

1883.

NEW ZEALAND.

# THE MANAGEMENT OF DUNEDIN GAOL

(REPORT OF THE ROYAL COMMISSION ON).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

To His Excellency Sir W. F. DRUMMOND JERVOIS, G.C.M.G., Governor of the Colony of New Zealand, &c.

SIR,—

We have the honour to report that, as soon as practicable after the receipt of your Excellency's commission, dated the 5th June last, commanding us to make inquiries into irregularities in the management of the prison at Dunedin, alleged to have taken place during the years 1877 to 1883 inclusive, we proceeded to Dunedin, where we took the evidence of a large number of the prison officers and ex-officers, and of prisoners and ex-prisoners.

Subsequently, in consequence of the removal of several officers and prisoners from the gaol at Dunedin to those at Wellington, Lyttelton, and Addington, we visited the last-named places, in order to procure all available evidence bearing upon the subject of inquiry.

In forming an estimate of the value of the testimony of habitual criminals we have been guided to some extent by the demeanour of the individual witness, but mainly by the amount of corroboration which their evidence received from more trustworthy sources.

We now submit to your Excellency the conclusion at which we have arrived, namely, that the under-mentioned irregularities in the management of Dunedin Gaol are proved to have occurred during the years 1877 to 1883 inclusive.

That several prisoners were continuously treated with special indulgence by the Gaoler, with the general knowledge and sanction of the Visiting Justices.

That charges of idleness and other offences brought against prisoners were habitually held over for weeks, and sometimes months, before being finally dealt with, although the Justices visited the gaol at least once a week, and generally more frequently. In one case eighteen charges had been made against a prisoner extending over a period of six weeks before any one of them was finally dealt with.

That minor offences—that of idleness especially—were frequently punished by the Visiting Justices by repeated sentences of additional imprisonment, for terms in many cases amounting in the aggregate to far more than the original sentence of the prisoner; and that as in many instances the punishment of additional imprisonment was awarded for a first offence, or at all events as a first punishment, the Visiting Justices, in the opinion of the Commissioners, acted without authority of law as well as with undue severity.

That sufficient care was not taken to establish charges of malingering; one prisoner having died whilst under punishment for that offence in the shape of reduced diet, and additional imprisonment; and another having been under punishment for malingering by reduction of diet and additional imprisonment, concurrently with regular treatment by the Medical Officer, shown by repeated entries in the prescription-book. In the latter case, moreover, on the man's eventual discharge, the Medical Officer procured his admission into the Dunedin Hospital.

That, on the occasion of the inquest upon the body of the prisoner first referred to in the last paragraph, the Gaoler did not tender the evidence of either the Warders or Prisoner-wardsmen who were in attendance on the prisoner at the time of his death, and that the Coroner and jury were in consequence not in possession of the evidence best calculated to guide their decision upon the case.

That some of the Warders were urged by the Gaoler to make more frequent charges of idleness or other offences against the prisoners than those officers considered necessary.

That a system of espionage was encouraged by the Gaoler amongst the Warders, and also amongst the prisoners, both as regarded themselves and the officers in whose charge they were placed; and that good feeling amongst the officers as well as the general discipline of the gaol were thereby injuriously affected.

That female prisoners were frequently put in temporary charge of male Warders, and that proper care was not taken to keep female prisoners apart from either Warders or male prisoners while confined in their cells, and while engaged in scrubbing and other work in the male side of the prison.

That the Gaoler, with the sanction of the Medical Officer and the knowledge of the Visiting Justices, at various times gave spirits to prisoners, and that this practice was by no means confined to cases of sickness.

That the Medical Officer did not take sufficient care to inform himself as to his duties, and did not keep a satisfactory record of his professional treatment of prisoners.

That some of the prison stores were on one occasion improperly concealed from the Inspector of Stores, but that the Gaoler had no dishonest intention in such concealment, and only wished to obtain a more plentiful supply for gaol purposes.

That gratuities in excess of the maximum sum allowed by law have in two or three cases been given to prisoners on their discharge.

That some of the prisoners, including habitual criminals, were permitted by the Gaoler to take part in the proceedings of something of the nature of a debating society; and that, on one occasion, an operatic performance was held in which prisoners took parts; and that both the debating society and the opera had the sanction of the Visiting Justices.

That both the Gaoler and the Visiting Justices showed a hostile spirit towards the Inspector of Prisons from the first; and that the Gaoler impeded him in the execution of his duties—in one matter, at least, persistently disobeying his instructions; and that the Gaoler gave cause for much unnecessary correspondence by evasive answers to the Inspector's inquiries.

That the Gaoler obstructed the Inspector in carrying out his desire to see prisoners and hear their complaints unrestricted by the presence of the Gaoler or other officers of the prison.

We wish, at the same time, to ask your Excellency's attention to the following further conclusions to which we have been led by the evidence before us:—

That many of the irregularities lately existing in Dunedin Prison were the continuation of arrangements and practices which prevailed whilst the gaol was under provincial management, and which had apparently the sanction of the provincial authorities.

That the Visiting Justices, especially Captain Fraser, Mr. Logan, and Mr. Brown, have been unremitting in their attendance at the prison and in their attention to its affairs.

That the Gaoler, Mr. Caldwell, has throughout given most zealous attention to his duties.

That, although the Gaoler has been rough with the prisoners on many occasions, the charges of serious personal violence appear to be without foundation, and it was proved to our satisfaction that he treated sick prisoners with every care and attention, whenever he was satisfied they were really ill, and not malingering.

We have already stated that the Visiting Justices, Captain Fraser, Mr. Logan, and Mr. Brown, have been unremitting in their attention to their duties. At the same time we are reluctantly compelled to state that, in our opinion, those Visiting Justices are responsible, not only for the manner in which they have dealt with prison offences, but also, in a great measure, for breaches of regulations and irregularities which we have pointed out; and, were it not for the absence of Captain Fraser, who has had no opportunity of explaining his action, and that we believe the adoption of the suggestions we append to this report would render a repetition of such abuses impossible, we should have felt constrained to recommend your Excellency to remove those gentlemen from their position in connection with the prison.

Although by the terms of our commission we are not required to do so, we feel justified in offering the following recommendations for the consideration of your Excellency's Advisers:—

1. That the late Gaoler of Dunedin Prison, Mr. James Caldwell, be required to retire from the service upon the pension to which we understand he is entitled.

2. That the services of the Medical Officer, Dr. Burns, be dispensed with.

3. That Warders Flannery, Watson, and Noonan be removed from the service.

4. That all Warders in Dunedin Prison who have served therein for more than three years be exchanged to other prisons at the earliest opportunity.

5. That all prison officers, including Gaolers, should in future be appointed subject to the condition of periodical removal to other prisons.

6. That all charges against Warders shall, if required by the accused officers, be heard by a Resident Magistrate, together with one or more Visiting Justices.

7. That the powers and duties of the Inspector of Prisons be clearly defined by Act.

8. That every first offence of malingering should be dealt with by a Resident Magistrate, and that the evidence of two qualified medical men should be required for conviction.

9. That the power of punishment of prison offences by additional imprisonment, now intrusted to Visiting Justices, should be vested in Resident Magistrates after hearing in open Court.

10. That a monthly return of all punishments for prison offences be furnished by each Gaoler to the Inspector of Prisons.

11. That stringent regulations should be framed to provide for the safety of prison armouries.

12. That, as regards first-class prisons, during the absence of the Matron, either on leave of absence or from other causes, the gaol should not be left without a female officer being in attendance on the female prisoners.

We return to your Excellency herewith the Commission with which you have honoured us, and we also enclose the whole of the evidence we have taken in the course of this inquiry.

We have, &c.,

OSWALD CURTIS,  
CALEB WHITEFOORD.

Dunedin, 18th August, 1883.