

wider discretion given to the Courts was appreciated both by Judges and Magistrates, as enabling them to vary to a greater extent than was previously possible the treatment to be applied in the various cases coming before them. In other words, it permitted a nearer approach to the "individualization of punishment" than under the former more rigid conditions.

All the Probation Officers report most favourably on the results of the enlarged system, and it is abundantly clear from our own experience, and that of other administrations in England, the United States, and elsewhere, that a liberal system of probation wisely and carefully administered is one of the greatest reformatory and preventive agents in existence. I say "wisely and carefully administered" advisedly, because, unless a wise discretion is exercised in the selection of offenders to be granted probation, and the greatest care and firmness characterizes the treatment of the probationers by the Probation Officers, the system will be abused and its good effect largely nullified. The New York State Probation Commission in its last year's report makes the following statement in regard to this question :—

"The Commission has always urged that too much emphasis cannot be placed upon the need for careful discrimination in the use of probation, based on a thorough investigation and knowledge of the previous record in each case. The Commission has never advocated, and never will advocate, probation as a cure-all or as a treatment to be applied even once in every case. Some offenders should never be placed on probation; others may wisely be given more than one chance. The individual good judgment of the Court and the Probation Officers must decide. . . . The method is most successful when applied to a large class of so-called 'accidental' offenders, and others not inherently criminal but with delinquent tendencies exaggerated by improper environment and association. With this class of delinquents, which far outnumbers the professional kind, probation succeeds in the vast majority of cases, when applied as a real system of discipline and helpfulness."

In this country, as in others, there are many persons, both among the general public and even among those engaged in the administration of the criminal law, who assert that imprisonment is the only proper and adequate method of dealing with law-breakers; but that is not the opinion of Sir Evelyn Ruggles-Brise, K.C.B., Chairman of the Prison Commission for England and Wales, who, in his work "The English Prison System," makes the following statement :—

"This is the meaning of the 'individualization of punishment'—it is quite consistent with a firm administration of penal justice, but it destroys for ever the old classical idea of the 'abstract type of criminal.' In other words, *justice demands that the old formula of 'imprisonment with or without hard labour,' indiscriminately applied, shall no longer be held to satisfy all her claims.* The reaction against this so-called *dosimétrie pénale*—i.e., the abstract conception of crime and the mechanical application of punishment 'according to code,' is a growing force. It is marked in the United States of America by the universal adoption of the 'indeterminate sentence,' and on the Continent of Europe by various decrees for conditional conviction and liberation which find their place in the latest penal codes. In England and America, probation; in France and Belgium, the *sursis à l'exécution de la peine*—all mark the reluctance to resort to fixed penalties when justice can be satisfied by other means."

From the quotations I have given it is apparent that the efficacy of probation as a "treatment" to be applied in proper cases is well established, at all events, in the majority of English-speaking countries.

As pioneers in the system we are justified, after thirty-four years' experience of its beneficial effects, in extending its scope as we have done. It now remains for those engaged in the administration of the Act to see that the privileges granted under it are not abused, and that offenders who endeavour to take undue advantage of those privileges are firmly and drastically dealt with, both as a means of disciplining the individual offender and as a warning to others.

DEPARTMENTAL AND GENERAL.

Provision having been made under the 1920 Act for the appointment of persons "of either sex" as Probation Officers, four ladies were appointed—one in each centre—to supervise the female probationers. This departure from the older system, under which we had power only to appoint male Probation Officers, has worked out very satisfactorily.

In view of the large increase in the volume of probation work due to the passing of the new Act it became necessary to appoint a Deputy Chief Probation Officer to assist at headquarters. The appointment was conferred upon Mr. D. A. Mackintosh, Chief Clerk of the Prisons Department, who is now the sectional head of the Probation Branch.

During the year we lost the services of one of our most enthusiastic and hardworking honorary Probation Officers in the person of the Rev. F. R. Jeffreys, of Auckland, under whose able and sympathetic management in the northern city district the system has been built up and consolidated. Mr. Jeffreys's loss will be severely felt not only by the Department, of which he was a highly valued and efficient honorary officer, but by the probationers, to whom he was guide, philosopher, and friend for so many years. Mr. Jeffreys has been succeeded by Mr. W. J. Campbell, of the Auckland Magistrates' Court staff.

The restitution-money and Court costs collected from probationers for the year ended the 31st December, 1921, amounted to £2,210. This, added to the figures quoted in last year's report, gives a total sum of £13,027 obtained from probationers since the passing of the First Offenders Probation Act in 1886.

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