

the Courts for the past six years, and that previously he had been granted no remission by the Prisons Board off the periods of detention. The facts were, the prisoner had been released on probation less than three years previously. His record showed that he has been a badly conducted prisoner whilst serving his last term and had escaped from custody. The prisoner had been convicted on no less than eleven charges previously, including theft, repeated forgery and uttering, and false pretences, all extending over the past twelve years, and after having initially been granted probation, had served no less than six terms of imprisonment, thus having well qualified to be declared an habitual criminal.

It was just to meet such cases, to protect society from the constant predations of these professional criminals, that the Crimes Amendment Act, 1910, was passed, to empower the Courts to impose substantial terms of detention to induce these offenders to change their ways.

Arising out of a recognition of the ineffectiveness of short sentences, a special committee was set up in England in 1931 to deal with the problem of persistent offenders, and this committee recommended the utilization of a new form of sentence to be called "Detention," which provided for custodial care for substantial terms up to a maximum of ten years where it appears to the Court that by reason of the offender's criminal habits or mode of life, his detention for a lengthened period is expedient for the protection of the public.

"The length of the sentence of detention will not be limited by the nature and the facts of the specific offence. If the specific offence is such as to warrant only a comparatively short sentence of imprisonment or penal servitude, but the habits of the offender are such that his prolonged detention is necessary for the protection of the public, it will be open to the Court to order such detention up to a limit of ten years." (Extract from Committee's report.)

It will be seen that the rationale of the idea favoured by the committee of experts in England is similar to that underlying the system of reformatory detention introduced in New Zealand under the Crimes Amendment Act, 1910.

This Act laid down the principle that, instead of having regard entirely to the particular offence for which a prisoner stood arraigned, and for which previously a maximum term of imprisonment had been prescribed, the Court in sentencing him should have regard to the prisoner's "conduct, character, associations, nature of the offence, and any special circumstances."

The Act empowers the Supreme Court to impose detention for reformatory purposes up to ten years, and the Magistrates' Court up to three years, according to what seems requisite for the training of the offender, and the protection of society. To ensure that these lengthened terms shall not be imposed without due judicial care, the Act does not permit such forms of sentence to be imposed by Justices.

It was not the intention of the Legislature to introduce a system of special privileges to a particular section of prisoners, or to make prison conditions pleasant, as many people erroneously seem to imagine, that the system was introduced. Reformatory detention, if anything, implies even greater effort by the prisoner in the way of industry and good conduct to satisfy the Prisons Board that he merits consideration for release. He must give definite evidence that he has realized the folly of his ways, and that he is striving to lead an honest life. As a recent English writer has stated, this re-orientation, repentance, change of outlook or whatever one understands by "reform" is not a thing of definite standards. It is, as the writer states,—

"A matter of rather delicate individual touch. Reform will come to the offender in different shapes and by different methods, but it must come from something within the man. It is not a panacea which can be prescribed by the chaplain, or by the medical officer from the pharmacopœia. One man is reached by a message from the Gospel, another needs only a friendly hint, a sympathetic touch. In one case it is necessary to prick a bladder of conceit, in another patiently to build up self-respect; for some the mere withdrawal for a time from the circumstances leading to the offence will serve, for others complete re-education is required."

Reformation is not a thing that can be brought about by any definite system or routine. The methods to be employed must be almost as varied as the natures to be dealt with, and it will be obvious that no hard-and-fast rule can be laid down. What is required is a good practical understanding of human nature by those in charge of prisoners, coupled with a fair and firm system of discipline and well-ordered conditions. Every prisoner is encouraged to play the game, and the conditions are such that every inmate is afforded ample opportunity of making good. The fact that approximately 75 per cent. respond to such treatment surely bears evidence of its success.

It has been commented on that hard-labour prisoners are sometimes placed with reformatory detention prisoners. From the point of view of practical administration this is occasionally unavoidable, but due regard is always had to the avoidance of the risk of contamination. The turpitude of many hard-labour prisoners is no greater than that of many persons undergoing terms of reformatory detention. The degree of intermingling of prisoners cannot be governed entirely by the class of sentence imposed, as any practical basis of classification of offenders must be according to age, character, and physical and mental fitness, and not on such artificial or arbitrary distinctions as might be indicated by the form of sentence. Section 23 of the Crimes Amendment Act provides, *inter alia*: "Reformatory detention shall be deemed to be imprisonment with hard labour within the meaning of the principal Act, the Prisons Act, 1908, and all other Acts referring to or relating to imprisonment." Although no legal distinction is made, in actual practice the majority of persons sentenced to reformatory detention are transferred to prison farms or camps where such course is compatible with public safety.

There is statutory provision for, and the Courts frequently impose, what is termed a "head sentence" of hard labour to be followed by a period of reformatory detention. It depends largely