

1940.

NEW ZEALAND.

OFFENDERS PROBATION

UNDER OFFENDERS PROBATION ACT, 1920, AND CRIMES AMENDMENT ACT, 1910
(REPORT ON OPERATION OF), FOR THE YEAR 1939.

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.

Wellington, 12th June, 1940.

SIR,—

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, 1939.

I have, &c.,

H. G. R. MASON,
Minister of Justice.

The CHIEF PROBATION OFFICER to the Hon. the MINISTER OF JUSTICE.

SIR,—

I have the honour to submit my annual report under the Offenders Probation Act and the Crimes Amendment Act for the year ended 31st December, 1939.

The customary statistical tables relating to probation are appended, but the usual reports from district Probation Officers are omitted on account of the shortage of paper.

The reports from various Probation Officers disclose that probationers in the main have responded reasonably satisfactorily, the number who have relapsed being only 11 per cent. of the total dealt with.

Apart from the guidance, supervision, and redemptive influences brought to bear on probationers by Probation Officers and voluntary social workers who assist in this important work, the finding of employment is an important factor, and in this connection all Probation Officers report in terms of gratitude on the assistance rendered by public spirited employers and the Government Placement Officers.

The provision of employment, besides being a steadying influence in most cases, also has the virtue that it assists a probationer in winning back his self-respect by making some restitution to those he has wronged—a sense of obligation and responsibility is the first step towards rehabilitation—and it is satisfactory to observe that £4,986 in reparation and costs have been paid in by probationers during the year. This amount constitutes a record.

It is also gratifying to observe that a considerable number of probationers have enlisted with the Forces.

The total number of persons dealt with by probation, and deferred sentence subject to supervision, was 1,117, which represents an increase of 193 on the number for the previous year.

It will be seen from the statistics that the preponderance of probationers dealt with by the Courts are young persons. Of a total of 942 granted probation, 556 were under the age of twenty-five, and 30 per cent. of the total were under the age of twenty. As an indication of this trend, the actual numbers in this age group for the past four years are quoted—viz., 1936, 117; 1937, 152; 1938, 186; 1939, 285. This surely connotes a moral deterioration or that there is something lacking in the ethical training of young people. An American observer, commenting on the high crime ratio in the United States as compared with certain other countries, suggested that early training in social obligations is of essential importance. He states, for example, that “in France, in addition to the ordinary educational programme in the schools, fifteen minutes a day are given to a class called ‘morale,’ ethics teaching, which it is considered trains the conscience of children in the mores of a civilized nation. The mores of civilization are the customs and traits which give safety of life, property, and reputation. Acquired early they become practically instinctive, backed by conscience and effective for self-control the whole life through. In after years the individual may not remember how or when he acquired the moral bias that controls his conduct. The subconscious monitor, the still small voice, will seem as something inborn.”

There can be no doubt whatever that crime-prevention is infinitely more to be desired from a sociological point of view than crime correction.

Dealing with the nature of the offences, it is observed that approximately 50 per cent. of the offences were for theft. Convictions for offences of a false-pretences type show a substantial decrease, from which it may be deduced, firstly, that the Courts are rightly hesitant to grant probation for offences involving deliberation and studied fraud, and, secondly, that this is usually a class of offence practiced more by older offenders.

As was noticed in reviewing the prison statistics, it is interesting to observe a considerable increase in the number of offenders dealt with for stowing away and for ship desertion (46 as against 5 for the previous year).

I have stressed on more than one occasion—and in this view I have the support of the most experienced authorities overseas—that the more generous impulses of the law were not appropriate to offences of a grave, brutal, or deliberate character. It is thus surprising to see that there has been an increase in the number of cases admitted to probation where the offences have been of a grave sexual nature.

It is axiomatic that for a system to have the backing and confidence of public opinion the public conscience must be satisfied in the matter of the treatment meted out to an offender—not out of any sadistic desire for retribution, but to jealously guard and ensure the maintenance of a generally acceptable code of conduct. Under the probation system, as under the prison system, “individualization of punishment” is an essential factor—that is to say, the whole of the circumstances associated with an offence, including the offender’s mentality, personality, and general make-up, must be allowed for, but it has to be recognized that there are definite limits to the efficacy of probation in certain cases, for whilst some will respond and can be adequately supervised on probation, there are definitely some who, for society’s protection, require segregation.

Over a period of years the Department has established a most excellent arrangement with the Mental Hospitals Department whereby its specialist officers are available when required to examine and report on the mental state of an offender, either in prison or before sentence. Many Courts have taken advantage of this service, and there is no doubt that in many cases the report of a psychiatrist enables the Court better to appreciate the degree of culpability of an offender, and the most appropriate method of dealing with him. Experience shows, however, that it is by no means necessary to have every offender examined, for at least 80 per cent. are normal in the generally accepted sense. Anti-social conduct does not *per se* connote abnormality. That only arises when the general behaviour of an individual falls below that of the average man.

Crimes Amendment Act Probationers.—This group comprises persons released on parole after serving a period of imprisonment, as distinct from persons placed on probation by the Courts in the first instance. The statistics show that 288 persons were released on probation during the year on the recommendation of the Prisons Board. Only one of these was recommitted to prison for breach of the conditions of his license; and 22, including 14 habitual criminals, had their licenses cancelled for further offences. Considering the handicaps and difficulties with which discharged prisoners are faced in re-establishing themselves in the community, notwithstanding the exceedingly generous help rendered by a large body of public-spirited citizens, 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, 1,626 prisoners (including habitual criminals) were released on probation, and during this period only 124, or 7·6 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 25·46 per cent. have again been convicted subsequent to discharge.

General.—The policy of gradually replacing police constables who act as Probation Officers by civilian Probation Officers in the larger secondary towns has been pursued during the year. This is not because the police who have acted as Probation Officers have not functioned properly. I have been particularly impressed in many country districts by the esteem and respect in which the police Probation Officer is held by probationers, and the helpful constructive attitude adopted, but many constables are so burdened with their own departmental duties that they are unable properly to cope with the probation work.

Miss A. J. Simpson, Women’s Probation Officer at Wellington, recently retired on superannuation, and it is desired to place on record appreciation of the sympathetic service she rendered to those placed under her care.

The probation work is steadily growing and its technique improving. I think from the results achieved it can be fairly claimed that the work during the year has been reasonably successful.

Probation work, like that of the prisons and the Borstals, is an integral part of the administration of justice. The workers in all three fields, in an endeavour to change human behaviour and habit patterns, are engaged in essentially the same task. Happily there is the closest co-operation between all sections of the Department.

Probation Officers in many parts of the Dominion have had entrusted to them by Magistrates additional social services as Conciliators under the Domestic Proceedings Act passed last session.

Conclusion.—In conclusion, I should like to place on record the Department’s appreciation of the loyal service of the staff, and the exceedingly helpful co-operation of a large body of social workers, the Borstal Association, Voluntary Probation Committees, Prisoners’ Aid Societies, the Salvation Army authorities, the Justices’ Associations, and many others who have faithfully and co-operatively recognized that probation is essentially a community job.

B. L. DALLARD,
Chief Probation Officer.

STATISTICS.

OFFENDERS PROBATION ACT, 1920.

AGES AND TERMS OF PROBATION OF THE OFFENDERS ADMITTED TO PROBATION DURING THE YEAR, 1939.

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 ..	5	107	15	116	42	..	..	285
20 and under 25 ..	15	111	16	99	27	..	3	271
25 „ 30 ..	7	56	11	50	13	..	2	139
30 „ 40 ..	8	57	8	58	8	2	..	141
40 „ 50 ..	1	27	4	22	5	..	1	60
50 „ 60 ..	6	13	..	9	1	..	..	29
60 „ 70 ..	1	6	..	4	1	..	1	13
70 and over ..	..	2	..	..	2	..	..	4
Totals ..	43	379	54	358	99	2	7	942

SUMMARY OF CASES DEALT WITH DURING THE YEAR 1939.

	Admitted to Probation.	Deferred Sentence.	Total.
Number reporting on 1st January, 1939 ..	1,105	180	1,285
Admitted to probation during the year ..	942	175	1,117
Resumed probation—previously struck off ..	5	..	5
Totals	2,052	355	2,407
Completed probation during the year ..	563	148	711
Deceased	11	..	11
Discharged by Prison Board	27	7	34
Left the Dominion	25	4	29
Absconded and not traced (term expired) ..	16	1	17
Resentenced on the original charge	29	14	43
Committed further offences	58	5	63
Totals	729	179	908
Number reporting on 31st December, 1939 ..	1,323	176	1,499

BREACHES OF CONDITIONS OF RELEASE COMMITTED DURING 1939.

Failed to report, &c. .. .. .	..	..	..	..	..	..	92
Committed further offences .. .. .	..	..	..	..	..	..	153
Absconded (still untraced) .. .. .	..	..	..	..	..	..	17
Total .. .. .	..	..	..	..	..	..	262

COSTS OF PROSECUTION AND RESTITUTION MONEYS COLLECTED DURING THE YEAR ENDED 31ST MARCH, 1940.

Amount of costs of prosecution collected by Probation Officers ..	£	s.	d.
Amount of restitution moneys collected	4,122	10	5
Total	£4,986	3	3

OFFENCES FOR WHICH OFFENDERS RECEIVED THE BENEFITS OF THE PROBATION ACT DURING THE
YEAR ENDED 31ST DECEMBER, 1939.

Offence.	Admitted to Probation.	Deferred Sentence.	Total.
Theft	526	73	599
False pretences and false statements	62	16	78
Unlawful conversion of vehicles and animals	53	10	63
Breaking, entering, and theft	60	1	61
Common assault	38	8	46
Carnal knowledge	27	2	29
Stowing away	13	12	25
Mischief and wilful damage	13	9	22
Ship desertion	20	1	21
Forgery and uttering	19	..	19
Indecent assault	16	..	16
Receiving stolen property	13	1	14
Obscene and indecent language	6	6	12
Attempted suicide	6	6	12
Intoxicated in charge of vehicles	5	5	10
Unlawfully on premises	3	7	10
Obscene exposure	10	..	10
Vagrancy	9	..	9
Failing to stop after accident	3	3	6
Arson	5	1	6
Disorderly behaviour	1	5	6
Negligent driving causing death	5	..	5
Released under section 15 (in lieu of bail)	4	..	4
Bigamy	3	..	3
Driving vehicles without due care	2	1	3
Fighting	2	..	2
Attempted rape	2	..	2
Incest	2	..	2
Breach of probation	2	..	2
Attempted buggery	2	..	2
Resisting police	2	..	2
Breach of Postal Regulations	1	1	2
Drunkenness .. .. .	..	2	2
Indecent act	1	..	1
Breach of Bankruptcy Act	1	..	1
Attempting to administer noxious drug	1	..	1
Personation	1	..	1
Demanding money with menaces	1	..	1
Robbery with violence	1	..	1
Perjury	1	..	1
Cruelty to animals .. .. .	..	1	1
Keeping common gaming house .. .. .	..	1	1
Supplying liquor to a Native .. .. .	..	1	1
Procuring liquor while prohibited .. .. .	..	1	1
Failing to pay railway fare .. .. .	..	1	1
Totals	942	175	1,117

Approximate Cost of Paper.—Preparation, not given; printing (760 copies), £6

By Authority: E. V. PAUL, Government Printer, Wellington.—1940.

Price 3d.]