

1946

NEW ZEALAND

**PRISONS BOARD**

(ANNUAL REPORT OF: FOR 1945)

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

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## MEMBERS OF THE BOARD

The Hon. Sir ARCHIBALD BLAIR, Kt. (President); Sir DONALD MCGAVIN, Kt., C.M.G.,  
D.S.O., M.D. (Lond.), F.R.C.S. (Eng.); B. L. DALLARD, Esq.; THOMAS G. GRAY, Esq.,  
C.M.G., M.B., M.P.C.; and ERNEST EDWARDS, Esq.

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10th July, 1946.

SIR,—

I have the honour to forward herewith the report of the Prisons Board for the year 1945.

I have, &amp;c.,

A. W. BLAIR, J.,

President.

The Hon. the Minister of Justice.

## REPORT OF THE PRISONS BOARD

FOR THE YEAR ENDED 31ST DECEMBER, 1945

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 1,002 cases at fifteen meetings held in Wellington and at the various institutions.

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

CASES DEALT WITH		BOARD'S DECISIONS	
Persons undergoing Borstal detention ..	396	Recommended for release on probation ..	189
		Recommended for discharge ..	Nil
		Deferred for later consideration ..	203
		Applications declined ..	4
	396		396
Persons sentenced to reformatory detention	279	Recommended for release on probation ..	130
		Recommended for discharge ..	5
		Deferred for later consideration ..	137
		Applications declined ..	7
	279		279
Persons sentenced to hard labour ..	273	Recommended for release on probation ..	190
		Recommended for discharge ..	10
		Deferred for later consideration ..	69
		Applications declined ..	4
	273		273
Habitual criminals for release or remission of head sentence .. .. .	24	Recommended for release on probation ..	12
		Recommended for remission of head sentence .. .. .	2
		Deferred for later consideration ..	10
	24		24
Probationers under Crimes Amendment Act	15	Recommended for discharge ..	13
		Applications declined ..	2
		Deferred for later consideration ..	Nil
	15		15
Probationers under Offenders Probation Act	15	Discharge granted ..	13
		Modification of terms of probation granted ..	Nil
		Applications declined ..	2
	15		15

It is the function of the Prisons Board, which is constituted under the Crimes Amendment Act, 1910, to make inquiry from time to time as to whether there is reasonable cause for belief that any habitual criminal or offender, or any person undergoing a sentence of imprisonment or reformatory detention, is sufficiently reformed to be released on probation or discharged, or whether there are any other sufficient grounds for releasing or discharging such person, and in making any recommendation for release or discharge the Board is to have regard to the safety of the public or of any individual or class of persons, and to the welfare of the person whom it is proposed so to discharge or release on probation.

The regulations under the Crimes Amendment Act require that the Board shall, as far as possible, give every prisoner eligible for consideration an opportunity of appearing before it and stating his case personally when the Board visits each of the penal institutions once in each year. Persons undergoing sentences may make application to the Board in writing and the Board may consider any case at any time it deems fit.

The regulations also provide that habitual criminals and habitual offenders may make application to the Board in writing for consideration of their cases once only in every year, but the Board may consider any case oftener in special circumstances. No prisoner sentenced to imprisonment with

hard labour shall apply to the Board for consideration of his case until he has served at least half the full term of his sentence, nor shall the Board consider a case until six months after the date of reception into prison. In regard to prisoners who have been sentenced to definite terms of imprisonment exceeding ten years, including those who have received life sentences or death sentences commuted to imprisonment for life, the period within which the Board shall first take any case into consideration shall be five years from the date of reception into prison.

Subsection (3) of section 10 of the Crimes Amendment Act provides that, subject to the regulations above mentioned, the Board may determine its own procedure. The Secretary of the Board is required to prepare and place before the Board a full statement of the circumstances connected with each case brought up for consideration. In actual practice it is customary for departmental files to be produced, from which are summarized extracts from the depositions, the evidence, and the prisoner's history and record, which contains the family history, showing mental and criminal tendencies, career of crime, mode of life, conduct, and industry whilst in detention, response to previous treatment (if any), Magistrate's report, medical reports, police and probation reports, and reports and recommendations of institutional Superintendents. The petitions of the prisoners and any representations from relatives and friends and interested social workers are also placed before the Board. By arrangement with the Mental Hospitals Department the Board in special cases where such a course is considered necessary obtains reports concerning the mental condition of prisoners who appear before it. The Board regularly reviews cases, and frequently cases are considered several times before release or discharge is agreed upon, the aim in each case being the rehabilitation of the offender without undue risk to the community.

Among other matters which the Board takes into consideration is the question of oversight and employment on release, in many cases directing the Secretary to write to interested persons likely to befriend and assist, and possibly prevent a further lapse into crime. Where there is evidence that the prisoner is addicted to drink or that his downfall has been due to drink, it is usual to make the taking-out of a prohibition order a condition precedent to release. The success which has attended the Board's efforts over the years has, in the main, been due to the care exercised in these particular matters. The splendid social service rendered by the after-care organizations and other public-spirited citizens has also been an important contributing factor.

The Board endeavours, where reasonably possible, to give inmates with good institutional records an opportunity to rehabilitate themselves in the community. Admittedly in some cases the conduct of inmates after release has shown that anticipations do not always materialize, nonetheless the Board, subject to a due regard for the interests of the community, prefers to adopt a policy of leniency rather than of harshness, and the results show that in the majority of cases this attitude has been justified.

The total number of cases dealt with by the Board in 1945 was 1,002, or 28 more than for 1944, while 544 persons were recommended for a remission of sentence, as against 559 in 1944.

A comparison of the statistics with those of previous reports shows that the percentage of offenders who make good after release has been maintained. Of the total number released on the recommendation of the Board after serving terms of Borstal detention and sentences of reformatory detention or hard labour, approximately 24 per cent. only have been reconvicted or failed to comply with the conditions of their release, while of the habitual criminals paroled since the Board was constituted in 1910, 58 per cent. have been returned to prison for non-compliance with the conditions of release or for further offences. A further 8 persons who had made good were, however, recommended for complete discharge from the Habitual Criminal Act in 1945.

In terms of the Offenders Probation Act, 1920, 15 probationers, as compared with 12 in the previous year, applied to the Board for respite from the conditions of their probation. Discharge was granted to 13 petitioners, and the remaining 2 cases were deferred.

#### GENERAL

Since the Board commenced to function in 1911 no less than 33,779 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 the particular headings, the results have been as follows:—

*Reformatory Detention.*—During the period from January, 1911, to December, 1945, 6,225 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 5,087. In 701 cases prisoners were required to serve the full sentence imposed by the Court. Of the total number released after undergoing reformatory detention, 25·10 per cent. have been returned to prison either for non-compliance with the conditions of the release or for committing further offences, 2·49 per cent. left the Dominion or absconded, 0·38 per cent. died or were transferred to mental hospitals, leaving 72·03 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, 7,904 cases have been considered by the Board up to December, 1945. In 3,871 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, 2,503 completed probation satisfactorily, 248 were recommitted for other offences, and 62 were still reporting on probation at the 31st December, 1945.

*Habitual Criminals.*—During the period from January, 1911, to December, 1945, 726 habitual criminals were released on license on the recommendation of the Prisons Board. Of those so released, 58·67 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 41·33 per cent., and, allowing for those who have left the Dominion or died, this leaves 20·68 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, 3,803 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 3,604 inmates released on the recommendation of the Board, 3,344 being on probation and 260 on the expiration of their sentence. Of the total number released, 89 have been returned to the institution for non-compliance with the conditions of release, 441 were recommitted for further offences whilst on probation, and 675, or approximately 19 per cent., of the total released, have been sentenced for offences committed after discharge or on expiry of their period of probation.

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