

1933.  
NEW ZEALAND.

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# OFFENDERS PROBATION

UNDER OFFENDERS PROBATION ACT, 1920, AND CRIMES AMENDMENT ACT, 1910  
(REPORT ON OPERATION OF), FOR THE YEAR 1932-33.

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

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The Hon. the MINISTER OF JUSTICE to His Excellency the GOVERNOR-GENERAL.

SIR,—

Wellington,

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 ended 31st December, 1932.

I have, &c.

JOHN G. COBBE,  
Minister of Justice.

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THE CHIEF PROBATION OFFICER TO THE HON. THE MINISTER OF JUSTICE.

SIR,—

I have the honour to present my annual report on the working of the probation system under the Offenders Probation Act and the Crimes Amendment Act for the year ended 31st December, 1932.

I append also statistical tables summarizing the results of the year's operations, and an epitome of the reports from the principal District Probation Officers.

The reports from the Probation Officers and the statistics show that despite the conditions generally prevailing, particularly the unemployment difficulties, the results are highly satisfactory in respect of the conduct of the probationers, their response to the probationary conditions imposed, and in regard to the amount of restitution made.

The total number of cases dealt with during the year was 2,212, an excess over the previous year of 167. This total is made up of 901 new admissions and 1,309 who were on the register at the beginning of the year. Of the total dealt with, only 209, or approximately 10 per cent., failed to conform to the requirements of their probationary license; and, in regard to reparation, the total sum of £2,638 15s. 11d., representing restitution-moneys and Court costs, was collected from probationers. This amount of reparation exceeds by £210 the sum collected last year. This is quite an achievement considering the circumstances in which the majority of probationers are placed, and is evidence not only of the salutary effects of probation, but also of the patient persistence of the Probation Officers.

A total sum of £54,903, representing restitution-moneys and costs of prosecution, has been collected since the inception of the scheme, the greater proportion of which represents reparation to victims of crimes. Although the cash aspect is secondary to the human consideration, this is a positive feature of probation as compared with imprisonment, where the victim receives nothing and the offender becomes a charge on the community.

Probation was first adopted in New Zealand in 1886 on the passing of the First Offenders Probation Act. Until the passing of the Offenders Probation Act, 1920, probation was applied exclusively to first offenders, but since the latter Act came into force the admission of any offender to probation has been a matter entirely for the discretion of the Courts.

The determination as to the most appropriate form of sentence and whether probation adequately meets the circumstances of the case is a peculiarly difficult task. The Court must have regard to the protection of society, to the deterrence of others, and to the disciplining and ultimate rehabilitation of the offender.

It is essential, in the interests of the commonweal, to vindicate the law, to do justice to the individual, and to satisfy that vague but insistent force called public opinion. In this regard leniency is as equally repugnant to the standards of a healthy community sense of justice as undue severity. A departure from these standards either gives rise to a clamorous demand for vindictive punishment, or, on the other hand, brings the processes of the law into disrespect.

Probation should not be a matter of mercy or clemency, but is regarded in all enlightened countries as a practical and scientific method of treatment determined upon only after a careful evaluation of the whole of the facts and circumstances of the case, including the personality of the offender, the nature and quality of the offence, and the likelihood of his satisfactory response to probationary supervision. The rationale is that if the ends of justice can be served by extra-mural methods, and an offender can be placed under constructive surveillance, on conditions that enable him to support his family, and possibly make reparation to his victims, the adoption of such a course is more appropriate than imprisonment.

When this method of treatment is extended to an offender it is most desirable that the conditions should be strictly enforced. Perfunctory probation is worse than none at all, but the enforcement of full compliance with the terms of the probationary license necessitates individual attention being given, particularly if the oversight is to be at all constructive and helpful.

It is impossible for a Probation Officer to give personal attention to more than a limited number of probationers, say, from forty to sixty. For this reason arrangements were made a few years ago for the formation of Voluntary Probation Committees whose members would assist Probation Officers in finding work and maintaining oversight of probationers. This scheme has worked with great success, and during the past few years when the matter of securing employment has been one of the utmost difficulty these committees have rendered invaluable public service. It is mainly to the efforts of a large body of voluntary helpers, and the firm enforcement of compliance with the conditions of probation by those exercising supervision, that the small percentage of failures has been due.

The Crimes Amendment Act statistics show that 371 persons were released on probation during the year on the recommendation of the Prisons Board. None of these were recommitted to prison for breaches of the conditions of their license, but thirty-seven, including fourteen habitual criminals, had their licenses cancelled for further offences. Considering the difficulties with which these dischargees are faced in rehabilitating themselves, the small percentage of failures must be regarded as satisfactory. The effectiveness of the present method of parole and after-care may be judged from the fact that during the five years ended 31st December last, 1,169 prisoners (excluding habitual criminals) were released on probation, and during this period only ninety-seven, or 8·3 per cent., were returned to prison for failing to comply with the conditions of their release or for other offences whilst on probation, and only 26 per cent. have again been convicted subsequent to discharge.

I desire again to place on record the Department's appreciation of the sympathetic co-operation of the Magistrates who act as Chairmen of the Voluntary Probation Committees, and also to thank the individual members of the several committees, the members of the Prisoners' Aid Societies, the officers of the Salvation Army, and the numerous other social workers who have so materially contributed to the success of the work by their assistance to Probation Officers and probationers during a particularly difficult period.

I desire to express appreciation of the loyal assistance given by my own staff, and also of the valuable service rendered by the Police Officers who act as Probation Officers.

B. L. DALLARD, Chief Probation Officer.

## AN EPITOME OF REPORTS OF DISTRICT PROBATION OFFICERS.

Mr. W. J. CAMPBELL, District Probation Officer, Auckland.

Offenders Probation Act: Total dealt with, 338; total costs of prosecution and restitution moneys collected, £428 12s. 4d.

The total number of defaulters was 30, which is approximately 9 per cent. of the total number dealt with. The majority of the probationers were well behaved, and reported regularly as required. As in the past three years, many probationers, particularly those under twenty years of age, have experienced a hard time owing to the lack of employment, in many cases accentuated by the fact that other wage-earners in the same family were only on relief pay.

Where it was possible the members of the Voluntary Probation Committee assisted in finding employment, and my thanks and appreciation are due to the committee.

Crimes Amendment Act: The average number reporting during the year was 78. On the whole the conduct of those men released from prison was quite satisfactory. Great difficulty was experienced in obtaining employment, and the majority of these probationers were employed on local relief works.

Mr. T. P. MILLS, District Probation Officer, Wellington.

Offenders Probation Act: Total dealt with, 228; total costs of prosecution and restitution-moneys collected, £343 11s. 2d.

With only one or two exceptions all the probationers at the close of the year were in employment, many having taken advantage of the existing relief schemes. The conduct of probationers generally has been satisfactory, the percentage of failures being much lower than usual. Considerable patience has been necessary in collecting moneys ordered to be paid by the Courts, but the response has been fairly good.

Crimes Amendment Act: The number dealt with was 151. On the whole these probationers have made a praiseworthy effort to justify the consideration extended to them in their release on parole.

The difficulty of obtaining satisfactory employment has affected the efforts of the Voluntary Probation Committee, but their sympathetic co-operation has been most marked whenever called upon.

Mr. W. H. DARBY, District Probation Officer, Christchurch.

Offenders Probation Act: Total dealt with, 204; total costs of prosecution and restitution-moneys collected, £184 14s. 8d.

The conduct of most probationers has been satisfactory. It is pleasing to be able to report that a number of new accounts have been opened in the Post Office Savings-bank during the year.

Crimes Amendment Act: The number dealt with under this heading was 77.

The different organizations in the city which have been in a position to assist us have rendered invaluable assistance during the year.

Mr. J. GARBUTT, District Probation Officer, Dunedin.

Offenders Probation Act: Total dealt with, 132; total costs of prosecution and restitution-moneys collected, £218 2s. 6d.

Crimes Amendment Act: Total dealt with was 54.

Taking into account that in many cases rehabilitation has had to be faced through some form or other of relief work, a noteworthy feature is the lower percentage of failures represented through proceedings for breaches of probation.

While in a general sense the success of probation is bound up in the present difficult question of rehabilitation, nevertheless, there is evidence in individual cases where, under most difficult conditions, an incentive to make good has been brought about by contact between an offender who is prepared to make an effort on right lines and members of our committee and others prepared to encourage the first fruits of true reform and who count it worth while to persist in their efforts.

This voluntary form of after-care work is indeed worthy of every encouragement that can be given it in its practical and educative aspects of social problems.

MAJOR GORDON, Probation Officer for Women, Auckland.

Offenders Probation Act: Total dealt with, 57; total costs of prosecution and restitution-moneys collected, £26 16s. 9d.

The year's work has been very encouraging and confirms my experience that the majority of those coming under my jurisdiction make good, and are grateful. I am more than ever convinced that the system is an excellent one for the assistance of women and girls.

Miss A. J. SIMPSON, Probation Officer for Women, Wellington.

Offenders Probation Act: Total dealt with, 55; total costs of prosecution and restitution-moneys collected, £47 17s. 6d.

Owing to the prevailing economic depression and consequent unemployment, I find it very difficult to collect restitution-moneys due. The prosecution of unemployed probationers for default in paying Court costs would serve no useful purpose, and the only alternative is to delay action until the probationers concerned are in a position to pay.

I have to thank numerous social organizations for generous help extended to unemployed girls and girls not receiving a living-wage.

Mr. H. COLE, Probation Officer, Palmerston North.

Offenders Probation Act: Total dealt with, 68; total costs of prosecution and restitution-moneys collected, £54 14s.

The prevailing conditions have made it difficult to find suitable employment for probationers, and, consequently, the payment of restitution has been affected. The majority of the probationers have fulfilled the conditions of their licenses satisfactorily.

Mr. M. CUSSEN, Probation Officer, Nelson.

Offenders Probation Act: Total number dealt with, 50; total costs of prosecution and restitution-moneys collected, £41 4s. 8d.

During the year the conduct of the probationers has been satisfactory. Under the present conditions I have had difficulty in keeping all probationers employed, and appreciate the co-operation of the Voluntary Committee and local social organizations.

Mr. G. McKESSAR, Probation Officer, Timaru.

Offenders Probation Act : Total number dealt with, 34 ; total costs of prosecution and restitution-moneys collected, £32 13s. 6d.

Considering the very difficult year through which we have just passed, I think that the system of probation has amply justified itself. The greatest difficulty during the year has been that of finding suitable employment for the various probationers, but I have always managed to find at least some kind of employment.

Mr. C. G. L. POLLOCK, Probation Officer, Invercargill.

Offenders Probation Act : Total number dealt with, 52 ; total amount of costs of prosecution and restitution-moneys collected, £70 16s. 10d.

Crimes Amendment Act : Number dealt with, 15.

During the year the conduct of probationers has been quite satisfactory. Practically the only work offering has been under the unemployment scheme. If it were not for the provision made by the State to find work for the unemployed, the position would have been serious for the probation system during the past year.

I have to express my appreciation of the sympathetic interest taken in probationers by the Chairman and members of the Voluntary Probation Committee.

Mr. W. DINEEN, Probation Officer, New Plymouth.

Offenders Probation Act : Total number dealt with, 48 ; total costs of prosecution and restitution-moneys collected, £63 19s. 3d.

The greatest problem of probation work during the year has been the finding of work for those requiring help. The amendment to the Probation Act whereby a probationer who is unable to meet the payments ordered in terms of his release is allowed an extended period in which to find the money without having to go to Court and have another conviction recorded against him is much appreciated, and is a great help under present circumstances.

Mr. E. CHING, Probation Officer, Wanganui.

Offenders Probation Act : Total number dealt with, 69 ; total costs of prosecution and restitution-moneys collected, £54 9s. 1d.

Trouble is experienced in obtaining employment for probationers, and in this respect I am pleased to say that out of all the probationers on the register there are but three now on relief work. Again it is my pleasure to thank the Voluntary Probation Committee for their assistance.

Mr. H. N. RICHARDSON, Probation Officer, Gisborne.

Offenders Probation Act : Total number dealt with, 80 ; total costs of prosecution and restitution-moneys collected, £55 19s.

I wish to thank the Voluntary Probation Committee for their co-operation during the year, also the Labour Department and Y.M.C.A. for their assistance in placing younger probationers.

Mr. T. STOCKER, Probation Officer, Napier.

Offenders Probation Act : Total number dealt with, 62 ; total costs of prosecution and restitution-moneys collected, £77 19s. 6d.

The adverse economic conditions and the consequent prevailing unemployment has had a marked effect on the amount of reparation-money collected, but notwithstanding those conditions the amount collected may be considered very satisfactory, especially as the majority of the probationers are employed on relief work. It is pleasing to be able to record that the conduct of the probationers has been good, and that only on two occasions was it necessary to bring offenders before the Court for breaches of their licenses.

Crimes Amendment Act : Number dealt with, 19. The conduct of these probationers has been satisfactory without exception.

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## STATISTICS.

## OFFENDERS PROBATION ACT, 1920.

## AGES AND TERMS OF PROBATION OF THE OFFENDERS ADMITTED TO PROBATION DURING THE YEAR 1932.

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 ..	12	79	4	76	27	1	..	199
20 and under 25 ..	9	101	4	82	25	2	1	224
25 „ 30 ..	7	34	2	47	7	..	..	97
30 „ 40 ..	11	45	1	40	8	..	1	106
40 „ 50 ..	5	23	1	32	6	..	..	67
50 „ 60 ..	3	13	..	6	2	..	..	24
60 and over ..	2	3	..	3	1	..	..	9
Totals ..	49	298	12	286	76	3	2	726

## SUMMARY OF CASES DEALT WITH DURING THE YEAR 1932.

	Admitted to Probation.	Deferred Sentence.	Total.
Number reporting 1st January, 1932 .. ..	1,173	136	1,309
Admitted to probation during 1932 .. ..	726	175	901
Resumed probation during the year (previously struck off) ..	2	..	2
Totals .. ..	1,901	311	2,212
Completed probation during 1932 .. ..	522	112	634
Discharged by Prisons Board .. ..	10	1	11
Deceased .. ..	3	..	3
Left the Dominion .. ..	6	2	8
Absconded and not traced (term expired) .. ..	10	2	12
Resentenced on original charge .. ..	42	13	55
Committed further offences .. ..	50	6	56
Totals .. ..	643	136	779
Number reporting 31st December, 1932 .. ..	1,258	175	1,433

## BREACHES OF CONDITIONS OF RELEASE COMMITTED DURING 1932.

	Total.
Failed to report, &c. .. ..	90
Committed further offences .. ..	103
Absconded (still untraced) .. ..	16
	<u>209</u>

## COSTS OF PROSECUTION AND RESTITUTION-MONEYS COLLECTED DURING THE YEAR ENDED 31ST MARCH, 1932.

	£	s.	d.
Amount of costs of prosecution collected by Probation Officers ..	458	14	0
Amount of restitution-moneys collected .. ..	2,180	1	11
Total .. ..	<u>£2,638</u>	<u>15</u>	<u>11</u>

OFFENCES FOR WHICH OFFENDERS RECEIVED THE BENEFITS OF THE PROBATION ACT DURING THE  
YEAR ENDED 31ST DECEMBER, 1932.

Offence.	Admitted to Probation.	Deferred Sentence.	Total.
Theft .. .. .	430	91	521
False pretences .. .. .	53	19	72
Breaking, entering, and theft .. .. .	64	..	64
Receiving stolen property .. .. .	31	5	36
Unlawful conversion of property .. .. .	27	1	28
Common assault .. .. .	11	9	20
Vagrancy .. .. .	16	3	19
Forgery and uttering .. .. .	13	1	14
Attempted suicide .. .. .	5	8	13
Breach of probation .. .. .	9	2	11
Mischief and wilful damage .. .. .	8	2	10
Indecent language .. .. .	3	6	9
Drunk in charge of a vehicle .. .. .	8	..	8
False declaration .. .. .	2	6	8
Carnal knowledge .. .. .	4	3	7
Unlawfully on premises .. .. .	4	2	6
Indecent act .. .. .	4	1	5
Concealment of birth .. .. .	4	..	4
Indecent assault .. .. .	4	..	4
Obscene exposure .. .. .	4	..	4
Negligent driving .. .. .	1	3	4
Sheep and cattle stealing .. .. .	3	..	3
Abduction .. .. .	3	..	3
Offences under Post and Telegraph Act .. .. .	3	..	3
Released under section 15 (in lieu of bail) .. .. .	3	..	3
Ill-treating animals .. .. .	2	1	3
Disorderly behaviour .. .. .	..	3	3
Fighting .. .. .	..	3	3
Arson .. .. .	2	..	2
Bigamy .. .. .	1	1	2
Breach of prohibition order .. .. .	1	1	2
Breach of Bankruptcy Act .. .. .	1	..	1
Supplying noxious drug .. .. .	1	..	1
Intimidation .. .. .	1	..	1
Inciting lawlessness .. .. .	..	1	1
Stowing away .. .. .	..	1	1
Helpless drunkenness .. .. .	..	1	1
Unlawfully presenting firearms .. .. .	..	1	1
Totals .. .. .	726	175	901

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