

SESSION II.
1912.
NEW ZEALAND.

DEPARTMENT OF JUSTICE, PRISONS BRANCH:
PRISONS BOARD
(INTERIM REPORT OF).

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

SIR,—

Judge's Chambers, Wellington, 20th May, 1912.

I have the honour to forward the following interim report of the Prisons Board from its appointment to date.

The Crimes Amendment Act, 1910, requires the Board—see section 12, paragraph (h)—to make in each year not later than the 31st day of March a report to the Minister of Justice as to the operations of the Board during the period of twelve months ending on the 31st day of December last preceding. On the 31st day of December last the Board had not been twelve months in existence, and consequently a literal compliance with the section was not possible on the 31st March. The Board thinks it proper, therefore, to send in an interim report up to date, which I now have the honour to enclose.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

ROBERT STOUT.

REPORT.

THE Board was constituted on the 15th February, 1911. The members of the Board appointed were the Hon. Sir Robert Stout, K.C.M.G., C.J.; Messrs. J. R. Blair, F. G. Ewington, G. Fenwick, W. Reece, F. Waldegrave, and Dr. Hay. The first meeting of the Board was held on the 2nd March, 1911. Meetings of the Board have been held in Wellington, New Plymouth, Auckland, Waiotapu, and Waipa. The Board has also visited the prison at Waikeria, and the inebriates' retreats at Pakatoa and Rotoroa. The jurisdiction of the Board is, however, only to deal with prisoners who have been declared habitual criminals, or who have been sentenced to reformatory treatment. The number of prisoners that have been seen by the Board and who have been heard by it is sixty habitual criminals, and 105 subject to reformatory treatment. The Board has also heard many of these prisoners on more than one occasion. The number of prisoners that the Board has recommended to His Excellency the Governor to be let out of gaol on probation is sixty-four (twenty-seven habitual criminals and thirty-seven prisoners subject to reformatory treatment). Three reformatory-treatment prisoners have been recommended for unconditional release.

It may be well to state the procedure of the Board in considering cases where application is made for release. As far as possible the Board attempts to see the prisoners, and to hear fully what they have to say. This is why the Board, or a committee of the Board, has met twice in the New Plymouth Prison, where habitual criminals are detained. The Board has not, however, been able as yet to see all the prisoners who are confined for reformatory treatment. A full and unrestrained hearing is given to every prisoner who desires to state his case before the Board. The Board in determining whether release on probation should be granted has to consider (1) the past history of the prisoner, (2) whether there is any evidence that he is likely to be a good citizen in the future, (3) what chances he has of obtaining employment, (4) what conditions should

be placed in the probation license under which he will be released. In some cases the Board has reluctantly come to the conclusion that to advise the release of some applicants for probation would, at the present time, be inadvisable. In some cases the prisoners are unable to fight the battle of life, and if they were released they would again commit crime. The Board has also had brought before it some who are mentally defective, and who are, the Board believes, not fit to be at large. They are not so defective as to be relegated to a mental hospital, but they want will-power, and the Board is afraid it is hopeless to expect that those who are—to use a term that has been applied to them in England—"moral idiots" can ever be turned into useful citizens. In several cases the past career of the prisoner, and his conduct in gaol, give no satisfactory evidence that he is fit to be released. There are other cases in which a release might have been granted if any employment could have been found for them. These last-named cases are, however, very few.

The Board in releasing prisoners always attempts to find profitable and proper employment for the prisoner so released. The Board prefers to send prisoners to country districts, and it is glad to state that in many instances settlers, having first been informed of the past career of the prisoners, have accepted them as employees, and in the great majority of these cases there has been up to the present no recurrence of crime. The Board has put many of those released under strict conditions in cases where, judging by their past history, they would fall into temptation if facilities were given to them of obtaining alcohol. The conditions inserted in the license have been that the prisoner shall not visit any publichouse, and shall not taste alcohol. In other cases meeting with old fellow-criminals often leads to the commission of new crimes, and, as far as possible, steps have been taken to try to prevent such meetings. The Board also considers, in recommending the release of prisoners, whether there is any proof that the will-power of the prisoner is such that he can resist temptation. How a prisoner disposes of the small sum that is set apart for habitual criminals—namely, 6d. a day—sometimes affords a guide as to how the prisoner is likely to act when released from prison. Some prisoners carefully and thriftily save their money, and have it placed to their credit; whilst others waste every penny that they are allowed to spend in purchasing such luxuries as are permitted. It cannot be expected that prisoners who have followed a career of crime for many years can all at once become good citizens, nor that their will-power will be so strong as to prevent their falling again into the ways of crime. There is, however, great hope that those who are young when the offences for which they have been punished have been committed will be able to become good citizens. Even, however, some of those who have been many times convicted have shown a desire to live without preying upon the community. It is too early yet to say what the effect may be of the many releases on probation that have been granted. A few who have been released on probation were only a few days out of gaol before they again reverted to a criminal career. If the ages of those undergoing reformatory treatment whom the Board has recommended for release on probation are examined, it will be seen that the Board has considered that probation is more fitting to and should sooner be tried with the young than with those who are past middle life. The Board feels that, under present conditions, there is a better chance of youths reforming if let out on probation, under strict conditions, as to drink, &c., than in being associated in the city gaols with old criminals.

The Board desires to point out that if there is to be any great success in reformatory treatment two things are necessary: (1) The warders in the gaols must be systematically trained; (2) there must be efficient and properly arranged prison buildings.

The Board places the suggestion as to warders first. It must not be overlooked that the Dominion is introducing a new prison system. Formerly detention, and insisting on work, were what was deemed of main importance in the treatment of prisoners. What was done on reformatory lines was slight, and without any defined system. If the proposals recently made are to be fairly tried, there is the utmost necessity of giving the warders an opportunity of receiving a thorough training in the modern methods of reformatory treatment. The teachers intrusted to carry out such training will require to be men who have made criminology and penology a study, and who have a knowledge of the psychology of criminals. The responsibilities of warders under any system of reformatory discipline are great, and it is not fair, without giving them every assistance to equip themselves for their arduous task, to impose these additional responsibilities upon them. The Board is not casting any reflection upon the present warders, but considers it its duty to point out, in their interests, as well as in the interests of the prisoners under their charge, that they cannot be expected to know intuitively the requirements of a scientific reformatory treatment, and they should therefore obtain a thorough training in the work expected of them. In making this suggestion the Board is only advising the administration to follow the example of many countries in Europe that have dealt with the problem of prison reform. Reference may be made to Denmark, France, Hungary, and Italy. Even Japan has begun to train its warders. In Hungary the prison reformers asked that there should be special classes for prison officers in the university. There is an interesting article on the subject in the American magazine called *The Survey*, of date the 21st January, 1911. Professor R. Vambery, of Budapest, is the writer. He quotes the remarks of one whom he characterizes as the most prominent European representative of penological science, Dr. Krohne, as follows: "It is ridiculous to quarrel about prison systems and leave the carrying-out of them to officers who do not understand their theories. It is labour lost to establish the strictest rules, and to make the most elaborate provisions, and then place these in the hands of officials who scarcely understand the letter, much less the spirit, of the act." This view corresponds with the opinion of the late Danish Minister of Justice, who said, "Donnez-moi le meilleur règlement avec un mauvais directeur, vous aurez aucun résultat. Donnez-moi un bon directeur, même avec un règlement médiocre, et je vous réponds que tout ira à merveille." Which may be paraphrased thus: "Give me the best system under an inefficient officer and anything may happen. Give me an efficient officer even under a bad system, and I tell you that the result will be marvellous."

As to the buildings, arrangement for efficient classification is difficult, if not impossible, in all the city prisons save perhaps in Auckland and Invercargill. When the Auckland Prison is completed it will be an up-to-date gaol. Classification is, however, not everything, and classification even with suitable buildings is not easy. It may happen that one even on his first conviction is as deeply steeped in crime as one who may have been ten times convicted. Further, one who may have been many times convicted may not corrupt his associates in prison, while one who may have been only once or twice convicted may be the focus of a corrupt influence. At the same time, more efforts than are at present made must be made to classify prisoners, and this can be accomplished with the co-operation of trained warders, if the prisoners are placed where they are likely to be reformed. The work of reformation must be systematically carried on. The Board looks forward to much help from the new farm prison which is being established not far from Te Awamutu. This is a reserve of 1,200 acres, and, coupled with the forest- or tree-planting camps, should be a means of helping forward the reformation of those who cannot be classed as habitual criminals.

The Board has been much impressed with the two tree-planting prisons of Waiotapu and Waipa. They seem to be excellently managed, reflecting great credit on their officers. The prisoners look quite different from those in city prisons. They are physically, mentally, and in conduct better. Waipa Camp is in an ideal situation. The prisoners in this camp are new to prison-life. Their hard work and surroundings should help them to reform. They need more literature, and perhaps some school or library work such as is insisted on in the institutions known in America as the George Junior Republics, at Freeville, New York State, and elsewhere.

At Waiotapu, though the situation is not so beautiful as at Waipa, good work is being done by the prisoners and a healthy life led, and their surroundings are such as to strengthen their moral fibre. The prisoners in these tree-planting camps have done great work, and if the same work had been done with free labour the cost to the Dominion would have been far in excess of the cost of the prison establishments. We feel sure that if this kind of work is persisted in, the gain to the Dominion will far exceed the most sanguine expectations. The work of the prisoners will add in the course of time, not hundreds of thousands, but millions, to the national assets. We look to good work being done on the farm settlement, and we believe that attempts at reformation are more likely to be successful in these country districts than in city prisons.

So far as habitual criminals are concerned, really not much is being done in the New Plymouth Prison, where they are detained. They get certain privileges if they behave themselves, and some of them are making efforts to strengthen their will to do right. They are kept at work. Some further steps should be taken towards their reformation. Perhaps in the case of habitual criminals not much can be done, except perhaps in their kindly treatment, in keeping them at useful and productive work of some kind, in encouraging a study of books, and in making their lives not unpleasant but somewhat irksome. The officers must ever try to strengthen their character, and lead them to struggle for a higher ideal of life than preying on society. The prisoners should also be able to feel that, so soon as their conduct shows that they can be trusted, they will be released, and a further chance given to them to lead citizens' lives. It may be said that these suggestions may necessitate some additional expenditure in the Prisons Department. Granting that this may be the case, and assuming that prison reform is to be viewed from the money point of view alone, the Board believes that it will be found that turning criminals into efficient and good citizens is a most economical proceeding.

The Board cannot close this report without expressing its regret that Mr. Waldegrave severed his connection with the Prison Board by resigning his position in the Civil Service, and accepting his well-earned pension. His advice was always of great service to the Board. The Board desires to state that it has found Mr. Kayll, who is the secretary of the Board, most attentive to his duties. He is a gentleman who has for many years made a study of penology, and who is well acquainted through his reading with the systems of prison reform attempted in other countries. The Board has found his knowledge, and his suggestions, and his careful observations, and reports on the prisoners, of much service, and it considers that the Department is fortunate in having obtained his services.

The Board may conclude by stating that the members have found the work deeply interesting, and they hope that their services may be of some help in the redemption of the inmates of our prisons.

Signed on behalf of the Board.

ROBERT STOUT, Chairman.

Approximate Cost of Paper.—Preparation, not given; printing (1,500 copies), £2 10s.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1912.

Price 3d.]

