

SESSION II.
1921.
NEW ZEALAND.

OFFENDERS PROBATION ACT, 1920

(REPORT ON OPERATIONS OF) FOR THE YEAR 1920-21.

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

The Hon. the MINISTER OF JUSTICE to His Excellency the GOVERNOR-GENERAL.

MY LORD,—

Wellington, 17th August, 1921.

I have the honour to submit to Your Excellency the report of the Chief Probation Officer on the operations of the Offenders Probation Act for the year 1920-21.

I have, &c.,
E. P. LEE,
Minister of Justice.

The CHIEF PROBATION OFFICER to the Hon. the MINISTER OF JUSTICE.

SIR,—

Office of the Chief Probation Officer, Wellington, 31st July, 1921.

Hitherto the report on the operations of the First Offenders' Probation Act, 1908, has been presented with and has formed part of the annual Prisons Report; but the passing of the Offenders Probation Act during the 1920 session of Parliament has so enlarged the scope of our statutory probation system, created by the First Offenders' Probation Act of 1886, that a separate report by the statutory head of this important branch of social-service work has now become necessary. As Chief Probation Officer under the new Act I have therefore to present the first report regarding the working of the Act for the six months ended 30th June, 1921, the annual summary of returns under the original Act, and the reports of the honorary probation officers stationed in the chief centres of the Dominion.

For some years past it has been apparent to those employed in the administration of the First Offenders' Probation Act, 1886, that the Courts should be given statutory authority to extend the benefits of probation to persons other than technical first offenders. Efforts were made from time to time to place the necessary legislation on the statute-book, but it was not until last year that it was found possible to bring forward and pass into law a consolidated measure embodying all the amendments of the old Act that had been found necessary in the years that had elapsed since it was first passed, together with the sections giving the Courts full discretion to grant probation in all cases, whether there had been previous offences or not, and without restriction as to the class of offence committed.

It is, of course, much too soon to hazard an opinion as to the general effect of the removal of all restrictions on the granting of probation in lieu of imprisonment, but that the option given to Judges and Magistrates in this direction is being fully exercised is shown by the fact that 315 persons were placed on probation during the six months ended 30th June, 1921, compared with 139 for the corresponding period of 1920 while the original Act was in force. That the public and private purse has already benefited by the operation of the new Act is evidenced by the fact that while the total sum recovered from probationers for the first six months of 1920 amounted to £421, the total for the same period of the current year was £1,030. In addition to the visible gain to the State and to private individuals, who were thus enabled to recover money that would otherwise have been lost, there is the undoubted fact, comparing the figures under the two Acts, that approximately 176 persons were allowed to remain wage-earners under a system of restricted liberty who would otherwise have

become a charge upon the State. If it is assumed that the total additional probationers under the new Act will number 200 per annum, and we assess the cost to the State of each prisoner at £25 per annum, a saving of £5,000 per annum is shown in the expenditure of the Prisons Department. This is a material gain; but there is little doubt that the social and moral gain to the community generally is of even more importance. It must not be forgotten that in many cases a sentence of probation, combined with restitution, has a more salutary and restraining effect than imprisonment. There will inevitably be failures, but if the discretion of the Courts is exercised wisely, as it will be, the percentage of such failures will be insignificant in comparison with the moral and material saving that will be effected.

A recent decision of the Appellate Court reducing or amending a sentence of imprisonment to a term of probation has given rise to much controversy as to the wisdom of granting probation, instead of inflicting imprisonment, as a penalty for offences against the law. The opponents of the probation system hold, apparently, that punishment by imprisonment should be meted out to an offender as a vindication of the law, irrespective entirely of its effect upon the individual concerned, of its bearing upon the moral and material welfare of his dependants, or of the interest of the State. They entirely overlook the fact that, while in the case of offenders of certain tendencies and of certain temperaments segregation is the only method of adequately safeguarding the public, in quite a large percentage of cases the sentence of the Court is the least part of the punishment the offender has to bear. Under any modern system of prison-management the conditions under which a prisoner lives and works are not punitive—they conform, in fact, to ordinary systems of institutional control. The real punishment in many instances is the discovery of the offence, the trial before the Courts, and the loss of reputation and position. Imprisonment nowadays merely means segregation and consequent loss of liberty: in itself it is not punishment. Offenders who are definitely anti-social, and who when at liberty are a menace or a nuisance to the community, even in a minor degree, should without doubt be imprisoned; but the experience of those concerned in the administration of the prison and probation systems is that indiscriminate imprisonment is an economic waste, involving the “scrapping” of much useful human material. The argument really resolves itself into one of segregation *versus* probation—as to which is the more intelligent system when applied to offenders whose liberty is not a menace to the public. Under modern conditions the functions of the criminal Courts is not merely to convict and punish on an inflexible unintelligent system, but to make the sentence or punishment fit the criminal, not the crime. Experience has shown that in the vast majority of cases the granting of probation instead of the imposition of a sentence of imprisonment has resulted in the salvaging instead of the scrapping of human lives and reputations. Those who are empowered by law to investigate and review the sentences passed upon prisoners by the Courts, and have also to deal with the probation system, have no complaint as to the failure of probation as a reformative and rehabilitating agent, but they have often grave cause to question the wisdom of the sentences of imprisonment that have been imposed in cases where probation should obviously have been granted. They are fully cognisant of a fact that is ignored by, and possibly unknown to, the public, and apparently to some of those engaged in the administration of the criminal law, and that is that imprisonment, even under the best system that can be devised, does not reform, but confirms.

Probation is obviously the wrong treatment in many cases; but, with the very full information that is available to the Courts in regard to the offenders appearing before them, there is every opportunity to exercise wisely the wide discretion that recent legislation has conferred.

From the date upon which the First Offenders' Probation Act of 1886 was brought into operation until the 31st December, 1920, 3,748 persons were placed upon probation. Of that number 312 failed to comply with the conditions imposed and were afterwards committed to prison. The percentage of failures was therefore 12, and of successes 88, over a period of thirty-four years, while the total sum recovered from the probationers since 1886 was £10,817.

CHAS. E. MATTHEWS, Chief Probation Officer.

FIRST OFFENDERS' PROBATION ACT, 1908; OFFENDERS PROBATION ACT, 1920 AND GENERAL PROBATION.

REPORTS OF HONORARY PROBATION OFFICERS FOR THE YEAR ENDED 31st MARCH, 1921.

REV. F. R. JEFFREYS, GENERAL PROBATION OFFICER, AUCKLAND.

I have pleasure in submitting my sixth annual report. In many ways the year has been a record one; the large number of cases and the variety of the offences dealt with exceed those of any previous year that I have had to do with. The greatest advance, however, has been the provision of the new Offenders Probation Act, 1920. Although this new Act has been in operation for a few months only, its advantages over the old Act are most apparent to all who have to do with the administration of justice. Already there are many young offenders who are making praiseworthy efforts to reform and become good citizens, who would, but for the new Act, be serving sentences in prison. Apart altogether from the moral reform of the individual, the economic value alone to the community derived from this method of dealing with delinquents is incalculable. Great as this advance in social legislation may be, it is, however, but a stepping-stone to what might be accomplished if our whole probation system were reorganized and extended. There are many reasons for the expression of opinion, even in a formal report like this, that our duty is to meet a very real need and extend the probation system. At present

there are various agencies—State, religious, and philanthropic—that are endeavouring to help our weaker brothers and sisters, but there is such a lack of co-operation and so much overlapping that there is inevitable loss of time and efficiency. Years of experience as the probation officer in the largest district in the Dominion have convinced me that all social-service efforts must be organized if permanent and successful work is to be accomplished. What is wanted is a special department, under one Minister of the Crown, that would exercise a friendly supervision over all social-service activities, State and otherwise. It is only by bringing all this work under one responsible head that permanent good will result. I look forward to the day when this Dominion will have a social-welfare department that will control the whole work of dealing with the delinquents of the community. I would respectfully suggest that an effort be made to set up a committee of inquiry that can gather information and draft recommendations to meet this need.

During the year I received from the Auckland Courts 108 probationers under the old and new Acts for the following terms: Three months, 1; six months, 10; twelve months, 41; eighteen months, 2; two years, 29; three years, 21; four years, 3; five years, 1; total, 108. Added to this number 19 were received from other districts on transfer, making a total of 127 cases received. Of this number 4 completed their term, 39 were transferred to other districts, and 11 were arrested for breaches of their probation and otherwise dealt with. Surely these figures are sufficient justification for again emphasizing the opinion that our probation system is one of the finest things our Dominion has in the administration of justice. A failure of only 6.28 per cent. Further, an analysis of these failures reduces what bare figures may imply. Of the eleven failures referred to four were hopeless cases from the first, and were merely deferred cases under the new Act that were given a chance in the hope that they might make good. One was a mental pervert who was quite irresponsible, and who could not understand what was required of him. One was an industrial-school youth whose record was not known when sentenced. One was a woman that was a victim of drink. Another was an Italian youth who could not grasp the significance of our requirements. Orders were made against probationers as follows: Restitution, £660 8s. 2d.; costs of prosecution, £334 16s. 2d.: a total of £995 4s. 2d. A large proportion of this money has been collected and disposed of in the ordinary way. I know of nothing better for his reform than making a thief or forger pay from his hard-earned wages restitution and the costs that the country has incurred by him. The year began with 100 ordinary probationers under my care and ended with 113.

Crimes Amendment Act, 1910.—As probation officer under this Act a number of prisoners on release on license have been under my care. This branch of work is very different from that with the ordinary youthful offenders, and while one meets with much encouragement, especially with the cases from the Borstal and Waikeria reformatories, there are many cases that cause great disappointment. It is strange how eager many prisoners are to be liberated on license, but when once released soon forget all their promises made to the Prisons Board, and break faith with the probation officer who has done everything he can to assist them. There is no doubt whatever that prison life, despite all the reforms that may be made with the internal conditions, destroys a man's independence and responsibility. Notwithstanding this, there are quite a number of notable cases of reform. A factor that helps greatly in this work is that the probation officer controls the funds that a prisoner has earned in prison, and by careful disbursement helps the prisoner to get on his feet and prevents him from squandering his money. During the year I paid out to various probationers the sum of £300 3s., and all this was chiefly in small sums. The following table shows the number of these probationers cared for: In April, 33; May, 32; June, 33; July, 28; August, 25; September, 26; October, 23; November, 17; December, 19; January, 30; February, 33; and in March, 39.

In conclusion I desire to state that the police and Court officials have rendered me all the help possible, and express my gratitude accordingly. The year's work has been heavy, and could not have been carried out without the valuable services of the officer assigned to me by the Prisons Department.

ACTING PROBATION OFFICER, CHRISTCHURCH.

In submitting a report of the work of the probation officer under the Offenders Act, 1920, for the year ended 31st March, 1921, I am not able to supply very much general information. The Rev. Frank Rule was in office until the 22nd January last, and my connection, therefore, with the work is of short duration.

Both Courts (the Magistrate's and the Supreme Court) have been visited daily when sitting, and the work generally in all its many branches regularly attended to. In most cases there has been a marked improvement in the conduct of the offenders, and few have again lapsed into crime.

The following cases have been dealt with during the year: Number on books at beginning of year, 60; formal, put on probation, 15; informal, put on probation, 36; transfers received, 11: total, 122. Formal, completed, 8; informal, completed, 20; transferred elsewhere, 19; sent to inebriates' institutions, 3; defaulted from country, 2; sent to gaol, 7: total, 59. Number on books at close of the year, 63.

REV. F. G. CUMMING, GENERAL PROBATION OFFICER, DUNEDIN.

The past year has been one of the busiest and—shall I say?—one of the most successful years of my work as probation officer in the district. The number of persons placed on probation under the Offenders Act was thirty-eight, which stands out as a record.

It is interesting for one to watch the probationer who has made up his or her mind to make good. The struggles of some are very real. Having no friends to help or advise them, here is where the real work of the probation officer comes into play, and the real value of the Act and his advice is fully realized. I again say that the visitation of the home, or where these young people reside, brings him into touch with the surroundings of his probationers, and he is therefore better able to advise them for their good.

There has not been a great deal of difficulty in the way of control during the year, and the return of prisoners was only four. This goes to unmistakably prove the value of the Act.

I am fully convinced that the present amendment of the Probation Act is a further step in the right direction, giving as it does to Judge and Magistrate greater powers to deal with nearly every class of offenders on the lines of probation, and giving the probationers their real chance under wise helpful control to make good.

I must acknowledge with much thanks the great kindness shown to myself as probation officer by His Honour the presiding Judge, and the two Stipendiary Magistrates, who are at all times willing to listen to my recommendations. This is a great encouragement to one who is seeking to help the prodigal and save the wayward youth or young girl from going further astray.

Here again I must also thank the police and detective force for their kindly help and practical assistance. At no time have they been other than kind. Their advice and assistance have had to be sought, and have never been withheld.

There has been a large number of persons released on probation under the Crimes Act by the Prisons Board. This places a great responsibility upon the probation officer; great tact must be displayed if these released men and women are to make good. I must say that I am much encouraged, and full of real hope for this class of probationer; so far they have given every evidence of doing the right thing.

I am pleased that we have now a Chief Probation Officer. It was essential that there should be a definite statutory head of long experience to this important branch of social work.

There has been a large amount of money collected in this district during the past year for restitution, costs of prosecution, &c. On the whole the collecting does not necessitate much work. I have found, generally, a very honest desire to make good the amounts laid against them by the Court. This is most gratifying.

I have upon my books at the time of writing fifty-three probationers under the First Offenders Act, and sixteen under the Crimes Act, making a total of sixty-nine in all.

I would again repeat that the young person who gets the benefit of probation should be put on a lengthy period, not a short term; and this is all the more important seeing the probation officer can make recommendation to the Department for the remission; and, further, my experience makes me feel that the person who gets a fairly lengthy period always does best both while on probation and after he gets his liberty.

The year has been a good one, and the improvements under the amended Act make one feel hopeful of great things. I need hardly add that the machinery of the Patients' and Prisoners' Aid Society is a great help to the Department in shepherding and helping the probation work.

MR. A. McLEAN, GENERAL PROBATION OFFICER, INVERCARGILL.

It is gratifying to again record that throughout the year probationers have, on the whole, fulfilled the conditions of their release satisfactorily. In one instance only, a youth, who pleaded guilty on a charge of assault, was released on the same probation with restrictions requiring him to report himself weekly for three months, and not to be out of his home after 10 p.m. without the written permission of his probation officer. These restrictions have been strictly observed, and in conversation with his mother she informed me that having his liberty curtailed effected good results—greater than any extension of the period of probation would have accomplished—and that the restraints and discipline of probation have been good for her boy. Such voluntary testimony to the value of the Offenders Probation Act as a reformatory agent is very satisfactory, and gives emphasis to the conviction that the Act is on right lines and will prove of increasing value to the community.

The amended Offenders Probation Act, 1920, has been operating for some months. Under its provisions one youth who was convicted and ordered to come up for sentence was placed on probation under section 16 of the Act. The value of the amended Act, so far as it affects persons with one or more previous convictions, and others under deferred sentence, will be demonstrated as the years go by. It is certainly a forward step, and based on the sound principle that it is always desirable that the reformation of the individual should be accomplished if possible without the stigma and loss of personality imprisonment entails.

While neither overlooking indifferent fulfilment nor regarding any breach of the conditions of release as trivial, experience with probationers has shown clearly that efforts should not be judged entirely by results. In one case effort may meet with failure for the time, yet the endeavour may indicate more genuine reform than what appears to be success in another.

As in former years, the endeavour has been to strengthen and encourage by personal visits to and from probationers, to raise the standard of thought; and by enlarging the prospect a return to former conditions can be hindered, if not altogether prevented.

During the year thirteen were received on probation from the Supreme and Magistrate's Courts, and there were six on my register at the beginning of the year, making a total of nineteen for the year. There were three from the Supreme and ten from the Magistrate's Court. Two were for a period of three years, three for two years, six for one year, and two were for six months. There were ten males and three females, and their ages ranged from sixteen to twenty-four years, with the exception of one male whose age was forty-six years. Eight were transferred to other districts, four completed their periods of probation satisfactorily, and seven were remaining on the register at the end of the year. Included in the number transferred to other districts were two whose restitution-money is being paid through this office. Restitution was ordered to be made in four cases, amounting to £27 19s. 6d., and costs of prosecution in three cases to the amount of £24 16s. 10d. A total of £25 12s. 6d. was collected, of which amount £25 7s. 6d. was restitution-money.

My duties included attendance at each session of the Supreme Court, and daily attendance at the Police Court. In connection with the latter my duties brought me in touch with thirty-seven juvenile offenders dealt with by the Juvenile Court. This number is suggestive, and gives emphasis to the reference in a recent annual Prisons Report to the necessity for a Department or central organization for the purpose of checking the anti-social tendencies of the rising generation, and to deal with juvenile delinquents. The condition seems to indicate the absence of moral consciousness, and suggests that there is a lack of home teaching arising from the want of a sense of responsibility to the children on the part of some parents.

The friendly relations subsisting between your officer and parents and relatives of probationers were fully maintained, and conduced to the success of the year's operations.

I desire to acknowledge the courtesy and assistance extended to me throughout the year by departmental, Court, and police officials.

MR. T. P. WILLS, WELLINGTON.

There were fifty-two offenders on the register at the beginning of the year; fifty-three were placed on probation (within the scope of the Act), and twenty were transferred from other districts, 125 in all passing through my hands during the year. Twenty-eight completed the period of their probation satisfactorily, twenty-eight were transferred to other districts, one left the Dominion, three were imprisoned, leaving sixty-five on the register at the 31st March, 1921.

The conduct of probationers has been generally satisfactory. Of the 125 persons dealt with only two have been failures; another was imprisoned for several offences committed prior to the one on which he was granted probation. There were two others who were brought before the Court for breaches of their probation (failing to report). The period of one was extended twelve months, which has proved very salutary; the other received one month's imprisonment, but since his release his conduct has been fairly satisfactory only.

Of those who have passed through my hands during the year sixty were between the ages of sixteen and twenty, thirty-six between twenty-one and thirty, twenty-one between thirty-one and forty, and eight over forty. There were 103 without any settled occupation, which adds to what has been often stressed in relation to crime generally—the need of every youth learning some trade. It is not the young tradesman or the skilled workman that contributes to the criminal population to any extent.

There has been hardly sufficient time to state definitely the benefits that may have accrued from the new Act, except to say that in quite a number of instances where imprisonment would have been imposed under the First Offenders' Probation Act, 1908, release under probation has now been made possible. This has, of course, given the Court power to consider cases on their merits, and to give a chance to extend leniency where there is a possibility of reform without prison punishment. Very frequently imprisonment confirms rather than reforms. Probation with wise conditions is certainly irksome to some, and is in itself a form of punishment obviating the need of being herded with criminals or with criminals in the making.

The humane provisions of the present Act in one case at least have been most encouraging. A man with two previous convictions, when he was fined in each instance, came before the Court on a third offence. The Court, after some hesitation, granted him probation. He is now, after a few months, proving one of the most satisfactory on my register. He is steeling himself against his old associates, is in constant employment, and is endeavouring in a very earnest way to establish himself in decent society.

OFFENDERS' PROBATION ACT, 1920.

AGES AND TERMS OF OFFENDERS PLACED ON PROBATION DURING 1920.

Ages, in Years.				Four Months and under.	Six Months.	Twelve Months.	Fifteen Months.	Eighteen Months.	Two Years.	Three Years.	Four Years.	Total.
10 and under 15	..	..	..	..	1	1	..	..	1	1	..	4
15 " 20	..	..	..	..	4	36	..	1	46	25	..	112
20 " 25	..	..	..	..	3	31	..	..	17	21	..	72
25 " 30	..	..	..	..	3	8	..	1	10	6	1	29
30 " 40	..	..	..	..	1	9	..	..	10	4	..	24
40 " 50	..	..	..	..	2	10	..	..	6	3	..	21
50 " 70	..	..	..	..	..	1	..	..	..	1	..	2
Totals	..	..	..	..	14	96	..	2	90	61	1	264

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