

1883.

VICTORIA.

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# ROYAL COMMISSION ON POLICE.

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SPECIAL REPORT

ON

# THE DETECTIVE BRANCH.

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PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

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By Authority:

JOHN FERNES, GOVERNMENT PRINTER, MELBOURNE.





# ROYAL COMMISSION ON POLICE.

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## SPECIAL REPORT ON THE DETECTIVE BRANCH.

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*To His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY :—

The Royal Commission appointed to enquire into the state of the Police of Victoria have the honor to submit the following special Report upon the Detective branch of the service :—

### I.—CONDITION OF THE DETECTIVE FORCE.

In the opinion of your Commissioners, the Detective Force has been for some years deteriorating in prestige and efficiency, and at the present time appears to be in its *personnel* so demoralized, in its relations with the general force, so antagonistic, and in its system of working so iniquitous, that it may be regarded as little less than a standing menace to the community. Inspector Secretan, the officer who has been in charge, seemed powerless to control or properly direct the business of his department and to have become almost a passive instrument in the hands of a few of his subordinates. His office has fallen into a state of confusion. Public documents have been destroyed by him apparently to avoid the exposure of personal scandals and internal disorganization. Others have been surreptitiously removed or concealed, we believe to defeat the enquiry instituted by your Commissioners. The clerks indirectly responsible for the safe custody of those papers, when examined, could afford no satisfactory explanation respecting their disappearance. As regards the detectives generally, it may be averred that, at least for some time past, the discovery of offenders bears no appreciable relation to the number of offences committed, and if at any period the capabilities of the department were to be judged by a higher standard or by a larger percentage of arrests, the result is probably attributable to the employment of criminals to entrap their associates under circumstances repugnant to every principle of justice, and in order that individual detectives might achieve a spurious reputation for ability, obtain the reward given for the recovery of stolen property, and lull the public into a sense of

false security. A dispassionate consideration of the evidence elicited impresses your Commissioners with the painful conviction that the Detective department of Victoria has been little better than as described by one of the witnesses, a nursery of crime; that its existence, as at present constituted, is inimical to the public interests, and that it should be at once assimilated with and absorbed into the general police, and placed under the immediate supervision of the Chief Commissioner.

## II.—THE DETECTIVE FORCE.

The present Detective Force of Victoria was organized by Mr. C. H. Nicolson, late Assistant Commissioner of Police, who took charge in 1858, and under whom the department was maintained in a comparatively high state of efficiency. He was succeeded by Inspector Ryall in 1869, and in the year following Mr. Secretan was placed in charge, which position he has retained up to the present. The following are the members of the Detective Force, with particulars of their services, according to a return submitted to your Commissioners:—

Name.	Age.	Joined Police.	Rank when Transferred.	Joined as 3rd Class Detective.	Promoted to 2nd Class.	Promoted to 1st Class.	Promoted to Senior 1st Class.
Secretan, F. H.*	54 $\frac{5}{12}$	...	...	5.8.59	1.7.61	23.5.67	
Hyland, R.	56 $\frac{8}{12}$	5.12.54	Constable	1.6.56	1.7.56	1.4.59	1.7.76
Eason, A.	52	23.9.52	...	11.11.58	1.2.59	1.12.60	1.7.76
Brown, J.	46 $\frac{8}{12}$	4.10.61	Constable	1.1.68	14.1.70	1.11.75	1.8.79
Duncan J.	40 $\frac{5}{12}$	...	...	16.9.65	1.10.66	1.8.74	11.12.79
Mackey, P.	40 $\frac{8}{12}$	...	...	9.8.69	1.6.70	1.9.76	8.5.80
O'Callaghan, T.	37 $\frac{5}{12}$	...	...	16.11.67	1.3.69	reduced	
"	"	...	...	16.12.71	1.7.73	9.8.79	22.6.81
Moore, R.	48 $\frac{4}{12}$	...	...	9.4.66	23.5.67	5.3.75	
Lomax, A.	44 $\frac{11}{12}$	...	...	29.1.66	16.9.69	11.12.79	
Potter, Harry	41 $\frac{1}{12}$	27.2.66	Constable	17.8.69	1.2.75	24.3.80	
Nixon, T.	39 $\frac{3}{12}$	...	...	2.7.73	1.2.75	22.6.81	
Dowden, R. H.	40 $\frac{1}{12}$	...	...	3.12.72	1.8.74		
Mahoney, M.	34	20.6.73	Constable	1.2.74	1.11.75		
Walshe, J.	41 $\frac{5}{12}$	9.7.67	Constable	14.7.74	22.5.76		
Considine, W. N.	36 $\frac{8}{12}$	10.5.71	Constable	2.8.75	22.5.76		
Coleman, W. H.	38 $\frac{5}{12}$	13.12.72	Constable	23.11.75	1.8.78		
Lovie, P.	38 $\frac{3}{12}$	12.4.72	Constable	10.4.76	1.8.78		
Hayes, P. J.	37 $\frac{11}{12}$	5.6.72	Constable	23.8.76	1.8.79		
Charles, J.	31 $\frac{1}{12}$	5.9.74	Constable	14.5.80	22.6.81		
Ward, M. E.	37	1.10.69	Constable	1.1.77	11.12.79		
Fook Shing	49 $\frac{11}{12}$	...	...	21.4.68			
Kidney, T.	42 $\frac{5}{12}$	2.9.62	Constable	1.4.70			
Connolly, J.	40 $\frac{11}{12}$	22.12.65	Constable	22.4.76			
O'Donnell, E.	36 $\frac{7}{12}$	...	...	23.7.78			
Kett, W. T.	32 $\frac{5}{12}$	...	...	21.1.80			
Wilson, A. D.	30 $\frac{5}{12}$	...	...	28.4.80			

\* Mr. Secretan was appointed Sub-Inspector 11.9.70, and Inspector 1.7.77; Hyland and Kidney served for a time in the Irish police, Duncan in the Tasmanian police, Nixon and Lovie in the English police.

## III.—INSPECTOR SECRETAN.

Your Commissioners consider that the appointment of Mr. Secretan as officer in charge of detectives was a serious error of judgment. Without having particularly distinguished himself as a subordinate, he appears to have been promoted by the special favor of his officer, regardless of the claims of men who were his seniors, and his superior in ability and experience. He is described by several of the witnesses as having been one of the most useless men in the service, and of having had no experience, excepting such as related to larcenies

and the depredations of Chinese on the goldfields. Detective Eason emphatically condemned Mr. Secretan's promotion when he was junior in service and class to nearly every man in the department. Mr. Manwaring was of a similar opinion, while Mr. Otto Berliner contended that at the present time there was no Detective Force in existence in the colony. The documents in possession of your Commissioners to some extent bear out those statements. Mr. Secretan prior to his promotion does not appear to have had the management of any very important cases, and the only prominent occasion upon which since his appointment as officer in charge of detectives that he took a share in the out-door duties of his profession was when, accompanied by Detectives Duncan and Mahony, he escorted Martin Weiberg to the River Tarwin, to discover certain supposed hidden treasure, under circumstances and with consequences not only discreditable but highly suspicious. [*Vide* Report of Board on Weiberg's escape, 10th April 1879.] Mr. Secretan's advancement provoked discontent and jealousy in the department—feelings which this officer's manner and treatment of his men were not calculated to allay. Some of the charges urged against Mr. Secretan in the course of the enquiry were of a personal nature; but were found to be, in the main, either without foundation or based upon insufficient evidence. Instead, however, of dealing with the allegations made in a spirit becoming one in his position, Mr. Secretan descended to abuse and misrepresentation. He prevented the elucidation of several important points by pleading a lapse of memory. He omitted to mention various important matters affecting the administration of his department, which should have been straightforwardly avowed, thus exhibiting to his subordinates the worst possible example. Detective Kidney, whose honesty at least is not impugned, declared that, in his opinion, the detectives were capable of unblushing perjury, and that if the Commissioners sat till doomsday they would never learn the truth, because what one man swore half-a-dozen could be got to contradict. Inspector Secretan has not been wholly condemned, however, by those who had an opportunity of judging of his character. Mr. C. H. Nicolson considered Mr. Secretan as not only eligible for the position to which he had recommended him, but that of all the members of the force at the time he was the only one suitable, not even excepting Detectives Hudson, Jennings, and Eason, and Sub-inspector Kennedy. In making this statement, however, Mr. Nicolson seems pleading for his own *protégé*, inasmuch, as was observed by Mr. Manwaring, "had there been no Nicolson, there would have been no Secretan." Mr. H. Moors, Chief Clerk of the Police Department, stated that he had never found anything dishonorable on the part of Mr. Secretan, but that he did not seem to command the confidence of his men, and that either his department or his intercourse militated against his efficiency. Captain Standish, ex-Superintendent Ximenes, and other officers also referred in complimentary terms to Mr. Secretan in his private and official capacities.

#### IV.—DETERIORATION OF THE DETECTIVE FORCE.

The deterioration of the Detective Force of the colony has been admitted by every witness interrogated upon the subject. The causes assigned for this declension are various. Independently of the administrative incapacity of the officer in charge, it has been attributed to the reduction in the number and pay of the men, the appointment of plain-clothes constables, and the inferiority of the men offering their services. As a matter of fact, the pay of senior first-class detectives is as high as it has been for the last twenty years; and although there has been a diminution in the number of effective detectives, it does not seem to be greater than is warranted by the improved condition of the population generally. In old countries there is always a fixed ratio of

criminals to the population, but the conditions obtaining in a colony like Victoria are exceptional. Its proximity to penal settlements, and the discovery of gold, led to the accession of a large proportion of the convict class, who had to be exterminated, driven out, or reformed, as a matter of public safety. These processes were accelerated by the settlement of the rural districts and the application of the urban population to the steady pursuits of industry. Thus, whilst, on the one hand, the general population of the country increased, the necessity for extensive machinery for the repression of the criminal classes decreased in an inverse ratio. At the present time there are sixteen detectives doing out-door work in Melbourne. In 1863, when the criminal class of the metropolis numbered from 3,000 to 4,000, there were but twelve detectives employed, and those were principally of the third class. (*Vide* Mr. C. H. Nicolson's evidence, p. 107, q. 2515, before Select Committee Assembly on Police 1863.) There have been no complaints against the detectives in the country districts; the inefficiency and deterioration appear to be confined to Melbourne. When Mr. Nicolson worked the city with twelve men the Detective Force was in the zenith of its prestige; now, when the officer in charge has sixteen men to do the duty, the department has sunk to a state almost of paralysis, which cannot be explained away by pointing to the increase in the number of the metropolitan population.

The appointment of plain-clothes constables engendered a spirit of hostile rivalry between the detectives and the general police. The evil does not appear to have been felt until Mr. Secretan took charge of the detectives and Mr. Winch was appointed superintendent of the city. Those officers did not work in harmony; the men under them imitated their example, until such was the jealousy existing that, as stated by one witness, the detectives would prefer allowing a criminal to escape rather than that the members of the general force should acquire the credit of effecting his arrest.

The inferiority of the men applying for admission to the Detective Force has possibly much to do with its present ineffectiveness. It seems difficult, on the principle of demand and supply, to explain why a better class of men are not obtainable. The detectives for the great part rank as sergeants of the general police, and their rate of remuneration is considerably higher. Industry, intelligence, and capacity generally tell much sooner in the circumscribed sphere of the detectives, and, all things being equal, promotion should be more assured and rapid. Detective Eason ascribes the deterioration of the department to the fact of men without experience having been taken on, and also to the dissatisfaction that exists in the police force with the system of management pursued in connection with the Detective office in Melbourne.

#### V.—MR. SECRETAN'S SCHEME OF REORGANIZATION.

In a statement prepared for the Chief Commissioner of Police in April last, supplemented by suggestions intended for the information of your Commissioners, Mr. Secretan submitted a scheme for the reorganization of his department. He contends that the falling off in the efficiency of the detectives is attributable to the numerical inferiority of the force placed at his disposal, while there has been, in his opinion, no diminution in the extent and character of crime in the metropolis. He suggests that the force should be increased to forty-five; the regular staff in Melbourne to consist of twenty-two, with a superintendent and two sub-inspectors. He would have the at present nominal status of the 1st and 2nd class detectives more authoritatively recognised as sergeants, so that they could with greater facility call in the assistance of constables where necessary. He would raise the travelling allowances, and place a fund at the disposal of the department for the payment of criminals in assisting to bring offenders to justice. The evidence, however, elicited proves that such an

extension of the existing system would simply aggravate the evils of which the public have reason to complain. There is no guarantee that with increased means at his disposal and an enlargement of his powers Mr. Secretan would be the better able to manage his department, or that by increased pay and a secret service fund the detectives would be less open to the suspicion of utilizing the services of criminals in order to make a mere pretence of activity and allay public apprehensions. Admittedly all the members of his staff are not equal to their work, but there is no guarantee, so long as the system at present obtaining remains unaltered, that a better class of men will offer as recruits. It has been proved that the detectives of themselves are almost powerless to trace offenders. They are mainly dependent upon informers, "fiz-gigs," and pawnbrokers; and in order to fully benefit by the co-operation of the first mentioned it is necessary to employ the second, a proceeding that comprehends something closely approximating to the subornation of crime.

#### VI.—THE MUTUAL RELATIONS OF DETECTIVES.

In the course of the enquiry it was elicited that personal quarrels were not unfrequent amongst the detectives. Detectives O'Callaghan and Duncan, either from a sense of rivalry or from private feelings of jealousy, appear to have carried on a system of covert hostility, which occasionally exhibited itself in direct acts of aggression. Quite recently those officers quarrelled in the muster-room of the office, whereupon Duncan forwarded a report to Mr. Secretan, complaining of the conduct of O'Callaghan. The latter thereupon drew up a report in reply, which was duly placed in the hands of his superior officer. Those documents, it was believed by your Commissioners, if forthcoming, would throw some light upon the system of working pursued by the detectives no less than upon the laxity of discipline that was alleged to prevail amongst them. Upon enquiry it was elicited that the documents had been destroyed by Mr. Secretan under circumstances which give rise to the suspicion that their contents, if disclosed, would not redound to his credit nor to that of the department under his charge. He failed to justify so unusual a proceeding; and this officer's subsequent conduct proved that he could be guilty not only of a serious indiscretion in the discharge of his official duties, for which he could afford no justification, but assume a tone of indifference, if not of defiance, as to the consequences of his act. Although closely questioned as to the nature of the report made by Detective O'Callaghan against Detective Duncan, Mr. Secretan pleaded lapse of memory, and would give the Commission no account whatever of the nature of the charges. O'Callaghan refused determinedly to state what the charges were; and Duncan declared that they had never been communicated to him. Several of the detectives had seen, and others had partly read, the document; but, in order to defeat investigation, O'Callaghan intimated, when further examined, that he had written two reports, and that the second one had not been read by anyone except himself and Mr. Secretan. Sufficient, however, was ascertained to show that the charges made against Duncan were not wholly of a private nature, but such as involved serious questions of discipline, the facts connected with which Inspector Secretan, for his own sake, seemed desirous of concealing. The demeanor of the principal witnesses concerned in this matter was most reprehensible, and showed that several of them were capable of prevarication, if not of absolute untruthfulness. It was also ascertained that some years ago a similar disagreement took place between Detective Nixon and Detective Duncan, when charges and counter charges were preferred by those officers, the one against the other. On applying for the papers, however, it was found that they also had been removed from the office or destroyed.

## VII.—RELATIONS OF THE DETECTIVE AND GENERAL POLICE.

The Detective department appears to have been conducted on the principle of rendering it an *imperium in imperio*. It was exclusive, independent, and monopolizing, so that bitter jealousies and heartburnings were engendered between the two branches of the service. As soon as a case was reported to the detectives the general police considered themselves relieved from further responsibility, and not unfrequently their interference was resented as unwarranted. The case of Senior Constable Mayes is one in point. The delegates examined were almost to a man agreed as to the unsatisfactory relations existing between the detectives and general police. Sergeant Perry stated that the two branches did not work together, and that jealousy existed between them. Another witness declared that they were fighting, the one against the other. Constable Rogerson asserted that "a great amount of dissatisfaction and jealousy prevails because if a constable gets a case it is taken from him by the detectives. The detectives and general police did not co-operate to detect crime. The former always endeavored to work for their own credit. There is a rivalry between them that is detrimental to the public interests." Sergeant Acton stated that there was an antagonism between the two forces, and that the detectives do not look to the police for assistance, unless in a case of great extremity. Sergeant Thomas, agreeing in this view, added that when Mr. Nicolson was in charge there was no jealousy or rivalry. Sergeant Daly stated that the two branches did not co-operate—quite the reverse; and this was not so much the fault of the men as of the system. Senior Constable Corbett expressed a similar opinion, and stated a case illustrating the evil effects arising from detectives refraining from seeking the co-operation of the uniform police. The evidence upon this point was corroborated by many other witnesses, all of whom declared that a total change of the present system was essential, and that this could best be effected by an immediate amalgamation of the detectives with the general force.

## VIII.—OFFICE MANAGEMENT.

The evidence taken respecting the internal management and clerical work of the office discloses gross negligence and disorganization. The books appear to have been kept in a slovenly manner and without system. The official records of the department have been left so unprotected that any of the detectives might purloin them without fear of discovery. As a natural consequence, during the enquiry, several important documents were found missing, and could not be accounted for. The mode of entering and storing stolen property brought into the office afforded no guarantee against dishonest practices. There appeared to have been an utter absence of order, discipline, or inspection. So long as the men reported themselves, and went through certain formula at stated hours of the day, the officer in charge seems to have rested satisfied. For some years he was cognisant of the insecurity of the papers in the office, and of the clerks being overworked and unable properly to discharge their duties, without making any representation to the Chief Commissioner of Police. He does not appear to have inspected the property book, or taken stock of the property in store, or made any effort to prevent the papers and goods under his charge being stolen or mutilated. Detectives O'Callaghan, Nixon, and Duncan appear to have had the real control of affairs, and to have been entrusted with the principal business to be transacted, while the other detectives were regarded as junior assistants. What were the precise duties discharged by Mr. Secretan it is difficult to state, inasmuch as he certainly exhibited utter indifference to the manner in which the



clerical work was executed, and as regards outdoor work he left it to others. Practically he seems to have made his position a sinecure. His main care, to judge from the evidence, was to prevent quarrelling amongst his men, and so arrange disputes that the exposure of scandals was avoided. His destruction of the reports made by Detectives O'Callaghan and Duncan was a most unwarrantable proceeding, and showed the laxity of the system adopted in dealing with, at least, his prominent subordinates. The Chief Commissioner, when examined upon this point, stated that it was a breach of discipline to destroy such documents, adding—"Official documents ought not to be destroyed. If a member of the force makes a complaint and asks for it to be withdrawn, even in that case I make a note of his withdrawal and put it away filed with the papers." In the course of the enquiry, it was found that the following official documents, &c., had been either destroyed or stolen from the office :—The reports respecting the quarrel between Detectives Nixon and Duncan ; reports containing charges of Detectives O'Callaghan and Duncan, the one against the other ; the supplemental crime report respecting the stolen property found in the house of Mrs. Lamb ; the letters and telegrams alleged to have passed between Duncan and Boardman, signed Brown ; the list of prisoners to be discharged from custody in May last ; and the photograph of the criminal Graham, who had been in Mr. Secretan's employment. The non-production of the papers stated caused much inconvenience, and prevented the satisfactory elucidation of various points having a bearing upon the conduct of the detectives and the discipline of the office. In the opinion of your Commissioners, immediate steps should be taken to provide for the proper security of the official records of the department, for the safe custody of property stored in the office, which shall be so entered in the books that all particulars respecting their receipt and disposal can be ascertained without difficulty, and for the more efficient discharge of the duties appertaining to the clerical staff.

#### IX.—EMPLOYING CRIMINALS.

The employment of criminals seems to be the distinguishing characteristic of the system pursued by Victorian detectives in recovering stolen property and bringing offenders to justice. Without the questionable aid of those auxiliaries, the detectives appear, even in the most ordinary cases, to be comparatively helpless. The principle of utilizing criminals is admitted by all authorities on the subject to be a dangerous one. There is always a temptation to push the system to an extreme, and to use criminal agents as decoys. The technical appellation for such persons is "fiz-gig." A "fiz-gig" is paid to start the prey which the expectant detective captures without trouble or inconvenience (*vide* p. 315 q. 7691). He is supposed to receive not only a subsidy from the detective who employs him, but a share in the reward, and a certain immunity from arrest for offences with which he may be chargeable. He may plan robberies and induce incipient criminals to co-operate, but provided he lures the latter successfully into the detectives' hands, his whereabouts and antecedents are not supposed to be known to the police. Should he be found lacking in industry, proving false to his employers, or arousing suspicion as to the precise nature of his avocations, a prosecution is set on foot ; but the case against the "fiz-gig" usually breaks down ; or if he should be convicted, a mitigation of his sentence is obtained on the ground of his usefulness to the department. Such a system is manifestly un-English and opposed to every principle of honor and fair play. It serves on the one hand to manufacture criminals, and on the other it induces detectives to rely less upon their own intelligence, skill, and experience, than upon the secret information conveyed to them



through a tainted source. No doubt, at times, it may be necessary for the ends of justice that criminals should be paid to assist the authorities, but extreme care should be taken to prevent an abuse of the system. Inspector Dowdell, of the Scotland Yard Detective Force, when under examination, showed that the officers of the Criminal Investigation Department in London are quite alive to the danger arising from the general and promiscuous use of criminals in tracing offenders. Mr. C. H. Nicolson, when examined upon this point before the Select Committee in 1863, stated that when he had charge of the department criminals were only utilized in extraordinary cases. It was a thing, he added, about which he was always very chary, as he considered it unsafe. In the code published by Mr. Vincent, of the London police, strict injunctions are laid down for the guidance of detectives in the discovery of criminals, and they are enjoined against practices that are dishonorable, however efficacious. In the Irish Constabulary code the instructions given on this head are emphatic. It is urged—"Great importance will be attached to the manner in which detectives discharge their difficult duties. It cannot be too deeply impressed upon them that, however anxious the Government may be for the conviction of criminals, even the greatest delinquents are not to be brought to justice by unjustifiable means. Should any detective, therefore, whatever may be the amount of his success, be convicted of practices in the discharge of his duties that are inconsistent with the course that is fairly to be expected of every honest man he will be dismissed." The necessity for a rule so stringent must be obvious. The public safety demands it. Unscrupulous detectives, acting in concert with confirmed criminals, may work infinite mischief in a community, and defy discovery. That there is no secret service fund in this colony, and that detectives are compelled to pay criminals out of their own salaries, are facts by no means reassuring. One detective declared that, although he was in the receipt of 15s. a day, he was worse off than an ordinary constable. Other detectives examined appeared to entertain a similar opinion, the inevitable inference being that there were other sources from which their incomes were supplemented. That "fiz-gigs" have been recognised agents, and that "put-up" cases have not been uncommon in connection with the Detective department, is a conclusion that, to the minds of your Commissioners, appears unavoidable.

#### X.—CASE OF PATRICK BOARDMAN.

Detective Forster, in support of his impeachment of the Detective department as a nursery of crime, referred to the attempted robbery in 1877 of the Commercial Bank at Hotham by four men, including two named Britchner and Boardman, which, in his opinion, was a "put-up" case. This implies that the offence was committed with the full knowledge of the detectives and connivance of a criminal in their pay, who lured Boardman to the spot and then betrayed him. In support of this allegation Patrick Boardman came forward and volunteered his evidence. His statements, which had reference to a great variety of facts extending over a considerable period of time, were straightforward and consistent throughout. Had they proved otherwise on any material point, your Commissioners would have swept his entire testimony from their minds as worthless. Patrick Boardman is a young man, a native of Victoria, and of respectable parentage. His father at the present time is a State-school teacher. The witness therefore was not at least originally of the criminal class. In 1870, while a mere boy, he was arrested for disorderly conduct, and, having concealed his identity, he was sent to the Industrial Schools as an orphan. His father, on learning this, made the necessary representations to the authorities, and his son was released after a short detention. In 1874 Mr. Boardman, desirous of withdrawing

the lad from vicious associates, sent him to New Zealand. In Dunedin young Boardman obtained employment in Mr. Sargood's boot factory, and while there conducted himself creditably. Mr. Secretan, however, forwarded to the police in Dunedin a portrait of Boardman with particulars as to his antecedents, and describing him as a bad character. The result was that the local police placed their information before the manager of the factory, and Boardman was obliged to relinquish his employment. As nothing, however, occurred to criminate the young man, he was assisted by the Chief Commissioner of Police in Dunedin, and enabled to go up-country, and obtain work as a shearer. In 1877 Boardman returned to Melbourne, and had the misfortune to make the acquaintance of a man named Britchner, and was by him, together with two others younger than himself, induced to attempt the robbery of the Commercial Bank at Hotham. He was arrested in the act, for which he was tried, and, upon his pleading guilty, was sentenced to three years' imprisonment. On his release he turned his attention to mining, and, with some money he had saved, started as a bookmaker in Melbourne. In August last he was suspected of complicity in a robbery of money from a hotel, upon grounds, however, admittedly insufficient. About that time Detective Forster saw Boardman, and asked him to corroborate before the Commission the statement he had made respecting the attempted robbery of the bank. Boardman promised to do so, but in the first instance proceeded to Sydney to attend races. While there he ascertained that the detectives had obtained a warrant against him as a vagrant, whereupon he immediately returned to Melbourne. He addressed a lengthy statement of his case to the Commission, and then surrendered himself to the police. He was tried by the City Bench of magistrates, and upon the evidence of the detectives sentenced to twelve months' imprisonment, against which he appealed. Pending the hearing of the appeal, the Commission investigated the case put forward by Boardman against the detectives, and which may be briefly stated as follows:—Boardman complained that the detectives had, by undue interference, prevented him from obtaining respectable employment in New Zealand in 1874; that he was the victim of a deliberate scheme, concocted by certain detectives and their "fiz-gig" Britchner, to entrap him and others into attempting the robbery of the bank at Hotham, and with having prosecuted and obtained a conviction against him as a vagrant, on insufficient grounds, in order to damage the value of the evidence he had promised Forster to give before the Commission. As against these several allegations, Detectives Duncan and Nixon and Inspector Secretan maintain that Boardman was suspected on good grounds of being concerned in several daring burglaries prior to his departure for New Zealand, and that, in sending the portrait of Boardman, accompanied by particulars of his antecedents, the department only acted in accordance with the usual course adopted in such cases; that the arrest for the attempted burglary of the bank was effected on the strength of information received, and in perfect *bona fides*; and that the prosecution under the Vagrancy Act was not alone in consequence of the suspicion aroused respecting the hotel robbery, but because he was known to be the associate of noted thieves. A careful review of the evidence upon those several points induces your Commissioners to arrive at the following conclusions:—(1.) That there was no necessity for the detectives informing the New Zealand police of the suspicions existing as regards Boardman, inasmuch as he had not up to that time been convicted of any criminal offence, and was by such action prevented from continuing in respectable employment; (2.) That Britchner was a fiz-gig, acting for the detectives, and that he deliberately entrapped Boardman into the crime for which he was arrested; (3.) That the detectives had full knowledge of the contemplated robbery; (4.) That the detectives remained in the hotel, by arrangement, awaiting the signal of their agent; (5.) That the house selected from which to watch the bank premises, the

number of detectives told off for the duty, the mode of capture, the escape of the principal criminal, and other circumstances, all contribute to support Boardman's allegation that the robbery had been concocted between Britchner, Hartney, and Duncan ; (6.) That the prosecution of Boardman under the Vagrancy Act was designed to weaken, if not to destroy, the value of any evidence he might give against the detectives and in support of Forster's statements. Further, your Commissioners consider that Detective Duncan stands self-convicted of prevarication and falsehood respecting his transactions with Boardman. Your Commissioners believe, contrary to Duncan's assertion, that he did send the letter containing the list of prisoners to Boardman, and that he never received a letter signed "Browne" from Boardman. Detective Duncan is also chargeable with wilfully endeavoring to mislead the Commission with respect to his knowledge of the circumstances connected with the attempted robbery of the Commercial Bank and the arrest of Boardman.

#### XI.—THE CASE OF JAS. WALSH.

Jas. Walshe tendered evidence in support of Patrick Boardman's statement respecting the employment of fiz-gigs. He also charged Detective O'Callaghan with having, in a manner, condoned a felony rather than have a criminal in his pay prosecuted. Walshe, who was indisputably a very bad character, had, in company with two men named Bird and Taylor, stolen certain pictures and sold them to a woman named Mrs. Lamb, residing in Franklin street. Her place was searched by Detectives O'Callaghan and Nixon for a portion of the jewellery stolen from Mr. Webster about the same time, and those pictures, and other stolen articles, were discovered. Mrs. Lamb, according to her statement, informed the detectives that she purchased them from Walshe, Bird, and Taylor. Some short time afterwards O'Callaghan met Walshe in Bourke street, and, in effect, charged him with the robbery of the property recovered, but, as the latter threatened to implicate Taylor, who was alleged to be a fiz-gig, the detective told him to say no more about the matter. In reply to this, Detectives O'Callaghan and Nixon assert that the names given them by Mrs. Lamb, as the persons from whom she had purchased the pictures, were Watson, Yates, and Carter, who, at the time, were under committal for the Webster jewellery robbery. Mrs. Lamb's evidence, under severe cross-examination, was not in the least shaken as to the information she had given to the detectives, that she purchased the goods from Walshe, Bird, and Taylor. A reference to the supplementary crime report, respecting the discovery of the stolen pictures, would have at once disclosed the truth or otherwise of the detectives' allegation, but, on enquiry, it was found that this document had been removed from the office, so that the Commission were met by the same difficulty that arose at almost every stage where Detective O'Callaghan's conduct was open to question. Your Commissioners do not desire, without ample proof, to condemn those officers (Detectives O'Callaghan and Nixon) of having wilfully removed or destroyed the documents in order to conceal their real share in the transaction, but they cannot refrain from expressing the opinion that the whole matter is enshrouded in an atmosphere of suspicion reflecting discredit upon the department, and raising doubts as to the genuineness and truth of the detectives concerned. The allegation made by them that the removal of this document and others was the result of a conspiracy against them is unworthy of notice. Your Commissioners do not place much confidence in Walshe's evidence, but it seemed as reliable in many particulars as that given by Detectives O'Callaghan and Nixon ; and it served not only to throw light upon the internal disorganization of the office, but to support the statement made by another witness that the criminal Charles Taylor was a fiz-gig in the employment of the detectives.

## XII.—THE CASE OF CHAS. GRAHAM.

The system of employing criminals was further illustrated by the case of Chas. Graham, *alias* the Friar. This man, who was an incorrigible thief, and had had numerous convictions for serious offences recorded against him in New South Wales and Victoria, was established in business as a hairdresser and subsidized by Inspector Secretan. The shop, which was designed to be the focus and rendezvous of criminals, was situated in Carlton. According to some of the witnesses, Graham was concocting robberies all the time, and enticing criminals to co-operate. This old offender was finally brought before the Prahran bench of magistrates as a vagrant. At his own request, the case against him was postponed for a week for the purpose of affording him an opportunity of calling Detectives O'Callaghan and Nixon as to his means of obtaining a livelihood. A letter to that effect was forwarded to Mr. Secretan. At the adjourned hearing neither of the detectives mentioned appeared, whereupon the bench further postponed the case for a week, and summoned Inspector Secretan to appear. He, however, for certain reasons of his own, did not appear, but he interviewed some of the magistrates, with a view to his being relieved from giving evidence in the case. Graham was sentenced to two years' imprisonment, and denounced as a fiz-gig. Whilst the prisoner was undergoing his sentence, Mr. Secretan interested himself on his behalf, and through his instrumentality Graham was released after about eight months' incarceration, on the ground that he had been useful to the detectives. This appears to have been a most unusual and unwarrantable proceeding, inasmuch as, according to Mr. Secretan's evidence, the man had done nothing for him when he established him in business, and no mitigation could be pleaded for anything that Graham had done from the date of his sentence to that of his release.

## XIII.—CHIEF COMMISSIONER'S RECOMMENDATIONS RESPECTING THE DETECTIVES.

At a comparatively early stage of the enquiry, Mr. Chomley, Chief Commissioner of Police, expressed himself, when under examination, as in favor of merging the Detective Force into the general police. He stated (q. 457), "My theory is—I would sweep away the name of detective altogether; I would put all the present men in as plain-clothes sergeants in the general force. They might do the same duty, and then they might recruit their ranks from constables; and I would recommend them to receive something extra to make them work well. Those men, so long as they behaved themselves, should be promoted into the plain-clothes police or general police." At the close of the evidence upon this branch of the enquiry, the Chief Commissioner was further examined, and reiterated his statements respecting the necessity for the amalgamation of the detectives with the uniform police.

## XIV.—RECOMMENDATIONS.

Having in view the requirements of the Public Service, your Commissioners submit the following recommendations:—

1. That the Detective Force, as at present constituted, be immediately disbanded, and, as far as practicable, be merged into the general police.
2. That, in lieu of the present detective system, plain-clothes constables be employed, supplemented by a limited number of private agents, whose services shall only be utilized in the discovery of the more important crimes.
3. That the Chief Commissioner shall have the direct supervision and control of the plain-clothes corps, and be charged with the duty of their organization for the purposes of a criminal investigation branch of the service.

4. That plain-clothes police and members of the general force under no circumstances be allowed personally to engage or pay for the assistance given by criminals in the arrest of offenders or the recovery of stolen property.

5. That all transactions between the police and criminals in respect to information leading to the detection of crime be subject to the full knowledge and permission of the Chief Commissioner of Police, who shall alone make payments for the same from a fund which your Commissioners consider should be established for that purpose.

6. That the plain-clothes constables and private agents be compelled to keep diaries of their duties and dealings with all criminals, and that such be delivered up every three months, and become official records of the department.

7. That the premises at present occupied by the Detective Force be relinquished, and the business of the plain-clothes constables' branch be conducted in the office of the Chief Commissioner of Police.

8. That a private enquiry office be maintained at the Russell-street barracks.

9. That every encouragement be given to intelligent, energetic, and educated members of the general police to volunteer for plain-clothes constables' duty; and that men employed in this branch of the service receive an extra rate of pay.

10. That if, after a fair trial, any plain-clothes constables be found inefficient or their conduct unsatisfactory, they shall be re-transferred to the uniform police.

11. That Inspector Secretan be called on to retire from the force without prejudice to any claims for compensation or retiring allowance to which, by reason of service, he may have become entitled.

12. With respect to the Detectives O'Callaghan, Duncan, and Nixon, your Commissioners cannot refrain from expressing their opinion that those officers (according to the evidence) are not trustworthy, and that their retention in the force is not likely to be attended with credit or advantage to the public service.

13. That the books, papers, and property at present in the possession of the detectives be immediately taken over by the Chief Commissioner of Police and placed under the direct control of the Chief Clerk of his department.

FRANCIS LONGMORE, Chairman,  
GEORGE WILSON HALL,  
E. J. DIXON,  
GEO. R. FINCHAM.

JAS. WILLIAMS,

Secretary.

Melbourne, January 9th 1883.