

1881.

NEW ZEALAND.

REPORT OF INSPECTOR OF PRISONS.

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

The INSPECTOR of PRISONS to the Hon. the MINISTER of JUSTICE.

SIR,—

Office of Inspector of Prisons, Wellington, 15th March, 1881.

Having completed my inspection of all the prisons in the colony, I have the honor to submit the following report for your consideration and information.

The chief evils that have come under my notice are, that the prisons, as they at present exist, are neither deterrent nor reformatory. I consider this is mainly due to the absence of any system of classification, owing to the very limited accommodation in most of the prisons; and I feel I cannot too urgently impress upon the Government the necessity of at once enlarging the chief gaols to admit of this classification. To effectually carry out this, there should be one large central prison, capable of accommodating 300 prisoners, to which all male offenders sentenced to penal servitude should on conviction be sent, and so kept entirely separate from hard-labour prisoners during the whole period of their servitude. The district prisons should be large enough to accommodate, each in a separate cell, all prisoners sentenced to hard labour, debtors, remands awaiting trial, and youths. These prisoners should have their meals in their cells, and be kept quite separate, except when on the works, at exercise, or at Divine service. The existing system of prisoners having their meals and spending their spare time in association is most detrimental to prison discipline.

The washing and bathing arrangements in most of the prisons require improving, and in some I found they had no means of weighing the prisoners. I need hardly point out that it is most necessary that every prisoner should be weighed on reception, and a record of his weight kept; and, further, that he should be periodically weighed in order to test whether he is losing or gaining flesh.

The foregoing remarks apply equally to female as well as male prisoners. All prisoners should be liable to undergo personal correction for prison offences, but as the law now stands corporal punishment can only be inflicted for repeated prison offences. A serious assault by a prisoner on an officer, for instance, is a case in which corporal punishment should invariably be resorted to (subject always, of course, to the medical officer's opinion as to the fitness of the offender to receive it); and if the law in this respect is not altered I fear serious results. I would also recommend that the birch rod be introduced in prisons, as it has been found in English prisons that birching, whilst being a safer punishment than flogging, at the same time, by placing the recipients on the footing of boys, has a humiliating affect, and therefore is deterrent, and a valuable addition to the cat as a means of punishment.

The system of endeavouring to educate prisoners is I believe a mistake, and I know that the assembling prisoners together for the purposes of school tends to great irregularity. I think it stands to reason that a man who has performed his day's allotted task of hard labour cannot possibly benefit by attending school in the evening, and I therefore beg to recommend that schooling in prisons be abolished; but the teaching prisoners trades is a subject that cannot have too much attention, and every prisoner who is not too old, and conducts himself well in prison, should have every facility afforded him to learn a trade during his term of imprisonment, whereby he ought to be enabled to earn an honest living on being discharged from prison.

All criminals should in prison be divided into classes, as follows: 1. Old and habitual criminals who have several previous convictions recorded against them. 2. Those against whom no former convictions are known. 3. Youths and boys sixteen years old and under. 4. Those under remand and awaiting trial. 5. Debtors, &c. Each of the above-mentioned classes being kept separate, both on the works, at exercise, and when in the prisons. To encourage good prison conduct I would beg to recommend that prisoners sentenced to hard labour or simple imprisonment be required to pass through the following classes: Probation, third, and second classes, after which they would be eligible for promotion to the first class, one-fourth of the whole sentence being passed in each of the three first-named classes; and the penal-servitude prisoners with long sentences should be required to pass through (a minimum period with good conduct and industry) one year in the probation, one in third, and one in second classes, after which they would be eligible for promotion to the first-class; and, as a still further incentive to good conduct and industry, they might for the last twelve months of their sentence be promoted to a special class. A scheme of classification based on the foregoing, which is the English system, is herewith enclosed for your information and approval, marked A and B.

In order that criminals on their discharge from prison should not be utterly destitute, I enclose

a gratuity-scale, marked D, for those under sentence of hard labour, whilst the scale for those undergoing penal servitude will be found on classification-paper marked A.

The present system of granting remissions on hard-labour or simple-imprisonment sentences of four months and upwards is I am convinced a great error, and tends only to lessen the severity of the sentences, making them neither deterrent nor preventive. I cannot find that remissions are granted on such sentences either at Home or in any of the colonies, except in New Zealand; and I trust you will see fit to recommend to His Excellency the Governor the advisability of abolishing them, except in the case of penal-servitude sentences.

The prison diets in this colony are I consider too liberal, and I find that prisoners as a rule leave prison heavier in weight than they were on reception. This I need hardly point out is not calculated to make our prisons places to be dreaded; but at the same time I am of opinion that it would not be prudent to alter any of the existing diet scales without first assembling a board of medical officers, well informed on the subject, to consider the matter and record their opinion.

The use of tobacco in prison I feel I cannot too firmly oppose, and I most strongly beg to urge that it be discontinued, as I know that any arguments used in support of its continuance can be outweighed by those that I and other gaol officials can advance on the other side.

"Gaolers:" This term should be abolished, and that of Superintendent or Controller substituted; and also the term "prisons" substituted for that of "gaols." The system of gaolers being powerless to punish either officers or prisoners is faulty, and places them in a false position in the sight of both officers and prisoners; and I deem it right to recommend that they be given powers to deal with certain prison offences, submitting weekly to my office a return showing full particulars of all punishments awarded by them. Of course, any serious offence would, as now, be referred to a Visiting Justice.

I enclose a scale of fines, marked C, to which all prison officers (subordinate) should be subjected, for your information and approval. It is the English scale, and I recommend it be adopted in this colony.

The gaolers on the whole appear to carry out their duties in a generally satisfactory manner, with a few exceptions; but I feel compelled to bring under your notice that some, by reason of age and infirmity, have passed their periods of efficiency and should now be directed to retire, as by retaining their services the Government are called upon to pay for efficiency that cannot be rendered; and, considering the importance of prison establishments, which will probably increase much ere long, I have no hesitation in recommending that, as vacancies occur, the Superintendents of Prisons be selected from retired naval and military officers, of whom I feel sure there are many in the colony ready and anxious to accept such appointments, and who, from their service experience of discipline, and the management of men, are well calculated to give satisfaction both to the Government and to those of whom they would have charge.

The new scale of pay for all prison officers I have already submitted for your favourable consideration, and I feel sure that should that scale be adopted the Government can procure naval and military officers who have already served their country faithfully, again ready and willing to do so in this department, whilst the advantages that would accrue from having gentlemen of such standing to preside over criminals cannot I think be over-estimated.

The subordinate officers are as a rule too old and slovenly, and in future younger, smarter, and more active men should be sought for, and greater pains taken to ascertain their antecedents than has been the custom heretofore. They should also be placed on a general roster for promotion, and so be transferred from one prison to another, and in no case should a local man be posted to his local prison.

The warders as a rule live too far from the prisons, and I am of opinion that prison labour might be profitably employed in building warder's quarters, thereby saving Government the allowance in lieu.

Gaolers and subordinate officers should be granted leave annually, the former forty-two days, and the latter fourteen days, with an extra day in lieu of the Queen's birthday; they should also have a uniformity of hours and duties at all prisons, and be under one set of standing orders for all the prisons in the colony. The prison duties being so hard and monotonous, the annual leave becomes an absolute necessity, and is calculated to give an officer fresh zeal and energy for the performance of his duties.

The matrons should not be related to any of the prison officers at their particular prisons; and as vacancies occur they should, if possible, be filled by women of superior education and standing than those who now hold the appointments.

The present system of detaining prisoners, for prison offences, after their sentences have expired, is I think most objectionable, and open to much abuse, and in my opinion no person should be, under any circumstances, kept in prison after the sentence awarded by the Judge or Magistrate has expired.

I presume it will be necessary to have a new Prisons Act brought before the House during the coming session, which would enter fully into details as to sentences, remissions, powers of gaolers, punishments, &c., and I therefore refrain from making further comments on these points at present.

It will be noticed that I have made no allusion to the Visiting Justices or their duties in this report, but I have carefully avoided doing so in consequence of the Government not having as yet issued any orders on the subject, or defined my duties and status in reference to them.

In conclusion, I beg to forward a report, marked "Confidential," on the different prisons visited, together with a recommendation that certain of them be closed.

I have, &c.,

A. HUME, Captain,

Inspector of Prisons.

The Hon. the Minister of Justice, Wellington.

APPENDICES

APPENDIX A.

CLASSIFICATION FOR PRISONERS SENTENCED TO PENAL SERVITUDE.

1. All classification as now existing to be prospectively abolished for all convicts hereafter received.

2. A convict during the term of his imprisonment will be required to pass through the following classes, viz.: Probation class, one year, during which he must earn 2,920 marks (minimum period with good conduct and industry) Third class, ditto. Second class, ditto. After which he will be eligible for promotion to first class.

3. Every convict is thus required to remain in the probation class for a minimum period of one year, reckoned from date of conviction.

3A. *Convicts sentenced to penal servitude for three years will serve one-fourth of their sentence in each class instead of one year, and earn the marks for nine months accordingly.*

4. If conduct and industry are good, they will then be promoted to third class, and so on to second class, remaining in each a minimum period of one year.

5. The remainder of the term of imprisonment will be spent in first class, unless promoted to special class or degraded to any lower class.

6. Convicts in probation, third, or second class may for misconduct be subjected to serve an additional period in such class in which they may then be serving, and if in third, second, or first class may be degraded to any lower class for any stated period. Such number of days to which they may be reduced to be multiplied by eight, and the number of marks accruing therefrom to be served in such lower class in addition to the one year.

7 These classes, as far as possible, to be kept separate from each other.

8. Convicts in the probation class will wear the prison dress without facings or badge. They will receive no gratuity nor receive visits, nor receive or write letters (except one letter on reception or on removal from one prison to another), and they will be allowed but one period of exercise on Sundays.

9. Convicts in the third class will wear the prison dress with black facings or badge. Whilst convicts are located in prisons with other prisoners they will have in addition to the facings a stripe of the class-colour on the right arm from shoulder to wrist. They will be allowed—(1.) To receive a gratuity of 12s., being at the rate of 1s. per month for twelve months, to be earned by marks during the time spent in this class. (2.) To receive a visit of twenty minutes' duration once in four months at such time as may be approved of, and both to receive and write a letter once in four months, provided conduct in that class has been good for at least two previous consecutive months. (3.) To be allowed one period of exercise on Sundays.

10. Convicts in the second class will wear the prison dress with yellow facings or badge. They will be allowed—(1.) To receive a visit of twenty minutes' duration, and to receive and write a letter once in three months; conduct to have been good in that class for at least two previous consecutive months. (2.) To receive a gratuity of 18s., calculated at the rate of 1s. 6d. per month for twelve months, to be earned by marks during the time spent in this class. (3.) To have two periods of exercise on Sundays.

11. Convicts in the first class will wear the prison dress, with red facings or badge. They will be allowed—(1.) To receive a visit of thirty minutes' duration, and both to receive and write a letter once in two months; conduct to have been good in that class for at least two previous consecutive months. (2.) To receive a gratuity of 30s., being at the rate of 2s. 6d. per month for twelve months, to be earned by marks until they have earned £3 altogether. (3.) To be allowed three periods of exercise on Sundays.

12. No convict can be promoted to first class unless he can read and write, or has done his best to learn to do so.

13. The special class has been made as an incentive to good conduct and industry

14. The penal class has been made as a punishment for those who misconduct themselves.

15. For practical purposes, in calculating the gratuities, the following scale may be adopted: In third class, twenty marks are equal to 1d.; in second class, twenty marks are equal to 1½d.; in first class, twenty marks are equal to 2½d.

16. Convicts sentenced to cross-irons, or to wear the parti-coloured suit, or other special treatment, will be placed in the probation class whilst under such treatment, but on release therefrom they will return to the class from which they were degraded, unless the sentence for misconduct specifies to the contrary

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Convicts are advised to read and consider the rules of the two following classes :—

Special-class Rules.

As a Reward for Industry and Good Conduct.—Convicts under sentences of three or four years' penal servitude may receive special class when within six months of release, conduct having been exemplary whilst in first class. No other convict is to be admitted into the special class till he is within twelve months of his release, and until he has passed through the first class with exemplary conduct. Convicts in the special class will wear a blue dress. They will be allowed—(1.) To be eligible to be recommended for an extra remission, not exceeding one week. (2.) To be eligible for recommendation for an extra gratuity on discharge, not exceeding £1. (3.) To receive a visit of thirty minutes, and to

receive and write a letter once a month. (4.) To work in public gardens, &c., not subject to direct surveillance, or at other places in which trustworthy men are required, at the discretion of the authorities. (5.) To have baked instead of boiled meat twice a week, or dinner prepared in such other way as the circumstances will admit. One punishment for misconduct in this class may forfeit the privileges of the class, which cannot be restored.

Penal-class Rules.

As Punishment for Acts of Misconduct.—(1.) Penal-class prisoners will be confined in special cells, where strict silence is observed. (2.) To have exercise for about an hour daily, *separately*, in the presence of an officer. (3.) To have such hard labour as may be ordered, or to pick 3 lb. of oakum daily (without instruments), or some such occupation. (4.) To be restricted for not less than one month to a special diet. (5.) Not to receive visits or letters, or write letters. (6.) To be subject to ordinary prison punishments for ordinary offences. (7.) If, after a period, conduct improves, may on recommendation receive the ordinary prison diet; and if, after a month, is further recommended, to return to the ordinary cells. (8.) To be credited with only six marks per diem. (9.) To have such books from library as may be specially selected for penal-class list.

Penal-class Diet.

Breakfast.—One pint porridge, containing 4 oz. oatmeal and $\frac{1}{2}$ -pint milk; 8 oz. bread.

Dinner.—1 lb. potatoes, 4 oz. bread.

Supper.—Same as breakfast.

Bread for week, 140 oz.; bread per day, 20 oz.

APPENDIX B.

EXAMPLE NO. 1, PARAGRAPH 3.

A PRISONER undergoing six months' hard labour would serve in probation class 45 days, equal to 360 marks; in third class 45 days, equal to 360 marks; in second class 45 days, equal to 360 marks; in first class 47 days: total, 182 days, equal to 6 months.

A prisoner undergoing twelve months' sentence would serve in probation class 91 days, equal to 728 marks; in third class 91 days, equal to 728 marks; in second class 91 days, equal to 728 marks; in first class 92 days: total, 365 days, equal to 1 year.

A prisoner undergoing eighteen months' sentence would serve in probation class 137 days, equal to 1,096 marks; in third class 137 days, equal to 1,096 marks; in second class 137 days, equal to 1,096 marks; in first class 136 days: total, 547 days, equal to 18 months.

A prisoner undergoing two years' sentence would serve in probation class 182 days, equal to 1,456 marks; in third class 182 days, equal to 1,456 marks; in second class 182 days, equal to 1,456 marks; in first class 184 days: total, 730 days, equal to 2 years.

APPENDIX C.

SCALE OF FINES, authorized by the Minister of Justice, to be levied by Gaolers upon all the Subordinate Officers and Servants of the Establishment for Neglect of Duty (Such fines to be deducted from their pay in the monthly pay-list, and not to be drawn.)

1. Coming late to duty, any time not exceeding five minutes: First offence, 6d., and 3d. for each additional five minutes; second offence, double fines; third offence, treble. When the fine exceeds 2s. 6d., a special report to be made to the Visiting Justice.

2. Leaving a cell or principal door unlocked:

3. Entering a prisoner's cell at night contrary to orders:

4. Allowing any unauthorized person to communicate with a prisoner, within or outside of the prison walls:

First offence, 5s.; second offence, 10s.; third offence, suspension.

5. Leaving a cell, or passage, or other door singly locked which ought to be double shotted:

6. Leaving a passage or other door (not included in No. 2) unlocked:

7. Leaving keys in a door or lying about:

8. Cursing, swearing, or using indecent or immoral language:

First offence, 3s. 6d.; second offence, 7s.; third offence, 10s.

9. Sleeping whilst on duty, by day, suspension:

10. Sleeping whilst on duty, by night, suspension:

11. Omitting at the proper times to ring the signal or call bell, should there be one:

12. Leaving prisoners in the halls, ward, prison-grounds, exercising-yards, or elsewhere within or outside the prison walls, unattended by an officer or other authorized person:

13. Speaking unnecessarily of the prison arrangements in the hearing of prisoners:

14. Omitting to make the prescribed reports at the proper times, or to keep the prescribed lists, rolls, or accounts:

15. Carelessly searching or omitting to search a prisoner, and allowing him to retain any forbidden article or money:

16. Neglecting to report the wish of a prisoner to see a visitor, the gaoler, chaplain, medical officer, or principal warder:

First offence, 2s. 6d.; second offence, 4s.; third offence, 5s.

- 17 Neglecting to have the gas lights, lamps, candles, &c., properly trimmed and burning at the times appointed :
18. Neglecting to extinguish any lights or fires at the times appointed :
19. Omitting to pull the tell-tale at the appointed times :
20. Neglecting to answer a prisoner's call or bell :
21. Neglecting to examine the cell or other fastenings under their charge, and to examine and search the wards, cells, bedding, &c. :
22. Allowing tools or other materials, or any cleaning articles, to be lying about out of their appointed places :
23. Allowing dirt to accumulate in the wards, cells, yards, or passages, or other place under their charge :
24. Neglecting to attend to the cleanliness of the prisoners in their charge, or the necessary repairs of their clothing :
25. Omitting to report any injury done to the prison furniture, or any marks or defacings on the walls, window, partition, or paint, or other portions of the prison :
26. Leaving two prisoners together in any place without a warder or other proper attendant :
27. Allowing prisoners to leave the wards or cells improperly dressed :
28. Inattention when in charge of prisoners in the wards, or when at labour or exercise, &c. :
29. Communicating with unauthorized persons in the prison, or outside when in charge of prisoners :
30. Omitting to give notice in writing to the gaoler, or appointed officer, previously to leaving the prison on leave of absence :
31. Allowing strangers to enter the wards, sheds, or exercising-yards when occupied by prisoners, unless by order of the Visiting Justices, gaoler, or other competent authority :
32. Appearing in the prison improperly dressed, slovenly, unshaven, or unclean :
33. Appearing at any time within the prison, or whilst on duty beyond the prison walls, out of uniform :
34. Being absent from quarters after 10 o'clock at night without special leave :
35. Wrangling together, whether on duty or not, or in any way obstructing the duties of the prison :
36. Omitting to report without delay any irregularity or omission of duty in himself, a brother officer, or servant, or a prisoner :
37. Omitting when sick to send or deliver a medical certificate or notice to the gaoler, or omitting, when convalescent, to report his return, in writing, before 12 o'clock on the day of such return :
First offence, 1s. ; second offence, 2s. ; third offence, 3s.
38. Omitting to count the prisoners going to and returning from labour, the working-sheds, the exercising-yards, and at locking up and unlocking, or other appointed times :
39. Omitting at any time to withdraw from the halls, yards, shops, wards, or cells such tools, implements, and articles as ought to be withdrawn :
40. Making unnecessary noises in or about the prison :
First offence, 6d. ; second offence, 1s. ; third offence, 1s. 6d.

Cook.

41. Serving more or less than the prisoners' proper allowance of food :
42. Inattention to the cooking of the officers' or prisoners' meals, or negligently spoiling the same :
43. Neglecting to keep such accounts of provisions, &c., as may be required of him, or immediately to report any deficiency in the quality of the provisions :
First offence, 1s. 6d. ; second offence, 3s. ; third offence, 5s.
44. Omitting to prepare the meals at the appointed times, whether for officers or prisoners :
45. Neglecting to keep the kitchen, store-rooms, mess-room, furniture, and utensils therein, in clean condition and good order :
First offence, 6d. ; second offence, 1s. 6d. ; third offence, 2s.

Gate-keepers.

46. Omitting to attend at the gate, ready to admit the officers and servants precisely at the times appointed : First offence, 1s. ; second offence, 2s. ; third offence, 3s.
47. Allowing prisoners to pass the gate without being in charge of a warder : First offence, 5s. ; second offence, 10s. ; third offence, suspension.
48. Omitting to search articles, bundles, carts, &c., going in or out of the prison : First offence, 5s. ; second offence, 10s. ; third offence, suspension.

All Subordinate Officers and Servants.

49. Disobedience or negligence with respect to any of the prison rules or regulations not here expressly mentioned, or to any order given by their superior officers or persons in authority connected with the prison : For each offence, any sum not less than 6d., nor exceeding 2s. 6d. ; second offence, double ; third offence, treble. The repetition of an offence will not be deemed a second and third offence under this scale, unless occurring within six months of the previous offence. Any offence repeated beyond the third time will be specially reported for the consideration of the Minister of Justice, except cases of being late for duty, which will be specially reported, whenever the governor may consider it necessary, to the Inspector.

Fines exceeding 5s. can only be levied on the authority and approval of the Minister of Justice.

APPENDIX D.

EXAMPLE 2, PARAGRAPH 8.

Gratuity Scale.

SIX MONTHS' hard-labour sentence.—First quarter, probation class, 45 days, nil; second quarter, third class, 45 days at 8 marks, equal to 360 marks at 1d. per 20 marks, equal to 1s. 6d.; third quarter, second class, 45 days at 8 marks, equal to 360 marks at $1\frac{1}{2}$ d. per 20 marks, equal to 2s. 3d.; fourth quarter, first class, 47 days at 8 marks, equal to 376 marks at $2\frac{1}{2}$ d. per 20 marks, equal to 3s. 11d.: total gratuity, six months' sentence, 7s. 8d.

Twelve months' hard-labour sentence.—First quarter, probation class, 91 days, nil; second quarter, third class, 91 days at 8 marks, equal to 728 marks at 1d. per 20 marks, equal to 3s.; third quarter, second class, 91 days at 8 marks, equal to 728 marks at $1\frac{1}{2}$ d. per 20 marks, equal to 4s. 6d.; fourth quarter, first class, 92 days at 8 marks, equal to 736 marks at $2\frac{1}{2}$ d. per 20 marks, equal to 7s. 8d.: total gratuity, twelve months' sentence, 15s. 2d.

Eighteen months' hard-labour sentence.—First quarter, probation class, 137 days, nil; second quarter, third class, 137 days at 8 marks, equal to 1,096 marks at 1d. per 20 marks, equal to 4s. 7d.; third quarter, second class, 137 days at 8 marks, equal to 1,096 marks at $1\frac{1}{2}$ d. per 20 marks, equal to 6s. 10d.; fourth quarter, first class, 136 days at 8 marks, equal to 1,088 marks at $2\frac{1}{2}$ d. per 20 marks, equal to 11s. 3d.: total gratuity, eighteen months' sentence, £1 2s. 8d.

Two years' hard-labour sentence.—First quarter, probation class, 182 days, nil; second quarter, third class, 182 days at 8 marks, equal to 1,456 marks at 1d. per 20 marks, equal to 6s. 1d.; third quarter, second class, 182 days at 8 marks, equal to 1,456 marks at $1\frac{1}{2}$ d. per 20 marks, equal to 9s. 1d.; fourth quarter, first class, 184 days at 8 marks, equal to 1,472 marks at $2\frac{1}{2}$ d. per 20 marks, equal to 15s. 4d.: total gratuity, two years' sentence, £1 10s. 6d.

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