

Probation Officer in the town where the offender lives is not made aware in time that a report is required, with the result that the officer at the place of sentence is the one upon whom devolves the duty of reporting. To overcome any difficulty that might arise because of an unduly meagre report, instructions have been issued for Probation Officers to anticipate the Court's requirement and to send forward a report to the place where sentence is imposed. Occasionally the Courts proceed to sentence without calling for a Probation Officer's report, the sentence being fixed arbitrarily and primarily in relation to the intrinsic gravity of the offence. It is the view of most probation authorities that a Court is better informed in the matter of dealing with an offender if it has an impartial report from the Probation Officer.

Another point of interest is the fact that in the original Act the person could be placed under probationary supervision for any period not exceeding a time longer than the term for which he might have been imprisoned for the particular offence for which he appeared before the Court. On the ceiling side this could have been for a very long term, although for grave offences it is not likely that probation would have been granted; on the lower limit, alternatively, it would be found in the generality of cases the term of probation was far too short to have any salutary effect.

Under the later enactment it is provided that an offender may be admitted to probation for any term not exceeding five years (section 7). An examination of the cases dealt with during the period under review shows that in no instance did the Court prescribe up to the maximum term permitted by the Act.

The principal virtue of probation as compared with imprisonment is that it avoids the disruption of employment and the domestic affairs of the offender, which almost invariably penalizes his family more than the offender himself. In these days of changing standards the deterrent factor in so far as it relates to the "stigma of conviction or imprisonment" would seem to count but little. It is interesting to note in a recent case in England that the Lord Chief Justice had occasion to comment that "it is hardly suitable to refer to a prisoner on trial for a serious criminal charge as 'this gentleman.'"

A salutary effect of probation arises from the fact that the Court is empowered to impose conditions as to such matters as place of residence, nature of employment, hours to be observed, and restriction of associates. It also serves a most useful disciplinary purpose when the offender is required to make good the loss his victim has sustained through his depredations.

The Department employs full-time Probation Officers only at the four main centres. In the smaller towns departmental officers or police officers undertake the work with male probationers. Due to shortage of staff and to the extension of police duties they, in many cases, have been obliged to give up probation work. The police officers have served the Department exceedingly well in this work and their replacement is most difficult. There is divided opinion among overseas authorities as to whether a police officer should act as a Probation Officer. It is argued that the police, by reason of their training and position as law-enforcement officers, will almost be invariably on the side of the prosecution, whereas the Probation Officer should be strictly impartial. The Probation Officer does not concern himself as such with the prosecution, but merely comes into the picture in the matter of the treatment of the accused after conviction. After conviction and sentence the Probation Officer should adopt the role of a helpful shepherd so far as the probationer is concerned.

The Department's experience leads one to conclude that the police Probation Officers act very fairly and constructively in their dealing with probationers. The Department has no misgivings in this regard.