

1947
NEW ZEALAND

PRISONS BOARD

(ANNUAL REPORT OF) FOR 1946

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

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.; THEO. G. GRAY, Esq., C.M.G., M.B., M.P.C.; and ERNEST EDRIDGE, Esq.

30th June, 1947.

SIR,—

I have the honour to forward herewith the report of the Prisons Board for the year 1946.

I have, &c.,
A. W. BLAIR, J.,
President.

The Hon. the Minister of Justice.

REPORT OF THE PRISONS BOARD FOR THE YEAR ENDED 31ST DECEMBER, 1946

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 1,041 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 ..	371	Recommended for release on probation ..	168
		Recommended for discharge ..	Nil
		Deferred for later consideration ..	202
		Applications declined ..	1
			<u>371</u>
Persons sentenced to reformatory detention	360	Recommended for release on probation ..	179
		Recommended for discharge ..	7
		Deferred for later consideration ..	170
		Applications declined ..	4
			<u>360</u>
Persons sentenced to hard labour ..	249	Recommended for release on probation ..	164
		Recommended for discharge ..	2
		Deferred for later consideration ..	79
		Applications declined ..	4
			<u>249</u>
Habitual criminals for release or remission of head sentence	38	Recommended for release on probation ..	13
		Recommended for remission of head sentence ..	2
		Deferred for later consideration ..	19
		Applications declined ..	4
			<u>38</u>
Probationers under Crimes Amendment Act	8	Recommended for discharge ..	5
		Deferred for later consideration ..	Nil
		Applications declined ..	3
			<u>8</u>
			8
Probationers under Offenders Probation Act	15	Discharge granted ..	9
		Modification of terms of probation granted ..	2
		Deferred for later consideration ..	1
		Applications declined ..	3
			<u>15</u>

The Prisons Board was first established in 1911. From the date of its inception the work of the Board has been a most important factor in connection with the treatment of prisoners. As will be readily understood, the desire of every prisoner is to obtain his release as soon as possible, whether it be on probation or by final discharge; and, naturally, the constitution of a Board vested with power to recommend release or discharge was an important step in the integration of institution and post-institution functions which the essential continuity of the prison and parole process requires.

The Board's powers in regard to its recommendations for remission of sentences, either by release upon probation or by complete discharge, are very large. In it Parliament has vested authority to review all direct sentences. Usually the Board's powers of recommendation are exercised only on a definite system as to the proportion of his sentence a prisoner must serve before he is eligible for consideration, but in cases where earlier attention is merited or where there are special circumstances the Board is always prepared to review a sentence, and, if it deems it wise to do so, will recommend immediate release on probation or discharge. There are occasions when such a course is necessary in the interest of justice and humanity, and the Board never hesitates to exercise the discretion given it in dealing with such cases.

Under the old system of automatic remission every man whose conduct in prison was reasonably good was discharged from prison after serving three-quarters of the sentence imposed upon him by the Courts. He at once became free from all control and all supervision, except by the police. Under the Prisons Board system few prisoners are discharged absolutely unless their sentences have nearly expired. Those who work and behave in such a manner that there appears to be a probability of their making good—after careful consideration of their history and records—are released upon probation. They are still under control, however, as in terms of their licences their liberty is conditional upon their good behaviour and industry while at large. Each probationer is required to report at short intervals to the Probation Officer for the district in which he is residing. The Probation Officer keeps the probationer under supervision, and assists him to obtain suitable employment and generally to lead a self-respecting life. A report is furnished once in each month to the Chief Probation Officer regarding all the probationers under his control. The Chief Probation Officer or his deputy reviews all the reports, and admonishes or warns any of the probationers who are getting too far away from the beaten track. If a further conviction follows, or if conditions of probation are flagrantly broken after a warning has been issued, the probationer concerned is deemed unworthy of further confidence being reposed in him, and the Governor-General is recommended to cancel his probationary licence. He is then returned to prison, where he remains either until his original sentence is completed or until (in the case of habitual criminals, particularly) the Prisons Board is of opinion that he merits another chance on probation.

For a number of years a close co-operation has existed between the Prisons Department, the Mental Hospitals Department, and the Prisons Board. This co-operation results in the Board being furnished regularly with reports concerning the inmates' progress under institutional regime, also with psychiatric reports and advice. More recently the Mental Hospitals Department has been able to reinstate the pre-war arrangement of a psychiatrist regularly visiting the Borstal institution at Invercargill. The services of the Department's specialists are also more readily available again at the other Borstal institutions and the various prisons.

While employment for the average person released is plentiful, the arrangement, before release, of suitable work and after-care in certain cases is very desirable. In this respect the assistance rendered by the after-care organizations and public-spirited citizens generally is of great help.

In former reports tribute has been paid to the success of the Department's numerous undertakings and to the methods of treatment of prisoners. The high standard of these varied activities continues to be well maintained.

During the year under review the Board considered 1,041 cases, or 39 more than the previous year. It recommended a remission of sentence in 546 cases, as compared with 544 in 1945.

The statistics, when compared with those of former reports, show that from year to year the percentage of successes remains fairly constant. Approximately 24 per cent. only 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 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, 59 per cent. have been returned to prison for non-compliance with the conditions of release or for further offences. The latter, of course, are more inclined to recidivism, being the small residual group upon whom reformatory influences have had little effect. Nonetheless, it is satisfactory to note that during the year the Board was able to recommend for complete discharge as habitual criminals an additional 4 persons who had made good.

In terms of the Offenders Probation Act, 1920, 15 probationers applied to the Board for relief from the conditions of their probation. Discharge was granted to 9 petitioners, modification of the conditions was made in 2 cases, while 1 case was deferred and 3 cases declined.

GENERAL

Since the Board commenced to function in 1911 no less than 34,820 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, 1946, 6,456 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 5,260. In 706 cases prisoners were required to serve the full sentence imposed by the Court. Of the total number released after undergoing reformatory detention, 25·18 per cent. have been returned to prison either for non-compliance with the conditions of the release or for committing further offences, leaving approximately 75 per cent. who have not been convicted of any further offence.

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, 8,153 cases have been considered by the Board up to December, 1946. In 4,051 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, 2,642 completed probation satisfactorily, 273 were recommitted for other offences, and 72 were still reporting on probation at the 31st December, 1946, making approximately 67 per cent. who have not subsequently been re-convicted.

Habitual Criminals.—During the period from January, 1911, to December, 1946, 737 habitual criminals were released on licence on the recommendation of the Prisons Board. Of those so released, 59·3 per cent. were returned to prison either for committing further offences or for non-compliance with the conditions of probation. No further offences are recorded against the remaining 40·7 per cent.

Borstal Cases.—Since the coming into operation of the Prevention of Crime Act, 1924, 3,981 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 3,796 inmates released on the recommendation of the Board, 3,521 being on probation and 275 on the expiration of their sentence. Of the total number released, 2·76 per cent. have been returned to the institution for non-compliance with the conditions of release, 12·80 per cent. were recommitted for further offences whilst on probation, and 736, 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.

Approximate Cost of Paper.—Preparation, not given; printing (783 copies), £6.

By Authority: E. V. PAUL, Government Printer, Wellington.—1947.

Price 3d.]