

become a charge upon the State. If it is assumed that the total additional probationers under the new Act will number 200 per annum, and we assess the cost to the State of each prisoner at £25 per annum, a saving of £5,000 per annum is shown in the expenditure of the Prisons Department. This is a material gain; but there is little doubt that the social and moral gain to the community generally is of even more importance. It must not be forgotten that in many cases a sentence of probation, combined with restitution, has a more salutary and restraining effect than imprisonment. There will inevitably be failures, but if the discretion of the Courts is exercised wisely, as it will be, the percentage of such failures will be insignificant in comparison with the moral and material saving that will be effected.

A recent decision of the Appellate Court reducing or amending a sentence of imprisonment to a term of probation has given rise to much controversy as to the wisdom of granting probation, instead of inflicting imprisonment, as a penalty for offences against the law. The opponents of the probation system hold, apparently, that punishment by imprisonment should be meted out to an offender as a vindication of the law, irrespective entirely of its effect upon the individual concerned, of its bearing upon the moral and material welfare of his dependants, or of the interest of the State. They entirely overlook the fact that, while in the case of offenders of certain tendencies and of certain temperaments segregation is the only method of adequately safeguarding the public, in quite a large percentage of cases the sentence of the Court is the least part of the punishment the offender has to bear. Under any modern system of prison-management the conditions under which a prisoner lives and works are not punitive—they conform, in fact, to ordinary systems of institutional control. The real punishment in many instances is the discovery of the offence, the trial before the Courts, and the loss of reputation and position. Imprisonment nowadays merely means segregation and consequent loss of liberty: in itself it is not punishment. Offenders who are definitely anti-social, and who when at liberty are a menace or a nuisance to the community, even in a minor degree, should without doubt be imprisoned; but the experience of those concerned in the administration of the prison and probation systems is that indiscriminate imprisonment is an economic waste, involving the “scrapping” of much useful human material. The argument really resolves itself into one of segregation *versus* probation—as to which is the more intelligent system when applied to offenders whose liberty is not a menace to the public. Under modern conditions the functions of the criminal Courts is not merely to convict and punish on an inflexible unintelligent system, but to make the sentence or punishment fit the criminal, not the crime. Experience has shown that in the vast majority of cases the granting of probation instead of the imposition of a sentence of imprisonment has resulted in the salvaging instead of the scrapping of human lives and reputations. Those who are empowered by law to investigate and review the sentences passed upon prisoners by the Courts, and have also to deal with the probation system, have no complaint as to the failure of probation as a reformatory and rehabilitating agent, but they have often grave cause to question the wisdom of the sentences of imprisonment that have been imposed in cases where probation should obviously have been granted. They are fully cognisant of a fact that is ignored by, and possibly unknown to, the public, and apparently to some of those engaged in the administration of the criminal law, and that is that imprisonment, even under the best system that can be devised, does not reform, but confirms.

Probation is obviously the wrong treatment in many cases; but, with the very full information that is available to the Courts in regard to the offenders appearing before them, there is every opportunity to exercise wisely the wide discretion that recent legislation has conferred.

From the date upon which the First Offenders' Probation Act of 1886 was brought into operation until the 31st December, 1920, 3,748 persons were placed upon probation. Of that number 312 failed to comply with the conditions imposed and were afterwards committed to prison. The percentage of failures was therefore 12, and of successes 88, over a period of thirty-four years, while the total sum recovered from the probationers since 1886 was £10,817.

CHAS. E. MATTHEWS, Chief Probation Officer.

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## FIRST OFFENDERS' PROBATION ACT, 1908; OFFENDERS PROBATION ACT, 1920 AND GENERAL PROBATION.

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### REPORTS OF HONORARY PROBATION OFFICERS FOR THE YEAR ENDED 31st MARCH, 1921.

REV. F. R. JEFFREYS, GENERAL PROBATION OFFICER, AUCKLAND.

I have pleasure in submitting my sixth annual report. In many ways the year has been a record one; the large number of cases and the variety of the offences dealt with exceed those of any previous year that I have had to do with. The greatest advance, however, has been the provision of the new Offenders Probation Act, 1920. Although this new Act has been in operation for a few months only, its advantages over the old Act are most apparent to all who have to do with the administration of justice. Already there are many young offenders who are making praiseworthy efforts to reform and become good citizens, who would, but for the new Act, be serving sentences in prison. Apart altogether from the moral reform of the individual, the economic value alone to the community derived from this method of dealing with delinquents is incalculable. Great as this advance in social legislation may be, it is, however, but a stepping-stone to what might be accomplished if our whole probation system were reorganized and extended. There are many reasons for the expression of opinion, even in a formal report like this, that our duty is to meet a very real need and extend the probation system. At present