

1939.
NEW ZEALAND.

PRISONS BOARD

(ANNUAL REPORT OF) FOR 1938.

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

MEMBERS OF THE BOARD.

Hon. Sir HUBERT OSTLER, Kt. (President); Sir DONALD MCGAVIN, Kt., C.M.G., D.S.O., M.D. (Lond.), F.R.C.S. (Eng.);
Hon. JOHN ALEXANDER, C.M.G., M.L.C.; B. L. DALLARD, Esq.; THEO. G. GRAY, Esq., C.M.G., M.B., M.P.C.;
Mrs. A. I. FRAER, M.B.E.; and W. G. RIDDELL, Esq.

SIR,—

20th July, 1939.

I have the honour to forward herewith the report of the Prisons Board for the year 1938.

I have, &c.,

H. H. OSTLER,
President.

The Hon. the Minister of Justice.

REPORT OF THE PRISONS BOARD.

FOR THE YEAR ENDED 31ST DECEMBER, 1938.

THE Board has to report that during the year it visited each of the prisons, prison camps, and Borstal institutions in the Dominion. It dealt with a total of 954 cases at sixteen meetings held in Wellington and at the various institutions.

The following summary gives details of the cases considered and the decisions arrived at :—

<i>Cases dealt with.</i>			<i>Board's Decisions.</i>		
Persons undergoing Borstal detention	..	294	Recommended for release on probation	..	381
Persons sentenced to reformative detention	255		Deferred for later consideration	..	499
Persons sentenced to hard labour	..	307	Petitions declined	..	27
Habitual criminals	..	53	Recommended for discharge	..	22
Habitual offenders	..	1	Discharged from probation	..	22
Habitual criminals for remission of head sentence	..	2	Recommended remission of head sentence	..	2
Probationers under Crimes Amendment Act	16		Modification of terms of probation	..	1
Probationers under Offenders Probation Act	26				
	954				954

As you are aware, Sir, for the greater part of the period covered by this report I was absent on sick-leave. During this period—that is, from the 2nd February, 1938, until the end of the year the Hon. Sir John Reed, Kt., C.B.E., was acting-President of the Board.

It is with regret the Board records the retirement of Sir John Reed and W.G. Riddell, Esq. Sir John occupied the position of President of the Board from the 10th October, 1928, until the date of his retirement as a permanent Judge. Mr. Riddell for private reasons resigned at the expiration of his appointed term. The Board has to express its appreciation of the services rendered by these gentlemen. Both were profoundly interested in the work of the Board, and gave their time, at considerable personal sacrifice, willingly and liberally in this connection.

The vacancy created by Mr. Riddell's resignation has been filled by the appointment of Ernest Edridge, Esq., of Christchurch.

The Prisons Board is required by statute to inquire into the cases of prisoners and Borstal inmates and to make to the Governor-General and the Minister of Justice such recommendation as it deems fit regarding their release on probation or discharge.

In making its recommendations the Board takes into consideration the full and ample particulars available regarding the various inmates. Such particulars include the history of each case before sentence, conduct, and industry and general character as observed while in custody, and, in many cases, the availability of suitable employment or care on release. In addition, in any case where there is a suggestion of mental impairment the Board arranges for a report from a psychiatrist.

Inmates with good institutional records are given opportunity to rehabilitate themselves in the community.

In some cases it is true that the conduct of inmates after release has proved that the Board, like other human institutions, is not infallible.

The definite policy of the Board, however, is to err, if it must err, on the score of leniency rather than on that of harshness, and statistics show that in the great majority of cases this leniency has been amply justified. Most of those recommended for discharge or for release on probation make good.

The total number of cases dealt with by the Board in 1938 was less by 33 than that recorded for 1937. This is further evidence of the greatly reduced numbers in our penal institutions during recent years, which is partly due to greater recourse to fines and the more liberal use of probation by the Courts. The number of female persons in our prisons and Borstal institutions is, in relation to the number of male inmates, pleasingly small. This is in a large measure due to the efficient after-care arrangements provided. In 1938 the number of female cases that came under the jurisdiction of the Board was 44, or only $4\frac{1}{2}$ per cent. of the total of 954 cases considered during the year.

Comparison of the statistics with those of previous reports shows that the former good results have been maintained. The percentage of lapses subsequent to release, with the exception of habitual criminals, has been small.

The statistics also show that of the total number released after undergoing sentences of Borstal detention and reformatory detention or imprisonment with hard labour approximately 22 per cent. only have been reconvicted or failed to comply with the conditions of their license. The results in regard to habitual criminals, while naturally not so good, should, in the light of the particularly difficult material dealt with, be considered satisfactory. Of those who had been declared habitual criminals and released in terms of the Crimes Amendment Act since the constitution of the Prisons Board in 1911, 56 per cent. have been returned to prison for non-compliance with the conditions of their probation or for further offences.

During the Board's usual visit to each of the prisons and Borstal institutions in the Dominion, the members were pleased to observe and learn of the continued steady advancement in the prison system generally, and to note the obvious physical fitness of the majority of those who appeared before them. Among the various improvements effected more recently are those in accommodation, diet, clothing, education, recreation, and occupation, including more mechanization of industries.

There is close co-operation between the Prisons Department, the Mental Hospitals Department, and the Board, with the result that the Board is furnished with regular reports concerning the inmates' progress under institutional regime, together with reports and advice by mental specialists.

The Board desires to again place on record its appreciation of the very valuable services rendered by the members of the various after-care organizations and other public-spirited citizens in the all-important matters of employment and after-care.

Since the Board commenced to function in 1911 no less than 26,818 cases have been considered by it. This includes prisoners undergoing sentences of reformatory detention, hard labour, habitual criminals, Borstal inmates, and probationers for discharge from probation or variation of terms thereof. Dealing with these cases under their particular headings the results have been as follow :—

Reformatory Detention.

During the period from January, 1911, to December 1938, 5,186 prisoners were sentenced to reformatory detention under the provisions of the Crimes Amendment Act, 1910. The number of cases that have been recommended for release or discharge is 4,162. In 652 cases prisoners were required to serve the full sentence imposed by the Court. Of the total number released after undergoing reformatory detention 27.42 per cent. have been returned to prison either for non-compliance with the conditions of the release or for committing further offences : 2.62 per cent. left the Dominion or absconded ; 0.50 per cent. died or were transferred to mental hospitals ; leaving 69.46 per cent. who have not further offended and who may therefore reasonably be assumed to have become useful and law-abiding members of the community.

Hard Labour.

Since the passing of the Statute Law Amendment Act, 1917, which extended the scope of the Prisons Board to the consideration of cases of prisoners sentenced to terms of imprisonment involving hard labour, 5,921 cases have been considered by the Board up to December, 1938. In 2,475 cases the prisoners were released on probation or discharged prior to expiry of the full time on the recommendation of the Board. Of this number, 1,489 completed probation satisfactorily, 135 were recommitted for other offences, and 79 were still reporting on probation at the 31st December, 1938.

Habitual Criminals.

During the period from January, 1911, to December 1938, 621 habitual criminals were released on license on the recommendation of the Prisons Board. Of those so released, 56·19 per cent. were returned to prison either for committing further offences or for non-compliance with the conditions of probation. No offences are recorded against the remaining 43·81 per cent., and, allowing for those who have left the Dominion or died, this leaves 21·43 per cent. who remain in the Dominion and have not further offended.

Borstal Cases.

Since the coming into operation of the Prevention of Crime Act, 1924, 2,541 young persons have been detained under this Act, either by original commitments by the Court or by transference of youthful offenders from penal institutions or industrial schools. There have been 2,371 inmates released on the recommendation of the Board, 2,163 being on probation and 208 on the expiration of their sentence. Of the total number released, 43 have been returned to the institution for non-compliance with the conditions of release, 199 were recommitted for further offences whilst on probation, and 422, or approximately 18 per cent. of the total released, have been sentenced for offences committed after discharge or on expiry of their period of probation.

Obituary.

Although not happening actually within the period covered by this report, the Board feels that it should place on record its sorrow at the passing on the 8th March, 1939, of the late Mrs. A. I. Fraer, M.B.E., who had been a member of the Board for ten years.

Approximate Cost of Paper.—Preparation, not given ; printing (710 copies), £3.

Price 3d.]

By Authority: E. V. PAUL, Government Printer, Wellington.—1939.

