

1910.
NEW ZEALAND.

A SCHEME FOR THE REORGANIZATION OF THE PRISON SYSTEM OF NEW ZEALAND,

PREPARED BY THE HON. THE MINISTER OF JUSTICE.

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

THE scheme is based upon the principles of modern penal science as those principles are expressed in the most efficient penal institutions throughout the world.

It is adapted to meet the present and prospective requirements of this country, and also to utilise as far as possible the buildings, equipment, and administrative machinery already existing.

Besides State institutions, official recognition is given to the work of private agencies, and their assistance requisitioned wheresoever available and adaptable.

The provisions of the indeterminate sentence are extended and made applicable to all proper cases. When the indeterminate sentence is applied, the release of the prisoner depends upon himself. When the prisoner has served any determinate sentence imposed upon him and is able to prove that he is in a position to support himself, and can give satisfactory assurances that he is no longer a menace to the peace and order of society, his release is granted. The questions and conditions of release are determined by a tribunal of suitable experts. Except that in the case of any person convicted of a crime punishable by hard labour for life, the power of release shall be exercisable by the Governor in Council.

The determinate sentence will still be retained in all proper cases.

The following institutions are provided for :—

Penitentiaries for male prisoners.

An institution for sexual perverts and criminals of unsound mind.

An institution for incorrigible drunkards.

Prison camps.

A reformatory farm.

A penitentiary and reformatory for women.

Most of the institutions existing at present will be used in this arrangement. Napier and Dunedin present so many difficulties on account of their situation, design, and the impossibility of installing necessary industries that, as soon as proper provision can be made, they will be closed.

By requisitioning the aid of private agencies, provision is made for :—

Extension of the probation system, and

Dealing with occasional and habitual drunkards.

Privileges are placed within the attainment of prisoners; but these can be gained only by industry and moral improvement.

Concessions are granted to those physically or mentally afflicted when such concessions are necessary in the interests of humanity.

Indulgences are never granted.

The discipline provides that throughout his whole waking time the prisoner is kept employed at industrial or educational work or at proper exercises. The standard of effort must compare favourably with that of the free labourer before any privileges or favourable recommendation for release can be gained. The hope of reward is the main stimulus to improvement.

THE CLASSIFICATION OF PRISONERS.

Prisoners are classified upon a double basis—firstly, as to type; secondly, as to conduct and improvement. According to the first classification, prisoners are distributed to the divisions of the various institutions and agencies; according to the second classification, they are graded within those institutions.

CLASSIFICATION ACCORDING TO TYPE.

1. Professional criminals.
2. Sexual perverts.
3. Criminals of unsound mind.
4. Drunkards.
5. Incipient and pseudo criminals.
6. Corrigible criminals.
7. The rest of the criminal class.

Females,—

8. Incorrigible.
9. Corrigible.
10. Incipient and pseudo criminals.
11. Criminals of unsound mind.

CLASSIFICATION OF INSTITUTIONS.

Institutions are classified in order to enable the more concentrated application of methods suited for the treatment of the different classes of criminals. Each class requires special treatment, and were all classes to be confined in any one prison differentiation of treatment would be impossible.

Institutions are classified as follows :—

1. Penitentiaries for the detention of criminals enumerated in class 1.
2. Criminal asylum for classes 2, 3, and 11.
3. An inebriate institution for incorrigible drunkards.
4. Reformatories for class 6.
5. Camps.
6. An institution equipped as a penitentiary and a reformatory for classes 8 and 9.
7. Private institutions for classes 5, 10, and the occasionals and habituals of class 4.

SENTENCES.

Offenders whose crimes do not show any criminal taint and are not of a grave character are dealt with by fining. Any person refusing to pay his fine is charged with contempt of Court, and may be committed to probation.

Those whose offences are not of a grave character but indicate that the offender has a criminal inclination and apt to develop criminal habits are admitted to probation.

The provisions of the indeterminate sentence apply to all other criminals whose cases are suitable for such sentence.

The case of every prisoner so sentenced is, after his probation has been served, reviewed every three months by a competent expert tribunal which may order the release of such prisoner when it considers that he is no longer a menace to the peace and order of society.

VENTILATION AND DAYLIGHT.

The amount of daylight which enters the cells is, in some prisons, very small. The size of the windows does not permit either of sufficient light or ventilation. It is not convincing to be shown a small slit between two panes of glass and also a small ventilator near the floor, and be told that ample provision for ventilation has been made, when at the same time a general mustiness prevails in the cells. A window having 8 sup. ft. of glass and set in a hung sash would give ample light and ventilation. Bars on the outside would provide an effective measure against escape. The present method is certainly stronger, but the proposed method would be quite strong enough. A man who would break through the one would need only a little longer time to break through the other, and this he has at his disposal. Only the most determined and resourceful criminal would attempt either, and, if thought necessary, such a prisoner could be placed in a stronger cell.

INSTITUTIONAL CLASSIFICATION.

Prisoners are classified into three classes, which are kept apart from one another at work and on all occasions when the men are assembled. They work at different industries, the object being to direct their minds into channels which are out of sympathy with, and in no way suggest, their former manner of life—*e.g.*, cracksmen are not employed at stone-dressing or where blasting is carried on.

These divisions are called industrial classes, as distinguished from conduct grades.

The conduct grades are three in number—probation, second, and first. Admission to the higher grades is gained by good conduct and industry, and carries with it corresponding privileges.

EARNINGS AND REWARDS.

The prison population is debited with the entire cost of the Prisons Department. The cost is worked out in detail, and each prisoner shown the amount of the cost that he is debited with.

To discharge this debit each prisoner must perform his daily task so as not to incur debit marking. Every credit mark that he gains has a monetary value, which is determined by the

value to the Department of the work that he does, whether that work be remunerative or, as in the case of cooks, cleaners, &c., cause a saving of expense.

The relief of the dependants of a prisoner is made the first charge upon his earnings. Should these dependants be idle, immoral, or disorderly, they receive no benefit. Prisoners have the opportunity of purchasing for themselves certain comforts, such as a strip of carpet (regulation size) for their cells, a picture, writing-materials, certain articles of food, &c. Earnings spent in such personal comforts have not so great a purchasing-power as in the ordinary public markets.

Prisoners may allow their earnings to accumulate, and receive them on discharge in such manner as the authorities decide.

All debits incurred for laziness, insubordination, or other breach of the rules, are met before any appropriation from credit balance is allowed. No debit is incurred on account of suspension from work occasioned through genuine illness, but all feigned illness, self-imposed injury, or injury caused through disregard of instructions, causes the prisoner to be debited with the loss of time, and any other consequent loss sustained by the institution, in addition to any fine inflicted as a punishment.

The cost of any entertainment provided by the institution, such as lectures, &c., is debited to the prisoners benefiting, the cost being distributed *pro rata* among the different grades, those prisoners in the higher grades being debited with a smaller amount than those in the lower grades.

Prisoners who send the whole of their earnings to support their dependants are permitted without cost to themselves to attend such entertainments as they would otherwise be entitled to.

Besides their monetary value, a prisoner's conduct marks are submitted as data for examination when the question of his release is being considered.

PUNISHMENTS.

The discipline throughout the institution is strict, without being severe. The warders are to endeavour to secure a cheerful recognition of all rules and regulations, and so to issue their own commands that they will be readily obeyed. No disobedience of any kind is overlooked; at the same time the warder whose manner provokes the men is removed to some other charge. Every effort is made to inspire the prisoner more by the hope of reward than by the fear of punishment. As far as possible, punishment takes the form of fines, reduction in grade, and solitary confinement.

INDUSTRIAL.

All men physically capable are employed upon remunerative works.

The choice of the class of industries which shall be established in these prisons is governed by the following considerations:—

The work must be economically and profitably carried on.

The products most suitable for use in other public Departments, but will not compete with the outside market.

The industry must not suffer by reason of a fluctuating number of men being employed.

(The numbers in this class are not likely to fluctuate much: there will be a steady increase in numbers until a certain aggregate is reached; after this the numbers will decline until a certain percentage is reached, which will remain fairly constant.)

The men employed must gain an industrial training which will be useful to them upon their release.

The industries suggested are,—

Stonemasonry,
Ironmoulding,
Tinware,
Making book-covers,
Bootmaking.

When the requirements for the prison buildings now being erected are completed, the work of quarrying and dressing building-stone is carried out in connection with other public buildings. Crushing stone for roadmaking is also carried on. When the quarry is exhausted the area will be used for accommodating buildings in connection with other industries to be established.

Stone-dressing is carried on in the yard as at present, but when the drives and walls are complete this work will be carried on in the quarry area, and the vacated yard used for the purpose of accommodating other industries.

At one of the penitentiaries workshops will be established which will make all the boots required at prisons and prison camps; the reformatories make their own. A repairing shop is set up at all institutions. The prison clothing—*i.e.*, coats, vests, and trousers—is made under similar conditions.

EDUCATIONAL.

Illiterates receive instruction in reading, writing, and arithmetic up to the requirements of the Fourth Standard pass certificate.

QUALIFICATIONS AND DUTIES OF OFFICERS.

All institutional and civilian officers are men of strict morality and sobriety, of fair education, and of firm but not harsh address. They have their specified duties, but in cases of emer-

gency, or in order to expedite the work of the institution, any subordinate officer renders assistance wheresoever called. All officers sympathetically study and apply the principles of modern penology, and work hopefully.

Food.

The food is plain and well cooked. Each day in the week provides for some change in the bill of fare, the weekly bill of fare being changed every three months. The food improves according to grade. Prisoners in the punishment grade dine in their cells. Those in the intermediate grades dine at long narrow benches, all facing the one way. Strict silence is insisted upon at meals. Men in the "honour" grade dine six at a rectangular table, and are allowed to converse.

SMOKING.

No smoking is allowed in the punishment grade. In other grades men are allowed to smoke from 6.40 p.m. to 7 p.m., sitting on their stools immediately outside the doors of their cells. They are, during this time, allowed to converse with the prisoners on either side of them, but not to change their position. Loud talking is not permitted.

RELEASE.

When a prisoner having served any determinate sentence imposed on him has made such progress that he is deemed to be no longer a menace to the peace and order of society and his record is shown to be satisfactory, and he has incurred no debit for a prescribed period, and he can show that he is able to provide for his own support, he is granted his release upon parole. The question, date, and conditions of release are determined by the tribunal previously referred to, to whom are submitted full reports of each prisoner's progress every three months from the date of the expiry of such prisoner's probation.

CAMPS.

The object of the camp system is to aid in the classification of prisons; reduce the population of town prisons; afford useful, remunerative, and healthful occupations for the prisoners; and provide an opportunity for their reform.

The camps are graded so that greater privileges may be awarded to the men who are best-conducted.

Provision is made for the transference of disorderly men to a camp where life and work are less congenial and where privileges are fewer. If insubordinate, they are transferred to the penitentiary, from which they cannot return to a camp until they have secured a good-conduct record for twelve months, and their transfer be otherwise approved of by the authorities.

In tree-planting camps the arrangements being now carried out are not disturbed. In other camps the buildings are constructed of wood or iron as determined most suitable. The cells are furnished as in penitentiaries. The cell-houses may be built so as to allow of extension by units, the walls, floors, and roof being in separate pieces and bolted together. The cell-houses are arranged to form a hollow square, all windows and doors facing towards the inside of the square. The spaces between each cell-house are walled up, making with the back walls of the cell-houses a continuous wall round the camp. The windows are barred.

Industries suggested,—

- Stone-quarrying,
- Cement-manufacture,
- Brickmaking,
- Swamp-draining,
- Tree-planting,
- Other public works.

The camps for quarrying building-stone, manufacturing cement, and making bricks are situated in such parts of the Dominion as will enable their products to be easily loaded in scows and readily distributed to the principal centres.

DRUNKARDS.

Drunkards are classified as,—

- Casuals,
- Occasionals,
- Habituals,
- Incorrigible.

Casuals are men who get drunk at but rare intervals.

Occasionals are men who from time to time indulge in drinking-habits bad enough to cause them loss of employment.

Habituals are described by their name. They are mostly loafers, and work but intermittently, spending what wages they earn on drink.

Incorrigibles, besides being habitual drunkards, combine minor offences with their original offence.

Casuals are dealt with by fining. The amount of the fine is determined according to ability to pay.

Occasionals and habituals are admitted to a specified term of probation. The former are committed by the Magistrate to the custody of a Probation Officer, whose duty it is to see that his charge reports himself every evening not later than a prescribed hour at the institution of which the said Probation Officer has charge. The offender remains in the institution all night, and leaves after breakfast in the morning, provided that he has occupation to go to. His wages are not paid to himself, but to his wife or a receiving officer, as the Magistrate thinks fit and directs. The first charge against his wages is for the cost of his board and lodging at the institution. As the offender gains the confidence of the Probation Officer and proves himself worthy of trust, the said officer has power to report to the Magistrate that his charge is worthy of a relaxation of disciplinary oversight, and, authority being given, he may allow the offender to sleep at his own home on one or more specified nights in the week. If this privilege is abused, the Probationary Officer can summarily withhold it, reporting his action as soon as possible to the Magistrate for indorsement and for further instructions. If the Magistrate deems that the offender's conduct is sufficiently bad he may summons the said offender to appear in his presence, and, after investigation, deal with the offender as either an habitual drunkard or an incorrigible drunkard.

An habitual drunkard is admitted to a term of probation under more stringent regulations. He is committed to the Probation Officer, who keeps him in close detention, giving him only such liberty as he may deem expedient, submitting to the Magistrate a report of the conditions of the form of detention imposed. The Magistrate will indorse the report or otherwise according to his discretion.

Incorrigible drunkards are committed to imprisonment in a State inebriate institution.

INEBRIATE INSTITUTION.

This institution is for the detention of incorrigible inebriates—that is to say, persons who are convicted of minor crimes which are in themselves the result of excessive drinking, such persons being considered unsuitable for detention under probationary discipline. The institution is in all respects a prison camp, except that this one class of offenders is alone committed to it.

The purpose in sentencing prisoners to this institution is that they may be enabled to break the habit of inebriacy, recover their bodily health and strength, and cultivate habits of sustained industry.

To accomplish this, industries are established which provide for as much outdoor work as possible. Vegetable-raising, fruit-growing, and some of the lighter branches of farming are the industries best suited for this purpose. It is necessary that a period of not less than twelve months should be spent under this discipline, and, when release is granted, the period of parole should be for a similar term.

REFORMATORIES.

Reformatories are of two classes—(a) agricultural and (b) industrial.

THE AGRICULTURAL REFORMATORY.

Site.

The site which has been selected is near enough to means of transit to avoid the cost of carriage becoming a weighty expense. It is far enough away from other population to avoid intercommunication, laxity of discipline, or facilities of escape.

About 1,200 acres (possibly more) is the area of the farm. The soil is fair to good average, so that prisoners are able to learn how to bring in rough land, and the use of fertilisers. The necessity for fertilising is not so great as to constitute a burden. Average natural advantages and disadvantages exist, so that prisoners may learn how to avail themselves of the one and how to secure themselves against the other.

Grading.

There are three grades, the First, the Second, and the Third. Upon entering the reformatory the men are placed in the Second Grade, from which they can, when they have established a perfect record for seven consecutive months, graduate to the First Grade. First-Grade men are candidates for release on parole when they have earned a perfect record for six consecutive months.

Reduction to the Third or Punishment Grade is occasioned through grave offence on the part of the inmate.

Buildings.

Every inmate has a separate cell. The members of the Second Grade have their meals at long narrow benches, all facing the same way. The members of the Third Grade dine in their cells. The members of the First Grade are housed under a system similar to that prevailing in the camps.

Industry.

Farming is carried on in all branches, except that no branch is undertaken which for any reason proves unprofitable or a burden to the institution. Every branch carried on is taught in a thorough and practical manner, and so as to provide for training the inmates in habits of industry and application, and otherwise providing for the installation of recognised reformatory treatment.

Instruction is given in,—

(a.) *Agricultural*:—

Draining,
Fencing (wire, rail, and live),
Fertilising,
Bringing in rough land,
Cropping,
Raising vegetables,
Cultivating fruit,
Bee-farming,
Shearing sheep, crutching, and dipping,
Milking,
Fattening cattle, sheep, and pigs,
Killing and dressing cattle, sheep, and pigs,
Treatment of diseases of cattle, sheep, and pigs,
Poultry-farming.

(b.) *Handicrafts*:—

Training in such handicrafts as are necessary for the economical working of a farm is given to all inmates. The training covers instruction in,—

(1.) *Blacksmithing*:—

Tying a wheel,
Riveting,
Sharpening and hardening a ploughshare,
Fitting and nailing on a horse-shoe, removing and changing shoes (not the making of a shoe),
Welding,
The use of the soldering-bolt,
The use of the stock and die.

(2.) *Carpentry*:—

General instruction in the uses of all ordinary tools used in carpentry, with special instruction in the use of the axe and adze.

General instruction in the suitability of different varieties of timber for different purposes.

(3.) *Miscellaneous*:—

The use of cement; how to lay concrete or rubble floor; how to lay bricks for small jobs; how to glaze; and how to mix and use paint.

Each course is complete in itself, and every prisoner graduates through such courses as will give him a thorough knowledge of one or more departments of farming. Every prisoner is supposed to have a satisfactory knowledge of all branches, so that, should he take up one definite branch in order to gain his livelihood, he is also able to conduct some other branch with profit, and thus vary his work and interests from those of his main pursuit.

All prisoners are required to master the handicrafts that are necessary for the successful undertaking of their branch of farming.

As some of the men may take up land in the backblocks, they are taught how to cook for themselves, how to preserve their health, treat minor ailments, and detect the presence of more serious ones.

Educational.—Instruction is given in the following branches of education:—

Arithmetic.—The keeping of accounts, calculation of interest, nature of simple financial transactions, and simple mensuration.

English.—How to speak and write correctly; how to correspond upon matters of business, and express one's thoughts on matters of general interest; how to understand and appreciate English standard authors.

THE INDUSTRIAL REFORMATORY.

When the Agricultural Reformatory is fairly established, the accommodation will be so extended as to allow for the establishment of a reformatory carried out on a purely industrial and educational system. The two reformatories will occupy the same site and be placed under the same administration, the difference being that some men will be applied to industrial tasks and others to agricultural. The industrial training provided for agricultural inmates will still be carried on. There will in fact be but one reformatory, having the two sides, the one industrial, the other agricultural.

FEMALE-INSTITUTIONS.

Provision is made for the setting-apart of one central prison for the detention of all females sentenced to imprisonment.

This building is divided into two main divisions, the inmates of the one division having no communication whatsoever with the inmates of the other division.

One division is conducted as a *reformatory*, and the other as a *prison* or *penitentiary*.

THE REFORMATORY.

To the reformatory are committed all females whose case is regarded by the Court as being hopeful. Generally speaking, such cases are those whose offence consists in drunkenness or crimes arising directly therefrom, and those whose crimes arise from prostitution.

Industrial and Educational.

The women are thoroughly instructed in all branches of domestic service and housekeeping, advanced classes in cookery, dressmaking, and millinery being provided for those who show special aptitude and who are likely to earn their living at such employment.

Instruction is also given in the laws of health, in nursing the sick, rendering first aid, in the care of infants, and in the raising of pot-plants and cultivating flowers. An ordinary school training is provided for women of deficient education, and opportunity given for those of a higher education to pursue their studies in certain directions.

The library is well stocked, and the women are encouraged to make reading an interesting recreation.

Lectures are given on useful and interesting topics. Religious instruction is given, and Sunday services are held. An inmate-choir exists, the members of which are trained to read music, and they attend regular practices.

If, after every influence has been exhausted, any reformatory-inmate proves incorrigible, the authorities report the case to the Judge of the Supreme Court, who, if satisfied that the inmate is successfully resisting the reformatory discipline, orders such inmate to be transferred to the penitentiary.

Discharge.

All inmates are discharged upon parole. The period fixed is not less than twelve months. For breach of parole the person can be returned to the reformatory.

A good report throughout the period of parole gains an absolute release.

No person is paroled until a suitable situation is found for her, or until she can be returned to her friends under conditions deemed satisfactory by the authorities.

THE PENITENTIARY.

To this division are committed those women who are deemed habitual and incorrigible criminals.

Classification.

The women are classified according to age, conduct, and the character of their crimes.

These classes are kept apart from one another as far as possible.

The women are employed at such industries as,—

Knitting socks (by machinery) for the prisons' service;

Making shirts for prisoners, and patients in hospitals;

Making mattresses and pillows for the public service;

Hemming sheets and pillow-cases for the public service;

Laundry-work (the installation of large rotary washers driven by machinery would enable the prison to do the washing for the hospital besides the prison washing);

Raising vegetables;

Keeping poultry.

Educational and religious advantages are provided.

Release is granted when it appears to the authorities that the prisoner will behave herself, and when suitable employment has been found, and proper supervision of her conduct for a period of not less than twelve months from date of release has been provided.

If any inmate of the penitentiary shall give proof, deemed conclusive to the authorities, that she intends to amend her life and is otherwise a suitable person to be transferred to the reformatory, the authorities shall report her case to the Judge, who shall determine whether such transfer shall be granted.

METHOD FOR INTRODUCING AN EFFECTIVE PROBATION SYSTEM

For dealing with that Class of Prisoner that does not need the more severe Discipline of the Penitentiary nor the Educational Treatment of the Reformatory.

Certain approved private agencies are registered under the Prisons Act. The effect of this registration is,—

These agencies place their institutions at the disposal of the Department.

They work, in respect to the persons committed to their charge by the Courts, under Government regulations and inspection.

They receive such assistance from the Department as will enable them to carry out their discipline effectively.

They receive such subsidy as may be decided upon.

The Courts decide what persons shall be committed to the charge of these agencies, and also the conditions of the probation.

Probation is of three kinds,—

Simple Probation.—Under this form of probation persons are not disturbed in their domestic or industrial relations, but are under the care of an officer whose duty is to see that his charge fulfils the obligations imposed by the Court.

Night Detention.—Night detention means that the person is not otherwise disturbed in his domestic or industrial relations, except that he must report at the institution of the agency at a prescribed hour, and not leave again until after breakfast. His wages are paid to his wife or to a receiving officer, as the Court may direct, and a charge is made against him to reimburse the agency for expenses incurred.

Close Detention.—The inmate spends the whole of his time at the institution, being allowed just such liberty as may be decided upon.

Under both these two latter forms of probation the inmate is allowed increased liberty according to his behaviour.

Any person committed to probation for refusing to pay a fine inflicted in the Magistrate's Court shall have during the currency of this probation his wages paid to a receiving officer, and the fine deducted in such proportion as the Magistrate shall direct. Probation expires when the fine and all other consequent debits are paid.

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