

1919.
NEW ZEALAND.

PRISONS DEPARTMENT:
PRISONS BOARD

(ANNUAL REPORT OF) FOR 1918.

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

Sir,

Wellington, 29th July, 1919.

I have the honour to forward herewith the report of the Prisons Board for the year 1918.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

ROBERT STOUT, President.

The Board has to report that during the year 1918 it dealt with 289 cases at meetings held at Wellington, Kaingaroa, Waikeria, and Auckland. Further meetings would have been held at Auckland, Christchurch, and Invercargill, but owing to the influenza epidemic which was prevalent during the latter part of the year it was found necessary to postpone them until early in 1919.

The following table sets out the dates of the meetings and the number of cases considered at each:

Table A.

| Date. | Place of Meeting. | Cases considered of | | | Totals. |
|-------------|-------------------|-----------------------------------|---|------------------------|---------|
| | | Habitual Criminals and Offenders. | Persons undergoing Reformatory Detention. | Hard-labour Prisoners. | |
| February 12 | Wellington | .. | 7 | 29 | 36 |
| March 1 | Kaingaroa | .. | 3 | 8 | 11 |
| .. 5 | Waikeria | .. | 52 | 2 | 54 |
| .. 7 | Auckland | .. | 50 | 20 | 98 |
| May 10 | Wellington | .. | 9 | 11 | 57 |
| August 2 | .. | .. | 13 | 14 | 58 |
| December 5 | .. | .. | 15 | 8 | 66 |
| Totals | .. | .. | 87 | 201 | 380 |

The total number of cases considered was 380, of which 87 were habitual criminals and 201 persons undergoing reformatory detention. Under the provisions of section 14 of the Statute Law Amendment Act, 1917, the cases of 92 prisoners who were serving sentences of hard labour were also considered by the Board. The total number of distinct individuals dealt with during the year was 289, made up as follows: Habitual criminals, 59; prisoners undergoing reformatory detention, 151; hard-labour prisoners, 79.

HABITUAL CRIMINALS.

Thirty-four habitual criminals were recommended for release on probation, and of these 27 were released before the end of the year; 3 habitual criminals on probation were recommended for discharge.

Of those released on probation, 1 left New Zealand with the Reinforcements, 4 were returned to prison for fresh offences or for breaches of their licenses, 3 left the Dominion for their former domiciles, leaving 19 reporting to the Probation Officers at the end of the year.

REFORMATIVE-DETENTION CASES.

Sixty-five persons of this class were recommended for release on probation, and of this number 62 were released before the end of the year. One refused probation and was discharged on the expiration of his sentence. Twenty-nine persons who had been recommended for release in the previous year were also released, making a total of 91 for the twelve months. Two were discharged from prison.

Of those released on probation, 2 were returned to prison for fresh offences or for breaches of their licenses; 1 female was sent to Mount Magdala Home, and another to the Tokanui Mental Hospital; 23 joined the Expeditionary Forces, of whom 12 left the Dominion with Reinforcements; 1 deserted from Trentham Camp; 2 were discharged from camp medically unfit for active service, and 8 were demobilized after the signing of the Armistice; 3 left the Dominion for their former domiciles; 24 (exclusive of Expeditionary Force men) completed their terms of probation; leaving 37 still reporting at the end of the year.

HARD-LABOUR CASES.

Seventeen hard-labour prisoners were recommended for release on probation under the provisions of section 14 of the Statute Law Amendment Act, 1917. Fifteen of these were released during the year, of whom 3 completed the period of their probation. One left New Zealand with the Reinforcements, leaving 11 still reporting at the end of the year.

GENERAL REVIEW OF THE BOARD'S WORK.

The Board has now been in existence for eight years, and it may be of interest to state the scope of its operations during that period. It is only since last year that it has dealt with more than two classes of prisoners; prior to that time its jurisdiction was confined to reformatory-detention prisoners and habitual criminals. The following table (B) shows the number of cases under the former heading which have been dealt with since the Board was established by the Act of 1910:—

Table B.—*Reformatory-detention Cases.*

| | | | | | | |
|--|----|----|----|----|----|-----------|
| Total number sentenced to reformatory detention | .. | .. | .. | .. | .. | 1,102 |
| Released on recommendation of Board | .. | .. | .. | .. | .. | 812 |
| Discharged from reformatories on completion of sentence | .. | .. | .. | .. | .. | 35 |
| Died while undergoing sentence | .. | .. | .. | .. | .. | 17 |
| Remaining in reformatories on 31st December, 1918 | .. | .. | .. | .. | .. | 238 |
| | | | | | | --- 1,102 |
| Total number released as above | .. | .. | .. | .. | .. | 847 |
| Of whom— | | | | | | |
| Returned to reformatories for non-compliance with conditions of release | .. | .. | .. | .. | .. | 46 |
| Returned to reformatories for further offences | .. | .. | .. | .. | .. | 39 |
| Returned for offences committed after discharge or expiry of period of probation | .. | .. | .. | .. | .. | 46 |
| Absconded and not traced | .. | .. | .. | .. | .. | 17 |
| Died | .. | .. | .. | .. | .. | 3 |
| Left Dominion to return to former domiciles | .. | .. | .. | .. | .. | 9 |
| Known to have been killed in action while on active service | .. | .. | .. | .. | .. | 3 |
| Committed to Rotoroa | .. | .. | .. | .. | .. | 1 |
| Committed to mental hospital | .. | .. | .. | .. | .. | 2 |
| Committed to Mount Magdala Home | .. | .. | .. | .. | .. | 1 |
| Reporting on probation at 31st December, 1918 | .. | .. | .. | .. | .. | 62 |
| Number who have not offended since their discharge or expiration of period of probation, and presumably doing well | .. | .. | .. | .. | .. | 618 |
| | | | | | | --- 847 |

Of the number returned to reformatories, 36 individuals were returned twice, 14 three times, 2 four times, and 1 five times.

It is noticeable that the percentage of persons who have, so far as is known, ceased to be public offenders slightly exceeds 72 per cent. of the total number released, and if the number of those still on probation be added—as they have not committed fresh offences—this increases the proportion to 80 per cent. A large number of the fresh offences committed after release is attributed, by the offenders themselves, to alcohol.

Table C sets out the habitual criminals dealt with during the same period as that covered by Table B.

Table C.—Habitual Criminals.

| | |
|--|-----|
| Total number declared habitual criminals | 234 |
| Of whom there were— | |
| Released on recommendation of Board | 189 |
| Died in prison | 3 |
| Remaining in prison on 31st December, 1918 | 42 |
| | 234 |
| Total number released as above | 189 |
| Of whom there were— | |
| Returned to prison for non-compliance with conditions of release | 39 |
| Returned to prison on conviction for further offences | 47 |
| Returned to prison for offences committed after their discharge from probation | 6 |
| | 92 |
| Absconded and not traced | 15 |
| Died | 5 |
| Left Dominion to return to former domiciles | 15 |
| Committed to mental hospital | 1 |
| Reporting on probation at 31st December, 1918 | 44 |
| Number who have not offended, so far as known, since their discharge from probation, and presumably doing well | 17 |
| | 189 |

Of those returned to prison 19 returned twice, 3 returned three times, and 1 returned four times.

The contrast between the statistics of the prisoners who have undergone reformatory detention and those who have been declared habitual criminals is marked. The proportion of the latter who have not offended again after release is 52 per cent. It may be pointed out, however, that 15 have absconded and not been traced, 5 have died, 15 have left to return to their former domiciles, 1 has been committed to a mental hospital, and 44 are still under the probation officers. As will be observed from the table above, the total number of those who have committed fresh crimes is 92, so that 47 per cent. have returned to their former criminal careers. If the past records (which are all definitely bad) of these habitual criminals be examined, however, the Board does not think that the result can be termed disappointing, as they almost invariably lack the will-power to abstain from wrong-doing, and so follow the line of least resistance.

Francis Galton in his works on heredity points out that a distinct criminal type is to be found in old civilizations, and that heredity plays an important part in crime. He illustrates this in his book entitled "Enquiries into Human Faculty and its Development," from which the following passage is of sufficient interest to be cited here :—

"The perpetuation of the criminal class by heredity is a question difficult to grapple with on many accounts. Their vagrant habits, their illegitimate unions, and extreme untruthfulness are among the difficulties of the investigation. It is, however, easy to show that the criminal nature tends to be inherited; while, on the other hand, it is impossible that women who spend a large portion of the best years of their life in prison can contribute many children to the population. The true state of the case appears to be that the criminal population receives steady accessions from those who, without having strongly marked criminal natures, do nevertheless belong to a type of humanity that is exceedingly ill-suited to play a respectable part in our modern civilization, though it is well suited to flourish under half-savage conditions, being naturally both healthy and prolific. These persons are apt to go to the bad; their daughters consort with criminals and become the parents of criminals. An extraordinary example of this is afforded by the history of the infamous Jukes family in America, whose pedigree has been made out with extraordinary care, during no less than seven generations, and is the subject of an elaborate memoir printed in the Thirty-first Annual Report of the Prison Association of New York, 1876. It includes no less than 540 individuals of Jukes' blood, of whom a frightful number degraded into criminality, pauperism, and disease."

In the same publication Galton urges that the criminal propensities of public offenders are often inherited from their progenitors. He says—

"We must guard ourselves against looking upon vicious instincts as perversions, inasmuch as they may be strictly in accordance with the healthy nature of the man, and, being transmissible by inheritance, may become the normal characteristics of a healthy race, just as the sheep-dog, the retriever, the pointer, and the bull-dog have their several instincts."

Surely society may reserve the right to control those who show themselves to be unfit for civil life, and hence the right to impose indeterminate sentences? And to ensure its own protection society may have to go even further. If, as seems to have been proved, crime, or the want of power to resist crime, is hereditary, we shall have to take steps to prevent the breeding of the type to which our criminals apparently belong. There are in our prisons to-day many instances of criminals who have descended from criminals, and of different members of the same family who have been

convicted of crime. Whether we should adopt the system which has been instituted in some of the States in America, or whether the habitual criminal should be prevented from breeding by being imprisoned for a part of his life, is a question which the people of this country must decide.

In 1917 the Statute Laws Amendment Act, by section 14, authorized the Board to deal with hard-labour cases, and the following table shows the number so dealt with since that date. It is too soon, however, to express an opinion as to the results effected by this provision :—

Table D.—Hard-labour Cases.

| | | | | | | |
|--|----|----|----|----|----|----|
| Total individual cases considered | .. | .. | .. | .. | .. | 93 |
| Number released on recommendation of Board | .. | .. | .. | .. | .. | 15 |
| Left with Expeditionary Forces | .. | .. | .. | .. | .. | 1 |
| Completed probation | .. | .. | .. | .. | .. | 3 |
| Reporting on probation | .. | .. | .. | .. | .. | 11 |

We find that we experience a certain amount of difficulty in dealing with cases brought under this section, and for the following reason: Supposing, for instance, that a man is sentenced to four years imprisonment with hard labour, and after serving two years of his sentence his case is referred for consideration. If the Board decides to release him it has power to fix his probationary period for a time equal only to the unexpired portion of his sentence, which in the example given would mean a period of eighteen months. The Board suggests that it should have the power to make the probationary period equal to, if necessary, double the length of the unexpired portion of the sentence—that is to say, in the example given, if a prisoner sentenced to four years were released at the end of two years, he could be placed under probation for four years. If the probation were broken and the prisoner returned to gaol, he would be bound to serve the two remaining years of his original sentence, subject to reduction, of course, if he earned marks for good conduct.

Cases in which the reformatory detention imposed is only for a period of twelve or eighteen months frequently come before the Board. If we were empowered to fix the probation as a period not exceeding double the unexpired portion of the sentence the prisoner would no doubt be released sooner than under the existing provisions; for, assuming that the sentence were twelve months, and that the Board saw fit to release him at the end of six months, his probationary period could then be fixed as twelve months, and, as has been observed, if he were to break the terms and be returned to prison he would have to remain there for the unexpired portion of the original sentence—namely, six months. The Board is of opinion that an alteration of the law in this direction would, from every point of view, materially assist in the attainment of satisfactory results.

The Board has, on a former occasion, indicated that there are two classes of offenders which merit special attention. We allude to the petty offenders who have a large number of convictions recorded against them, such as vagrants and prostitutes. They are continually going in and out of gaol and serving short sentences, and section 30 subsection (1) of the Crimes Act, 1908, is rarely applied to them. For habitual offenders of this sort, especially females, there should be a reformatory designed primarily for their detention and treatment, but unfortunately we have no such institution. A small farm in the country, where they could be segregated and taught intensive culture, would suit this purpose admirably. Unless they were released on probation, the period of their detention should not be less than four years. There are some offenders of this class who have as many as fifty convictions recorded against them, and up to the present reformation has been impossible. The Board very strongly recommends that this suggestion be given earnest consideration, as a small farm would no doubt prove of invaluable assistance in effecting the reformation which is so urgently needed.

The members of the Board who have held office since its constitution are of opinion that the prisons generally have been greatly improved, and also that the prisoners themselves, especially in those institutions where there is open-air work, have made undoubted progress in health and strength. This applies particularly to the Borstal Institution at Invercargill, where the prisoners, who are all young men, have more done for them than is done for offenders elsewhere in the Dominion. They are provided with educational and physical instruction and there is a certain amount of social life.

The Board is of opinion that this exercise of consideration and kinder treatment of young offenders will have a very marked and beneficial effect, and that labour in the open-air, drill, education, music, and gymnastics will very materially assist in the onerous task of uplifting those who have been antisocial.

Dated at Wellington, this 29th July, 1919.

ROBERT STOUT, President.

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