

REFORMATIVE-DETENTION AND HARD-LABOUR SENTENCES.

A fairly common misconception appears to exist in respect of a sentence of "reformatory detention" as distinct from a sentence of "imprisonment with hard labour."

In point of fact, there is no such thing as hard labour as originally implied under this form of sentence. Hard labour at one time connoted hard fare and hard bed, coupled with a monotonous and dehumanizing round of useless tasks such as the crank and tread-mill. These practices have long since been abolished in our penal system, and as far as practicable prisoners are placed at useful work which is likely to stimulate their interest and self-respect and develop habits of industry. Instead of having regard solely to the punitive aspect, as in the past, under present-day conditions the object of the administration is to treat prisoners in such a way that they shall have an opportunity of improving in every possible direction, the aim being to make all imprisonment, as far as humanly possible, reformatory in character.

The sentence of "reformatory detention" was introduced under the Crimes Amendment Act, 1910. The principle embodied in this Act was a distinct departure from previous penal legislation in New Zealand. Instead, as hitherto, of prescribing a punitive sentence considered to be appropriate to the particular crime, section 3 of the Crimes Amendment Act provides that the Court in sentencing an offender to reformatory detention shall have regard to the conduct, character, associations, or mental conditions of such offender, the nature of the offence, or any special circumstances of the case. In other words, the offender, instead of the offence, is given greater consideration.

Provision is made for the imposition of a sentence that is fixed as to maximum only, the actual term of detention which an offender may be required to serve is contingent upon the likelihood of his abstaining from crime in future. Release is conditional only, the offender being released on probation until the expiry of his sentence, during which period he is subject to supervision by a Probation Officer.

Section 9 of the Act provides for the appointment of a Prisons Board, and section 12 prescribes that the duty of the Board is to inquire whether an offender has reformed sufficiently to warrant release being recommended, and in making any such recommendation the Board is to have regard both for the public safety and for the welfare of the offender.

The object of the Crimes Amendment Act, thus, was not so much to introduce a system of privileges or to ameliorate prison conditions, as is popularly supposed, as to provide for the protection of society by a modified form of indeterminate sentence whereby the release of offenders will not be given effect until the authorities are satisfied that it is in the interests both of society and of the offender to do so.

It may be stated that the indeterminate sentence is now recognized by practically all penal authorities throughout the world to be the only really effective method of dealing with offenders. Reformatory detention is intended to be both protective and tutelary in character, as distinct from the definite punitive sentence of hard labour.

That no differential treatment in respect of conditions of labour was intended is clear from section 23 of the Act, which provides, *inter alia*, "Reformatory detention shall be deemed to be imprisonment with hard labour within the meaning of the principal Act, the Prisons Act, 1908, and all other Acts referring or relating to imprisonment." Although no legal distinction is made, in actual practice the majority of persons sentenced to reformatory detention, where such course is compatible with public safety, are transferred to prison farms or camps.

Judges are empowered to impose a sentence of reformatory detention up to ten years regardless of the statutory maximum for hard labour that may be prescribed for certain specified offences, but whether or not such sentence is served by an offender is contingent upon the conduct and industry of the prisoner, combined with other related circumstances which may enable the Prisons Board to satisfy itself that the offender is not likely to offend again.

Prior to the passing of the Statutes Law Amendment Act, 1917, the sentences of prisoners undergoing "hard labour" were not subject to review by the Prisons Board, but under this Act the system of automatic remissions was abolished, and the Prisons Board now reviews the sentences of hard-labour prisoners as well as those serving sentences of reformatory detention.

The original distinction is still recognized by all concerned with the administration of the law—viz., that a sentence of hard labour is intended by the Courts to be more definite and punitive in character than a sentence of reformatory detention, hence, the remissions off sentences of hard labour, on the average, are much shorter than those granted in the case of persons sentenced to reformatory detention. It is by no means unusual for the Courts to impose a specific "head sentence" of hard labour to precede a term of reformatory detention.

Under the regulations governing the procedure of the Prisons Board hard-labour sentences are not reviewed until the expiry of half the term imposed by the Court, whereas sentences of reformatory detention are reviewed at any time.

Both experience and the small percentage who offend again of those released after serving sentences of reformatory detention show that this form of treatment is an effective deterrent, and is a more satisfactory way of dealing with offenders than sentencing them to short terms of hard labour.

MENTALITY OF PRISONERS.

Following the practice adopted a few years ago in an increasing number of cases the Department has sought the aid of the mental specialists attached to the Mental Hospitals Department to examine and to advise in respect of the treatment of persons who have shown some abnormal mental characteristics, and in this regard I desire to place on record appreciation of the helpful co-operation of Dr. T. G. Gray, Director-General of Mental Hospitals, and his specialist officers.