on

conditional license, which was the equivalent of a quarter of the sentenced convict prison population, and each one left a bureaucratic record (a document which was typically composed of between ten and one-hundred pages of information). The Prison Commission files which hold the licenses are kept in The National Archives (PCOM 3 and 4 are prison licensing papers and penal records for male and female convicts, 1853-1887). In total there are about 42,000 licenses which have survived (many of the female licenses and some of the male licenses are available digitally on www.findmypast.co.uk and www.ancestry.co.uk). Although we used the digital online sources for female offenders, we also visited the National Archives in order to photograph a large number of male licenses. It would have been much

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easier and cheaper to have all of these records digitally available, and, indeed, they are a superb source of information for genealogists and family historians to use, so that may happen in time. For the moment, however, the National Archives lack the financial resources to carry out too many large-scale digitization projects at any one time — and they rely on commercial partners in order to finance some digitization projects — the 1901 census, for example, which was constructed in partnership with Find My Past. As well as the standard details of the individual

offenders that are often found on Victorian and Edwardian criminal records — name, photograph, age, marital status, height, weight, distinguishing marks, conviction and previous convictions, these prison records give a wealth of information on the administration of the licensing system and the internal operations of the prisons. The penal record contains all the details of every prison that the person has been committed to, released from and when; all of the 'marks' that they obtained (at this time convicts had to pass through marks system of progressive stages, they were required to earn marks each day and through time served and the accumulation of the required number of marks to move to next stage); any punishments that they received during their period of imprisonment; details of the letters which they sent out and those that were sent to them and any visitors that they received. In addition the files sometimes contain letters that have been suppressed by the prison. Records are also made of the prisoner's health and comments from Medical

Officers', any special requests or petitions to the Governor or to the Home Office. All of this provides a fascinating insight into the experiences of convict prisons and to the surveillance of prisoners inside prison and beyond the prison walls in the mid to late nineteenth century.

We compiled a 'life-grid' for each of the 650 people in our sample. The grids comprised three columns, and a number of rows (one for each year, starting with the year of birth of the convict); the next column held all information on family events for that year (i.e. birth of a child, death of a father, marriage, and so on); and the last column contained any court-prison based interactions that happened in that year. So, for example, the last column contained all court appearances, but also when a convict was punished inside of the prison, when they changed prison labour, when they were moved to a different prison, and so on. This method pioneered by Godfrey *et al'* allowed us to correlate events in order to see if they appeared to have a relationship to each other, that is did the death of a father and mother seem to propel some people into a life of crime? When offenders got married did they tend to stop or slow their offending? Did having children before or after imprisonment persuade offenders to cease committing crimes? Our next step was to enter the information into a machine-readable database so that we could run some quantitative analysis (simple cross-tabulations in the main); and lastly, we produced illustrative vignettes, or case-studies, in order to get a more rounded and immediate view of the lives of our sample of convicts. The case study of Bridget O'Donnell, for example, fleshed out some of the details of her life, and experience within the penal system.

Case Study: Bridget O'Donnell

This is the case of Bridget O'Donnell (or MacDonald or McDonald). She has several aliases or misspellings of her name in various records but our research suggests that the prison administrators, aided by records of police surveillance of ex-convicts, licensees, and habitual serious offenders, were fairly

good at identifying people despite their numerous aliases. We have referred to her as Bridget O'Donnell because that is the name she used when she entered the convict system to serve a sentence of seven years penal servitude in 1868. Prior to this, Bridget had accumulated over fifty summary convictions for drunkenness, prostitution and fighting. She also served another two short prison sentences for theft, six weeks for stealing a shawl in 1856 (her earliest conviction which happened when she was in her mid-teens) and twelve months for stealing a watch in November 1866. All of her offences thus far were committed in the Liverpool area where Bridget lived, although she had been born in Roscommon in Ireland

in the early 1840s. It appears that her family moved to England during the distress of the Irish famine. Her previous offences caught up with her in 1868 when, because she had two felony convictions by the time she was sentenced for stealing another watch, she received a sentence of seven years penal servitude at Liverpool Sessions. At Liverpool's Walton Prison awaiting her trial she was confined under separate conditions (essentially this meant being kept alone in a cell, where she carried out prison work, ate, slept and was only allowed outside the cell for periods of exercise or to attend

chapel). Her conduct was good, but she made no progress in her education (being required to learn basic literacy in a schoolroom).

In March 1869 she was transferred from Walton to the convict system, specifically to Millbank Penitentiary in London. At this time Millbank was a convict assembly prison, where all convict prisoners were received for assessment and then, according to their gender, were moved onto to other prisons for completion of the separation stage. Here Bridget continued her separate confinement, working as a knitter in her cell, her conduct was good and she made some progress at school. The first stage of penal servitude was completed by July 1869 and she was moved to Woking female prison for the second stage; there she was held in association working again as a knitter. Bridget spent from July 1869 to October 1873 in Woking prison and during this time

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1. Godfrey B. S., Cox, D. C., and S. D. Farrall (2007) *Criminal Lives: Family, Employment and Offending*, Oxford: Clarendon; Godfrey, B. S., Cox, D. J. and S. D. Farrall (2010) *Serious Offenders: A Historical Study of Habitual Criminals*, Oxford: Clarendon.

she committed seven prison offences. In December 1869 she was punished for quarrelling and using bad language and received three days in close confinement; she also had to work an extra 180 marks in her class and lost 56 remission marks. During the next four years she committed further offences against the prison rules; showing her temper and breaking her cell window; fighting; rudeness and using foul language; receiving a parcel from another prisoner; breaking her cell windows and gas glass; making a falsehood, using bad language and breaking her cell windows. As a result of these offences, she spent a total of thirty-two days in close confinement and lost ninety-seven days' remission. Bridget was released on license before her whole prison sentence was completed, but as a result of the loss of remission marks it was not nearly as early as it could have been. She was released from Woking on 13 October 1873 with 34 months of her 84 month sentence unexpired, and intending to go back home to Liverpool.

During her time in Woking prison, we also discovered a little of her family life. Her next of kin is given as John O'Donnell, probably her father, and another good indication that her surname was indeed O'Donnell. Whilst the entry for 'number of children' on the prison form was left blank, letters out of the prison show her writing to her daughter Mary Ann, who was in Kirkdale Industrial School, probably having been committed there due to her mother's imprisonment. Bridget tried writing to a John McDonald and also an Owen O'Donnell at an address in Lace Street, Liverpool, but both the letters were returned. She continued to write to Mary Ann but again she did not receive letters back from her daughter.

After leaving Woking prison on license, Bridget's freedom was relatively short lived as in August 1874 she was sentenced to seven days for being drunk and disorderly in Liverpool. Unfortunately this was deemed sufficient to activate the license and a letter duly arrived from the Home Office to Walton prison revoking her license due to this conviction. Five days later she was back in Millbank prison. Again after a period of separation at Millbank she was removed to Woking and was discharged on the expiration of her sentence at the end of August 1876. Bridget continued to write to Mary Ann, but this time her letters are answered. As with previous incarcerations,

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she continued to offend in prison, this time insolence, bad language and singing in her cell (12 hours in penal cell and 12 remission marks lost); quarrelling and fighting with prisoner Coggins (lost her 360 class marks) and being noisy and abusive to the Matron (placed in the penal ward for 28 days). After her discharge, having completed the remainder of her sentence, she again returned to Liverpool.

Bridget was not convicted of any further offences in the next few years, but then on Christmas Eve 1883 she was received at Liverpool prison having been committed by the court on theft charges. In the New Year (7 January 1884) she was convicted at the Liverpool Session on two counts; larceny from the person after a previous conviction for larceny and stealing a bag and money from the person. For these

offences Bridget received her second sentence of penal servitude, this time for five years. Now aged in her early 40s, Bridget was again transferred to Millbank. She was well used to the convict system by now, and seems to have wanted to negotiate some of the reception processes herself. All prisoners were given a form on entry to the convict system which stated their name and in which prison they were being held and which they could have sent to someone they knew either family or friends to let

them know of their location — Bridget declined this form, perhaps indicating that her father was no longer alive or that she had lost touch with other family members — her second penal record notes 'no relatives' under next of kin. Her first record had recorded her as having no trade, but now she was described as a hawker.

A couple of months after transfer to Woking in July 1884, Bridget was excused from carrying during work due to weak lungs. Her previous records had just indicated she was of 'good' health or sometimes it was noted as 'indifferent' but it now was recorded that Bridget had a defect in her eye which clearly affected her ability to read and write. The Chaplain commented that she was unable to receive proper instruction due to pains in her head which were the result of a fall. She had waited for sixteen months for treatment and the Chaplain thought she would never be able to write. The Medical Officer supported this stating that 'this prisoner is rendered incapable of learning from an injury to her head by a fall'. This may mean that letters written and sent to her daughter (noted above) were written with the

assistance of the Chaplain or possibly the Schoolmaster. Letters sent out during her second sentence were all to other women, perhaps friends, Mrs Campbell, Mrs Martin, Mrs Smith, all in the Scotland Road area of Liverpool (a very poor area of town). As a convict prisoner, the police routinely checked the recipients of letters in order to assess whether they were suitable people for the prisoners to be writing to, if the recipient was found to have a criminal record or to be 'known to the police' (often a consequence of being thought a prostitute) then the letters would be prohibited or suppressed. All of these letters from Bridget were returned either because the addresses were not found or the recipients could not be traced by the police. Bridget did not appear to write to her daughter, unless she was one of the married women listed above (this is certainly possible as she would be of marriageable age by now) and her record stated that she had no children. Whatever the circumstances, it appears that Bridget did not really have any family or constant friends around to support her.

During her second penal servitude sentence she also committed a further five prison offences. In January 1885 she was placed in close confinement for three days on a reduced diet, reduced from class three to probation class so that she had fewer privileges in prison, spent fourteen days in the penal ward and lost forty-eight remission marks for 'interfering when another prisoner was checked for speaking in the airing yard, refusing to have her cell door shut, rushing out and attempting to strike' the Assistant Matron, using bad and threatening language, throwing her pint at the Assistant Matron. She was punished again the next day for using obscene and threatening language to the Matron and lost a further twenty-four remission marks. Seven months later she was again in trouble for disobeying orders, slamming her cell door, throwing down her stool, falsely accusing the Assistant Matron of mistreating her and she was punished by three days close confinement and the loss of remission marks. The following month she was discovered quarrelling with fellow-prisoner Daley, using vile language and screaming and shouting and she received two days close confinement and lost more remission. In February 1886 Bridget was moved to Fulham Refuge (this was a actually convict prison despite the term,

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refuge) and five months later she received her first class status (the highest grade of privilege she could receive). However, seven weeks later she was found quarrelling with and pulling the hair of Ann Dawson and causing a disturbance in the laundry and wash house. Fortunately for Bridget, this time she was merely admonished for her behaviour. Eight days later, Bridget was released from Fulham on conditional license. A number of refuges had been set up for women convicts and as the system developed this meant that women convicts could be released either to be 'at large' (but still under the strict conditions of the license) or on a conditional license to a refuge until they were deemed suitable for release; this system only applied to women.

Bridget was sent to the East End Refuge in Finchley, on conditional license. She had served just over half of her five year sentence and had twenty-eight months of the sentence still unexpired. She spent a further nine months at the Refuge before the Directors of Convict Prisons gave her permission to leave on 1st June 1887. Perhaps unsurprisingly given what we know about Bridget's life she was difficult to trace after her release, she cannot be found in the Criminal Registers at least for the next five years which perhaps indicates she did not have any further convictions. Bridget was

in her mid 40s on release, she had little means of support from the evidence we have about her life, she may have continued to try to earn a living through street-selling. In total she had a criminal career which had lasted for over 27 years (and if we include prison offences in then her criminal career lasted for 29 years and 10 months).

As perhaps can be seen from Bridget's case, we were able to find out a huge amount about the experiences of convicts in our study, both within prison, and on the outside. This has allowed us to consider the individual circumstances of the convict's offending and prison experiences — deaths of parents, poverty, alcoholism as routes into criminality and well as marriage, finding employment, having children as possible routes out of offending — this is in addition to answering some broader questions about whether or not licensing aided their desistance from crime or increased the probability of them returning to prison. However, there are some pitfalls to this kind of research. We may have simply made

mistakes in wrongly-attributing court appearances to Bridget (or whoever we are searching for) or we may have missed some information whilst trawling online-sites. Female offenders were particularly difficult to trace due to name changes through marriage or the using partners surname during co-habiting, for example. Some data does not exist, was never collected, or is wrongly recorded (the data is from official documents which may have omitted uncomfortable allegations or poor-behavior on the part of prison officers). These are the common problems encountered by all historians. Reconstructing people's lives using historical records is a difficult task. We may have wrongly connected together information into a misleading story, though we have been keen to point out that some events (marriage and cessation of offending) are correlated, not causally connected. In other words, they seem to be connected but one might not have caused the other. Again, all historians make connections; historical research would be impossible without doing this. So too, modern researchers of crime and offenders make the same kinds of assumptions. Just because one can talk to a living breathing prisoner (or anyone!) does not mean that the things they tell you are unfiltered, uncensored, and unvarnished. All researchers, modern or historical, have to proceed with caution.

Online digital records do offer specific problems, however. They allow us to accumulate a lot of data very quickly and we can be more-easily persuaded that we have caught the truth of a person's life. Research that is conducted more slowly (and with more difficulty) might allow us a chance to breathe and think a little bit more deeply as we go about our work. This is just something to watch for; it does not invalidate the significant advantages of speedy research (in terms of cost, amount of data collected

and scope of the project). The second problem is an ethical one. We now have access to detailed personal knowledge about thousands of prisoners, and can put that information together, and disseminate it, very widely and (again) very quickly. As online historians working in this area, we probably need to do a little more thinking about the ethical implications of this kind of work (see Godfrey 2013).²

Whilst these online digital records, together with the prison licenses, have allowed us a unique insight into the internal organisation of the prison from the prisoners point of interaction, the lives of the people who worked in these prisons and who interacted with these offenders on a daily basis remain oblique. The records are marked by the comments of prison officials such as Medical Officers, Matrons, Governors and Chaplains, who would no doubt have been surprised that 150 years later their comments on the individuals under their charge would be so accessible on the internet. But the officers who unlocked and locked up the prisoners, day in, day out; oversaw the wings and supervised the work and spent large portions of their own working in the Prison Service doing so, still remain relatively invisible.³ This historical project has allowed us to examine the 'whole life' of an offender and their various interactions with the criminal justice system, usually unachievable with contemporary criminological research. Will this same opportunity be possible for historians of crime and punishment in the future? Will the official systems used today to record the offending and prison lives of our current prison population offer us the details and insight that these historical records have; or will the computer-dominated world that has given us the opportunity to uncover and reconstruct these individual lives ironically result in the deletion of current records, erasing our histories...

2. Godfrey, B. (2013) *Crime in England 1880-1945: The Rough*, Routledge.

3. There is a small body of research on prison officers for example: Thomas, J.E. (1972) *The English Prison Officer since 1850 — A Study in conflict*, London: Routledge & Kegan Paul; Johnston, H. (2008) 'Moral guardians? Prison officers, prison practice and ambiguity in the nineteenth century', in H. Johnston (ed.) *Punishment and Control in Historical Perspective*, Basingstoke: Palgrave Macmillan, p77-94; Johnston, H. (2008) 'Reclaiming the criminal: The role and training of prison officers in England, 1877-1914', *Howard Journal of Criminal Justice*, Vol. 47, No. 3: p297-312; Johnston, H. 'Gendered prison work: female prison officers in the local prison system, 1877-1939', *Howard Journal of Criminal Justice* (forthcoming).