

1941.

NEW ZEALAND.

# OFFENDERS PROBATION

UNDER OFFENDERS PROBATION ACT, 1920, AND CRIMES AMENDMENT ACT, 1910  
(REPORT ON OPERATION OF) FOR THE YEAR 1940.

*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, 23rd July, 1941.

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, 1940.

I have, &amp;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, 1940.

Owing to the shortage of paper the reports from the district Probation Officers are omitted this year, but the usual statistical tables relating to probation are appended.

Examination of the reports submitted by the district officers reveals that in the main probationers have reacted reasonably satisfactorily, the number who have relapsed being only slightly over 11 per cent. of the total dealt with.

It has long been recognized that indiscriminate recourse to imprisonment, which carries with it a severance of domestic ties and more often than not punishes the offender's dependants more severely than himself, is not in the best interests of the public. Probation, which aims at the rehabilitation of the offender without the stigma of imprisonment and enables the breadwinner to support his dependants whilst working out his own salvation, offers a constructive alternative in many cases. Unfortunately, the impression is fairly common that probation is "letting the offender off" or "creating a license for crime." Nothing is further from the truth. A probationary license frequently contains conditions limiting the hours of the offender's absence from his home, and prohibiting his association with undesirable persons, while the necessity to make restitution to the persons who suffered by reason of his offence obliges him to remain in regular employment. His movements are considerably restricted, his liberties curtailed, and his general conduct must conform to a more ordered and disciplined mode of living. For some offences probation is quite inappropriate. For example, many sex offenders are a public menace, and in their case segregation becomes essential. Similarly, offences showing deliberation or careful planning do not merit the more generous impulses of the law.

Docile observance of the conditions of probation in the same manner as studied good conduct in prison does not necessarily connote reclamation or rehabilitation. This is evidenced rather by a change of mental attitude involving a recognition of a social obligation and the development of a sense of responsibility. The acquisition of a more regular habit of employment, an earnest endeavour to make reparation to those wronged, and the desire to establish one's self-esteem by the adoption of a more decent standard of living are the pointers which indicate the real progress of a probationer, and it is in respect of these factors that the reports can be regarded as satisfactory.

The amount of money collected by Probation Officers as costs of prosecution and by way of restitution during the financial year ended 31st March, 1941, was £6,203, which is £1,217 higher than the previous record year. Although the collection of this large sum is partly due to consistent pressure by Probation Officers, the fact that remunerative employment was available for all who were fit and willing to undertake manual labour has been a contributing factor. The total amount collected since the inception of the scheme is now over £87,000.

Present conditions have facilitated the ready absorption of probationers into employment, but where it has been necessary to find employment for a probationer, or in his interests to change his environment, the State Placement Service has been most helpful. My officers, without exception, pay tribute to the willing co-operation of the Placement Officers.

It is pleasing to note that a number of probationers have joined up with the armed Forces. Approximately 190 proceeded overseas on active service during the year, and at 31st December many more were undergoing training. Many who have satisfactorily completed their periods of probation are also known to be serving in the Forces, and Probation Officers have been heartened by the number of their former wards who have called upon them in service uniforms. On the other hand, a few probationers have evidently thought that their enlistment cancelled their obligation under probation, and they have failed to report or to make reparation payments. To meet such cases an arrangement has been made whereby probationers who fail to make a voluntary effort may be compelled to allot a small portion of their military pay to meet Court orders. Several Service officers are co-operating with Probation Officers to see that probationers honour their obligations.

A review of the statistics shows that during the year 1,070 distinct persons were admitted to probation or had their sentence deferred, thereby coming under the control of Probation Officers. This is approximately 50 less than the previous record year. The majority of those dealt with were in the post-adolescent group, 531 of the 902 admitted to probation being under twenty-five years of age, and 32 per cent. of the total number dealt with being under twenty years old. This serious aspect of our criminal statistics has been the subject of comment by Judges of the Supreme Court and Stipendiary Magistrates on several occasions during the year. It suggests a defect in parental control and a want of early training in social obligations.

It will be noticed that over 58 per cent. of those placed under supervision were convicted of theft, and that despite repeated warnings from the Bench that more stringent penalties would have to be imposed if unlawful conversion of vehicles did not cease, this class of offence still accounts for a relatively high proportion of convictions. Happily the number dealt with for sexual offences shows a 13-per-cent. decrease on the previous year, but the figure is still high and constitutes a serious blot on the morals of our younger generation.

Two classes of offence which have almost disappeared from our statistics this year are ship-desertion and stowing away. Closer vigilance in respect of shipping has made these offences difficult of operation, and the reduction under these headings almost entirely accounts for the lesser number dealt with under probation for the year.

The arrangement made with the Mental Hospitals Department several years ago whereby the services of that Department's specialists were made available to the Courts to examine and report upon the mental state of an offender before sentence continues to be used where necessary. The number of cases so dealt with is not large, as it is mainly where the preliminary inquiries indicate a degree of subnormality that the services of a psychiatrist are helpful in deciding the best method of dealing with the offender.

*Parole.*—The figures under this heading deal with persons released on license from a prison, reformatory, or Borstal institution, as distinct from those admitted to probation in the first instance by the Courts. The statistics show that during the year 1940, 363 persons were released from institutions on probationary license on the recommendation of the Prisons Board. Of these, only 2 were recommitted to prison for breaches of the conditions of their licenses, while 20, including 8 habitual criminals, had their licenses cancelled for further offences. Considering the difficulties with which these parolees are generally faced in endeavouring to re-establish themselves in the community, the small percentage of failures must be regarded as distinctly encouraging. The effectiveness of this method of parole may be gauged from the fact that during the past five years, 1,633 persons, excluding habitual criminals, were released from institutions on license, and during that period only 8 per cent. were returned to institutions for breaches of the conditions of their license, and only 25.16 per cent. have again been convicted subsequent to completion of the probationary period.

*General.*—During the year Miss Merrin, who was previously assistant in the Christchurch office, took up the position of Women's Probation Officer in Wellington, which was rendered vacant by Miss A. J. Simpson's retirement on superannuation.

Magistrates continue to use the services of Probation Offices as conciliators under the Domestic Proceedings Act, 1939; and further duties given to our officers include supervision of persons granted time in which to pay fines as provided for in the Summary Penalties Act, 1939. These services have been undertaken willingly, and serve to illustrate the happy relations which exist amongst all officers engaged in the administration of justice.

*Conclusion.*—In conclusion, I desire to place on record my gratitude to the Women's Borstal Association, Voluntary Probation Committees, Prisoners' Aid Societies, Honorary Justices' Associations, Y.W.C.A., Y.M.C.A., Salvation Army, and other religious bodies, and many public-spirited persons for helpful co-operation in this important work. I also desire to express my indebtedness to my own staff for their loyal assistance.

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, 1940.

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 ..	17	120	13	107	27	..	1	285
20 and under 25 ..	13	126	8	72	26	1	..	246
25 „ 30 ..	11	63	6	42	8	..	1	131
30 „ 40 ..	5	57	3	53	11	..	4	133
40 „ 50 ..	2	31	3	17	10	1	1	65
50 „ 60 ..	1	20	2	1	1	..	1	26
60 „ 70 ..	..	6	1	3	..	..	..	10
70 and over ..	..	1	1	2	..	..	2	6
Totals ..	49	424	37	297	83	2	10	902

## SUMMARY OF CASES DEALT WITH DURING THE YEAR 1940.

	Admitted to Probation.	Deferred Sentence.	Total.
Number reporting on 1st January, 1940 ..	1,323	176	1,499
Admitted to probation during the year ..	902	168	1,070
Resumed probation—previously struck off ..	..	1	1
Totals .. .. .	2,225	345	2,570
Completed probation during the year ..	584	112	696
Deceased .. .. .	8	1	9
Discharged by Prison Board .. .. .	21	5	26
Left the Dominion (mostly soldiers) ..	189	13	202
Absconded and not traced (term expired) ..	5	1	6
Resentenced on the original charge .. ..	40	9	49
Committed further offences .. .. .	62	11	73
Totals .. .. .	909	152	1,061
Number reporting on 31st December, 1940 ..	1,316	193	1,509

## BREACHES OF CONDITIONS OF RELEASE COMMITTED DURING 1940.

Failed to report, &c. .. .. .	86
Committed further offences .. .. .	184
Absconded (still untraced) .. .. .	24
Total .. .. .	294

## COSTS OF PROSECUTION AND RESTITUTION MONEYS COLLECTED DURING THE YEAR ENDED 31ST MARCH, 1941.

	£	s.	d.
Amount of costs of prosecution collected by Probation Officers ..	773	0	4
Amount of restitution moneys collected .. .. .	5,430	0	8
Total .. .. .	£6,203	1	0

OFFENCES FOR WHICH OFFENDERS RECEIVED THE BENEFITS OF THE PROBATION ACT DURING THE  
YEAR ENDED 31ST DECEMBER, 1940.

Offence.	Admitted to Probation.	Deferred Sentence.	Total.
Theft .. .. .	536	86	622
False pretences and false statements .. .. .	62	22	84
Breaking, entering, and theft .. .. .	61	..	61
Unlawful conversion of vehicles .. .. .	43	8	51
Common assault .. .. .	33	6	39
Mischief and wilful damage .. .. .	13	13	26
Indecent assault .. .. .	22	1	23
Receiving stolen property .. .. .	16	4	20
Vagrancy .. .. .	11	5	16
Indecent act .. .. .	15	..	15
Carnal knowledge .. .. .	14	..	14
Forgery and uttering .. .. .	13	..	13
Obscene and indecent language .. .. .	10	2	12
Trespass and unlawfully on premises .. .. .	6	4	10
Attempted suicide .. .. .	5	5	10
Drunk in charge of vehicles .. .. .	4	4	8
Ship-desertion .. .. .	7	..	7
Negligent driving causing death or injury .. .. .	5	..	5
False declaration under Marriage Act .. .. .	4	1	5
Robbery with violence .. .. .	3	..	3
Making a subversive statement .. .. .	3	..	3
Arson .. .. .	3	..	3
Extortion by threat .. .. .	2	..	2
Taking liquor into a Maori pa .. .. .	2	..	2
Unlawfully using an instrument .. .. .	2	..	2
Drunkenness and breach of prohibition order .. .. .	..	2	2
Failing to stop after an accident .. .. .	..	2	2
Breach of maintenance order .. .. .	1	..	1
Breach of Bankruptcy Act .. .. .	1	..	1
Stowing away .. .. .	1	..	1
Incest .. .. .	1	..	1
Buggery .. .. .	1	..	1
Breach of probation (Crimes Amendment Act) .. .. .	1	..	1
Released under section 15 (in lieu of bail) .. .. .	1	..	1
Bigamy .. .. .	..	1	1
Cruelty to animals .. .. .	..	1	1
Alien failing to notify change of address .. .. .	..	1	1
Totals .. .. .	902	168	1,070

*Approximate Cost of Paper.*—Preparation, not given; printing (745 copies), £6.

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