

1934.

NEW ZEALAND.

OFFENDERS PROBATION

UNDER OFFENDERS PROBATION ACT, 1920, AND CRIMES AMENDMENT ACT, 1910
(REPORT ON OPERATION OF), FOR THE YEAR 1933-34.

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.

SIR,—

Wellington, 30th August, 1934.

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 ended 31st December, 1933.

I have, &c.,
JOHN G. COBBE,
Minister of Justice.

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

SIR,—

I have the honour to present my annual report on the working of the probation system under the Offenders Probation Act, 1920, and the Crimes Amendment Act, 1910, for the year ended 31st December, 1933.

The statistical tables appended to the report summarize the results of the last year's operations, and I attach also an epitome of the reports of the principal District Probation Officers. The reports from the Probation Officers, despite the difficulties encountered during the year due to the prevailing economic conditions, all strike an enthusiastic note regarding the conduct of probationers and their satisfactory response to the conditions imposed upon them.

The total number of cases dealt with during the year was 2,201, which was 11 less than the number for the previous year. The number of fresh admissions to probation was 767, or 134 less than for the year 1932. This reduction does not indicate that probation has found less favour with the Courts as a means of dealing with offenders, but is due to the general diminution in the volume of crime for the past year. As the prison statistics show, the decline in commitments to prison has been proportionately greater than the falling-off in admissions to probation.

Of the total number of persons on probation, 174, or approximately 8 per cent. only, failed to conform to the requirements of their probationary licenses. This is exceedingly gratifying considering present-day conditions, which no doubt intensify the difficulties, particularly with respect to those cases where restoration is required to be made. Probation officers have indicated that in many cases this has involved a definite self-denial. The making of restitution in such circumstances is undoubtedly an indication of the redemptive influences that are brought to bear under probationary supervision. The total amount paid by probationers during the year was £2,375, representing £403 for costs of prosecution and £1,972 restitution to victims.

A total sum of £57,278 has been collected since the inception of the scheme on account of restitution moneys and costs of prosecutions. As stated in previous reports, this is a positive feature of probation as compared with imprisonment, where the victim receives nothing and the offender becomes a charge on the community.

Probation was first adopted in New Zealand in 1886, on the passing of the First Offenders Probation Act. Until the passing of the Offenders Probation Act, 1920, probation was applied exclusively to first offenders, but now it is open to the Courts to exercise a free discretion as to what cases shall be admitted to probation. Owing to the initial Act being limited to first offenders, probation popularly became recognized as the "first chance" given to first offenders, and in many quarters, particularly amongst the Maoris, it is regarded as nearly equivalent to "getting off," whereas, in actual fact, probation is considered to be one of the most rational methods of dealing with certain classes of offence. It is the most advanced departure from the classical school of criminology which regarded every person as being fully responsible for, and accountable to society for, all his actions. The free agency of man has given place to a recognition that he is a creature conditioned in multiple

ways by heredity and environmental influences. The probation system is not founded on a policy of leniency under which anti-social conduct is excused or condoned on all kinds of fantastic or questionable grounds, but it is a recognition of the fact that the protection of society against the predations of certain classes of criminals, particularly of the "accidental" class, does not lie exclusively in incarceration, but that frequently more constructive influences can be brought to bear, and less disruptive influences in respect of social and economic ties will be involved, by a system of sympathetic and judicious oversight of the offender in the community. Probation enables the offender to remain at large, but at the same time to be under control and guidance, thus avoiding the stigma and other harmful reactions to imprisonment.

The determination as to the form of sentence to be imposed is recognized to be a peculiarly difficult task. The Court must vindicate the law, and the community sense of justice must be satisfied.

The principal factors to be considered may be summarized as follow :—

- (a) The protection of society.
- (b) The punishment and disciplining of the offender.
- (c) The reformation and rehabilitation of the offender.
- (d) The deterrence of others.

In considering these factors, the nature of the crime has a definite bearing. A grave crime against the person is in a totally different category from an offence against property. A crime of sudden passion, or a weak succumbing to temptation must be treated differently from a carefully planned, or systematic, or deliberate crime. If the circumstances, and a study of the offender show that he is so constituted and so habituated to war upon society that there is little or no real hope that he can ever be anything else than a menace, there is no practicable alternative but incarceration. If the individual is more in the nature of an accidental offender who is amenable to reformatory influences, extra-mural methods under probationary license are fittingly applicable.

Probation must not be regarded as a substitute for punishment. It definitely involves a restriction of liberty. It is an attempt at helping an offender to reshape his life in the community under a system of firm but sympathetic and constructive oversight. Although up to a point a probationer's life is ordered, he does fend for himself in the community, and he does not become so dependent as in the case of a person sentenced to imprisonment.

Probation calls for a study of the individual offender, and for a careful investigation of the whole of the surrounding circumstances associated with the committing of the offence. It requires a practical understanding of human nature in order to induce the full co-operation of the offender in bringing about his rehabilitation. Probation is essentially a community service, and the Department has enlisted the aid of a large body of voluntary workers who have made it their business to take an interest in probation work, to assist in the finding of employment, and to help in many practical ways the restoration of offenders to a more desirable standard of citizenship.

The Crimes Amendment Act statistics deal with parole probationers—i.e., persons who have been released on the recommendation of the Prisons Board after serving a term of imprisonment or detention. There were 388 persons released on probation during the year under review. One of these was recommitted to prison for breach of the conditions of his license, and fifty-two, including eleven habitual criminals, had their licenses cancelled for further offences. Considering the difficulties with which these dischargees are faced in rehabilitating themselves, the small percentage of failures must be regarded as satisfactory. The effectiveness of the present method of parole and after-care can to some extent be judged from the fact that during the five years ended 31st December last, 1,393 prisoners (excluding habitual criminals) were released on probation, and during this period only 128, or 9·2 per cent., were returned to prison for failing to comply with the conditions of their release or for other offences whilst on probation, and only 24 per cent. have again been convicted subsequent to discharge.

I have much pleasure in again placing on record the Department's appreciation of the assistance rendered in this probation work by a large number of public-spirited citizens, and in particular the members of the Voluntary Probation Committees for their help to probationers and their co-operation with Probation Officers, and the Prisoners' Aid Societies. The value of assistance in this work is summed up in a wise dictum of Carlyle's: "No man would have gone to ruin could he have found a man great enough, a man wise and good enough, who had the vision or the wisdom to discern truly what was needed, and the valour to supply the need."

I am grateful to my own staff for their loyal co-operation, and also to the Salvation Army Officers, Police Officers, and others who act as Probation Officers.

B. L. DALLARD,
Chief Probation Officer.

AN EPITOME OF REPORTS OF DISTRICT PROBATION OFFICERS.

Mr. W. J. CAMPBELL, District Probation Officer, Auckland.

Offenders Probation Act: Total dealt with, 320; total costs of prosecution and restitution-moneys collected, £430 4s. 11d.

A total defaulters' list of 26 is shown, this figure being approximately 8 per cent. of the number dealt with.

The sum collected appears small, compared with that collected in more prosperous years, but the payment of the amount shown represents in nearly all cases a very real endeavour, and in many cases a measure of thrift scarcely to be expected. All the prevailing conditions considered, and these do not require recapitulation, the majority of probationers have done well, many under very adverse conditions.

As in previous years since the inception of the Voluntary Probation Committee, the members have done anything possible to assist, and my thanks and appreciation are due to the committee for their assistance.

Crimes Amendment Act : The average number reporting under this heading was 83. There were twenty-one defaulters. In this connection I am of the opinion that lack of the steadying influence of assured employment has had a very considerable bearing on the conduct of many of those who defaulted. The majority of probationers in this class are employed on relief works, some locally, and many in Public Works, Forestry, and other relief camps.

Mr. T. P. MILLS, District Probation Officer, Wellington.

Offenders Probation Act : Total dealt with 236 ; total costs of prosecution and restitution-moneys collected, £314 11s. 1d.

Only a few probationers were unemployed at the close of the year. Outside those who were fortunate enough to obtain award wages, many have been absorbed in relief work in town and at camps. Some have sought work such as scrub-cutting and are making fair wages, but the fact cannot be disguised that there is much hardship at the present time. However, a large proportion are making earnest efforts to overcome their weaknesses, which is borne out by the fact that barely 4 per cent. of the year's probationers were brought before the Court for subsequent offences.

As may be anticipated, some difficulty has been experienced in the collection of costs and restitution-moneys. Self-denial is often evident in the efforts of the probationers in this respect, and credit is due to those men who will minimize their "smokes" in their endeavour to meet the financial obligations endorsed on their licenses.

Crimes Amendment Act : The numbers dealt with this year were 177. The majority have done well, and many of them will not be heard of again.

As usual, the members of the Voluntary Probation Committee whenever called upon have been most willing to assist.

Mr. W. H. DARBY, District Probation Officer, Christchurch.

Offenders Probation Act : Total dealt with, 193 ; total costs of prosecution and restitution-moneys collected, £233 1s. 5d.

It is pleasing to be able to report that the majority of the single men under supervision are in steady employment. On the other hand, there is very little change regarding the married men, most of whom have restitution money to pay, but in the present circumstances it is difficult for them to do so. Perhaps in the near future some consideration might be given by the proper authority to the suggestion that the burden be lifted from them.

The successful carrying out of this work would have been impossible had it not been for the loyal and generous support given by members of our Voluntary Probation Committee and other members of the community, who have been assisting us for some time past.

Crimes Amendment Act : The number dealt with under this heading was 125.

Mr. J. GARbutt, District Probation Officer, Dunedin.

Offenders Probation Act : Total dealt with, 125 ; total costs of prosecution and restitution-moneys collected, £103 7s.

The relatively low criminal statistics for this province would indicate a satisfactory moral tone in its community aspect, and justify continuity of the probation system as a distinctly humanitarian and economic measure.

The sum recovered comprises a unity of individual efforts, often made under circumstances of extreme difficulty, towards a personal objective of reparation and moral uplift.

Crimes Amendment Act : Number dealt with, 57.

Dischargees from institutional control still find their reception into an economically anxious world conditioned by a retributory attitude more realistic than even the rigours of prison life. To soften their attitude and reaction to social ostracism, much understanding and practical sympathy is required. Our association with the Patients' and Prisoners' Aid Society provides practical expression along such lines, and it is expected that our interests will continue collaterally to be characterized by reciprocal service and good will.

Lastly, may I pay a tribute to the work of our Voluntary Probation Committee for their unremitting efforts in providing practical evidence of their interest and good will in our work.

Major GORDON, Probation Officer for Women, Auckland.

Offenders Probation Act : Total dealt with, 61 ; total costs of prosecution and restitution-moneys collected, £23 8s. 3d.

The work during the year has been encouraging, and I found the majority of the probationers responsive and appreciative of the interest taken in them.

Only one probationer failed to respond to the probationary conditions, and was eventually sent to the Borstal Institution.

The lack of home training and discipline accounts for much of the waywardness of so very many of these girls who come under our notice.

Miss A. J. SIMPSON, Probation Officer for Women, Wellington.

Offenders Probation Act : Total dealt with, 60 ; total costs of prosecution and restitution-moneys collected, £31 19s. 2d.

In spite of the prevailing unemployment, the majority of the girls have been in regular situations, but owing to the small wages the collection of restitution-moneys is very difficult, and as the married women are nearly all existing on relief wages, it is hopeless to press them for payment.

Adjutant V. D. WOOD, Probation Officer for Women, Christchurch.

Offenders Probation Act : Total dealt with, 29 ; total costs of prosecution and restitution-moneys collected, £37 0s. 5d.

We have passed through a very strenuous year, in which the probation system has proved its worth. Assistance has been given in many cases, with good results. The great majority of probationers have made good and appreciate the opportunity given.

Mr. H. COLE, Probation Officer, Palmerston North.

Offenders Probation Act : Total dealt with, 59 ; total costs of prosecution and restitution-moneys collected, £71 2s. 10d.

The prevailing depression has made it difficult to find suitable occupations for the probationers, and the lack of employment consequently renders it hard for offenders to make restitution of moneys due.

Conduct has, generally speaking, been good, and reporting, with the exception of one or two, has been carried out faithfully.

Mr. M. CUSSEN, Probation Officer, Nelson.

Offenders Probation Act : Total dealt with, 47 ; total costs of prosecution and restitution-moneys collected, £7 11s.

During the year the conduct of the probationers on the whole has been good. My thanks are due to the Probation Committee, who are always willing to give assistance.

Mr. G. McKESSAR, Probation Officer, Timaru.

Offenders Probation Act : Total dealt with, 51 ; total costs of prosecution and restitution-moneys collected, £20 10s.

A greater number of probationers have been dealt with this year. In reviewing their conduct I am more than satisfied that the Offenders Probation Act has justified its existence. The majority of offenders have made good, and in most cases they have given little or no trouble.

Mr. C. G. L. POLLOCK, Probation Officer, Invercargill.

Offenders Probation Act : Total dealt with, 91 ; total costs of prosecution and restitution-moneys collected, £48 8s. 2d.

Crimes Amendment Act : Total number dealt with, 22.

I have to again express my appreciation of the assistance given by the officials of the Labour Department, through whom practically all labour is now engaged ; also to the Chairman of the Probation Committee for the sympathetic interest taken in those admitted to probation, and to Dr. Burns Watson, who very kindly furnished medical reports where required.

Mr. W. DINEEN, Probation Officer, New Plymouth.

Offenders Probation Act : Total dealt with, 44 ; total costs of prosecution and restitution-moneys collected, £56 4s. 9d.

During the year two men convicted of bookmaking were released on probation under special conditions. Up to the present they have given satisfaction to myself and the police. Of the cases still remaining on the register, two are probationers who, owing to their inability to meet their monetary obligations, must continue to report.

Mr. E. CHING, Probation Officer, Wanganui.

Offenders Probation Act : Total dealt with, 70 ; total costs of prosecution and restitution-moneys collected, £89 9s. 11d.

Probationers, generally speaking, have made an honest attempt to do right and appreciate the chance given them.

Again it is my pleasure to thank the Honorary Committee for their assistance.

During the year 15 persons were placed on the register of those discharged from Prison Institutions. All have done well except 2. The conduct of this class of probationer has been very good.

Mr. H. N. RICHARDSON, Probation Officer, Gisborne.

Offenders Probation Act : Total dealt with, 66 ; total costs of prosecution and restitution-moneys collected, £82 15s. 3d.

The past year has not been an easy one as far as employment is concerned, but, thanks to the members of the Voluntary Probation Committee I have been able to place most of the young probationers on country stations.

Mr. T. STOCKER, Probation Officer, Napier.

Offenders Probation Act : Total dealt with, 60 ; total costs of prosecution and restitution-moneys collected, £20.

It is becoming increasingly difficult to collect restitution-money owing to the continued and widespread unemployment and to the fact that the majority of probationers are employed on relief work.

The general results of the probation system in this district are very gratifying, very few of the probationers failing to comply with the terms of their probation.

Thanks are due to the Voluntary Probation Committee for their assistance in providing work where possible.

Crimes Amendment Act : The number dealt with was 25. The conduct of these probationers has been good.

Mr. H. ROBINSON, Probation Officer, Greymouth.

Offenders Probation Act: Total dealt with, 10; total costs of prosecution and restitution-moneys collected, £19 14s. 7d.

I am pleased to state that so far employment has been found for all probationers in this district. The Voluntary Probation Committee are willing to co-operate in rehabilitating offenders. The conduct of all probationers has been satisfactory.

Crimes Amendment Act: The number dealt with was 7.

STATISTICS.

OFFENDERS PROBATION ACT, 1920.

AGES AND TERMS OF PROBATION OF THE OFFENDERS ADMITTED TO PROBATION DURING THE YEAR 1933.

Age, in Years.	Six Months or under.	One Year.	Eighteen Months.	Two Years.	Three Years.	Four Years.	Five Years.	Total.
Under 20 years of age ..	5	62	..	69	14	..	..	150
20 and under 25 ..	8	74	..	83	24	..	..	189
25 „ 30 ..	6	44	2	39	3	..	..	94
30 „ 40 ..	7	57	1	39	6	..	..	110
40 „ 50 ..	3	24	..	17	6	..	..	50
50 „ 60 ..	1	11	1	4	3	..	..	20
60 and over ..	..	5	..	2	..	..	..	7
Totals ..	30	277	4	253	56	..	..	620

SUMMARY OF CASES DEALT WITH DURING THE YEAR 1933.

	Admitted to Probation.	Deferred Sentence.	Total.
Number reporting on 1st January, 1933 ..	1,258	175	1,433
Admitted to probation during 1933 ..	620	147	767
Resumed probation during the year (previously struck off) ..	1	..	1
Totals ..	1,879	322	2,201
Completed probation during 1933 ..	567	134	701
Discharged by Prisons Board ..	28	1	29
Deceased ..	6	1	7
Left the Dominion ..	10	1	11
Absconded and not traced (term expired) ..	24	7	31
Resentenced on original charge ..	33	9	42
Committed further offences ..	29	7	36
Totals ..	697	160	857
Number reporting at 31st December, 1933 ..	1,182	162	1,344

BREACHES OF CONDITIONS OF RELEASE COMMITTED DURING 1933.

	Total.
Failed to report, &c. ..	79
Committed further offences ..	78
Absconded (still untraced) ..	17
	174

COSTS OF PROSECUTION AND RESTITUTION-MONEYS COLLECTED DURING THE YEAR ENDED 31ST MARCH, 1934.

	£	s.	d.
Amount of costs of prosecution collected by Probation Officers ..	402	17	4
Amount of restitution-moneys collected ..	1,972	0	0
	£2,374	17	4

OFFENCES FOR WHICH OFFENDERS RECEIVED THE BENEFITS OF THE PROBATION ACT DURING THE
YEAR ENDED 31ST DECEMBER, 1933.

Offence.	Admitted to Probation.	Deferred Sentence.	Total.
Theft	388	63	451
False pretences	52	21	73
Breaking, entering, and theft	39	1	40
Common assault	13	10	23
Unlawful conversion of property	19	2	21
Receiving stolen property	16	3	19
Mischief and wilful damage	13	1	14
Forgery and uttering	11	3	14
Drunk in charge of vehicles	10	1	11
Attempted suicide	1	10	11
Vagrancy	8	2	10
False statement under Unemployment Act	1	9	10
Obscene language	7	2	9
Carnal knowledge	6	2	8
Obscene exposure	5	1	6
Indecent assault	2	3	5
Disorderly or threatening behaviour	2	2	4
Escaping from custody and attempted escaping	3	..	3
Offences under Post and Telegraph Act	3	..	3
Indecent act	2	1	3
Unlawfully on premises	2	1	3
Intimidation and inciting to lawlessness	2	..	2
Breach of probation	2	..	2
Concealment of birth	1	1	2
Bigamy	1	1	2
Helpless drunkenness	1	1	2
Bookmaking	..	2	2
Sending threatening letter	1	..	1
Making and uttering counterfeit coins	1	..	1
Breaches of Bankruptcy Act	1	..	1
Negligent driving	1	..	1
Default of maintenance	1	..	1
Dual voting at an election	1	..	1
Incest	1	..	1
Released under section 15 (in lieu of bail)	1	..	1
Unlawfully carrying firearms	1	..	1
Sly-grog selling	1	..	1
Breach of Chattels Transfer Act	..	1	1
Keeping a brothel	..	1	1
Failing to pay unemployment levy	..	1	1
Stowing away	..	1	1
Totals	620	147	767

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