

1913.
NEW ZEALAND.

DEPARTMENT OF JUSTICE, PRISONS BRANCH:

PRISONS BOARD
(ANNUAL REPORT OF) FOR 1912.

Presented to both Houses of the General Assembly by Command of His Excellency.

SIR,—
Office of the Prisons Board, Wellington, 15th July, 1913
I have the honour to forward herewith the report of the Prisons Board for the year 1912.
I have, &c.,
The Hon. the Minister of Justice, Wellington. ROBERT STOUT.

REPORT.

DURING the year 1912 the Board held thirteen meetings. The following table shows the dates of and places of meeting, and the number of cases, grouped under their particular class, that were considered at each meeting:—

Date.	Place of Meeting.	Cases considered of		Total.
		Habitual Criminals and Offenders.	Persons undergoing Reformative Detention.	
January 13 and 15 ..	New Plymouth ..	41	92	133
March 1	Wellington ..	2	2	4
May 7 and 8 ..	Auckland ..	23	51	74
May 10	Waiotapu ..			
May 11	Waipa ..			
May 13	Waikeria ..			
May 25	Wellington ..	1	3	4
September 16 and 17 ..	New Plymouth ..	52	64	116
October 15	Wellington ..	1	0	1
December 27	Wellington ..	39	47	86
Totals	159	259	418

As the number of individuals represented in the above total is 207 (habitual criminals and offenders, 63; persons under reformative detention, 144), it will be noted that some of the cases were considered more than once.

The work of the Board is still sufficiently new to the public to make it advisable to explain its jurisdiction before reviewing its labours. It came into being under the provisions of the Crimes Amendment Act, 1910, for the purpose of determining the cases of habitual criminals, of habitual offenders, and of persons sentenced to reformative detention. A person may be declared to be an habitual criminal or offender who has been convicted of certain offences

a specified number of times, and when so declared his detention is during the pleasure of the Governor. A person sentenced to reformatory detention is one who is guilty of an indictable offence rendering him liable to imprisonment. The Judge before whom any such person appears may, if he think fit, "having regard to the conduct, character, associations, or mental condition of such person, the nature of the offence, or any special circumstances of the case," with or without a prior term of imprisonment, sentence him to be detained for reformatory purposes for a specified period not exceeding ten years. In certain cases, after the like consideration, a Magistrate may impose a sentence of reformatory detention not exceeding three years.

The Board is of opinion that many of the habituals coming before it are not of a confirmed criminal character, and that a fair proportion of the prisoners sentenced to reformatory detention are not in any way distinguishable from the ordinary criminal, while some appear to have approached qualification if not to have already qualified to be classed as habituals. The Board views this with concern, especially with regard to the unpromising type being sentenced to reformatory detention. It has before expressed its sense of the impediments—almost inevitable impediments—to be met with in introducing a new system and bringing it into working-order, and finds itself in a position to appreciate the difficulty in which the Department must be, under the above conditions, in classifying prisoners under reformatory detention, and framing regulations applicable to their class as a whole.

Between the form of sentence imposed on prisoners coming and not coming under the survey of the Board are two broad distinctions: in one case the actual date of discharge is more or less fixed, in the other it is left open; in the one discharge from prison is absolute, in the other there is power to release on license. The fact that the prisoner may be conditionally released is regarded by the Board as a highly valuable and essential part of the scheme, a stage in the process of reformatory treatment which provides a gradual widening of the environment, and allows a prisoner to get a firm footing before stepping into complete liberty.

Hereunder is an average example of a probationary license; in the particular case there was good cause to believe that the committal of the offence was due to drink and gambling.

No. in Probation Book

NEW ZEALAND.

PROBATIONARY LICENSE FOR PERSON RELEASED FROM IMPRISONMENT.

Under the Crimes Amendment Act, 1910.

To X Y Z.

THIS IS TO CERTIFY that, pursuant to the provisions of the Crimes Amendment Act, 1910, you have been placed on probation, by direction of His Excellency the Governor, for a term from the date of your release to the 5th January, 1914, upon the following conditions, viz. :—

Firstly—You shall report yourself in person to Mr. L. M., Probation Officer at _____, the Probation Officer of the district in which you are going to reside, as soon as possible after your release, notifying him at the same time your address.

Secondly—That you shall report yourself in person to the said Probation Officer on the 1st day of every month at his office at a convenient hour, unless he shall hereafter authorize such reports to be made in writing.

Thirdly—That you shall reside—that is, sleep—at the address notified by you to the said Probation Officer, in order that you may at once be found if required for any legal purpose.

Fourthly—That you shall be of good behaviour and keep the peace towards all persons, and shall get your living by honest means, the nature and place of which you shall specify to the said Probation Officer for approval; that you shall abstain from any violation of the law, and shall not associate with notoriously bad characters, such as reputed thieves and prostitutes; that you shall not lead an idle and dissolute life without visible means of obtaining an honest livelihood.

Fifthly—You shall not change your address without the consent of the Probation Officer, to whom you shall give forty-eight hours' notice of any proposed change of address, and if, with the consent of the said Probation Officer, you remove to any place within the limits of a district of another Probation Officer, you shall report such removal in person to the said Probation Officer at least forty-eight hours prior to your departure from his district, notifying him at the same time your future address, and you shall produce this license and notify your arrival in person, together with your address and employment, to the Probation Officer of the new district, of whose name and address you will be informed, within twenty-four hours of your arrival in that district, and take your instructions from that officer as to your future reporting and other fulfilments of the conditions of this license.

Sixthly—You shall produce this license of conditional liberty to any Probation or Police Officer whenever you may be called upon to do so.

Special Conditions.

That you shall go forthwith to work on Mr. A. B.'s farm at _____, and shall not leave such employment without the consent of the Department of Justice.

That you shall take out a prohibition order against yourself.

That you shall not visit racecourses.

That you shall not gamble.

TAKE NOTICE.—"A probationary license granted under this Act may be at any time and for any reason cancelled by the Governor by Warrant under his hand, whether the conditions thereof have been fulfilled or not, and thereupon the person so released may be arrested without warrant by a constable or any other person and returned to the prison from which he was released, or to any other prison.

"If any person so released on probation commits any breach or non-observance of the conditions of his probationary license he shall be guilty of an offence punishable on summary conviction by a fine of twenty pounds or imprisonment for three months." (Sections 14 and 15 of the Crimes Amendment Act, 1910.)

_____, Minister of Justice.

Dated this 26th day of May, 1913.

In dealing with habitual criminals and offenders it is the duty of the Board to decide whether and when such prisoner can be recommended for release on probation with safety to the public and for his own good, he having a clear understanding that he will be returned to prison if the terms of the license are not strictly adhered to.

Where a prisoner has committed a number of offences, none of which is of a dangerous character, and all of which are associated more or less with the adverse circumstances of his

environment, he would, in a very large number of cases, have to serve what is virtually a life sentence had one to wait till doubts of a possible relapse ceased to exist. After such a man has served a reasonable sentence, is reported to have shown definite signs of improvement, and has impressed the Board with his desire to go straight, the Board feels that an opportunity should be given him by conditional release, and has so acted.

HABITUAL CRIMINALS AND OFFENDERS.

Hereunder is epitomized the history of the habitual criminals and offenders released since the establishment of the Board in February, 1911 :—

	In 1911.	In 1912.
Total number under sentence	57	72
Total number released on license	15	24

State on 31st December, 1912, of those released on license :—

	In 1911.	In 1912.	Total.
Returned to prison	8	5	13
Whereabouts unknown	1	6	7
Satisfactory reports from Probation Officers	6	13	19
Totals	15	24	39

Analysing this return it will be seen that one-third of the thirty-nine released broke the terms of probation and were returned to prison, and that almost one-half are reported to be earning an honest livelihood. The condition of the remaining seven is doubtful; after conducting themselves well for varying periods they failed to report themselves to their Probation Officers, and their whereabouts are unknown. With one exception the crimes for which they were convicted were associated with drink, and not one of them is a native of this country. The presumption, therefore, is that they have returned to their homes, or, at any rate, have left the Dominion. In some of the number this has been ascertained to be the case, and the remainder, if in New Zealand, must be conducting themselves fairly well, because they could not long continue in hiding if giving way to drink. Twelve probationary licenses were cancelled during the year, while in the case of one prisoner on license the reports were sufficiently good for the Board at its last meeting to recommend his discharge being made absolute. One prisoner, shortly after entering upon the indeterminate part of his sentence, died in a general hospital whither he had been removed for treatment.

In dealing with persons undergoing reformatory detention the Board endeavours, unless the step is distinctly contra-indicated, to permit a portion of the sentence to be served on license, regarding, as it does, the measure of conditional release as the final stage of treatment before the discharge becomes absolute. The same factors which the Act requires the judicial authority to weigh before imposing a sentence of reformatory detention are, with necessary modifications, considered by the Board in coming to a decision as to when this stage shall be entered upon.

PRISONERS UNDERGOING REFORMATORY DETENTION.

Hereunder is epitomized the history of prisoners undergoing reformatory detention since the establishment of the Board :—

	In 1911.	In 1912.
Total number under reformatory detention	98	190
Total number released without license	1	7
Total number released on license	5	34

State on 31st December, 1912, of those released on license :—

	In 1911.	In 1912.	Total.
Returned to prison	3	3	3
Whereabouts unknown	4	4	4
Completed probation satisfactorily	2	7	9
Term not yet complete; satisfactory reports from Probation Officers	3	19	22
Died	1	1	1
Totals	5	34	39

Curiously enough the total number released on license is the same as in the case of the habituals—namely, thirty-nine. Of these, three broke the terms of probation and were returned to prison; twenty-two are reported to be earning an honest living, and a similar report was received respecting nine others who passed out of the jurisdiction of the Board. In these nine cases the period between the date of release and the date of the expiry of the original sentence was the period that was spent on probation. One died, and the whereabouts of four are doubtful. One of these absconded, and is supposed to have left the country. His license was cancelled, as also were those of the three who were returned to prison.

In the annual report of the Board last year it was pointed out that, generally speaking, the prison buildings were ill adapted for classification. With added experience it becomes clearer that the setting apart of a division of a prison for the segregation of persons under reformatory detention will not suffice, because it is evident that some reformatory prisoners are as liable to corrupt their fellows as those from whom they would be kept apart in the special division. Praise was bestowed on the building in Auckland, and the Board has reason to believe that in the

Invercargill Prison, where the buildings are more recent, there is suitable accommodation for this class.

The Department has, in a degree, met the need for classification by selecting suitable prisoners for the tree-planting camps (setting one of them aside for first offenders), and at the reformatory farm at Waikeria; and the buildings at Addington, recently known as the Samaritan Home, are, it is understood, being adapted to fulfil the requirements of a female prison.

The Board emphasizes its opinion that persons entrusted with the custody of prisoners require special training, and learns with satisfaction that under the new regulations promotion of warders to the higher ranks will depend on knowledge tested by examination.

By its visits to Waipa and Waiotapu the Board is convinced that the work being done at these prison camps is good and healthful. It may not lead directly to the acquiring of skill necessary for gaining an appointment on discharge, but it is calculated to—and, judging by appearances, does—build up the constitution and produces at the end of the term of imprisonment a much fitter type of unskilled labourer.

At Waikeria a farm was seen in the operation of emerging from the fern, and the Board was satisfied that here was a measure of reform on the right lines—work that was hard, useful, healthy, and fitting the labourers to get the employment best suited for them when the time arrived for their discharge.

The visit to Invercargill was arranged for early in the year following the period under review, and therefore does not come properly into this report; suffice it to say that the concrete-block making, the building, and the reclamation works are being carried out skilfully by prisoners under proper guidance, and there is a school for the backward.

The standard of labour of the reformatory prisoners at the camps, the farm, and at Invercargill is high, but in the nature of things there are many prisoners who, either on account of their record or their physical condition, are unsuited for it. The Board is therefore of opinion that remunerative work entailing instruction and training which would be of use in the future should be found for this residuum. The question is, what kind of work? There are doubtless many articles required in the public service of the Dominion the making of which in one or more of the prisons would appropriately employ at indoor work the class mentioned. Work of this nature could be provided that would not, or would not appreciably, compete with free labour.

The Board is of opinion that the basis of all reformatory treatment must be labour. The motto should be “*Nihil sine labore.*” To carry out this programme there would need to be warder-instructors specially skilled in the work in which the prisoners would be engaged. Proper workshops would be necessary, permitting disciplinary supervision apart from the instruction, and the prisoners ought to be allowed some payment for work efficiently done. If this were done, and the cost of keep and surveillance deducted, the balance could be banked against discharge, or, if there be dependants outside (wives and families), some portion of the earnings should be expended in supporting them. This system is working successfully in other countries, and should be adopted if there is to be effective reformatory treatment in this country.

Signed on behalf of the Board.

ROBERT STOUT, Chairman.

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