

1950
NEW ZEALAND

PRISONS BOARD

(ANNUAL REPORT OF) FOR 1949

Presented to Both Houses of the General Assembly by Command of His Excellency

MEMBERS OF THE BOARD

The Hon. Mr. Justice FINLAY (President) ; Sir DONALD MCGAVIN, Kt., C.M.G., D.S.O., M.D. (London), F.R.C.S. (Eng.) ; B. L. DALLARD, Esq., C.M.G., J.P., F.I.A.N.Z. ; THEO. G. GRAY, Esq., C.M.G., M.B., M.P.C. ; ERNEST EDRIIDGE, Esq. ; and S. T. BARNETT, Esq.

SIR,—

Wellington, 9th June, 1950.

I have the honour to forward herewith the report of the Prisons Board for the year 1949.

I have, &c.,

G. P. FINLAY,
President.

The Hon. the Minister of Justice.

REPORT OF THE PRISONS BOARD

FOR THE YEAR ENDED 31ST DECEMBER, 1949

THE following summary gives details of the cases considered and the decisions arrived at :—

CASES DEALT WITH		BOARD'S DECISIONS	
Persons undergoing Borstal detention	231	Recommended for release on probation ..	104
		Recommended for discharge
		Deferred for later consideration ..	126
		Applications declined ..	1
	231		231
Persons sentenced to reformatory detention	461	Recommended for release on probation ..	249
		Recommended for discharge ..	2
		Deferred for later consideration ..	204
		Applications declined ..	6
	461		461
Persons sentenced to hard labour	238	Recommended for release on probation ..	139
		Recommended for discharge ..	2
		Deferred for later consideration ..	91
		Applications declined ..	6
	238		238
Habitual criminals for release or remission of head sentence	36	Recommended for release on probation ..	10
		Recommended for remission of head sentence ..	1
		Deferred for later consideration ..	24
		Applications declined ..	1
	36		36
Probationers under Crimes Amendment Act	11	Recommended for discharge ..	1
		Deferred for later consideration ..	6
		Applications declined ..	3
		Conditions modified ..	1
	11		11
Probationers under Offenders Probation Act	28	Discharge granted ..	16
		Terms modified ..	4
		Applications declined ..	8
	28		28

During the year the Board held 15 meetings and dealt with 1,005 cases. As required by the regulations, the Board held a sitting during the year at each of the penal and Borstal institutions in the Dominion. Every prisoner or inmate who appeared before the Board was given every encouragement to make, and every help in making, such representations as he or she desired.

The Board was thus afforded an opportunity, within the limits the occasion afforded, of discussing with each of the persons who appeared before it the causes of his or her offending and such associated questions as might have been of a contributory character from the point of view of causation. Each person interviewed was also encouraged to disclose and discuss his or her future intentions, ambitions, and prospects. By this means the Board was enabled not only to judge with a maximum of discrimination

what its recommendation should be, but was also enabled to extend to those who appeared before it some help and encouragement in facing the problems attendant upon reformation and rehabilitation.

This latter feature may well prove of value by inspiring offenders with a realization that society at large is concerned with and interested in their welfare. That realization may provoke that spirit of co-operation with those interested in their welfare and that firmness of resolution to reform without which any permanent abandonment of criminal conduct is improbable, if not impossible. The importance of this co-operation and resolution is stressed by Sir Norwood East in his recent work on "Society and the Criminal," where he said :—

Reformation is probably most enduring when it arises from within the offender.

The causes of crime are so various and differ so widely in individuals that their eradication in any general way has proven up to the present to be a problem incapable of solution. It is, however, becoming recognized by instructed opinion that in the achievement of reformation the personal factor is of paramount importance. Writing recently, one eminent authority said :—

It is slowly being recognized that to understand the individual one needs to understand not only his character and circumstances at the time the crime was committed, but also the environment in which he has grown up and the factors which have had an influence on the building of his personality.

It is with a recognition of these features that the Board in its operations has sought, by close inquiry, to base its conclusions on as firm grounds as possible and at the same time to give such help and encouragement to offenders as is possible to it. The significant feature is that while subject to the discipline and restraints of institutional life, prisoners and inmates, with relatively few exceptions, are to a remarkable degree reliable and trustworthy, and that almost all of them leave the institutions inspired by the best of intentions and with practical and commendable plans as to their future activities

It is as to why these hopes and ambitions are defeated when inmates are restored to freedom that students of criminology are directing their attention.

The Board is not, of course, dependent on anything that may or may not be said by the persons appearing before it, for it has the advantage of detailed information as to the offence or offences committed, the history of each offender before sentence, and full information as to the industry, character, and characteristics of the person concerned whilst in custody. In addition, where there is any suggestion of a mental impairment, reports from psychiatrists are procured. These reports are supplementary, for all inmates are medically examined on reception, whilst at the Borstals inmates are regularly examined and reported upon by mental specialists. The Board is much indebted to the medical officers of the Mental Hygiene Division of the Health Department for their willing co-operation and help in these matters.

The Board was able to recommend a remission of sentence in 508 cases. Of the remaining cases considered, 454 were deferred for subsequent consideration, whilst in 21 the Board was unable to recommend any remission. During the year 28 persons on probation, as compared with 10 in the previous year, applied to the Board under the Offenders Probation Act, 1920, for some relief from the conditions of their probation. In most of the cases the application was founded upon the assurance that the applicant had become rehabilitated, had deported himself satisfactorily, and had, over a lengthy period, abstained from questionable conduct. A complete discharge was granted to 16 applicants. In 4 cases the terms were modified and in 8 the applications were declined.

The percentage of offenders released who have not been reconvicted is identical with the percentage shown in the same relation in the report for last year. Of the total number released on probation on the recommendation of the Board, approximately 24 per cent. have either been reconvicted or have failed to comply with the conditions of their release

Of the habitual criminals paroled since the Board was constituted in 1910, 59 per cent. have been returned to prison either because of their failure to comply with the conditions on which they were released or because of further offences. The percentage of failures cannot be regarded as unsatisfactory, having regard to the nature of the human material involved. Future conduct in such cases is not predictable, but offenders cannot on that account be detained indefinitely except in special circumstances. Each case is carefully considered. During the present year one person was, on the Board's recommendation, freed from the classification as an habitual criminal.

The reconviction rate in New Zealand is not abnormal and is lower than the reconviction rate in England. It is, however, disturbing that the proportion of breaking and entering offences in New Zealand is increasing, for it is beyond question that the percentage of recidivism in respect of that type of offence is higher than in respect of any other, and that the high percentage of reconviction persists through every age group, even to that which comprehends offenders of the age of forty years and over. Having regard to the buoyant economic conditions prevailing, it must follow that these offences have their origin in defect of character rather than in economic problems.

During the year, Mr. Dallard retired from the positions of Under-Secretary for Justice and Controller-General of Prisons. His appointment to the Board was not *ex officio* and he has, at the invitation of the Minister of Justice, continued as a member of the Board. His successor, Mr. S. T. Barnett, has been appointed a member of the Board.

To those organizations and to the many public-spirited persons who render valuable service in the suitable placement and after-care of the more difficult offenders, the Board expresses its gratitude. Much of the success achieved in the reformation of prisoners over the years has been due to their assistance. That assistance is most valuable during the critical period immediately following release when a prisoner, after a period of completely ordered existence, is again faced with the problems inherent in personal responsibility.

GENERAL

Since the Board commenced to function in 1911 no less than 37,928 cases have been considered by it. This includes prisoners undergoing sentences of reformatory detention, hard labour, habitual criminals, Borstal inmates, and probationers for discharge from probation or variation of terms thereof. Dealing with these cases under the particular headings, the results have been as follows :—

Reformatory Detention.—During the period from January, 1911, to December, 1949, 7,251 prisoners were sentenced to reformatory detention under the provisions of the Crimes Amendment Act, 1910. The number of cases that have been recommended for release or discharge is 5,998. In 738 cases prisoners were required to serve the full sentence imposed by the Court. Of the total number released after undergoing reformatory detention, 26.54 per cent. have been returned to prison either for non-compliance with the conditions of the release or for committing further offences, leaving approximately 73 per cent. who have not been convicted of any further offence.

Hard Labour.—Since the passing of the Statute Law Amendment Act, 1917, which extended the scope of the Prisons Board to the consideration of cases of prisoners sentenced to terms of imprisonment involving hard labour, 8,871 cases have been considered by the Board up to December, 1949. In 4,536 cases the prisoners were released on probation or discharged prior to expiry of the full time on the recommendation of the Board. Of this number, 3,044 completed probation satisfactorily, 363 were recommitted for other offences, and 47 were still reporting on probation at the 31st December, 1949, making approximately 68 per cent. who have not subsequently been reconvicted.

Habitual Criminals.—During the period from January, 1911, to December, 1949, 771 habitual criminals were released on licence on the recommendation of the Prisons Board. Of those so released, 59·14 per cent. were returned to prison either for committing further offences or for non-compliance with the conditions of probation. No further offences are recorded against the remaining 40·86 per cent.

Borstal Cases.—Since the coming into operation of the Prevention of Crime Act, 1924, 4,348 young persons have been detained under this Act, either by original commitments by the Court or by transference of youthful offenders from penal institutions or industrial schools. There have been 4,235 inmates released on the recommendation of the Board, 3,942 being on probation and 293 on the expiration of their sentence. Of the total number released, 2·78 per cent. have been returned to the institution for non-compliance with the conditions of release, 13·72 per cent. were recommitted for further offences whilst on probation, and 893, or approximately 21 per cent. of the total released, have been sentenced for offences committed after discharge or on expiry of their period of probation.

Approximate Cost of Paper.—Preparation, not given; printing (899 copies), £11 10s.

By Authority: R. E. OWEN, Government Printer, Wellington.—1950.

Price 6d.]

