

SESSION II
1923.
NEW ZEALAND.

OFFENDERS PROBATION ACT, 1920

(REPORT ON OPERATIONS OF), FOR THE YEAR 1922-23.

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.

MY LORD,—

Wellington, 31st July, 1923.

I have the honour to submit to Your Excellency the report of the Chief Probation Officer on the operations of the Offenders Probation Act for the year 1922-23.

I have, &c.,

C. J. PARR,
Minister of Justice.

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

SIR,—

Office of the Chief Probation Officer, Wellington, 15th July, 1923.

I have the honour to present my annual report and the reports of the honorary Probation Officers on the working of the adult probation system of the Dominion for the year ended 31st March, 1923.

PRISONERS RELEASED ON PROBATION IN TERMS OF THE CRIMES AMENDMENT ACTS, 1910 AND 1920.

Until recent years the work of the honorary Probation Officers was confined to the administration of the First Offenders Probation Act, 1886 (consolidated 1908), and afterwards of the Offenders Probation Act, 1920, but on reference to their reports for the past year it will be found that some of them are also Probation Officers under the Crimes Amendment Act, 1910. This means that they have now to care for habitual criminals, reformatory-detention, and hard-labour offenders who have been released on probation on the recommendation of the Prisons Board, as well as for those who have been granted probation in lieu of imprisonment. The volume and complexity of their work has thus been largely increased, but the added burden cast upon them does not appear to have reduced their efficiency or enthusiasm in the least degree. In many cases their supervision over released prisoners has had a markedly good effect, men of this class having often been found employment and protected from themselves and from undesirable friends while in such employment until the time arrived when they were able to stand alone and work out their own salvation. Without the care and trouble taken by the Probation Officers in regard to such cases many more offenders would have relapsed and been again sentenced either for further offences or for breaches of probation. Relapses, of course, occur, particularly in the case of habitual criminals who have been given by the Prisons Board an opportunity of showing whether they can maintain under restricted liberty the reputations they have made while in prison for industry and good conduct. Relapses of this nature are treated very seriously by a section of the daily Press. One highly reputable journal recently referred in somewhat scathing terms to the action of the Prisons Board in releasing such offenders from safe custody. One wonders whether the writer of the article in question had any conception of the scope of the Board's work, of the number of offenders released on probation who are never heard of again either by the Courts or even by the police, who complete the full period of their sentences on probation, and are absorbed into the general working community. Obviously, there must be a percentage of failures. It is equally obvious that it is only the failures that come under the notice of the Press. Their number is far exceeded by the successes, as is shown in the Board's annual report. Is the system of probation for prisoners to be

judged by a small percentage of failures, because it is only that section that attracts the notice of the Press? One might reasonably ask how the suitability of individual prisoners for probation is to be tested unless they are released from prison and so given a trial under our system of restricted liberty. If undue attention were paid by the Board to articles of the nature I have quoted there could be no probation system. Every man sentenced to imprisonment would have to remain in prison until his term had expired, and the hundreds of offenders who are now given an opportunity of "making good" under the enlightened system in force in New Zealand would, in a large percentage of cases, have no such opportunity at all, and would simply return to prison after a brief period of liberty, and help to swell the criminal statistics. It does not appear to be generally understood that a prisoner who is released on probation is not by any means a free man. He is under constant observation and supervision by the Probation Officers, whose instructions are to deal with every probationer firmly and impartially, and, while not being too insistent upon reporting him for minor breaches of the conditions of probation, to have no hesitation in doing so if he is not responding to the privilege of conditional liberty that has been granted him. A strongly adverse report to the Chief Probation Officer regarding the conduct of any probationer entails cancellation of his probationary license and his immediate return to prison. In all such cases the punitive provisions of the Crimes Amendment Act are drastically administered. The same rule is followed when probationers commit even fairly trivial offences against the law. Their licenses are forthwith cancelled, and, in addition to further punishment inflicted by the Courts, they are required to complete the terms to which they were originally sentenced.

On the recommendation of the Prisons Board 284 prisoners were released on probation during the year ended 31st December, 1922. Under the system that has been in force for some years past each prisoner is credited with a very small amount per week to provide a fund for his immediate necessities on release. If his industry or conduct is unsatisfactory he forfeits a part of the amount so credited. The payment of accumulated "earnings" to prisoners discharged or released on probation is made in instalments by the Probation Officers in the centres of population and in the country districts by the head office of the Department. For obvious reasons no probationer is paid his total earnings in a lump sum unless the sum is small or good reason is shown for the payment of the full amount. Prior to this rule being followed, it was found that many men squandered the whole of their money in the first fortnight after release, with the result that they were soon under arrest again for some offence arising out of drunkenness. The total of the "earnings" paid out during the past financial year was £5,097 19s. 10d. Of this amount £2,389 7s. 7d. was paid by controlling officers at the time of release, whilst £2,708 12s. 3d. was paid in instalments after release.

OFFENDERS PROBATION ACT.

The reports of the honorary Probation Officers show in detail the working of the Offenders Probation Act during the past year, and it will be observed that in no case is any doubt expressed as to its efficacy in the direction to which I have referred. As stated in previous reports, the success of the offenders-probation system depends, first, upon the exercise of careful discretion by the sentencing Judges and Magistrates in their selection of individuals who are likely to respond to the treatment given them, and, secondly, to the care and judgment exercised by the Probation Officers in carrying out their important duties of control and supervision. From time to time we have cases in which it is abundantly clear after the first month of probation that some offenders are quite unworthy of the privilege granted them. Some of the younger men even offend soon after being granted probation. The Act contains full provision for dealing with such cases. Having shown that they are only fit for prison, they are promptly sent there. They have had their chance, and have failed to take advantage of it. The percentage of failures is, however, very small, and under no system could 100 per cent. of successes be expected. The offenders-probation statistics for the year ended 31st December last show that 508 offenders were granted probation, while twenty-five others were ordered to come up for sentence when called upon. Of the total of 533 who received the benefits of the Offenders Probation Act only thirty-one failed to carry out the terms of their conditional release. The percentage of successes was therefore 95.27. The result of the year's working of the 1920 Act is most satisfactory. Under former conditions at least half of those who received conditional release under the different sections of the Act would probably have been committed to prison, and their chance of eventual rehabilitation considerably reduced. The increase in the criminal population in the prisons has already caused the administration some anxiety in regard to the question of adequate accommodation. With the added number that would inevitably have been committed if the 1920 Act had not been passed, the country would have had to face heavy expenditure in the provision of further buildings, increase in staffs, &c.

A feature of the Offenders Probation Act to which attention has previously been drawn is the provision by which offenders, as one of the conditions of their probation, are ordered to refund to persons defrauded the whole or part of the moneys wrongfully obtained and to pay Court costs. Repayments of this nature are usually made in monthly instalments covering the period of probation. Failure to pay such instalments constitutes a breach of conditions, and may be punished by committal on the original charge. From January, 1922, to the 31st March last (close of financial year) restitution-money and Court costs collected from probationers by all Probation Officers throughout the Dominion amounted to £2,286. For the calendar year 1922 the sum of £2,210 was similarly collected, making a total of £4,496 since the passing of the 1920 Act, and a grand total of £15,313 since the original First Offenders Probation Act was passed in 1886. Under a system providing imprisonment as the only punishment for offenders against the law not only would this substantial amount have remained unpaid, but the wholesome effect of this form of retributive justice would have been lost.

C. E. MATTHEWS,
Chief Probation Officer.

OFFENDERS PROBATION ACT, 1920, AND GENERAL PROBATION.

REPORTS OF HONORARY PROBATION OFFICERS FOR THE YEAR ENDED 31st MARCH, 1923.

W. J. CAMPBELL, GENERAL PROBATION OFFICER, AUCKLAND.

FOR the first three months of the period under review the work was continued by Rev. F. R. Jeffreys, the late Probation Officer, who relinquished the office at the 30th June, 1922. The work was continued in the office at His Majesty's Arcade until October, and then removed to the present office in the Magistrates' Court. This move has given better facilities for the work, and I find that, being on the spot, so to speak, is a great advantage in many ways. From a monetary point of view there is the considerable saving of over £100 per year formerly paid for rent of offices. The detail work of the office has been efficiently carried out by the Assistant Probation Officer.

Court Probationers.—I append a summary of figures showing the numbers dealt with during the period, also the amount of restitution and costs of prosecution. It will be seen from these figures that there has been a slight increase over the previous year's working. From the Auckland Courts I received a total of 122 probationers, for the following periods: One for six months, twenty-nine for twelve months, sixty-seven for two years, nineteen for three years, one for four years, and five for five years. Added to this number there were received on transfer from other districts forty-four, making a total receipt of 166 for the year. The following table shows the complete figures for the period under review:—

Probationers actually reporting at 1st April, 1922	..	..	..	125
Probationers received from Auckland Courts	..	..	..	122
Probationers received on transfer	..	..	..	44
			—	166
Total dealt with during year	..	..	..	291
of whom there were—				
Discharged by Prisons Board	..	..	..	8
Completed probation	..	..	..	54
Transferred to other districts	..	..	..	50
Sentenced for other lapses after being admitted to probation	..	..	..	17
			—	129
Total on register at 31st March, 1923	..	..	..	162

Of the 162 at present on the register seven have absconded. These, added to the seventeen who came before the Courts, making a total of twenty-four, show a failure to "make good" of less than 9 per cent.

The money ordered to be paid as restitution to complainants amounted to £1,148 3s. 6d., and the costs of prosecution to £180 3s. 8d. The amount collected and banked during the year for restitution was £726 12s. 7d., and for costs of prosecution £113 6s. 5d. The restitution was duly paid to claimants, and costs of prosecution paid into the Public Account to the credit of the Criminal Prosecutions vote.

Crimes Amendment Act Probationers.—The numbers of reports dealt with during the year are as follows: April, 69; May, 65; June, 66; July, 67; August, 66; September, 62; October, 49; November, 67; December, 63; January, 66; February, 64; March, 65. Of the persons released on license, thirty-three completed their terms of probation satisfactorily, and fourteen absconded or were returned to prison for other lapses committed while on probation.

The amounts paid in respect of money earned while in prison are as follows: April, £63 13s. 3d.; May, £67 3s. 8d.; June, £42 10s.; July, £56 5s. 2d.; August, £47 1s. 4d.; September, £53 19s.; October, £2; November, £161 11s. 2d.; December, £46 19s.; January, £75 10s.; February, £65 10s.; March, £69 8s. 6d.

From the foregoing report it will be seen that, despite the failures, the value of the Offenders Probation Act as a reformatory and deterrent agency is increasingly shown. A very satisfactory feature of the year's working is the amount of over £839 paid by probationers as restitution and costs of prosecution. The payment of this amount, the average conduct and attention to reporting by the probationers, and the small percentage of failures are gratifying and augur well for the still further successful prosecution of the work under this Act.

As an illustration of the beneficial effect of granting probation instead of imposing a term of imprisonment, both in regard to the offender and the victim of his offence, I desire to cite an actual case that occurred in Auckland during the past year. A certain offender was admitted to probation by the Auckland Supreme Court on the 12th August, 1922, and ordered to make restitution of the sum of £300 which he had misappropriated—£40 forthwith and the balance at the rate of £10 a month. Briefly, the circumstances of the theft were that the offender was the appointee of an individual who had to take extended leave for health reasons. While the offender was so employed he took for his own use the sum of £300 belonging to his principal, being moneys used by the principal in his business. The nature of the offence and the amount involved were considerable factors against probation being granted to the offender. Probation was recommended, and, that course being taken, I then had considerable doubt as to whether the large sum stolen could be recovered for the complainant, whose health continued bad, thus making him practically dependent on the repayments. I have pleasure in stating that to the present juncture the offender has paid the amounts as ordered, the amounts paid to date totalling £116 15s. The complainant has gone to Australia to winter for health reasons, having appointed an agent to receive and forward the monthly instalments, on which he is practically dependent. Unforeseen circumstances excepted, I am of the opinion that full restitution will be made.

I consider this case one that exemplifies in a marked degree two important factors when probation is in question—punishment by restitution, with its resulting curtailments of the offender's former practices, and the opportunity for rehabilitation of the offender. Not the least satisfactory feature of the case is that by admitting the offender to probation and ordering restitution, the complainant, who is an advanced T.B. case, is enabled with this and his other slender resources to maintain himself. There is little doubt but that, had the offender been imprisoned, both complainant and offender would have become a burden on the State. For a time the complainant saw nothing before him but to enter the Costley Home, and he has expressed his gratitude for what has been done.

There is one phase of this work which causes difficulty at times: I refer to the lack of a fund from which board, and in some instances rail fares, could be paid on behalf of those persons admitted to probation who, having no funds or immediate employment to go to, are dependent on the Probation Officer until work is obtained. In many cases it has been necessary for me to make payments for board, &c. To meet this difficulty a trust account might be arranged to be drawn on. The amount required would not be large, and there need be no cost to the Department, as probationers would be required to refund the amounts disbursed on their behalf.

REV. FRANK RULE, PROBATION OFFICER, CHRISTCHURCH.

The work done in the Christchurch probation district for the year ending the 31st March, 1923, has been very considerable. Every morning the Magistrate's Court has been visited, and while the Supreme Court is sitting in criminal session some portion of each day has been given to it.

While the reportable part of a Probation Officer's work is that of attending the Courts regularly and caring for all who are put in his charge, it is to be remembered that by far the larger part of the work that falls to a Probation Officer's lot is of a semi-confidential character that in its very nature cannot find a place in reports. While care is taken to see that those put on probation fulfil their legal obligations, much of the time of the Probation Officer is occupied in what follows of the confidential order. The effective part of the administration of the Offenders Probation Act is in the personal touch that these confidences make possible. Cases are constantly demanding attention that make this clear. For instance, a youth, the only son of a widow woman, got into mischief that led to his appearing before a Magistrate. The pathos of the case appealed to the Bench, and this lad was granted probation. From the first this youth showed that he belonged to the totally irresponsible class. Time and again it was determined to cancel his license and have him sent to Invercargill, but the widow's plea prevailed. As the result of patience, care, and attention, this youth is now doing very well and is in a fair way to become a useful citizen. It is in this personal work that the Probation Officer finds his useful sphere.

The following will show the numbers dealt with since last annual report: Sixty-nine probationers were reporting at the commencement of the year. Offenders admitted to probation at the local Courts during the year numbered sixty-six, whilst eleven were received on transfer from other districts—a total of 146. Thirty-seven completed their terms satisfactorily, seven defaulted, whilst twenty-one were transferred to other districts. As the close of the year there were seventy-four probationers on the register, an increase of five on last year's figures.

REV. F. G. CUMMING, GENERAL PROBATION OFFICER, DUNEDIN.

It is a great pleasure to be able to present a most satisfactory report on the past year's work. The year has been in every respect a most satisfactory one as far as my district is concerned. Quite a large number have been placed on probation, several offenders have also been ordered to come up for sentence when called upon. The latter class, of course, comes under the control or influence of the Probation Officer, and with rare exception all have given every satisfaction. Then, again, quite a number have finished their probationary term and are doing well. It is pleasing to record that many ex-probationers have a strong desire to keep in touch with the Probation Officer after their term has expired, and in my opinion this is a most desirable thing. This applies not only to first offenders but also to those who are released on the recommendation of the Prisons Board.

In this great work of uplift and reform there can be only one successful method, and that is to follow on the lines of the physician in dealing with his patient—full inquiry is made as to his past history, habits, and pursuits, the social conditions of his patient, and on the information gained considers his treatment. It is just so with the Probation Officer, whose duty it is, as far as possible, to seek, in season and out of season, to know his probationer, get his confidence and respect. There the real work of restoring and reforming begins. The look and sympathy of the priest and Levite is no use in this work. The Samaritan spirit and method will win. In this spirit the Probation Officer goes to work, and as a result he is able to report success at the end of each year. He sees his men and women filling good positions, gaining the confidence and respect of their employers—in brief, "making good."

I have little difficulty in placing my men in positions, and if they have failed to "make good" then the fault is their own. It is well worth recording the fine attitude taken up at this centre by the Judge and Magistrates. They are always willing to listen to any appeal made by the Probation Officer. In this respect I am most fortunate, and am indeed grateful. The more I have to do with probation work the more convinced I become of the fact that it is a most humane system. The year has in every way been successful, and one is delighted to put this on record. The total number of offenders under the Offenders Probation Act dealt with during the year was 114, and at present there are sixty-two reporting. This includes ordinary probationers under the Act and those convicted and ordered to come up for sentence when called upon, who also come under the jurisdiction of the Probation Officer.

Probationers under Crimes Amendment Act.—It was found necessary during the year to cancel the licenses of five probationers and have them returned to prison. In view of the fact that I have dealt with thirty-two cases during the year, the number of failures is small.

I think the Probation Officer could help the Prisons Board in their great work by giving confidential reports on the men who come from their respective districts, and also the kind of homes from whence they came, as it is not always desirable that a prisoner should return to his original town, and the condition of his release might prevent him from so doing. At all events this idea may be worth considering.

MR. A. McLEAN (RETIRING PROBATION OFFICER) AND MR. C. G. L. POLLOCK (APPOINTED GENERAL PROBATION OFFICER, FEBRUARY, 1923), INVERCARGILL.

During the year ended 31st March last a total of thirty-three persons were dealt with under the Offenders Probation Act, 1920. Of this number seven were on the register at the beginning of the year, fourteen were received on transfer from other districts, four were received from the Supreme Court and eight from the Magistrates' Court, thirteen were transferred to other districts, ten completed their periods of probation satisfactorily, two were committed to the Borstal Institution (one for assault and one for theft), leaving eight on the register at the close of the year.

Orders were made in six cases for the payment of costs of prosecution and restitution amounting to £20 5s. 4d. and £63 respectively. A total of £2 12s., costs of prosecution, and £41 restitution-money was collected through this office during the year, and disposed of in the manner directed.

The periods of probation in the cases released from the Invercargill Courts were: One for two years and a half, three for two years, three for twelve months, and five to come up for sentence when called, being under supervision for periods ranging from three months to three years.

Of the number who passed through this office for the year nine were males and three females.

With two exceptions the conduct of probationers has been satisfactory. Where laxity, indifference, or neglect in regard to the conditions of release on the part of probationers was met with, friendly counsel and firm control secured the observance of the conditions imposed and the desired amendment of conduct.

We realize that the Act requires to be sympathetically administered if it is to accomplish its true purpose, and to determine its value to probationers and to the community in its reformatory and preventive aspects; it may be said to have accomplished its objective when the individual concerned adopts the conditions of his release and the purpose of the Act as a governing principle of life. The method hitherto adopted in this district has much to commend it, especially in regard to receiving reports from and having personal interviews with probationers at home, and it has been decided to continue upon the same lines. This method affords better opportunities for confidential talks, and spares the individual the publicity that calling at an office open to the public would entail. Probationers appreciate and generally respond to any consideration extended to them in this and other ways, such as conducting correspondence in plain envelopes, &c.

As one becomes more fully acquainted with the working of the Act and experienced in its effect upon probationers, as well as to its value to the community, the conviction is strengthened that the Offenders Probation Act, 1920, fully justifies its existence.

Crimes Amendment Act Probationers.—During the year fifteen probationers passed through this office, ten of whom were released in this period (including one on earnings only). Employment has been found for these young men, and it is gratifying to know that they are all doing well.

It is very desirable that probationers leave for their destination immediately on release, otherwise there is the danger of them drifting into undesirable associations after the period of detention. Each individual is supplied with the means to give him a good start, and, if he has not sufficient coming to him, the Prisoners' Aid Society is never appealed to in vain.

REV. O. BLUNDELL, PROBATION OFFICER, NEW PLYMOUTH.

I have the honour to report that for the year ended 31st December, 1922, eighteen probationers have been in my charge. One of these completed his term of probation on the 20th February, 1922, five have been transferred to other districts, and twelve are still reporting to me. In practically every case satisfaction has been given, and in several instances, particularly in the case of youthful offenders, very evident efforts have been made to "make good." When this is noticeably the case, concessions have been made by way of encouragement, such as a lessening of the number of reports demanded or a shortening of the term of probation.

Several probationers are employed upon farms situated in out-of-way localities, and these report to me in writing, but whenever they are visiting New Plymouth they come and report in person.

By means of a fund provided by the members of my church I have been able to give temporal assistance to probationers who find themselves penniless when granted probation. A means of assisting people to go to places where work can be obtained became imperative, so I have been glad to avail myself of the fund mentioned in order to relieve necessitous cases.

MR. T. P. MILLS, PROBATION OFFICER, WELLINGTON.

There were fifty-eight offenders on the register at the beginning of the year, sixty-three were placed on probation, twenty-seven were transferred from other districts, 158 in all passing through my hands during the year. Twenty-nine completed the period of probation satisfactorily, four were discharged by the Prisons Board, thirty-four were transferred to other districts, three left the Dominion permanently, nine were imprisoned for subsequent offences, two were released on probation for breaches of

probation, seventy-seven remaining on the register at the 31st March, 1923. During the year four were prosecuted for breaches of the conditions of probation and suitably punished by the Court. These results compare favourably with the previous year's records, especially when it is considered that offenders on the average were much more difficult cases. In this connection no offender need complain of harsh sentences. The tendency is to become more lenient, and many who are now granted probation would a few years ago have been sentenced to terms of imprisonment. This becomes more apparent when it is remembered that six years ago only twenty probationers were on the Wellington register. The probation system is well on its trial now, and its success is beyond question.

There is, however, a grave problem existent, and that is the increase in crime generally, and more especially amongst young men, calling more for preventive than remedial measures. This increase has many contributing causes, such as the modern irresponsibility of youth, due to defective home training, the excessive pleasure-loving habits of the community, the fondness for drink, but also to a marked degree to the multiplicity of the billiard-saloon and the picture-theatre. All these are too much indulged, and their abuse weakens the moral fibre of youth, which easily becomes the prey of some vice. This question should be very seriously faced, and to my mind the authorities should give greater encouragement to moral and religious education.

There is one way, however, in which the Press also might very materially help in correcting crime, and that is in the suppression of details. In my own experience, with these weaker members of society I find that too much detail is just as suggestive as bad literature or the picture entertainment. The former bears the impress of truth, the latter are merely fiction. The strong-minded youth may fling all these aside, but the weak-minded absorbs these detailed particulars to such an extent that the next step is to commit the act.

It is almost superfluous to say that the youth under twenty-three looms very largely in our prison statistics, and also amongst offenders who are placed on probation.

The Offenders Probation Act gives the Court power in some instances to suppress not only the facts but the name of the offender, and in the case where a member of a reputable family makes his first lapse the suppression of the name is a wise one. To protect the public in publishing the name may sometimes be quite a laudable thing, but its demoralizing and humiliating effect upon families with an unblemished record is sometimes most marked, and I have known it to blunt the moral sense to such an extent that other members will succumb to temptation.

From one point of view I do not like to see accessions to my probationary register, and would gladly welcome anything that could be done to eliminate the cause. In this I feel that the Press, through educative methods and the art of condensation, would serve a very good end.

AGES AND TERMS OF OFFENDERS PLACED ON PROBATION DURING 1922.

Ages, in Years.		Four Months and under.	Six Months.	Twelve Months.	Eighteen Months.	Two Years.	Two and a Half Years.	Three Years.	Four Years.	Five Years.	Total.
10 and under 15	..	..	1	3	..	1	..	1	..	..	6
15	20	2	4	61	1	59	1	35	3	5	171
20	25	..	5	43	2	52	3	13	..	3	121
25	30	..	4	16	2	26	..	18	..	..	66
30	40	1	5	36	2	30	1	13	88
40	50	2	5	13	1	12	1	12	46
50	70	..	1	3	..	2	..	4	10
Totals		5	25	175	8	182	6	96	3	8	508

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