

1950
NEW ZEALAND

OFFENDERS PROBATION

UNDER OFFENDERS PROBATION ACT, 1920, AND CRIMES AMENDMENT ACT, 1910
(REPORT ON OPERATION OF), FOR THE YEAR 1949

*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, 21st September, 1950.

I have the honour to submit to Your Excellency the report of the Acting Chief Probation Officer on the operations of the Offenders Probation Act for the year ended 31st December, 1949.

I have, &c.,



Minister of Justice.

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

SIR,—

I have the honour to present the annual report for the year ended 31st December, 1949, on the operation of the Offenders Probation Act, 1920, and on the parole system under the Crimes Amendment Act, 1910, and under the Prevention of Crime (Borstal Institutions Establishment) Act, 1924.

2. A précis of the reports furnished by the four principal District Probation Officers is annexed. These reports, and the statistics appended hereto, show that probationers in the main have responded satisfactorily to the opportunity afforded to rehabilitate themselves without the stronger sanction of imprisonment.

THE OFFENDERS PROBATION ACT, 1920

3. The statistics disclose that during the year the total number of new releases on probation was 1,157, being 85 more than in the previous year. This is the greatest number so dealt with in any year since probation was first instituted. As the number of offenders sentenced to imprisonment during 1949 was less than for the previous year, the releases on probation during 1949 would appear to indicate an increasing confidence on the part of the Courts in the efficacy of probation.

4. The following table shows the number of distinct persons released on probation, or whose sentence was deferred, over the past five years :

Year.				Released on Probation.	Sentence Deferred.	Total.
1945	..	..	..	886	86	972
1946	..	..	..	919	73	992
1947	..	..	..	972	69	1,041
1948	..	..	..	1,036	36	1,072
1949	..	..	..	1,104	53	1,157

5. Of the 1,104 releases on probation, as distinct from the cases where sentence was deferred, 288, or 26 per cent., were under twenty years of age, while 655, or 59 per cent., were under twenty-five years of age. But the Act does not in any way limit the age of an offender who may be granted probation, and in this respect it is interesting to note that one offender was over seventy, while 15 were over sixty years of age.

6. The statistics disclose that 561 distinct persons were released on probation for crimes involving dishonesty, being 48.5 per cent. of the total.

7. Ship-deserters account for a large increase, there being 185 released on probation, as against 91 in the previous year. In many releases for this offence the Magistrates impose a condition that the offenders are to join the crew of an overseas vessel having a vacancy, and so leave the Dominion. This accounts for the large number struck off as left the Dominion—65 this year, as against 48 the previous year.

8. The statistics also show the wide range of offences for which probation was granted. There is, of course, no limit to the type of offence for which an offender may be released on probation, provided only that the offence is one punishable by imprisonment. Probation is, however, seldom granted for offences involving brutality or for the more serious sexual offences.

9. Breaches of the conditions of their probationary licences, or further offences, were committed by 234 probationers during the year. This is just under 9 per cent. of the total number of probationers dealt with during the year. While it is not claimed that the remainder were all entirely satisfactory, the fact that over 90 per cent. of the probationers completed their term without any serious conflict with the law is indeed gratifying.

10. The amount collected by way of costs of prosecution and restitution during the financial year ended 31st March, 1950, reached the high total of £12,074 12s. 4d., by far the largest amount recovered in any one year since the inception of the scheme. The total amount collected under these headings is now only a few pounds short of £150,000.

11. Probation has now been in use in this Dominion for over sixty years, being first introduced as the First Offenders Probation Act, 1886, which, as its title implied, dealt only with first offenders. This was followed by the Offenders Probation Act, 1920, which did not so limit the powers of the Court and which, with one or two minor amendments, is the law to-day. It has been sufficiently long in force to be considered a proved method of treatment of delinquency on common-sense lines. The percentage of successes strongly supports the adoption of probation wherever it can be suitably

applied, having regard to the interests of the offender and of the public. It is considered that in many cases as much can be done in the development of character through the careful supervision of the offender within the community where he is participating in the everyday economic struggle as in the atmosphere of an institution, no matter how well it is conducted. Nothing, however, is further from the truth than that probation is a panacea for all crime, or that for all first offences probation should be granted as a right. To do so would merely grant a licence for crime—a person tempted to commit an offence might reason that, even if he were caught, he would not be put away. The underlying idea is that if, having regard to the character of the offender and the nature of the offence, the deterrent aspect is given the consideration that it ought always to have and the protection of society is safeguarded, it is more effective to give an offender conditional liberty on probation than to place him in an institution.

SUMMARY PENALTIES ACT, 1939

12. The purpose of this Act, which came into force on 1st January, 1940, is to avoid as far as possible committals to prison for non-payment of fines and costs. Provision is made that where a person adjudged or ordered to pay any moneys is allowed time for payment or where payment is directed to be made by instalments, the Court may order that he be placed under the supervision of a Probation Officer until the sum is paid. Where the person so adjudged or ordered has not attained the age of twenty-one years, an order shall be made unless the Court is satisfied that it is undesirable or impracticable to place him under supervision. Probation Officers report that their services are being increasingly used as supervisors in these cases.

PAROLE

13. Under the Crimes Amendment Act, 1910, and the Prevention of Crime (Borstal Institutions Establishment) Act, 1924, provision is made for the release, on the recommendation of the Prisons and Parole Board, of prisoners and Borstal inmates before the full sentence has been served. Those so released automatically come under the control of Probation Officers, who, by counsel and advice, play an important part in assisting in the successful rehabilitation of a large percentage of the cases. Parole is not to be viewed as an unconditional shortening, by way of leniency, of the sentence of a well-behaved prisoner: it is part of a system which involves consideration of the offender's previous record and character and his prospects of making good, and the provision of machinery for shepherding the parolee during the transition period from life in an institution to life in the community.

14. During the year under review 523 persons were released on probation on the recommendation of the Prisons Board, 3 were recommitted for breaches of their licences, and 24, including 6 habitual criminals, had their licences cancelled on account of further offences. During the five-yearly period ended 31st December, 1949, 1,882 persons (excluding habitual criminals) were released on licence, and during that period 211, or 11·2 per cent., were returned to prison for failing to comply with the conditions of their licences or for further offences committed whilst on licence. Just over 25 per cent. were again convicted subsequent to discharge. Considering the nature of some of the material dealt with, this may be regarded as reasonably satisfactory.

GENERAL

15. As full-time Probation Officers are employed only in the four main cities and there are part-time officers in a few only of the larger centres, the majority of our Probation Officers are members of the Police Force. This may not be the ideal set-up, and is open to the comment that the prosecutor should not be the officer to submit the probation report to the Court. It is my duty to record that members of the Police

Force have always been scrupulously fair and invariably helpful in their administration of the Acts relating to probation and in their treatment of probationers. Not a single complaint regarding harsh or unfair treatment has reached me. The Department and, indeed, the community are indebted to the police for their sympathetic and conscientious handling of this important social service.

16. It is nevertheless pertinent to say that the Department is contemplating an expansion of the probation system under which it will be necessary to employ a larger full-time staff. Mr. Barnett, the Chief Probation Officer, is at present in the United Kingdom, and he will be visiting the United States of America before his return to New Zealand at the end of the year. While overseas he is making a careful study of the considerable developments which have taken place both in the United Kingdom and in the United States of America in recent years. Present plans envisage the appointment of Regional Probation Officers covering the Dominion in probably six districts; and for a field of work beyond ordinary probation duties to cover—

- (a) Preventive work under which the Department would offer help to people and to parents of adolescents who are drifting into trouble;
- (b) Welfare work within prison and Borstal institutions; and
- (c) After-prison care embracing vocational aid, domestic reconciliation, and the like.

STAFF

17. (1) Mr. B. L. Dallard, C.M.G., who had held the appointment of Chief Probation Officer since February, 1926, retired at the end of August, 1949. He has been succeeded by Mr. S. T. Barnett, who, as mentioned above, is at present overseas.

(2) Mr. W. H. Darby, who had been Probation Officer in Christchurch for more than twenty years, retired on 30th September, 1949, and was succeeded there by Mr. D. S. Aitken.

(3) Towards the end of 1949 a short conference of full-time Probation Officers was held in Wellington. This was the first occasion on which such a conference has been held. Much useful discussion was had, and this has been of real value in formulating ideas for the development of the probation service—as mentioned in paragraph 16 of this report.

APPRECIATION

18. An invaluable service is rendered by the various Voluntary Probation Committees. The Department is most appreciative of the assistance and co-operation of the Magistrates who have undertaken the Chairmanship of these Committees and of the voluntary efforts of the members and of other bodies and societies that have assisted so much in the care of discharged prisoners and of probationers.

19. The Salvation Army is always ready to give shelter and assistance whenever necessary, and the gratitude of the Department must be shared by many of its custodial charges, who experience some initial difficulties in readapting themselves to life in the community.

20. The Women's Borstal Association in Wellington, and its associate members throughout the Dominion, quietly and without publicity perform a truly Christian service in assisting Borstal girls, both during their period of detention and afterwards while on probationary licence or under supervision.

21. I take this opportunity of expressing my thanks and appreciation to the probation Officers, including all those police officers throughout the country who deal with probation work, for their interest and co-operation throughout the year.

J. GIFFORD,
Acting Chief Probation Officer.

REPORTS OF DISTRICT PROBATION OFFICERS

Mr. H. WARNER, Probation Officer, Auckland

1. *Probationers Released Under the Offenders Probation Act, 1920.*—(a) At the commencement of the year there were 283 probationers on the register. During the year 292 were released upon probation from the Courts, 112 were transferred from other districts, and 1 resumed reporting from mental hospital, which made a total of 688 persons dealt with. Of these, 142 were discharged on completion of their terms, 194 were transferred to other districts, 30 left the Dominion, 1 absconded, 1 was extradited to Australia, 2 were committed to mental hospital, and 25 came again before the Courts and did not revert to probation. The total under supervision at the close of the year was 293.

(b) The amounts received during the financial year 1st April, 1949, to 31st March, 1950, were: Restitution, £2,678 6s. 5d., and on account of costs of prosecution, £359 11s. 9d., a grand total of £3,037 18s. 2d. This year again shows a considerable increase over the amount received during the previous year. The large sum received is due primarily to high wages and the ability to pay. It is gratifying to be able to say that in many cases the payments have been the foundations of habits of thrift.

2. *Probationers Released from Prisons and Borstals.*—On the 1st January 112 were under supervision, during the year 169 were received direct from institutions and 39 were transferred from other districts, making a total of 320. Of these, 118 completed their terms on licence, 68 were transferred to other districts, 26 were recommitted to prison on other charges, 4 left the country, and 2 died, leaving 102 on the register at the end of the year. The general behaviour of the majority of this group has been satisfactory.

3. *General.*—(a) The scarcity of suitable accommodation, together with its high cost when found, seriously detracts from the benefits of the little or no difficulty in securing employment. There is great need of a suitably supervised home where probationers could stay for a limited period until they "settle down." Such a home would also be a place where young probationers whose home conditions warrant their being moved could be temporarily boarded. Ship-deserters released on probation continue to present a serious problem. Great difficulty is experienced in getting employment on overseas ships for those who are ordered by the Courts to leave the Dominion. I feel that the year has proved that probation has been the determining factor in the rehabilitation of many released both from the Courts and from institutions.

(b) The Honorary Probation Committee has continued to function and the efforts of the gentlemen constituting the Committee have met with encouraging success. I express my thanks for their kind help and co-operation. I also express gratitude for assistance received from the City Mission, from the Secretary of the Discharged Prisoners Aid Society, from the Catholic Youth Centre, from the Salvation Army, from the Court officers, and from members of the Police Force.

Mr. D. S. AITKEN, Probation Officer, Christchurch

1. Mr. W. H. Darby, who had been Probation Officer in Christchurch for the past twenty-odd years, retired on superannuation on the 30th September. During his period of office he had become known to all sections of the community, and he took with him on retirement the good wishes and appreciation of all with whom he came in contact in the course of his duties.

2. *Offenders Probation Act.*—At the beginning of the year there were 78 probationers on the register, 52 were released on probation during the year and 64 were transferred from other districts, making a total of 194 who passed through my hands. Of these, 57 were transferred to other districts, 9 were sentenced to imprisonment for fresh

offences, 2 were resentenced on the original charge, 4 were discharged by the Prisons Board, 1 left the Dominion, and 48 satisfactorily completed the period of probation. These movements left 73 on the register at the close of the year.

3. *Released from Borstals and Prisons.*—On 1st January, 1949, there were 20 parolees reporting to me, 59 were received on release from Borstals and prisons, and 17 were transferred from other districts, making a total of 96 dealt with. Of these, 28 were transferred to other districts, 12 were resentenced for fresh offences, 1 absconded, and 29 completed the period of probation, leaving 26 reporting at the end of the year.

4. During the period under review, work has continued to be plentiful and wages were high. With single men endeavours have been made to inculcate habits of thrift by persuading them to open savings accounts or to contribute to group savings. The housing situation is still acute, and in the case of single men coming to the city in search of work it has been almost impossible to obtain suitable living accommodation.

5. The Christchurch Branch of the Discharged Prisoners' Rehabilitation Society continues to render yeoman service. The enthusiasm and assistance of the gentlemen comprising the committee in obtaining suitable employment for men discharged from the prison are much appreciated.

6. I desire to express my appreciation of the service rendered by the Salvation Army in providing temporary accommodation on numerous occasions, and of the assistance of the officers of the National Service Department, of the Maori Welfare Officer, of Court officials, and of members of the Police Force, whose help and co-operation have been readily given at all times.

Mr. E. F. MOSLEY, Probation Officer, Dunedin

1. *Probationers Released Under the Offenders Probation, Act 1920.*—At the beginning of the year there were 71 probationers on the register. During the year 52 were released on probation by local Courts and 24 were received on transfer from other districts, making a total of 147 cases dealt with in the period. Of these, 31 were transferred to other districts, 5 went overseas, 1 was discharged by the Prisons Board, 12 committed further offences and were sentenced to terms of detention in institutions, and 32 were discharged after completing the period of probation satisfactorily, leaving 66 on the register.

2. *Releasees from Borstal Institutions and Prisons.*—Under this heading 11 were reporting at the beginning of the year, since when 18 have been released from institutions and 7 received on transfer from other districts, making a total of 36 dealt with during the year. Of these, 9 were discharged after having completed their term satisfactorily, 6 were transferred to other districts, and 6 were sentenced to imprisonment on further charges, leaving 15 reporting at the end of the year.

3. Restitution payments collected during the year amounted to £406 3s. 9d. and costs to £17 4s. 9d.

4. A higher proportion of probationers released under the Offenders' Probation Act committed further offences and were sentenced to detention in institutions. No less than 10 of these had prior convictions, and included in them were 6 who had previously served terms of imprisonment or Borstal detention.

5. The problems confronting the Probation Officer remain basically the same. Difficulty in finding suitable accommodation for young people often causes them to have to live in conditions where they rub shoulders with adults living extravagantly and perhaps drinking heavily. Close contact with such examples can scarcely help but militate against the development of good conduct and habits, especially in the formative period of youth.

6. Work still continues to be plentiful and wages high. Nevertheless the incidence of crimes involving dishonesty continues at about the same high percentage, thus indicating that the basic trouble is not economic, but is due rather to the standard of spiritual values. Generally it may be said that it is the exception to find that such offences were committed by men out of work. The fact that employment is so easily obtainable does tend to cause young men particularly to leave their jobs and have periodic times of unemployment between positions.

Relations between police, Courts, Prisoners' Aid Society, and others whose activities impinge upon our work continue to be harmonious and co-operative.

Mr. R. WATT, Probation Officer, Wellington

1. *Probationers Released Under the Offenders Probation Act, 1920.*—(a) The year commenced with 201 reporting under this heading. During the year 247 were released on probation by the Courts and, together with 121 received on transfer or taken on the register, made a total dealt with of 569. During the same period 129 were discharged, 120 were transferred to other districts, 10 were imprisoned, 9 were dealt with on the original charges, 14 left the country by arrangement, and 7 absconded and remain untraced, leaving 280 reporting at the end of the period.

(b) The increase in offender probationers may be largely accounted for by the fact that early in the year a large number were released on probation following conviction for ship-desertion: the majority of these, youths and young men for the most part, have proved satisfactory, many are reasonably well established, and the proportion of failures has been little more than the average.

(c) It is felt that in the main the response of probationers reporting under this heading has been satisfactory, and in many cases encouraging. The growing number, reporting and discharged, known to be well established, largely by their own efforts, testifies to the usefulness of the probation system, which provides the opportunity for self-rehabilitation without the inevitable difficulties associated with imprisonment, difficulties that are often only too real following release from an institution.

(d) The total amount recovered by way of costs of prosecution and restitution shows a substantial increase. Included in the amount is a large sum collected from those who deserted ships and who were required to reimburse shipping companies. There have been larger Court orders, but generally response in this connection has been good and is fairly reflected in the total amount collected, £3,224 12s. 9d., which includes £192 costs of prosecution.

2. *Probationers Released from Prisons and Borstals.*—(a) Those reporting under this heading often represent a different problem and response is sometimes more difficult to encourage. On the whole, it is felt that response has been reasonably good, and in many instances it has been encouraging to note a respect for authority and a willingness to act on advice.

(b) The year commenced with 50 reporting under this heading: 103 were received from institutions and, together with 29 received on transfer, made a total dealt with of 182. Of that number, 57 were discharged, 40 were transferred to other districts, 4 left the country by consent, 14 were imprisoned for subsequent offences, 2 probationary licences were cancelled, and 3 absconded and were not traced during the period, leaving 62 reporting at the end of the year.

3. *General.*—(a) The fact that 438 written reports were submitted to the Courts during the year will indicate the limited time that has been available for close personal supervision, apart from accepting reports in person at the office. For the most part, probationers are youths or young men, a group among whom one could spend much time. The lack of industrious, regular habits, constructive associations, and generally a sense of values

characterize the outlook of many of them. While a formal response to probation is forthcoming, one is often conscious of a need that is difficult to meet under the circumstances. In many cases, in addition to what seems to be shiftlessness rather than irresponsibility, unsatisfactory living conditions or lack of an established home are often a serious hindrance and a lack of a social sense and undesirable associations are inevitable.

(b) One finds these difficulties especially among young Maori probationers, a further indication of the particular problem they represent in the cities at the present time. In this connection the activities of the Ngati Poneke Maori Association have accomplished much, and we are grateful for the interest in probationers and the co-operation of the Maori Welfare Officers.

(c) Among those who fail on probation or on release from an institution one finds the almost inevitable "institutional" type, of poor mentality, limited ability, and, as often as not, lacking a home. More than ever one feels there is a definite need for some training institution or hostel apart from Borstal institutions where probationers of the type described above might be placed in the first instance as a condition of their release until such time as it is felt that there is a reasonable chance of their being able to fend for themselves. It is recognized that many of this type might prove suitable for detention in the often suggested "half-way institution"—between a prison and a mental hospital—if such an institution was found to be a practical possibility.

(d) A much increased number of Summary Penalties Act cases were dealt with during the year, supervision covering the period during which the fine was paid. In most cases the purpose was satisfactorily achieved.

(e) As in recent years, the provision of suitable employment has been less of a problem, apart from those who would be difficult to place under any circumstances. As far as possible, probationers are encouraged to take up trade training or, at least, employment that offers some training and future prospects. Appeals to the Department of Labour and Employment, other Departments, and sources of employment have invariably been met with understanding and practical results, notwithstanding the frequent difficulty in making any recommendation.

I desire to place on record my appreciation of the co-operation and loyalty of my assistant. His willing assistance has greatly lightened the load, and we feel that during the past two years much more has been accomplished in constructive supervision and service to the Courts.

It is pleasing to record that an excellent and helpful spirit of co-operation exists with others engaged in social work in the community, by which means it is felt that much is accomplished in our more or less common aim.

Appreciative reference is made to the interest and assistance of Court and police officials.

STATISTICS

OFFENDERS PROBATION ACT, 1920

AGES AND TERMS OF PROBATION OF THE OFFENDERS RELEASED ON PROBATION
DURING THE YEAR 1949

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 ..	17	139	13	97	21	..	1	288
20 and under 25 ..	18	169	24	133	21	1	1	367
25 .. 30 ..	13	68	11	58	9	..	..	159
30 .. 40 ..	13	69	12	61	15	..	..	170
40 .. 50 ..	7	31	8	23	6	..	..	75
50 .. 60 ..	5	16	1	6	2	..	..	30
60 .. 70 ..	..	3	..	7	3	1	..	14
70 and over ..	..	..	..	..	1	..	..	1
Totals ..	73	495	69	385	78	2	2	1,104

SUMMARY OF CASES DEALT WITH DURING THE YEAR 1949

	Released on Probation.	Deferred Sentence.	Total.
Number reporting on 1st January, 1949	1,423	54	1,477
Released on probation during the year	1,104	53	1,157
Resumed probation—previously struck off	1	..	1
Totals	2,528	107	2,635
Completed probation during the year	850	68	918
Deceased	2	..	2
Discharged by Prison Board	14	2	16
Left the Dominion	64	1	65
Absconded and not traced (term expired)	13	..	13
Resentenced on the original charge	49	1	50
Committed further offences	51	2	53
Conviction quashed	2	..	2
Totals	1,045	74	1,119
Number reporting on 31st December, 1949	1,483	33	1,516

BREACHES OF CONDITIONS OF RELEASE COMMITTED DURING 1949

Failed to report, &c.	106
Committed further offences	114
Absconded (still untraced)	14
Total	234

COSTS OF PROSECUTION AND RESTITUTION-MONEYS COLLECTED DURING THE YEAR
ENDED 31ST MARCH, 1950

	£	s.	d.
Amount of costs of prosecution collected by Probation Officers	1,219	13	6
Amount of restitution-moneys collected	10,854	18	10
Total	£12,074	12	4

**OFFENCES FOR WHICH OFFENDERS RECEIVED THE BENEFITS OF THE PROBATION ACT
DURING THE YEAR ENDED 31ST DECEMBER, 1949**

Offence.	Released on Probation.	Deferred Sentence.	Total.
Theft	482	18	500
Ship-desertion	182	3	185
False pretences	72	8	80
Unlawful conversion of motor-vehicles	49	1	50
Common assault	47	3	50
Vagrancy	36	..	36
Breaking, entering, and theft	31	..	31
Unlawfully on premises without intent	23	1	24
Receiving stolen property	22	1	23
Mischief and wilful damage	17	5	22
Indecent assault	21	..	21
Stowing away on ships	14	7	21
Carnal knowledge	20	..	20
Indecent exposure	16	..	16
Obscene language	13	..	13
Indecent act	8	..	8
Assault causing actual bodily harm	6	..	6
Bigamy	6	..	6
Bookmaking	6	..	6
Forgery and uttering	6	..	6
Unlawful possession of firearms	4	..	4
Keeping common gaming-house	4	..	4
Resisting arrest	4	..	4
Prohibited immigrant .. .. .	..	4	4
Concealment of birth	2	..	2
Breach of maintenance order	2	..	2
Impersonation	2	..	2
Giving false fire alarms	1	1	2
Attempted suicide	1	..	1
Arson	1	..	1
Perjury	1	..	1
Breach of Bankruptcy Act	1	..	1
Robbery with violence	1	..	1
Making indecent suggestion over telephone	1	..	1
Neglect to supply necessities of life	1	..	1
Incest	1	..	1
Drunkenness	1	1
Totals	1,104	53	1,157

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