

1935.
NEW ZEALAND.

OFFENDERS PROBATION

UNDER OFFENDERS PROBATION ACT, 1920, AND CRIMES AMENDMENT ACT, 1910
(REPORT ON OPERATION OF), FOR THE YEAR 1934-35.

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.

SIR,—

Wellington, 30th August, 1935.

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, 1934.

I have, &c.,

JOHN G. COBBE,

Minister of Justice.

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, 1934.

Appended hereto also are statistical tables, together with an epitome of the reports from the principal District Probation Officers.

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 now it is open to the Courts to exercise a free discretion as to what cases should be admitted to probation. Owing to the initial Act being limited to first offenders, probation popularly became recognized as the "first chance" given to first offenders. It has been so described by some of our Judges, but this was not the intention of the Legislature. The rationale of the system is that the Courts shall have regard to the character and personal history of a person convicted of an offence, and only in cases where the Court is satisfied that the best interests of the public and the offender would be served by release on probation is the offender to be so released. Release on probation is conditioned liberty. Some of the restrictions are that a probationer is subject to the supervision and direction of a Probation Officer. He may be forbidden to associate with any person or class of persons; his abode and employment must be approved of by the Probation Officer; and he is to be of good behaviour and to abstain from crime. The probationer is required to report regularly to the Probation Officer for two reasons. Firstly, it enables the Probation Officer to be kept periodically informed of the probationer's activities, employment, change of employment, earnings, expenditures, savings, recreation, problems, &c., and, secondly, these interviews assist the Probation Officer in habitually checking up the probationer's response to the plan of treatment, and in modifying it with his active co-operation. Properly recorded this period serves as an index to the probationer's amenability to suggestion and discipline, and his increasing adjustment to life in the community.

It will be seen that probation is not a substitute for punishment, as it definitely involves a curtailment of liberty, but it does not depend solely on the coercive sanctions of authority. The Department, with the aid of public-spirited citizens who co-operate with Probation Officers, aims at readjustment in the community under a system of firm but sympathetic and constructive oversight.

The reports from the District Probation Officers show that despite the adverse conditions prevailing during the past year, particularly with regard to the paucity of opportunities for placing probationers in permanent employment, the results of the year's work have been exceedingly satisfactory, and that few probationers have failed to respond to requirements. The most striking feature in this connection has been the increase in the amount of restitution-money collected.

The total amount paid by probationers during the year was £2,914, representing £475 for costs of prosecutions, and £2,439 for restitution to persons robbed or defrauded.

A total sum of £60,192 has been collected since the inception of the provision under which the Courts are empowered to order restitution to be made.

Although these financial results demonstrate strikingly a positive advantage of probation over imprisonment, where the offender becomes a charge on the taxpayer and the injured party receives no redress, it is the human factors that are, by far the more important considerations, and if a means other than incarceration can be devised whereby erring humans can be salvaged for future usefulness with less disruption of social ties and responsibilities, with less risk of harmful reactions psychologically, and at less expense, then in appropriate cases such alternative method should be availed of.