

*Offenders Probation.* The reports from the districts reveal a satisfactory year's work, and, with few exceptions, those placed on probation have responded reasonably well to this method of treatment. The difficulties in finding employment have not been so acute as in past years, and in this regard all Probation Officers pay a tribute to the helpful co-operation of the Government Placement Officers.

The number on probation who have committed breaches of probation by failing to comply with the conditions of their release, or who offended again subsequently, was just under 5 per cent. of the total dealt with during the year. This must be regarded as highly satisfactory.

The number of persons admitted to probation during the year was 897, as compared with 813 for the previous year. The amount of restitution and costs paid by probationers was £4,573, or £1,224 in excess of the amount collected in 1936.

The obligation to make reparation in cash in the case of offences of dishonesty and fraud has a decidedly salutary effect, especially since the passing of the 1930 amendment, under which the term of probation is automatically extended until full restitution is made. The aggregate amount collected, the major portion of which has been restored to victims, since the inception of the scheme is £71,479.

The Courts, since the earliest times, have had power under the Criminal Code (*vide* Crimes Act, section 26) to release an offender with or without punishment subject to his giving an undertaking that he will keep the peace and be of good behaviour, but the Probation Acts carried this idea a stage further by providing for the appointment of Probation Officers to assist offenders in the carrying-out of their undertakings.

This principle was first incorporated in the First Offenders' Probation Act, 1886, and there is no doubt that this origin of probation has been responsible for the common misconception that it is tantamount to letting the offender off without punishment. It has been judicially described as a first chance for a first offender. The Offenders Probation Act of 1920 should have removed this erroneous impression, for this Act stipulates that the Probation Officer shall make inquiries as to the character and personal history of the person accused, and in reporting to the Court it shall be the Probation Officer's special duty, if satisfied that the best interests of the public and of the offender would be served by his release on probation, to recommend that he be so released. Thus it is recognized that there may be cases where even a first offender, on account of character or anti-social propensities, may not be a suitable case for probation, but it is also recognized that in certain circumstances an offender with several convictions may satisfactorily respond to this method of treatment. In considering "the best interests of the public" it would be giving the section altogether too narrow an interpretation to limit this solely to the deterrent factor or the protection of society. The statute is essentially a remedial one, and in accordance with the recognized canons of interpretation is entitled to be given a broad and liberal construction. "Justice requires as strongly the saving of that which is good, as it does the destruction of that which is evil," and, whilst punishment must form an element for the purpose of deterrence, the claims of society to be protected from anti-social acts have to be balanced with the claims of the individual to be treated as something possessing value in himself as a potential citizen.

Punishment which society prescribes to prevent certain conduct injurious to itself may, unless properly conditioned to the facts and circumstances, actually work injury to society itself, hence the necessity for the exercise of careful discrimination in deciding the fate of an offender.

Probation offers, in selected cases, a constructive alternative to imprisonment. It should be borne in mind that it is by no means entirely divorced from the idea of punishment, for, apart from the shock of discovery and the shame of the proceedings, which in themselves in many cases are sufficient to cause the offender to live an unexceptionable life thereafter, the law provides for the imposition of exacting conditions restricting the liberty of the offender and conditioning his conduct so that he is required to conform to a more ordered and disciplined mode of living. The stipulation that the probationer must make restitution obliges him to get down to regular work, which is socially advantageous as contrasted with the alternative of imprisonment, where the offender is a charge upon the community.

The best interests of the public are certainly not served by an indiscriminate recourse to imprisonment with its severance of social and domestic ties, its stigma, and other hurtful consequences that may prejudice the ultimate rehabilitation of the offender.

Notwithstanding the positive advantages of probation over imprisonment in suitable cases, it must be kept in mind that there are many cases where institutional treatment is definitely preferable both in the interests of the offender and of society. For example, where young offenders are associating in "hoodlum or criminal gangs" it is desirable that these should be broken up and those concerned removed from these baneful influences and subjected to the ordered regimen of an institution. In the case of certain classes of sex offenders who show unrestrained anti-social propensities which make them a public menace, particularly to children, segregation is essential. Again, with crimes of wide-spread prevalence it may be necessary to have recourse to the more rigorous sanctions of the law to stem what is commonly described as the imitative trend. It is an accepted axiom that, from a deterrent point of view, the more generous impulses of the law are not generally appropriate to crimes involving deliberation and brutality.

*Parole.*—The Crimes Amendment Act statistics show that 369 persons were released on probation during the year on the recommendation of the Prisons Board. Four of these were recommitted to prison for breaches of the conditions of their license, and thirty, including seven habitual criminals, had their licenses cancelled for further offences. Considering the difficulties with which these parolees are often faced in rehabilitating themselves, the small percentage of failures must be regarded as satisfactory.

The effectiveness of the methods of parole and after-care may be judged from the fact that during the five years ended 31st December last, 1,775 prisoners (excluding habitual criminals) were released on probation, and during this period only 141, or 7.94 per cent., were returned to prison for failing to comply with the conditions of their release or for committing other offences whilst on probation, and only 27.70 per cent. have again been convicted subsequent to discharge.