

It is correct to state that notwithstanding that as a general rule insubordination in gaol must be regarded as a serious matter, the happening at Mount Eden was merely an incident engineered by hot-headed notoriety-seekers, whose sole object was to subvert the discipline of the prison. With a full sense of responsibility, I desire to emphasize that it would have been disastrous had the matter been allowed to be magnified into unjustified and disproportionate dimensions, and I am exceedingly grateful to you, Sir, for your support in this matter, which I am convinced was in the best interests of law and order and of the misguided inmates as well.

CLASSIFICATION AND SEGREGATION.

Until comparatively recent years, since when greater attention has been given to the personality of offenders, classification was based mainly on criminal experience, and efforts were made to segregate the more hardened criminals from first offenders mainly because of the fear of contamination. Experience shows that with changing social and economic conditions a scheme of classification designed with this objective is not as effective as a system of classification that will permit of the more selective treatment of offenders. Often the so-called first offenders show greater evidence of moral turpitude than some of the many times convicted recidivists. The technique of predatory crime in recent years has changed to such a degree that the desperate and dangerous criminal is the young offender who is adventurous, ruthless, and ready to take risks. Beside him the old "lag" is too old-fashioned and crude in his methods in these times of motor-cars and mechanical aids to be the object of emulation by young offenders. The risk of contamination, except in the matter of filthy habits and bestial practices, from association and artificial conditions, which are carefully guarded against, is greatly overstated.

Prisoners can be classified into four groups, the basis of which provides the most practical angle of approach in determining their treatment, and affords a fairly good idea of the hopefulness of reclamation.

(1) There is the youthful-offender group whose offences are traceable to some phase of adolescent instability. The majority of these merely require a period of training and discipline, or a separation from harmful environmental conditions, and soon afterwards settle down to take their places as useful law-abiding citizens. The fact that over 80 per cent. of those dealt with under the Borstal system do not appear before the Courts again demonstrates this.

(2) There is the group of accidental offenders who, either in a weak moment give way to sudden temptation, or who under some great emotional stress commit an offence against the law. These are rarely recidivists, and of those in this group dealt with under the system of reformatory detention only 26 per cent. are again returned to prison.

(3) There is the feebly inhibited offender who, though not certifiable as a mental defective, is unable to adapt himself to the exacting demands of modern society. Many of these are congenitally defective; some show symptoms of primary dementia, degeneration from sleeping sickness or alcoholism; others are of the facile type who cannot keep out of trouble. These constitute a recidivist class, and in their own interests, as well as for the protection of society, they require custodial care. For such as these the indeterminate sentence is the only common-sense measure. Psycho-analysis may disclose that their conduct is due to repressions and mental complexes, but psychological treatment is as yet exceedingly precarious and can rarely claim a cure for this class for the reason that an essential element—the "will to do well"—is lacking. A case may be diagnosed with the aid of the patient and the underlying causes of abnormal conduct explained, but if the patient will not co-operate and prefers to gratify his desires by anti-social conduct he inevitably appears before the Court again. Many feebly inhibited prisoners leave prison full of good resolutions, but "lack the backbone to implement the wishbone" when up against the temptations of ordinary civil life.

(4) There is the professional criminal—that is, the individual of pronounced predatory instincts who wars on society with a cunning and selfishness simply as an adventurous and more interesting means of acquiring wealth than by the sweat of his brow or in an orthodox manner. Many of these have fairly high educational attainments and a high standard of intelligence. They are prepared to take the risk of imprisonment from time to time as part of the game. For the protection of society the indeterminate sentence is the only really effective manner of dealing with this class, subject to trial in the community from time to time on probationary license. The knowledge that they are liable to have their license cancelled unless they conform to the law acts as a prop and as an incentive to good behaviour.

Experience has shown that any scheme of classification as theoretically postulated on a personality basis must be modified to fit in with the practical requirements of employment and considerations of accommodation. Whilst due regard is had to the mental make-up and character of each offender in conformity with the foregoing ideas, the general scheme of classification in our institutions is as follows:—

- (a) Youthful offenders are sent to the Borstal institutions, where the programme of treatment is essentially corrective and reconstructive. The results amply demonstrate the effectiveness of the scheme of treatment.