

1924.
NEW ZEALAND.

OFFENDERS PROBATION ACT, 1920

(REPORT ON OPERATIONS OF), FOR THE YEAR 1923-24.

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, 26th August, 1924.

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 1923-24.

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, 23rd August, 1924.

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, 1924.

The reports of the principal Probation Officers show that the administration of the Act has been carried on successfully, and that its beneficial effects become more apparent as each year passes. The work of the Probation Branch of my Department has increased to such an extent since the First Offenders Probation Act was replaced by the Offenders Probation Act of 1920 that I have found it necessary to delegate the detail work and general business of the branch to the Deputy Chief Probation Officer, Mr. D. A. Mackintosh, who now receives and checks the reports of all honorary and police Probation Officers, and thus keeps in touch with the 1,037 probationers who are reporting under the terms of the Offenders Probation Act, and of about two hundred sentenced offenders who have been released on probation by the Prisons Board. The work is proceeding smoothly and satisfactorily, and, as will be seen by the tables appended to this report, the percentage of failures has been small, only 5.11 of those granted the benefit of the Act having broken the terms of their probation.

The saving to the community and the State by the operation of the Act is shown by the fact that a total sum of £7,694 has been collected from probationers by way of restitution to persons defrauded and by way of Court costs since the passing of the 1920 Act. The records show that during the whole period from the date of the passing of the original First Offenders Probation Act, in 1886, to 1920—a period of thirty-four years—the total collected amounted to £10,817. This is a useful illustration of the much wider scope of the later Act, and gives rise to the reflection that the principle of conditional liberty, combined with the obligation of restitution, might be extended, with advantage alike to the victim of the offence, the offender, and the State, to more serious cases of fraud, embezzlement, &c. A sentence of probation, or what is technically known as “conditional liberty,” with drastic terms as to restitution, payment of costs, &c., would often be more salutary and certainly more intelligent in its operation than the time-honoured sentence of imprisonment with hard labour.

The statistics appended to this report show that 572 individual offenders were admitted to definite periods of probation during the past year, whilst 43 offenders were convicted and released on condition that they should report at intervals to Probation Officers—making a total of 615 who came under the administration of the Offenders Probation Act during the period covered by this report. The number of offenders dealt with is the largest since the passing of the Probation Act in 1920. It will be seen that 104 of the total of 615 offenders, 376 were convicted for theft, whilst 45 and 34 were sentenced for false pretences, and breaking, entering, and theft respectively. Other offences were forgery, receiving stolen property, wilful damage, common assault, and obscene language. The statistics show that the provisions of the Probation Act are being extended to

offenders of all ages, with gratifying results. During the year 1919, the last complete year under the original First Offenders Probation Act, a total of 226 persons were admitted to probation. Of that number 126, or 55·8 per cent., were under the age of twenty years, the remaining 44·2 per cent. being over that age. During the past year 572 persons were granted probation, and of that number 370, or 64·7 per cent., were over twenty years of age, leaving 35·3 per cent. of offenders under twenty years.

The work of the honorary and police Probation Officers has continued at the high standard that was set some years ago, and I wish to take this opportunity of expressing my appreciation of their practically gratuitous but highly efficient services during the past year. They have not contented themselves with the routine duties as set out in the Act and regulations, but have taken a personal interest in the welfare of the probationers under their control and have given material assistance in helping them to make good.

C. E. MATTHEWS,
Chief Probation Officer.

REPORTS OF HONORARY PROBATION OFFICERS FOR THE YEAR ENDED 31st MARCH, 1924.

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

I HAVE pleasure in submitting this, my second annual report as Probation Officer of the Auckland District, for the year ended 31st March, 1924.

Court Probationers.—From the figures appended for the year under review it may fairly be claimed that the working of the Offenders Probation Act, 1920, in so far as this centre is concerned, has been in a large measure successful in attaining the beneficial ends for which this Act was placed on the statute-book. There have been failures, but these, viewed in the light of the numbers concerned, are few, amounting as they do to less than 9 per cent. of the total. During the year 143 males were admitted to probation for varying periods by the Auckland Courts, the numbers and periods being as follows: 1 for three months, 3 for six months, 28 for twelve months, 1 for eighteen months, 69 for two years, 33 for three years, 1 for three and a half years, 7 for five years. Added to these, 39 were received on transfer from other districts, making a total of 182 received during the year.

The following table shows the complete figures for the year:—

Probationers reporting at 1st April, 1923..	..	..	..	..	162
Probationers received from Auckland Courts	..	..	..	..	143
Probationers received on transfer	..	..	..	..	39
				—	182
					344
of whom there were—					
Discharged by Prisons Board	..	..	..	..	6
Completed probation	..	..	..	..	51
Transferred to other districts	..	..	..	..	55
Sentenced for lapses after being admitted to probation	..	..	..	..	14
				—	126
Total on register at 1st April, 1924	..	..	..	..	218

During the year 8 probationers were convicted of breaches of probation and sentenced to short terms of imprisonment, reverting to probationary conditions on their release. Of the 218 on the register at the end of the period, 7 absconded during the year and have not been traced. These, with 14 sentenced on other charges, and 8 sentenced for breaches of probation, make a total of 29 defaulters, constituting, as previously mentioned, less than 9 per cent. of the number dealt with during the year.

Not the least gratifying phase of the year's working is the amount of restitution and costs of prosecution received from probationers. Restitution to the sum of £1,002 18s. 8d., and costs to the sum of £171 7s. 8d., were paid, a total of £1,174 6s. 4d. The restitution was duly paid to the aggrieved parties in the several cases, and costs of prosecution to the Public Account.

Probationers are almost without exception weekly-wage earners, and the necessity of having to make restitution by instalments does much to impress them with a sense of the folly of wrongdoing, and curtails in many cases previous extravagant habits. There are cases on record where this compulsory thrift has engendered voluntary thrift and resulted in the opening of a savings-bank account when the compulsory payments were completed. With few exceptions, the conduct of the probationers has been good throughout, and the attention paid to reporting as required has been gratifying. In this connection it is interesting to note that for the year ended 31st March, 1924, approximately over three thousand monthly reports on probationers have been forwarded to the Chief Probation Officer, and, as the majority of probationers report weekly, this shows over nine thousand personal reports to the Probation Officer.

Crimes Amendment Act Probationers.—The numbers in this class who reported during the year are as follows: April, 63; May, 60; June, 59; July, 61; August, 63; September, 58; October, 56; November, 62; December, 73; January, 80; February, 73; March, 69.

Of those released from prison on license, 30 completed their terms of probation satisfactorily, while 4 were discharged from probation by the Prisons Board. Two obtained employment on overseas vessels and left the Dominion by permission, and 14 defaulted, 11 of whom were sentenced for other offences committed while on probation, and 3 absconded.

The amounts paid to probationers in respect of prison earnings are as follows: April, £34 6s. 8d.; May, £78 5s.; June, £22 10s.; July, £30; August, £61; September, £5; October, £27; November, £36; December, £100 15s. 6d.; January, £77; February, £47 10s.; March, £35 10s.

The previous habits and associations of numbers of the probationers in this category make it difficult for those of them who are honestly endeavouring to retrieve past errors. On the other hand, it is found that there are those who either cannot or will not make the necessary endeavour to rehabilitate themselves. The average number reporting monthly being 65, and the defaulters 14, shows slightly over 9 per cent. of failures. This compares more than favourably with previous years' results.

There is a phase in connection with these men released on license to which I desire to draw attention. It has been noted that many are released on probation about the end of the year. I venture the opinion that this is not in the best interests of those released, for the following reasons: Employment is almost impossible to obtain, as, owing to the fact that the Christmas vacation is so near, there are few new engagements made. Those in steady employment do not readily leave their situations at that time of year, and employers are averse to starting new hands, being content to mark time owing to the proximity of the holidays. Again, businesses are closed down for some time, and it has been found that the men released at that time are infected with the holiday spirit, and do not make much effort to settle to steady employment, with the result that the "idle hands" are the more readily led into conduct which is likely to lead to their return to prison. There is also the fact that many of the former associates of these men who have been working in the country come to town on holiday, and, meeting again, renew associations which are against their best interests. The trouble experienced with these probationers released about holiday-time constrains me to bring this matter forward for the consideration of the members of the Prisons Board.

Reviewing the working of the probationary system for the past period, I feel justified in reiterating the remarks at the conclusion of my last annual report, to the effect that the small percentage of failures is gratifying, and that the results obtained augur well for the still further successful prosecution of the work under the Offenders Probation Act.

This report would not be complete without placing on record the very efficient services rendered by the Assistant Probation Officer and by the typist.

REV. FRANK RULE, PROBATION OFFICER, CHRISTCHURCH.

In submitting my annual report of the work done in the Christchurch district for the year ended 31st March, 1924, I desire to state that, like those that have preceded, the past year has been a busy one. Morning by morning at the Magistrate's Court time and energy are given in the effort to cause those who find themselves there to look upon life from a saner viewpoint. When the delinquent feels that no man cares for his welfare, that everybody henceforth will despise him, it is not easy to inspire him with the desire to shake off his obsession and make good. This is the section of the Probation Officer's work that calls for sympathy and the personal touch. Here the good of the 1920 Act is seen, in that numbers are assisted to grip themselves and go out to life's struggle with fresh courage. Probably the most gratifying part of our work in this city is the number who, long after their term has finished, continue to look to your officer for advice and friendly helpfulness. I am glad to report that only a very small percentage return to evil ways—I do not think more than 5 per cent.

The following will show the numbers dealt with since last annual report: Reporting at commencement of year, 74; admitted to probation during year, 45; transferred from other districts, 24; a gross total of 143. Twenty-nine completed their terms and were discharged; transferred to other districts, 22; defaulted, 8; convicted and sent to prison, 3; died, 1; remaining on reporting-list at end of year, 80.

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

The past year's work and results from every standpoint have been highly satisfactory. The number placed on probation has not quite reached the figures of last year, notwithstanding the fact that a large number of men have been given a chance of making good under the control of the Probation Officer, whilst not a few have been convicted to come up for sentence when called upon. From my long experience I am able to definitely state that the best results come from those who are admitted to definite terms of probation. It is very gratifying to me to be able to report to headquarters that many of those who completed their periods of probation made good and are now looked upon as very worthy citizens of this district. I further repeat with pleasure a paragraph in my last report, that quite a number of men, after their reporting-period has come to an end, still have a strong desire to keep in touch with the Probation Officer, seeking his counsel and advice in their future careers. This has been to me most encouraging, and it applies to both first offenders and those released on probation from institutions.

I feel it my duty to state that at this centre both His Honour Mr. Justice Sim and Mr. Bartholomew, S.M., and the latter's colleague, Mr. Bundle, S.M., give me every help and encouragement in what at times is a most difficult work. This also applies to the Court staff and police, who all do their utmost to assist the Probation Officer. Then there is another very valuable body that helps considerably—namely, the Patients' and Prisoners' Aid Society—which is indeed a strong auxiliary in the way of practical help. How truly may it be said that prejudices build a higher and

thicker wall around our prisoners than those of brick and stone, within which the law has placed them! Those of us who have become familiar with the inside of these walls have found a veritable gold-mine of real possibility. This in a much fuller meaning surely applies to the opportunities of a Probation Officer, who must go forward with a heart strong to endure, brave to suffer disappointment, and warm to sympathize and advise. Unless the offender is brought into sympathetic contact with some one in the community who will enable him to resist temptation and encourage him in well-doing he will never reform, and it is hard for him to forsake his former condition and his accustomed pursuits. It is what the probationer learns by example and experience more than by precept that moves him, so the responsibility of the Probation Officer is decidedly great when he honestly seeks to do his duty in the way of true reform.

Quite a large number of probationers have successfully finished their probationary career with very great satisfaction, and are now doing well. It is scarcely necessary for me to add that the more I see of the Probation Act in actual work the more I am convinced that it is a magnificent thing in the way of true help and reform, and I further think that the results bear ample testimony to that fact.

MR. C. G. L. POLLOCK, GENERAL PROBATION OFFICER, INVERCARGILL.

It is a little more than twelve months since I took over the duties of Probation Officer for this district, and even in that short period I have come to realize that few positions afford greater scope for service to one's fellows whose needs are greatest than is given to the person privileged to serve in the capacity of Probation Officer. Under the limitations of an official report the account to be given of the year's efforts must leave a good deal unsaid. The more vital part of a Probation Officer's work, being of an intimate, personal kind, cannot be set down in specific detail; only in general terms can its main features be indicated. In dealing with the frail human nature of those committed to his care no officer can have stereotyped rules laid down for his guidance. Each case demands continued observation and sympathetic study if its special needs are to be met. In itself the work is of absorbing interest; it yields at least a measure of encouraging results, and it opens up good prospects yet to be explored. In one respect its experiences are decisive; it is not mere official supervision that tells, but personal contact imbued with friendly interest. Each person endeavouring fitfully after a better mode of life is most effectively helped if his mentors show an attitude appreciative alike of his striving and of his difficulties.

The records of the year go towards justifying the leniency extended under the Probation Acts. The honest efforts made by probationers to pay punctually the stipulated instalments of moneys due by them furnish some evidence of their desire to make amends. Further, under the Offenders Act there are forty-five names on the year's roll, but in only one instance was it necessary to bring a probationer before the Court for failing to comply with the conditions of release. Such a step is adopted only as a last resort; but, in his own best interests, as well as in fairness to those who carry out their obligations, it would be remiss to let any probationer follow a go-as-you-please course.

It sometimes happens that cases are dealt with by the Court in a way which entails on the officer, if he is to make the best of the situation, incidental services not contemplated in the accepted schedule of his duties. Thus in one instance the offender, a total stranger in the district, was virtually stranded, and had to be cared for by the officer until restoration to anxious parents had been effected. In another case it was necessary to obtain financial assistance to put matters right, upon which, owing to the very special circumstances, the offender was convicted and discharged.

There is no question that suitable employment is a specially important factor in the outlook of the class of individuals coming under our notice. Unemployment is the cause of many going astray; especially is this so as regards the first lapse—mischievous is proverbially alluring to idle hands. Every effort has therefore been made to place probationers in congenial and suitable work at the earliest possible moment.

Crimes Amendment Act Probationers.—It is pleasing to record that, with one exception, those released by the Prisons Board have given a very satisfactory account of themselves. The results are the more gratifying when we bear in mind the severe handicaps under which these persons essay to make a fresh start as free citizens. They often have to put up a fight, both with themselves and with adverse circumstances, of which few people have an adequate idea. In many cases those serving a term of imprisonment dimly realize that they are liable to be "up against it" when they try to resume normal social contact, but the ordeal is apt to prove worse than was bargained for. In one of his letters a released inmate writes, "A man's sentence really does not commence until he is discharged by the Prisons Board." Here the question of employment looms more largely, and one is often constrained to think that, if a chance to rise in the ranks of honest labour could only be guaranteed, the Prisons Board probationers would mostly retrieve themselves. One example will serve to show that the will and ability to work are often there if only the opportunity is forthcoming. A probationer who was determined to win out gladly accepted the chance afforded by a position secured for him with a sympathetic employer in the country. Although this young man lacked previous experience, his employer was able in a few months to report that he had never had a more willing worker or one who so readily adapted himself to the work. So satisfied was he that when he had occasion to be away from home he was content to leave the youth in sole charge.

There is no doubt that the good prospects of probation as applied by the Board are greatly enhanced by the excellent vocational training provided by the Prisons Department. Many of the learners become competent craftsmen; but those released by the Board, having their term of detention shortened by their good-conduct record, may not have completed the course of training provided. If the labour-market is oversupplied these men, not being first-class tradesmen, fall back on "blind alley" occupations, or drift. To overcome this difficulty it might be possible to arrange with firms to employ these young people as improvers, thus ensuring an opportunity of their becoming fully qualified tradesmen.

Under the special instruction in various trades given in the technical classes of our penal institution the learner probably advances much more rapidly than the apprentice, who pleases himself as to whether he will attend evening classes or not. The abiding effects of the educational training provided in these institutions are shown by the fact that probationers frequently continue their studies either at the evening classes of technical schools or by taking a correspondence course. As can well be imagined, this continued pursuit of self-education greatly helps to keep the individual going straight.

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

I have the honour to report that twenty-six probationers have come under my charge during the above period. Of these, seven have completed their term of probation, ten have been transferred to other districts, one absconded and is now undergoing detention, one broke the terms of his license and is in gaol, and seven are still reporting themselves to me.

Several of those transferred to other districts were persons made to appear before the Bench in New Plymouth but whose homes are elsewhere, so that I have had little opportunity to do much for them; but the rest resided here, and have taken up employment in other places.

Two cases proved disappointing, both young persons who seem to have been determined to embark upon lives of crime in spite of all that was done to save them. Most of the people who completed the terms of their probation gave indication of having derived salutary benefit from the opportunity afforded them, and will, I believe, not depart again from the path of rectitude. This appears to be most truly the case with those who are young in years and who realize that their lives are too valuable to be wasted in selfish endeavours to benefit at the expense of other people.

In several instances rebatements of sentences have been granted, with the consent of the Prisons Board, in the case of persons who have evidently striven to make good during their term of probation. It is surely a good thing to encourage people who are trying to live as good and useful citizens.

In the case of three of those still reporting themselves to me, the probationers are quite young boys, quite ordinary, and otherwise well behaved. Their trouble arose out of mere thoughtless actions, and it is to be regarded as a matter for congratulation that this method of correction avoids the doubtful expedient of sending such cases to gaol. I quite believe that the boys in question will make good and worthy citizens:

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

There were seventy-seven offenders on the register at the beginning of the year; seventy were placed on probation, thirty-seven were transferred from other districts, 184 in all passing through my hands during the year. Forty-seven completed the period of probation satisfactorily, forty-seven were transferred to other districts, three left the Dominion permanently, nine were imprisoned for subsequent offences, seventy-eight remaining on the register at the 31st March, 1924. During the year three were prosecuted for minor breaches of the conditions of probation and suitably dealt with by the Court.

The results are even better than the previous year's record, but that does not mean that the probationers have given less trouble. In fact, the experience has been otherwise. Quite a number of the younger men need a great deal of looking after, and in some instances there has been little desire to profit by the lesson of the prosecution or to appreciate the leniency of the Court. The trouble has been well repaid, however, and with only 5 per cent. of actual failures of the 180-odd men dealt with the results are gratifying. Gambling, drink, and fast living have accounted largely for the downfall of these exceptions, one or two of deficient mentality stumbling easily into fresh offences.

One is apt to be discouraged by these failures; but it is not so much even their small percentage that justifies the system of probation as the large number of successes. It is refreshing, therefore, to be able to say that probation in the great majority of cases has proved the stepping-stone to much better things.

Some of these men have done remarkably well. Take this for an instance: A married man, with a wife and one child, a clerk by occupation, convicted of the theft of moneys, could not obtain light employment, so faced heavy manual work. By his industry, frequently working much more than his ordinary eight hours a day, in the course of two years, after having fulfilled his obligations to his wife and child, he saved over £200. But he did better than that: he lived down his lapse, making his friendships with very reputable people, improving himself both mentally and morally. The probation system has made a steady, capable man of him.

It may safely be said that there are hundreds of men, and families too, who are thankful for the very beneficent legislation now in force; and though a doubt may crop up occasionally as to the wisdom of extending probation to some offenders, these will soon either sink or rise to their own level. Quite a bogey has been raised also by some that probation offers inducement to men generally to risk a first crime in anticipation of easy treatment. Such is hardly justified by fact. Crime has certainly increased, but it is the almost unknown instance to find a man of exemplary character demeaning himself by a criminal act. Men who are described as being of previously good character are not always so good as at first sight appears. In nearly every case an uncontrolled past has culminated in some definite offence against the law, so a wide interpretation of the word "good" becomes necessary. The man of honour will not lose his reputation lightly. "It is sport to a fool to do mischief," and he will do it irrespective of consequences.

It must be remembered, too, that probation is not such a "let off" as some suppose. The partial deprivation of liberty is very irksome to many—in fact, some have said that they would rather do three months' "solid" than twelve months' probation. The former is a fixed quantity, the latter an uncertainty, especially with the clause that empowers the Court to impose imprisonment for breaches of probation.

Like every other effective reformatory method, the tonic prescribed must repress as well as strengthen.

GENERAL STATISTICS.—OFFENDERS PROBATION ACT.

AGES AND TERMS OF PROBATION OF THE OFFENDERS ADMITTED TO PROBATION DURING YEAR 1923.

Age, in Years.	Six Months.	One Year.	Eighteen Months.	Two Years.	Three Years.	Four Years.	Five Years.	Total.
10 and under 15 ..	1	8	..	1	..	..	..	10
15 „ 20 ..	9	59	9	66	40	..	9	192
20 „ 25 ..	2	47	..	50	28	..	1	128
25 „ 30 ..	1	14	6	39	15	1	2	78
30 „ 40 ..	3	34	3	39	19	1	1	100
40 „ 50 ..	1	13	1	24	5	3	..	47
50 „ 70 ..	1	9	1	4	..	..	1	16
70 and over ..	..	..	..	..	1	..	..	1
Totals ..	18	184	20	223	108	5	14	572

Total number of persons admitted to probation during year	572
Total number ordered to come up for sentence when called upon and directed to report to Probation Officers	43
Total number who received the benefits of Offenders Probation Act ..	615
Number of probationers convicted of fresh offences during year	55
Average number of probationers reporting during year	1,037
Number of above convicted for breaches of probation	53
Percentage of successes	94.89
Number of probationers discharged by the Prisons Board during year	16
Amount of costs of prosecution collected by Probation Officers	£ 929 10 5
Amount of restitution-money collected	2,268 16 3
Total	£3,198 6 8

OFFENCES FOR WHICH OFFENDERS RECEIVED BENEFITS OF PROBATION ACT DURING YEAR ENDED 31ST DECEMBER, 1923.

	Admitted to Probation.	Sentence deferred.	Total.
Theft	364	12	376
Breaking, entering, and theft	34	..	34
Attempted breaking and entering	1	..	1
Robbery	1	..	1
False pretences	45	5	50
Receiving stolen property	15	..	15
Wilful damage.. .. .	13	1	14
Mischief	4	..	4
Obscene language	12	..	12
Unlawfully converting property to own use	3	..	3
Vagrancy	8	4	12
Offences against Postal Regulations	4	..	4
Common assault	12	2	14
Assault causing actual bodily harm	4	..	4
Indecent assault	5	1	6
Assault on a female	1	..	1
Carnal knowledge	3	..	3
Obscene exposure	3	..	3
Attempted suicide	4	8	12
Forgery	16	..	16
Bigamy.. .. .	1	1	2
Supplying a noxious thing to procure abortion	1	..	1
Using an instrument to procure abortion	1	..	1
Breach of Bankruptcy Act	4	2	6
Indecent act	3	1	4
Supplying liquor to a prohibited person	1	..	1
Drunkenness	2	4	6
Selling stock covered by an instrument	2	1	3
Arson	1	..	1
Blackmail	1	..	1
Disobedience of a maintenance order	1	1	2
Alarming a person by discharge of firearms	1	..	1
Cruelty to animals	1	..	1
Totals	572	43	615

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