

1949
NEW ZEALAND

PRISONS BOARD

(ANNUAL REPORT OF) FOR 1948

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

MEMBERS OF THE BOARD

The Hon. Mr. Justice FINLAY (President); Sir DONALD MCGAVIN, Kt., C.M.G., D.S.O., M.D. (London), F.R.C.S. (Eng.); B. L. DALLARD, Esq., C.M.G., J.P., F.I.A.N.Z.; THEO. G. GRAY, Esq., C.M.G., M.B., M.P.C.; and ERNEST EDRIIDGE, Esq.

SIR,—

Wellington, 22nd June, 1949.

I have the honour to forward herewith the report of the Prisons Board for the year 1948.

I have, &c.,

G. P. FINLAY,

President.

The Hon. the Minister of Justice.

REPORT OF THE PRISONS BOARD

FOR THE YEAR ENDED 31ST DECEMBER, 1948

THE following summary gives details of the cases considered and the decisions arrived at:—

CASES DEALT WITH		BOARD'S DECISIONS	
Persons undergoing Borstal detention ..	251	Recommended for release on probation	129
		Recommended for discharge ..	..
		Deferred for later consideration ..	120
		Applications declined ..	2
	251		251
Persons sentenced to reformative detention	496	Recommended for release on probation	250
		Recommended for discharge ..	1
		Deferred for later consideration ..	242
		Applications declined ..	3
	496		496
Persons sentenced to hard labour ..	248	Recommended for release on probation	177
		Recommended for discharge ..	7
		Deferred for later consideration ..	57
		Applications declined ..	7
	248		248
Habitual criminals for release or remission of head sentence ..	37	Recommended for release on probation	11
		Recommended for remission of head sentence ..	1
		Deferred for later consideration ..	23
		Applications declined ..	2
	37		37
Probationers under Crimes Amendment Act	14	Recommended for discharge ..	6
		Deferred for later consideration ..	5
		Applications declined ..	3
	14		14
Probationers under Offenders Probation Act	10	Discharge granted ..	10
	10		10

During the year the Board visited every prison, prison camp, and Borstal institution in the Dominion. At each, every prisoner or inmate entitled to appear before the Board was interviewed and given every encouragement to make such representations as he or she desired.

In the aggregate, fifteen meetings were held during the year at various centres throughout the country. Several of these meetings extended over more than one day. The volume of work done was as considerable as is usual. One thousand and fifty-six cases were considered—an increase of 9 over the previous year. Many of these cases concerned prisoners too recently sentenced to make it possible for the Board to make any immediate recommendation for a remission of sentence. Only good can, however, result from the early establishment of contact between individual prisoners and the Board. Such meetings inspire in the prisoners an appreciation of the fact that society is still concerned in their welfare and is prepared to extend help and consideration according to merit.

This appreciation operates to inspire in the individual hope for the future and conduces to an acceptance of authority and a voluntary determination to maintain a proper standard of self-discipline. Both are vital factors in any enduring reformation.

In 581 cases the Board was able to recommend a remission of sentence. Statistics show that the operations of the Board continue to prove beneficial and successful, for the percentage of offenders who have not been reconvicted after release remains high. Approximately 24 per cent. only of those who have been released on the recommendation of the Board have been again convicted or have failed to comply with the conditions upon which they were released. Having regard to the general experience of recidivism here and abroad, the percentage of success thus indicated is very encouraging indeed.

Even in respect of habitual criminals, for whose ultimate reformation no great measure of hope can be entertained, the percentage of failures is not unduly high. Since the Board was established in 1910 only 59 per cent. of the habitual criminals released have been returned to prison upon conviction for further offences or for other reasons. As only those are declared habitual criminals in whom, from frequency of convictions, criminal habits would seem to have become fixed, any substantial percentage indicative of reformation must be regarded as satisfactory.

In this connection it is pleasing to be able to record that the Board was this year able to feel itself justified in recommending that 5 persons should be finally discharged from the category of habitual criminals. Such recommendations are only made where an individual after his release upon licence has proved, by sustained good conduct and industry over a number of years in the community, that he has rehabilitated himself.

Ten persons on probation, as against 13 in 1947, applied this year to the Board under the Offenders Probation Act, 1920, for some relief from the conditions of their probation. Such relief is only granted in meritorious cases. A discharge was granted to all 10 probationers.

Being constrained in the ordinary course of its work to study as closely and as intensively as is possible the history, character, and characteristics of every person committed to prison, the Board necessarily becomes conscious of any trends, whether subsisting or developing, in criminous conduct. One such subsisting trend is becoming increasingly noticeable. That is the tendency for what might be called petty offenders against the rights of property to be returned again and again to prison. Such offenders are generally guilty of false pretences upon a minor scale or thefts of property of small rather than great value.

This statement is, however, not exclusive, for such offenders are prone to every variety of offence involving dishonesty, but always upon a small scale. More than half the total receptions into prison and quite a number of those who otherwise come under the jurisdiction of the Board are recidivists of this type. These people are, as a rule, given relatively short sentences, upon the expiration of which they return to prey upon the community. As a means of correcting this state of affairs, the Board would like to suggest to those concerned with the sentencing of offenders of this type that recourse be had in proper cases to section 30, subsection (1), of the Crimes Act, 1908. That subsection reads:—

Where any person is convicted of any offence under sections 49 (49), 50 (51), 51 (52), or 52 (55) of the Police Offences Act, 1908, and either before or after the coming into operation of this Act has been previously convicted on at least six occasions of any offence mentioned in such sections (whether of the same description of offence or not), the Justice or Magistrate before whom the charge is heard, in addition to sentencing such person to any lawful term of imprisonment, may order that such person be brought before the Supreme Court or a Judge thereof to be dealt with as an habitual offender.

The figures in parentheses are the corresponding sections of the Police Offences Act, 1927.

There is nothing more feared by offenders against the law than imprisonment for an indeterminate period. That fear may well operate as an effective deterrent in such cases as those now under discussion. But, apart from that consideration, there is much good to be derived from the opportunity that a declaration as an habitual offender affords the Board of holding the offender after his release upon probation. The knowledge that his continued liberty is dependent upon his continued good conduct induces a degree of industry and honesty that would not otherwise be achieved. In addition, he has the help of the Probation Officer in his efforts to reform.

Another matter which has caused concern to the Board is the undue proportion of members of the Maori race in our penal institutions, particularly young Maoris. This is confirmed by the returns published by the Government Statistician. According to his figures as at December last, Maoris constituted 20·88 per cent. of the total of persons in penal institutions—that is, in prisons or in Borstal establishments. This percentage is approximately 3 per cent. lower than in the previous year. Notwithstanding this, the percentage is still excessive, as is made clear by contrasting this percentage of 20·88 with the percentage of the Maoris to the general population of the Dominion. The latter percentage is 6 per cent. The offences of which Maoris under detention have been guilty are, generally speaking, offences against property. They range from burglary and housebreaking through theft to the unlawful conversion of motor-cars. In some instances, however, Maoris have been guilty of robbery with violence and assaults of a sexual character.

The function of the Board is to recommend a mitigation of punishment where mitigation is merited and not likely to operate prejudicially to the public interest. This function imposes upon the Board the necessity, in its study of each offender, to search for the causes of his offending. The correction of such causes, and particularly of social causes, is the function of other agencies and organizations, but it may be helpful if the impressions and conclusions of the Board are made available to them.

The causes are not economic. There has been an abundance of well-paid work which any Maori of ordinary physical capacity could do. Indeed, many offend whilst gainfully employed or immediately after voluntarily abandoning well-remunerated employment. The chief causes have a deeper and more psychological origin. A pointer to their predominant characteristics is afforded by the fact that few Maoris living a community life in rural areas and employed there, offend. They are there in familiar and congenial surroundings, have sufficient kindred associates to create a social atmosphere and social pleasures of their own, are under some measure of chiefly and tribal restraint, and are segregated from the temptations which populous centres create and bad associations generate.

This comparative freedom from crime in rural areas and the concurrence of the outbreak of crime with the migration of Maori youth to seek employment in the cities suggests that it is in their fitness for city life or in the circumstances attendant upon their life in the cities that the root causes of their offending must be sought. Generally speaking, it would seem that those who have offended were not fitted to adjust themselves to urban life in a proper way. In the main, they have not achieved an educational or cultural standard which fits them to associate with any other than the cruder and rougher elements in populous

centres. It is among such elements that they find their associates, and among such associates there are invariably people of anti-social tendencies. Thus, bad associations are early and easily established.

Influences of this kind are diffusive in their effect. Natives who have acquired anti-social habits naturally lead other members of their race astray, they being readily susceptible, for the reasons already given.

There are other fundamental causes which seem to operate in the great majority of cases. The Maori whose experiences of life are entirely rural brings to the cities a primitive conception of social life and obligations and an ignorance that might be described as almost entire of European standards of conduct and morality. The conflict between the two conceptions produces bewilderment, and a surrender to the temptations that city life offers is a result. Then, too, living-conditions for Maoris in the cities are extremely difficult. They are congested at best, and there is a tendency for them to congregate in those areas which most closely approximate to slum conditions.

The application of ameliorative measures is a social question for other agencies, but it is in the hope that our conclusions from a great number of individual cases may be of service to them that this subject is adverted to in this report.

The efforts of the Board to understand proclivities and motives in individual cases continue to be very substantially aided by the officers of the Mental Hospitals Department. The ready and generous assistance rendered by those officers is of the greatest value and is deserving of the highest appreciation.

It is fitting, too, that appreciation should be expressed of those organizations and the many individuals who give assistance in the rehabilitation of offenders after release. Their efforts are productive of much good.

GENERAL

Since the Board commenced to function in 1911 no less than 36,923 cases have been considered by it. This includes prisoners undergoing sentences of reformatory detention, hard labour, habitual criminals, Borstal inmates, and probationers for discharge from probation or variation of terms thereof. Dealing with these cases under the particular headings, the results have been as follows:—

Reformatory Detention.—During the period from January, 1911, to December, 1948, 6,963 prisoners were sentenced to reformatory detention under the provisions of the Crimes Amendment Act, 1910. The number of cases that have been recommended for release or discharge is 5,726. In 730 cases prisoners were required to serve the full sentence imposed by the Court. Of the total number released after undergoing reformatory detention, 25·91 per cent. have been returned to prison either for non-compliance with the conditions of the release or for committing further offences, leaving approximately 74 per cent. who have not been convicted of any further offence.

Hard Labour.—Since the passing of the Statute Law Amendment Act, 1917, which extended the scope of the Prisons Board to the consideration of cases of prisoners sentenced to terms of imprisonment involving hard labour, 8,633 cases have been considered by the Board up to December, 1948. In 4,390 cases the prisoners were released on probation or discharge prior to expiry of the full time on the recommendation of the Board. Of this number, 2,904 completed probation satisfactorily, 334 were recommitted for other offences, and 66 were still reporting on probation at the 31st December, 1948, making approximately 67 per cent. who have not subsequently been reconvicted.

Habitual Criminals.—During the period from January, 1911, to December, 1948, 765 habitual criminals were released on licence on the recommendation of the Prisons Board. Of those so released, 59·1 per cent. were returned to prison either for committing further offences or for non-compliance with the conditions of probation. No further offences are recorded against the remaining 40·9 per cent.

Borstal Cases.—Since the coming into operation of the Prevention of Crime Act, 1924, 4,229 young persons have been detained under this Act, either by original commitments by the Court or by transference of youthful offenders from penal institutions or industrial schools. There have been 4,127 inmates released on the recommendation of the Board, 3,838 being on probation and 289 on the expiration of their sentence. Of the total number released, 2·78 per cent. have been returned to the institution for non-compliance with the conditions of release, 13·52 per cent. were recommitted for further offences whilst on probation, and 852, or approximately 20 per cent. of the total released, have been sentenced for offences committed after discharge or on expiry of their period of probation.

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