

SESS. II.—1891.

NEW ZEALAND.

## JUVENILE OFFENDERS

(RESOLUTIONS PASSED AT MEETINGS OF JUSTICES OF THE PEACE.)

*Presented to both Houses of Parliament by Command of His Excellency.*

## 1. AUCKLAND.

We, the undersigned Justices of the Peace acting in and for the City of Auckland, desire to draw the attention of the Government to the necessity which we think exists for devising some improved system of dealing with youths and children convicted of offences against the law.

The object to be aimed at in such cases is, of course, to suppress the offences without making the offender worse by unduly degrading him, destroying his self-respect, or subjecting him to moral contamination; and in suitable cases to adopt such means as may conduce to his reformation. That these aims have been regarded by the Legislature as the right ones to be pursued is shown by a series of enactments to be found in the clauses of "The Justices of the Peace Act, 1882," relating to the summary trial of indictable offences, in "The Industrial Schools Act, 1882," and "The First Offenders Act, 1886."

The last-named Act can hardly be regarded as adapted to the case of children, even in the class of offences contemplated by that Act. This is apparent from the conditions imposed upon first offenders liberated upon probation, which are not appropriate to youths still living under parental control. No doubt the provisions of the Act have been made use of in such cases, but this is to be regarded as a proof of the difficulty which the Bench often feels in dealing with them, and amounts to little more than the old plan of dismissing the offender with a caution.

The provisions of the Industrial Schools Act are doubtless calculated to be of very great use in many cases, but it is obvious that the resort to them must be subject to very considerable restrictions unless the risk is to be incurred of graver evils than the remedy was intended to prevent. Not to mention the great overcrowding of the industrial schools which might easily arise, we have to consider the great danger of too easily relieving parents from the sense of responsibility in regard to their children, which only too much already needs to be reinforced and strengthened instead of weakened.

The clauses of the Justices of the Peace Act above referred to provide for the imposition of fines and whipping in some cases instead of imprisonment, and these powers are found very useful in many cases; but they relate only to cases in which the offence is *per se* matter for indictment, and not to the numerous cases of disorderly and indecent conduct to which a large proportion of boys in a large town are too much addicted. Under the provisions of "The Police Offences Act, 1884," offences against public order are punishable by fine or imprisonment, which means that if a boy's parents decline to pay the fine, as they sometimes do, all the evils of sending a boy to prison must be incurred, or the offence must go unpunished. Moreover, the offence of using indecent language in public places can only be punished by imprisonment without the option of a fine.

It is, of course, much easier to show the inadequacy of present methods than to point out what would be adequate; and in asking the attention of the Government to the subject, we wish to express our sense of the great difficulty of dealing with it, as well as our conviction that no mode whatever of dealing with offences after they have been committed can offer any prospect of a radical cure of the evil of juvenile crime, which must be sought in a more thorough and systematic moral training in the home and in the school.

But the methods of dealing with young offenders may, we think, be improved in the direction of securing a larger measure of those objects to which we have already said our aim ought to be directed. Such methods may be considered under two heads: first, the mode of dealing with the young offender himself; second, the mode of bringing home to parents a due feeling of their responsibility for the misconduct of their children.

Under the former of these heads, our first recommendation is that the punishment of whipping should be authorised in the class of cases involving outrages upon public order and decency, which have been above mentioned as now punishable, under the Police Offences Act, by fine or imprisonment only. We also suggest that some special mode and place of confinement should be provided for youths under a certain specified age, whereby the danger of contamination from prison associations, and perhaps also the stigma of "having been in gaol," may be avoided. The latter of these objects would be imperfectly attained by the separation of a special portion of prisons for the confinement and seclusion of young offenders; but, at all events, their separation from the ordinary criminals would be secured by a preadapted machinery, instead of being dependent, as it now is, on special arrangements made by the gaoler in compliance with the expressed wish of the Bench. The alternative to this plan is that special places of confinement for punitive discipline should be pro-