

PERIODIC DETENTION IN NEW ZEALAND: A COMPARATIVE STUDY OF THE DUNEDIN WORK CENTRE*

INTRODUCTION

In 1962 the Criminal Justice Act 1954 was amended to permit the establishment of periodic detention work centres for youthful offenders. Since then a number of centres have been established and the benefits of periodic detention have been extended to adult offenders.¹ As it applies to young offenders periodic detention involves attendance at a residential work centre over the weekend and generally for one evening during the week. The sentence may be for up to twelve months² and may be combined with a period of probation.³ During his time at the centre the detainee generally works at charitable tasks of various sorts in the local community and takes part in lectures and discussion groups in the evening.⁴

The first youth centre was opened at Parnell, Auckland, in 1963 and since then six further centres catering to male offenders under the age of 21 have been opened. In addition there are two "hybrid" centres catering to the 'young adult' population. These cover the age group 17-24. It is evident that periodic detention is now a well-accepted part of the New Zealand penal system and that the next few years will see a rapid development in this area.⁵

Each centre is run by a Warden who is a member of the probation service and who is immediately responsible to the local District Probation Officer. All the Wardens are assisted by their wives and several — depending on the size of the centre — have full or part-time assistants. Furthermore each centre has an Advisory Committee consisting of local citizens which assists in the general operation of the

* This article is a shortened version of a research paper presented by the writer in partial fulfilment of the requirements for the degree of LL.B. (Hons.). Detailed sections on the Parnell, Christchurch and Lower Hutt Work Centres have been omitted and a general comparative section has been added. The writer would like to express his gratitude to the many people who assisted him in the preparation of this article. In particular to the Wardens of the four centres concerned, without whose wholehearted co-operation this research could not have been undertaken.

1. For a full account of the genesis and development of periodic detention in New Zealand see Barnett, *Periodic Detention in New Zealand: Its History and Underlying Philosophy* (V.U.W. LL.M. Research Paper, 1971).
2. Criminal Justice Amendment Act 1962, s. 9(1).
3. *Ibid.*, s. 11.
4. For a full description of the sentence and its operation see Seymour, *Periodic Detention in New Zealand*. B. J. Criminol. Vol. 9, pp. 182-187 (April, 1969).
5. See the *Report of the Department of Justice, 1971*, p. 17. It is worth noting that periodic detention is currently being considered in both the United Kingdom and South Australia. See the Report of the Advisory Council on the Penal System, *Non-Custodial and Semi-Custodial Penalties*, H.M.S.O. 1970.

centre.⁶ The Warden has very wide powers in relation to the every-day running of the centre. He has full legal custody of the detainees⁷ and may oblige them to participate in such activities, attend such classes or undergo such instruction as he considers "conducive to (their) reformation and training".⁸ The wide discretionary powers vested in the Warden ensure the flexibility so essential to the satisfactory development of periodic detention.

Perhaps the most important aspect of periodic detention is the autonomy enjoyed by both the Warden and the sentencing court. Thus each Warden is free to operate his centre how he pleases within the very loose limits set by the Act. Similarly the sentence itself is not regarded as being part of the usual hierarchy of criminal punishments. Instead it is seen as being outside this scale and as being an alternative to any one of them. In general, however, it should probably only be used where the court considers that the offender needs more than probation. Thus different centres will be run along very different lines and, furthermore, will probably receive very different types of detainee. This, of course, makes periodic detention in New Zealand an ideal experimental set up.⁹

This article consists of a detailed study of one work centre — the "hybrid" residential centre at Dunedin — and a brief comparison of this centre with those at Parnell, Christchurch and Lower Hutt. These four centres were among the first to be opened and typify the contrasts to be found within periodic detention. The choice of the Dunedin centre for detailed analysis is not a random one; it has been selected because it seems to represent much that is most hopeful in this type of treatment. If periodic detention is to develop beyond its present heterogeneous, experimental stage and, in particular, if it is to cater for more serious offenders, an approach similar to that adopted at Dunedin seems to be essential.

THE DUNEDIN WORK CENTRE

The Dunedin Centre was established in 1968 with Mr. A. D. Dallaston's appointment as Warden. It was an interesting appointment for as an ex-Baptist Minister his background was very different from those of the Wardens of the four other centres then in operation.

6. These Committees were originally set up to assist in the establishment of the centres and they proved invaluable as a means of obtaining local support for the scheme. Their present position is ambiguous. In most centres they are active only in the sense that they assist the Warden in finding work for the detainees and provide general support for his running of the centre. See further, Barnett, *op. cit. supra*, n. 1.

7. Criminal Justice Amendment Act 1962, s. 17.

8. *Ibid.*, s. 18(1).

9. Unfortunately this situation has not been properly exploited to date. See Gibson, *Periodic Detention Work Centres (Youth) in New Zealand*, B. J. Criminol. Vol 11, pp. 285-289 (July, 1971), for some preliminary research findings. A more detailed study is at present being carried out by the Research Section of the Justice Department.

He was clearly better equipped than they for an approach to periodic detention which placed significant weight on counselling and it soon became apparent that his centre would be run on substantially different lines from any of its predecessors.

As Dunedin did not have an adult centre, provision was made for Mr. Dallaston to take offenders between the ages of 17 and 24. This arrangement was well suited to the counselling approach he was to adopt. (Later this year, however, an adult centre is to be opened and thereafter the present centre will cater for the normal age group of 15 to 21).

When chosen as Warden, Mr. Dallaston¹⁰ returned to university to study educational psychology and read widely around the general area of child development. During his first year he developed an approach to periodic detention which combined the theory he had studied and the practicalities of the situation; it was a purely experimental year. The following year, by which time he had formed some definite ideas as to what his approach to the sentence should be, he wrote, for his own use, a guide-line for the counselling of young offenders. This has been used to some extent as a manual with new ideas being incorporated from time to time. The approach cannot be static, for new detainees often have new problems and it is simply not possible to standardise completely the method of treatment.

1. Type of Detainee and Warden's Basic Aim:

Mr. Dallaston sees the boys who attend his centre as average New Zealand young offenders, i.e. they exhibit similar characteristics to most young offenders in this country. They are generally of low intelligence (only slightly below average; not seriously handicapped); they have been deprived in some way of something important (often a stable home environment) and they are usually disturbed to some extent, though again not badly so. Perhaps the most important characteristic is that they have no self-conception, no self-image; their essential problem is that of a lack of identity.

Mr. Dallaston does not regard any of the detainees as criminal. He sees many as being strongly anti-social however, and intent on remaining outside the norms of society. But none seriously seeks to earn his living by crime and it is for this reason that they are not regarded as criminals. In many cases their leanings towards anti-social behaviour are exacerbated by their association with young people who have similar tendencies. Gangs form and their members, whose behaviour often fringes on the unlawful, become known to the police. It is often not long before the youths find themselves in court

10. As a periodic detention centre is very much a function of its Warden it is impossible to describe a centre without constant reference to the thoughts, ideas and methods of that Warden. Accordingly, contrary to normal practice, I shall refer to Mr. Dallaston (and later to the three other Wardens) personally rather than to the centre.

facing a series of relatively minor charges.¹¹ Though the nature of these charges usually indicates maladjustment, they rarely represent genuine criminality. The distinction is perhaps illustrated in the old English legal distinction between misdemeanants and felons.

Naturally Mr. Dallaston hopes that the detainees serving sentence at his centre will not re-offend, but he does not regard this as the primary function of periodic detention. That function is seen to be to punish the detainee in the community rather than in a penal institution. Many offenders, though only really anti-social, will become criminals (in the above noted sense) if sent to prison or borstal; accordingly alternatives to complete incarceration must be found if at all possible. Periodic detention is one such alternative. It only removes the detainee from the community for a short, though irksome, period and gives him a chance to adjust to the requirements of life in society. The end of, or reduction in his offending will hopefully follow but this is seen as being consequential rather than as a basic aim in itself.

Apart from teaching the detainee the worth of his freedom, the sentence is not seen as punitive. Accordingly, attendance is the detainee's punishment and there is no attempt to punish him further by making life at the centre unpleasant. The environment which Mr. Dallaston seeks to create is one which is clean, comfortable and stable; one which the boy will find agreeable, if demanding. Though he sets out to offer the detainee assistance, Mr. Dallaston sees his effectiveness as circumscribed by the response he gets. The essential effort must come from the detainee himself, who, it is hoped, with the help of counselling and the programme organised at the centre, will gradually correct his own faults.

2. Induction:

The induction is seen as spanning the whole of the first weekend plus the first Wednesday evening. For his first attendance, the boy arrives at 6.30 p.m. thus giving the Warden half an hour with him before the other detainees arrive.¹² Having welcomed the detainee to the centre, Mr. Dallaston explains what will be required of him during his sentence. He also explains the difference between a Periodic Detention Work Centre and the other institutions to which the detainee could have been sent, viz. prison, borstal and Detention Centre.

Initially Mr. Dallaston adopts a neutral approach; he does not extend warmth to the detainee, but neither is he harsh. During the induction he begins to try to build up the detainee's self esteem.¹³

11. Many associated with cars, some minor assaults, resisting arrest, disorderly behaviour, etc.
12. As the initial discussion usually lasts a little longer than half an hour, however, the other detainees are often left to their own devices to begin their Friday night chores.
13. A common starting point is to tell the detainee that in the opinion of the magistrate and the probation officer who interviewed him he is the sort of person who could respond well to periodic detention.

The rationale here is that, as noted above, the detainee is likely to lack any form of self-concept, pride or identity. Mr. Dallaston sees it as necessary to attack this problem immediately as it is essential, in the interests of the detainee's reformation, that he begins to realise that he is worth something; that people are interested in him.

At the conclusion of this initial meeting, one of the other detainees attending the centre is brought into the Warden's office and introduced to the new detainee. The two then join the others to whom the new detainee is also introduced.

The induction is completed the following Wednesday by which time Mr. Dallaston has checked on whatever orders the Court may have made in relation to the detainee, e.g. fines or restitution payments, and instructs and budgets him accordingly. He also questions the boy about his employment and possibly on where he is living, and may make a spot check on either of these during the following week.

3. Programme:

Friday: The detainees arrive at 7.00 p.m. and spend the first half-hour making their beds, cutting lunches for Saturday and doing other small chores. The evening programme begins at 7.30 p.m. and lasts until about 9.00 p.m. It may consist of an open-ended discussion,¹⁴ a guest speaker, or a hobbies and interests night. Sometimes Mr. Dallaston introduces a problem of topical interest, such as racism or the Springbok tour of New Zealand. The aim here is an informed discussion based on fact rather than emotion. Resource materials are provided. Though at first lacking in confidence, the detainees generally take an active part once they realise they can argue effectively provided they have a sound factual knowledge.

Once a month Mr. Dallaston engages the detainees in problem solving, for which educational techniques are used. This is part of an experimental approach involving several exercises:¹⁵

(1) A thinking exercise: this may involve the administration of a section of the Otis test (Higher Examination Form 1 for Form 2 and Post-primary schools), or perhaps a quiz on social, personal and civic responsibilities, general knowledge and practical know-how.

(2) An exercise to promote comprehension and insight: this may consist of reading the boys a story and then asking them to rewrite it in their own words with as much detail as possible and to state what they thought it was about and what truth about human relationships is revealed. Alternatively he may ask them to write down how they would spend \$10,000 should they win a bonus bond draw.

(3) An exercise in 'transfer of training': this involves the demonstration and application of a principle for problem solving. Mr.

14. I.e. a discussion which does not necessarily come to any conclusion.

15. Some of the resource materials used are adapted from those used for laboratory work in the Education Department at Otago University.

Dallaston begins perhaps by teaching the boys a quick method of squaring fractions, e.g. 2.5. He then invites them to square whole numbers by using the same principle, e.g. 65 — most boys see that this can be treated as 6.5.

He next takes sets of words where a ring has to be placed around the word which does not belong to each set. To illustrate the principle, the first five sets are easy but the last five are more complex and involve applying the learned principle where there is more than one possibility.

The next step is to apply the principle to a physical operation and to do this Mr. Dallaston uses the Passalong Test or something similar. He then says that the same principle applies to human relationships and situations and that if a principle of behaviour can be discovered, it can be applied in any given situation. He then discusses one such principle with the boys — say 'lying creates more problems than it solves and tends towards self-destruction' — and having reached some agreement with them on it, sets them an exercise which requires its application.

Supper is at 9.00 p.m. after which the detainees' time is their own until they go to bed at 10.30 p.m. This spell of free time is felt to be necessary because the detainees cannot be expected to concentrate for long periods and must be given a chance to relax. It is equally important however that they are not left idle for when unoccupied they tend to talk about the offences they have committed, their court appearances, dealings with the police and other similar matters relating to offenders and offending. As they should be trying to put these matters behind them, such discussions are discouraged by Mr. Dallaston. Accordingly, cards, darts, and a television set are provided and their use is encouraged.

Saturday: The detainees get up at 6.30 a.m. and have about twenty minutes to make their beds and wash. Each detainee then has a domestic chore (including cleaning, dusting, preparing meals, etc.) which occupies him until breakfast at 7.30 a.m. Work begins at 8.15 a.m. and generally continues until about 4.30 p.m. when tools and boots are cleaned and general maintenance work done. Showers and baths follow, then free time until dinner at 6.00 p.m.

In the evening there is recreation training with an emphasis on the building of social relationships through groups. Mr. Dallaston attempts to involve the detainees in activities that will build an enriched environment; one which the detainees will find interesting and stimulating.

There are six types of programme:

(1) The first involves church groups which act as hosts/hostesses for an evening. Usually there are about an equal number of hosts and detainees (i.e. about ten) and the evening is completely unstructured. Mr. Dallaston remains in the background as much as possible. The detainees meet their hosts on a one-to-one basis which helps break

down barriers and allows meaningful discussion. By talking to people with different interests the detainees' horizons are widened. There is music, coffee, darts, badminton, draughts, etc. — a wide range of things to do and, above all, a relaxed atmosphere.

(2) The detainees may be involved in the activities of an outside club. For example four times a year there is a car rally. Members of a local club explain the objects and rules of rallying to the detainees on Friday night and on Saturday night the rally itself takes place with the detainees acting as navigators.

(3) Sometimes Saturday night is spent at the Y.M.C.A. The programme includes one hour of a set activity, perhaps weightlifting or judo (of a non-violent type), followed by free time. There is table tennis, billiards, volleyball, etc., and again informality is a key factor. The major object is to broaden the detainees' outlook and to increase their range of activities. Most of the detainees have led very restricted lives and desperately need diversification. It is significant — and no doubt gratifying — that several detainees after completing their sentences, have joined the weightlifting club, and that many go to the Y.M.C.A. on Sunday afternoons after release from the centre.

(4) Swimming, which is a once-a-month activity, is divided into three types: (a) recreational swimming, (b) instruction in survival in the water, (c) underwater swimming — a local skin diving club demonstrates gear and techniques.

(5) There is a physical education programme which is run by third-year students of the Physical Education School at Otago University. It is a therapeutic use of physical exercise and not just for relaxation or for the release of physical tension (as is generally the case with physical education in New Zealand's penal institutions). There are five objectives:

- (a) To build self-confidence; the instructors note the level of difficulty at which each detainee will balk for a number of activities. Then with encouragement, they build up his self-confidence to progress beyond this level.
- (b) To provide a basis for self-development: a person will generally have a better control of his life if he is fit.
- (c) To illustrate the necessity for rules and the concept of fair play.
- (d) To allow a safety-valve, a way of letting off steam, especially for aggressive boys.
- (e) To demonstrate the strengths of teamwork.

(6) If there is a fifth Saturday in a month the detainees may be taken to a film. This will depend on their general response earlier in the month and therefore acts as an incentive. In such cases the film forms the topic for discussion on the following Wednesday night. The detainees are accompanied to the theatre but left on trust to return promptly after the film finishes.

It is noteworthy that for a large percentage of these activities

the detainees leave the centre. This occurs in Dunedin to a far greater extent than at any other centre. It can be accounted for in part by the nature of the activities themselves, swimming and Y.M.C.A. visits obviously necessitate leaving the centre; but in cases where the venue is not dictated in this way Mr. Dallaston does try to make arrangements that will get the detainees away from the centre.

The organised activities finish at 9.00-9.30 p.m. and time is then free for the rest of the evening, with bed at 11.00 p.m.

Sunday: The detainees are usually away by 8.30-9.00 a.m. There are chores to be done (mainly cleaning) and the grounds to be tidied.

Wednesday: This period is taken up with probation supervision (matters relating to court orders, employment, etc.), personal counselling and a training programme on human relationships. There are guest speakers on such subjects as the services of the Post Office, the legal aspects of hire purchase and car licences, saving and technical courses. Sometimes there are films, perhaps on drugs, alcohol or sex, and visits from clinical psychologists.¹⁶ The programme is varied considerably to cater for the detainees' interests and needs and the detainees are constantly encouraged to participate in all activities.

4. Discipline:

Mr. Dallaston sees internal discipline, i.e. self discipline, as being of paramount importance, whilst he regards external discipline as valueless except as a stimulus to self discipline. Accordingly, the discipline that he imposes is not punitive: it is for treatment only. He feels that we ought not to think in terms of right and wrong, good and bad, but rather in terms of normal and abnormal. A detainee may think and act in a way which is unacceptable to society; for example he may drive a car while disqualified or steal from his wealthy employer. This does not mean that he is 'bad', but rather that he is abnormal, for he has acted abnormally in terms of social convention. Accordingly, Mr. Dallaston does not merely want to punish the detainee; he wants to help him to understand what is normal and to encourage him to discipline himself into acting normally.

There is relatively little use of punishment at Dunedin. Some two-hour penalties have been issued, but more often detainees are disciplined by having their privileges¹⁷ removed. Where possible, Mr. Dallaston invokes constructive punishments: a detainee may, for example, be required to read a book of a thought-provoking nature, which he will later be asked to discuss. The nature of a penalty depends on the detainee to whom it is being given and consequently similar penalties will not necessarily be given for similar offences.

16. These help with the counselling programme by handling those detainees with particularly difficult problems or who have a particularly poor response to Mr. Dallaston's approach.

17. E.g. that of going to the cinema.

The aim of punishment, as noted above, is to help the detainee who is being punished, and hence is not directly related to the group. Differing penalties often raise questions and complaints from boys who think they have been unfairly treated. When this occurs Mr. Dallaston discusses the whole issue of individual treatment with the detainees as it is important that they understand that each of them has different problems and is treated according to those problems. To explain his approach he uses an analogy with horse racing, asking: "Do all horses race at the same weight? What is a handicap? Why do some horses carry less than others?" He then transfers this into a human situation pointing out that some people are less able than others, some more able, and accordingly they must be handled differently so that each be given a fair and reasonable chance. He seeks to draw the best out of each boy and therefore regulates his expectations of them according to what he considers to be their capabilities.

At the induction the detainees are told that the centre has four standards: cleanliness, tidiness, friendliness and willingness. These are seen as basic to life in society and therefore basic to their reformation.

The exact requirements in each of these areas are not spelled out to the detainees — each has to interpret them for himself. If a detainee's level is higher than that required that is good; if on the other hand it is lower, the detainee will be told of this and will have to raise his levels until they do meet the requirements. There are spot checks rather than systematic inspections and anything not done properly has to be done again. In cases where friendliness and willingness are missing in a detainee, Mr. Dallaston counsels him, seeking first to discover why that should be so, and secondly to correct the fault.

The centre is also structured. The weekend is carefully organised; a duty list is posted so that each detainee knows what he has to do, there is a routine which is kept to, and a general method or order for doing things. But there are no specific finicky requirements. The established method is couched in general terms giving each detainee room to use his initiative and employ his own approach (provided of course that this complies with the general requirements of the centre).

Once the standard structures have been established¹⁸ the group as a whole applies pressure to individuals (generally newcomers) who are not prepared to co-operate. For example the rule that there is no talking after lights out is generally policed by the detainees themselves and rarely requires action from Mr. Dallaston.

Structure and standards are seen by Mr. Dallaston as necessary for the security they give to the trainee. They act as a frame of reference by which he can measure himself, and help to remove his sense of isolation. It is important however that this is not taken to

18. There are small changes from time to time as new situations arise.

the extent that it totally shelters the detainee. He must not be discouraged from making his own decisions and using his initiative.

5. Length of Sentence:

The average length of sentence at Dunedin is four months and Mr. Dallaston regards this as suitable for the approach which he adopts. His counselling follows an established procedure (see below) and can usually be completed comfortably within that period. Once this formal counselling has finished, the major part of Mr. Dallaston's work is done;¹⁹ the matter from then on lies entirely in the detainee's own hands. It is important that the detainees do not become reliant on Mr. Dallaston to solve their problems, and accordingly it is best that their sentences are not too drawn out.

Mr. Dallaston also approaches the issue of length of sentence from the point of view of deprivation of the detainee's liberty. For the offences committed by most of those sent to him, he regards weekend attendances for four months as a sufficient sentence. It is clear from the comments of trainees at several centres that periodic detention is regarded as a demanding sentence. By adding a full day's work on Saturday to their normal employment, the detainees are consistently working a six-day week and this, coupled with the loss of valued weekend leisure time, does represent a substantial punishment. In terms of total hours lost the demand is not great, but when one considers the actual hours concerned, the complexion changes a little.

6. Counselling:²⁰

For many years, as a Baptist Minister, Mr. Dallaston was engaged in counselling. His techniques, which included both directive and non-directive methods, did not belong to any particular school; he used instead a combination of his own ideas and established methods. When appointed as Warden, he developed an approach which dealt specifically with the problems facing the young offenders sent to him. The guide line for this appears below.

Research carried out at the centre²¹ has revealed that many of the boys with whom Mr. Dallaston is dealing have not reached a level in thinking at which they can conceptualise. This means that they are unable to reach general conclusions from specific evidence and

19. There are of course the aspects of detention and work and if the court decrees that a detainee must serve nine months then clearly Mr. Dallaston must detain him for that period. The point made here is that four months is sufficient time for the detainee to experience the positive facets of Mr. Dallaston's approach.

20. Much of this section is taken from a paper, referred to earlier, written by Mr. Dallaston for his own use as a guide line for the handling of young offenders.

21. See MacAvoy, *Crime and Mental Abnormality: A Comparative Study of Two Groups of Prisoners* (unpublished Dip. Sci. dissertation, University of Otago, 1970).

cannot foresee the probable consequences of any given course of action. As they cannot conceptualise, they themselves do not know what their problems are, so Mr. Dallaston not only tries to help the boy solve his problems but also to determine what those problems are.

The essential problem facing most boys is that of the identity crisis. That is, they have not achieved a sense of personal identity. They have not developed a capacity to relate themselves to other people and to society. Accordingly, they cannot take their places in society as mature adults and find fulfilment through intimacy, generativity, work and reward. They are aware of the basic fact "I am" but are confused by the contradictory drives of their own organism (and the guilt feelings and sense of failure and frustration thus engendered) and the uncertain role playing exhibited by the adult members of their environment. They are hopelessly lost and begin to wonder if they want to be.

The solution of the identity crisis will enable the boy to engage in problem solving behaviour. Mr Dallaston's counselling follows a guide line which is aimed at enunciating the stages of development of insight necessary to lead the boy to problem solving capacity.²² The guide line is:

1. Situation	or (Chaos)	or (Result)
2. Law	or (Clarification)	or (Realisation)
3. Punishment	or (Correction)	or (Release)
4. Reconciliation	or (Co-operation)	or (Reconciliation)
5. Reconstruction	or (Creation)	or (Reconstruction)
6. Resolution	or (Continuance)	or (Resolution)
7. Reward	or (Contentment)	or (Reward)

The alternatives in brackets serve to make a more easily remembered outline and to indicate more precisely the relationship of insight to insight in the ladder of understanding.

The approach begins with the boy's situation for the only pieces of concrete evidence are: (i) he is in trouble; (ii) he has come under the authority of law and order. Mr. Dallaston asks, "Did it work? Are you happy?" The answers are obvious.

From there the nature of law and punishment is explained by use of an analogy — perhaps to a football match or driving a car. The boy can see the necessity for law and understand that there is also a law for human and social behaviour which he has broken, resulting in the judgment he is at present experiencing. Mr. Dallaston points out that, of necessity, the law will not change and that accordingly, to avoid further suffering, unhappiness, loss of freedom and punishment, the boy must change his way of life. At this stage the boy can also look at what he did and learn, by the same analogy, why it was wrong.

22. I.e. it is a step-by-step handling of the individual facets of the identity crisis.

Once the principle of law and order is discerned by the boy, Mr. Dallaston can explain, in concrete terms, the meaning of punishment, viz: (1) To enforce law, as pain in the physical world; (2) To deter, as damage in the mechanical world; (3) To serve as an example to others, as a model in a shop window; (4) To punish, as fire and burning; (5) To correct, as altering and remodelling.

These two insights lead the boy to reconciliation — appreciation of the world of facts and people as they really are — and to the making of the effort to fit into it.

At this stage the first part of the identity problem is solved for the boy can affirm for the first time, "I am and I'm glad to be".

Reconciliation leads to the experience of relationship and harmony and the discovery of how to live and let live. The rules are simple but must be spelt out for the boy, viz: "Do as you would be done by." This insight enables the second stage of the quest for identity to be resolved for he can now affirm, "I belong, and it is good to belong."

The next steps of the guide line are self explanatory and for them Mr. Dallaston follows normal counselling procedures. The process of reconstruction requires resolution and Mr. Dallaston stimulates this by encouraging the boy and giving him understanding. He uses aptitude and ability tests to enable the boy to find where his best opportunities lie and to obtain gainful and useful work which will promote a sense of achievement and of reward, thus completing the identity problem, viz: "I matter, I am valuable, there is a place for me." This is the goal, for when a boy can affirm "I am and I am glad to be"; "I belong and it is good to belong"; "I am valuable, there is a place for me", Mr. Dallaston considers that his identity is established.

The whole battle of the identity crisis is felt by Mr. Dallaston to be summarised in the parable of the prodigal son. There the dynamic force is compassion and the conclusion is the words of the father: "This my son was dead and is alive again, was lost and is found."

7. Miscellaneous:

Mr. Dallaston considers that many of the detainees sent to his centre came from homes in which women are over-involved in decision-making and that due to the resulting matriarchal atmosphere the detainees often have difficulty in fulfilling their masculine role. Accordingly, Mrs. Dallaston's role is deliberately a non-dominant one. She takes no part in discipline, and rather than appearing matronly or authoritarian, she simply plays the part of a good wife and mother in the home. With the help of two detainees she cooks the meals and she also supervises the houseman — the only detainee who does not go out to the Saturday work project. He attends to chores around the centre and also assists in the kitchen.

There is little contact between Mr. Dallaston and detainees' parents. He rarely takes the initiative in approaching them for he feels that the detainees would see him as allying himself with their parents, the authority figures from whom they are trying to free themselves. At the request of either detainee or parent, however, he is prepared to arrange a meeting and occasionally, in cases where he has considered the home to be a major source of a detainee's problem, he has taken the initiative himself.

Parents of young offenders can, of course, be unhelpful and in some cases a bad influence. If, in such circumstances, a detainee suggested that he leave home, and Mr. Dallaston genuinely believed that the home environment was aggravating his problem, then he would tell the detainee that he considered such a move desirable but that the decision was one for the detainee himself to make. Whenever disputes in the home arise in the case of the detainee who is under a 'reside' clause of probation, Mr. Dallaston directs him to discuss the matter with his probation officer.

The relationship which develops between Mr. Dallaston and the detainees is important and could best be described as a professional relationship based on mutual acceptance and respect. The detainees can, and often do, go to Mr. Dallaston (both during and after completion of their sentences) with their problems, though generally speaking they are discouraged from becoming too dependent on him. The extent to which the relationship develops depends, to a large extent, on the attitude of the detainees. Mr. Dallaston is prepared to be open to any approaches made to him although he never allows himself to become too close to any detainee, and always retains a certain degree of aloofness — enough to sustain the professional edge to his approach.

8. The Probation Service:

The most important aspects of the role of the Probation Service are the selection of suitable offenders for the centre and the extent to which the District Probation Officer controls the operation of the centre.

With regard to selection, there is a very close liaison between Mr. Dallaston and the probation officers. He usually sees a potential detainee's record and discusses his case with the probation officer concerned before a recommendation of periodic detention is made to the Court. While such a recommendation in no way depends on Mr. Dallaston's approval, his opinion is virtually always sought and is accorded considerable weight. The approach to selection is perhaps best summed up in Mr. Dallaston's own words, that "suitable criteria have been worked out by us as a staff" — it is essentially a joint effort to get the right sort of person to the centre.

As far as control is concerned, the District Probation Officer intimated that he is able to leave the administration of the centre

almost entirely in Mr. Dallaston's hands. There is again, however, a close liaison between the two and all problems and needs are discussed informally at any time.

THE PARNELL, CHRISTCHURCH AND LOWER HUTT CENTRES — A COMPARISON^{2,3}

When appointed to their respective centres, the Wardens at Parnell,²⁴ Christchurch and Lower Hutt were all familiar both with disciplinary systems and with the handling of young offenders. Commander Harris (Parnell) had served in the Navy as a disciplinary and police officer and was, for a time, second in command of a Navy Youth Prison in England. Mr. McLeod (Christchurch) became a Captain in the New Zealand Army and completed his service with six years as commandant of the Services' Corrective Establishment at Ardmore. And Mr. Murphy (Lower Hutt) had behind him a career in the police, including five years, immediately prior to his appointment, as Juvenile Crime Officer for the Lower Hutt District.

Any assessment of the approaches which different Wardens have adopted must begin with a consideration of the type of boy with whom each sees himself dealing. This is a most important issue for one cannot hope to understand any Warden's approach without first understanding that particular Warden's view of the detainees at his centre, what he thinks those detainees' needs are and what he thinks he can offer them. It would, for example, be somewhat nonsensical to criticise the Dunedin approach because it lacks strong discipline. Since Mr. Dallaston feels that most of his detainees have psychological problems and need psychological help, he tries to give them this. He is not a disciplinarian and freely admits that he could not run a disciplinary centre. Cdr. Harris, on the other hand, is a disciplinarian and it would be similarly nonsensical to criticise him for not helping his detainees with their psychological problems: he does not set out to do that, nor is he qualified to do so.

It is essential then, when considering any Warden's approach, to bear in mind the type of boy with whom *he* sees himself dealing and within that context, what he is trying to do.

Cdr. Harris sees most of the boys sent to him as having dodged, or avoided facing, the realities of life. In many cases he feels they have not experienced proper control in the home, especially from their fathers, and have been able to get away with too much, too often. He regards some detainees as simply (though often seriously) lacking in self-control, whilst others are seen as having developed into sophisticated young criminals. Though a disputed issue, it does seem that the detainees at Parnell, taken as a whole, are more difficult to

23 For a more detailed treatment of these three centres see Sissons, *Periodic Detention in New Zealand: A Descriptive Study of Four Youth Institutions* (V.U.W., LL.M. research paper, 1971).

24. The Parnell centre has been briefly described by Seymour, *op. cit. supra*, n. 4.

handle than those at any other centre. It is the policy of the Probation Service in Auckland to send the more troublesome and difficult detainees to Parnell, and the remainder to the Epsom Centre where the approach is somewhat more moderate. As a result, nearly all the detainees at Parnell are of 'Borstal class' and a high percentage arrive at the centre in an intransigent frame of mind.

Cdr. Harris' basic aim is to change the detainees' outlook on life. He seeks to make them realise that they cannot always act entirely according to their own volition, that some of society's requirements are absolute. He wants them to realise that to get on in life it is sometimes necessary to make sacrifices.

Accordingly, the approach which he adopts is based on strict discipline. The centre has many specific rules and these are rigidly enforced. Provided the detainee is obedient he will get on without difficulty, but if he shows any tendency to go his own way and to ignore the centre's requirements, he will quickly find himself being punished. Punishment involves further loss of liberty and most detainees feel the impact of this strongly as they value their somewhat limited freedom a great deal. The vast majority of detainees realise within their first few attendances that they cannot beat the system with which they are faced and that it is in their interests to co-operate. This, says Cdr. Harris, is a reality of life as a whole and it is hoped that the detainees will transfer their experience in periodic detention into their lives in society generally.

Mr. McLeod considers that most of his detainees' problems lie within their homes. He estimates that 80% of those attending the Christchurch centre come from broken homes and another 10% from homes which though not 'broken' (in that the parents have not parted) are nevertheless considered by him to be unsatisfactory. He sees in many of these detainees deep-seated problems resulting from their poor upbringing. The remaining 10% come from what appear to him to be normal homes and he feels that, in most cases, these boys are merely showing signs of teenage rebellion and recalcitrance. He does not think their behaviour indicates any underlying maladjustment and feels that normally they grow out of this phase by the time they reach 20 or 21.

In almost all cases Mr. McLeod sees the detainees as suffering, sometimes severely, from feelings of inferiority and lack of self respect. He relates this to an almost universal failure of the detainees to pass School Certificate²⁵ and a similar failure of most to find worthwhile employment. A further characteristic which Mr. McLeod regards as both prevalent and important is a general lack of foresight on the part of most detainees. He sees most of them as living from day to day and week to week without really thinking about what they are doing or going to do with their lives.

25. So far only three detainees serving sentences at Christchurch have passed School Certificate.

Accordingly, the programme is designed to train the detainees to think and thus, hopefully, to overcome their inferiority feelings. In a drawing exercise, for example, rather than getting them to copy a painting or sketch a fireplace, Mr. McLeod asked the detainees to depict their thoughts on arriving at and leaving the centre. He involves them in thinking specifically about their own lives, where they are going, what they want to do and what responsibilities they have — both to themselves and to others — for he sees them as essential issues which they must face up to.

Mr. Murphy, at Lower Hutt, similarly considers that unsatisfactory homes are the major cause of most detainees' problems. He feels that in most cases the detainees have experienced a lack of care, attention and discipline in the home and that their offending is a direct result of this. His response is to run the centre on a family-type basis with an emphasis on correct family relationships.

Some parents make belated attempts to discipline their sons but usually this serves only to create friction. The reason, says Mr. Murphy, is that in addition to discipline the detainees need understanding. He regards it as essential that each detainee feels that he matters, that people are genuinely interested in him, and do not simply regard him as a problem, or as an uncontrolled youth who must be restrained. Accordingly Mr. Murphy handles the detainees firmly but at the same time seeks to be understanding of, and to help them with, their problems. He spends as much time as possible with each detainee giving whatever encouragement and advice he can.

Essentially, Mr. Murphy is trying to help the detainees to change their whole approach to life, and in particular he wants them to be more positive. He does not deny that many are of below average intelligence but feels that this does not mean they cannot lead worthwhile and rewarding lives. In common with Mr. McLeod, Mr. Murphy sees many detainees as very defeatist in their outlook and it is this perhaps more than anything else which he seeks to change. In stimulating the detainees to try to better themselves, he hopes to encourage them in turn to stimulate their children to do likewise thus eliminating what he considers to be the root of the problem, viz. lack of interest in the home.

Consequent on these differing views, the Wardens have adopted somewhat different programmes and methods of handling their detainees.

The Warden's first contact with the detainees is at their induction and whereas Mr. Dallaston adopts a neutral approach at this point, Cdr. Harris immediately takes the upper hand and makes it very clear that at Parnell there are very specific rules with which strict compliance is required. He regards the impression he makes at the induction as vital and is abrupt, forthright and unfriendly. He concludes by informing the new detainee that "this centre is the strictest place in New Zealand, but also the fairest".

The induction at Christchurch is also a stern one as Mr. McLeod similarly feels that it is necessary to make it clear that obedience is essential. He notes the detainee's full list of offences and warns him that failure to respond to his present sentence is likely to lead him to borstal or prison. He does not extend any warmth to the detainee at this stage but rather waits for the detainee to show a preparedness to co-operate.

At Lower Hutt the induction is completely different from that at any of the other centres for it is neither long nor regarded as vital. The detainee is simply told that he is not to bring liquor to the centre, nor arrive smelling of it; that he is not to leave the centre without permission; and that he is required to show to the Warden and his wife the sort of respect he ought to show to his parents. Familiarisation with the ways and rules of the centre usually takes one or two weekends and is more by way of assimilation than instruction or direction.

The programme employed at each centre is, similarly, a function of the particular Warden's approach to the sentence. Mr. Dallaston's programme, as has already been seen, is aimed at socialising the detainees and accordingly they are introduced to a wide range of people and activities with whom and with which they are unlikely to have come into contact before. Although it is impossible to deal fully with the programme at each centre here, their major features can be noted.

There is, for example, a similar emphasis on variety at the Christchurch Centre. Here, as noted above, the basic aim is to train the detainees to think and thus there are exercises in English grammar, arithmetic, general knowledge, geography, drawing and spelling plus general essay topics. From time to time a playlet (a mock court setting, written by Mr. McLeod) is performed with detainees acting the various roles. There are also guest speakers.

The programmes at Parnell and Lower Hutt are, by contrast, fairly simple. At Parnell, where the sentence is regarded as essentially a disciplinary one, the programme is designed more to occupy the boys at the centre than to introduce them to new interests, skills or people. It is the manner in which the centre is run, i.e. according to specific and rigidly enforced rules, which is important, not the content of the programme. Consequently, the evenings are, apart from group counselling session (see below), free and the detainees occupy themselves by watching television or playing table tennis, darts, cards or indoor bowls. The Wednesday evening attendance is an exception to this, however, for it generally consists of a lecture from an outside speaker and a discussion.

The programme at Lower Hutt lies somewhere between that at Parnell on one hand and those at Dunedin and Christchurch on the other. There is generally a set activity for Friday evening — either an educational film or an educational programme run by Mr. Murphy

himself or by an outside speaker, whilst Saturday night is usually left for an informal discussion and for relaxation. It is at these times, in particular, that an attempt is made to create a family-type situation and Mr. Murphy encourages the detainees to react to each other and to him as they ought to react to their siblings and parents respectively.

The different programmes adopted by the Wardens clearly illustrate the point made in the introduction to this paper that periodic detention is a particularly flexible sentence. The point is emphasised when one considers their various approaches to discipline and to the related matters of rules and the use by detainees of their initiative.

It has already been noted that the Parnell Centre is based on specific rules and strict discipline and this is the only centre where such an approach is adopted. It is also the only centre at which the detainees are discouraged from using their initiative. Cdr. Harris reasons that most detainees have got themselves into trouble by using their initiative with society's rules. So at his centre they are not given any opportunity to use their initiative at all and any attempt to do so brings immediate punishment. They must obey the centre's rules just as they ought to obey those of society. There are rules governing nearly every conceivable situation in which a detainee may find himself for Cdr. Harris' aim is to completely tie the detainee down so that he cannot dodge anything; he must do everything in the way that it has been laid down for him.

The approach is inflexible for the rules are consistently and dispassionately applied; if a rule is broken the detainee concerned is punished — without question. Circumstances are irrelevant. From observation made at the centre and the comments of several detainees it is apparent that Cdr. Harris achieves a very high level of consistency in his application of the rules. This is vital for each detainee must be confident that provided he obeys he will be left alone. Four hour penalties — an extra four hours of detention which is usually completed on Sunday afternoon — are the normal form of punishment and few detainees have completed their sentences without receiving at least one penalty. In serious cases detainees are taken back to court to be punished but this has not been done often.

At Christchurch and Lower Hutt the approach to discipline is completely different from that of Cdr. Harris and this reflects the different approaches of the Wardens at those centres. Initiative is encouraged by both Wardens for each is seeking a positive reaction from his detainees. The discipline is firm but not inflexible as at Parnell and the rules are much less specific: rather than being tied down, the detainees are given room to move. As at Dunedin there are definite standards by which each centre is run but these are both unwritten and unstated. The two Wardens are unbending in their determination that the standards be met and persistent failure by a detainee in this regard will result in a stern reprimand and perhaps penalty.

At neither centre is the atmosphere repressive for both Wardens seek to develop a relaxed mood. Difficulties with one detainee are not related to the group at all for at both centres there is a concentration on individual treatment of detainees, according to their personal needs and disabilities.

Although there is the same general approach to discipline at Christchurch and Lower Hutt there are some differences in emphasis and detail. At Christchurch, for example, the rules are a little more specific and Mr. McLeod is, perhaps, a little more distant from the detainees than is Mr. Murphy. Certainly the latter is somewhat less overtly authoritative.

Mr. McLeod is the only Warden who involves the detainees in discussion of the maintenance of order and discipline. He holds regular meetings at which he invites comment on the running of the centre and detainees may suggest new rules. These must involve the group as a whole rather than just an individual and must be generally and permanently applicable.

At Lower Hutt the only function of discipline is to ensure that the detainees meet the centre's standards. Where possible Mr. Murphy avoids asserting his authority but is prepared to do so if an occasion so demands; he must not allow himself to be permissive with respect to compliance with the standards set. Provided the detainees do co-operate however Mr. Murphy sees no need for discipline.

Just as the Warden's approach to the sentence varies from centre to centre, so does the average length of sentence. Generally speaking there is a very good working relationship with the courts over this issue and the differing sentences correspond closely to the different Warden's approaches. Certainly each of the Wardens is reasonably satisfied with the sentences which his detainees are given.

At Dunedin and Parnell the average sentence is four months and this period is well suited both to Mr. Dallaston's counselling procedure and to Cdr. Harris' shock tactics. At Christchurch and Lower Hutt on the other hand, where the Wardens rely to a much larger extent on the personal relationships which they develop with each detainee, the optimum sentence is slightly longer and the courts in the areas which these centres serve issue sentences which average about six or seven months.

There are several other lesser matters in regard to which one centre differs from the others. Firstly there is the matter of parental involvement. As has already been noted, at Dunedin there is relatively little contact between the Warden and detainees' parents and this is also the case at Christchurch and Parnell. Mr. McLeod and Cdr. Harris have both tried to run schemes to involve parents but none of these has really been successful. Mr. Murphy, by contrast, perhaps aided by the fact that 90% of his detainees are stilling living at home, does sustain good contact with parents. He holds quarterly meetings

for them and these are always well attended. It is interesting to note that Mr. Murphy is the only Warden who stresses the importance of contact with the detainees' homes. He feels there are two major advantages attached to parental involvement: firstly, it helps him to understand the circumstances in which the detainee is living which in turn leads to a better understanding of the detainee himself. Secondly, if he can win the confidence of the parents and gain their active support the work he does at the centre will not be entirely isolated from the detainee's life as a whole. The converse also holds, of course, and the son of unsatisfactory and unco-operative parents is often very difficult to deal with. Often detainees are not on good terms with their parents but in such cases it is not uncommon for relations to improve once the detainee begins to respond to the sentence. The lack of parental contact at other centres causes no real concern. The Wardens all feel that their approaches are just as effective in isolation from the home. In fact, as has already been noted, Mr. Dallaston feels that it is to his advantage to have as little contact as possible.

The role played by the Warden's wife is a second matter in regard to which one centre can be distinguished from the others for the passively maternal role adopted by Mrs. Dallaston at Dunedin is not shared by the wives at Parnell, Christchurch and Lower Hutt. They are somewhat more positive in their approaches. Naturally each of the wives seeks to complement her husband's approach and thus Mrs. Harris runs the domestic affairs of the Parnell Centre according to fairly specific rules which are strictly enforced. She is a little less abrupt and authoritarian than Cdr. Harris, however, and is able to undertake the sort of indirect counselling which he is unable to do by the very nature of the role which he adopts. He regards Mrs. Harris' counselling as invaluable.

Mrs. McLeod similarly carries the orderly approach of her husband into the operation of the domestic side of the centre. She emphasises hygiene and the "correct way" of doing things. Just as Mr. McLeod's approach is somewhat less authoritarian than Cdr. Harris', so Mrs. McLeod's is a little more lenient than Mrs. Harris'.

Ostensibly Mrs. Murphy's approach is quite different from that of the other wives for she adopts a motherly approach which they expressly reject. In practical terms, however, her role does not differ greatly from theirs. She adopts a similar *modus operandi* and again informally counsels the detainees. This practical similarity of role was confirmed by the comments of several detainees: there did not seem to be any discernible difference in the impression that boys at different centres had of the roles which the wives played.

Thirdly, there is the matter of counselling. That undertaken at Dunedin is very different from the approach at any other centre. At Lower Hutt and Christchurch counselling is of an indirect nature and does not follow any particular pattern. Both Wardens work with

the detainees on Saturday, talking to them both individually and in groups, and also spend time with them during their leisure hours. It is a relaxed approach. By talking to the detainees in this way they are able to build up the personal relationship which is so important to each of their approaches. Neither does any formal counselling along the lines that Mr. Dallaston follows.

At Parnell counselling is simply one hour set aside each weekend for the boys to talk about anything they choose. Half of the detainees have their session on Friday night and the other half on Saturday night. The authoritarian atmosphere at Parnell can easily lead to a build-up of tension amongst the detainees and thus the essential function of the counselling session is to provide an outlet for this — to act as a safety valve. The boys talk about the centre, the Warden, the courts, the police, their employers; in fact anyone or anything that is bothering them. They are allowed to use any language they choose as many find it difficult to express themselves adequately without using some language which is generally regarded at the centre as unacceptable. At the conclusion of the session Cdr. Harris resumes full control and his disciplinarian role.

Finally, in the general area of administration Parnell is once more the exception. In the other centres the Advisory Committees are not involved to any great extent in running the centre and do not try to exercise any control over the Warden. At Parnell the Committee is much more active — this is perhaps the result of this particular Committee being the first to be appointed and having advised on the legislation. It plays a significant role in the operation of the centre and has even suggested alterations in the legislation.

Similarly Cdr. Harris is in a rather different position in relation to the probation service than are the other Wardens. His relationship is more formal and he has no voice in the selection of offenders for Parnell. He is completely happy with this state of affairs. It is important to note that the personalised approach adopted at other centres would be very difficult in Auckland simply because of the number of probation officers and magistrates involved. The size factor also influences the District Probation Officer's exercise of control over the running of the centres. There is a more formalised approach to this matter in Auckland than elsewhere, there being regular weekly meetings of all periodic detention Wardens and assistant Wardens. Problems, ideas and general administration are discussed at these meetings which are also attended by those involved in the adult section of periodic detention. In addition the Wardens attend regular weekly meetings of all probation staff for in-service training and this gives them a chance to exchange ideas with probation officers. It is important that the latter have some understanding of the Wardens and their approaches to periodic detention, for it is they who advise the courts as to which boys are suitable for the sentence.

CONCLUSION

When comparing the different approaches to periodic detention there naturally arises the question of effectiveness.²⁶ Whilst it is not within the scope of this paper to consider this issue at length, it is proposed to make some general comments.

It is important to acknowledge the dedication and sincerity of the four Wardens. Each is very involved with his work and genuinely seeking to do the best he can for his detainees. Comments of several detainees have made it clear that it is in the impact of this sincerity and interest that much of the effectiveness of the sentence lies. This suggests perhaps that the personal integrity and concern of the Wardens, more than any other factor, accounts for the success of the scheme.

There is a natural tendency to speculate as to who is the best Warden and which is the best approach. This tendency ought, however, to be avoided for a comparison of this nature is very difficult, if not impossible, to make. The Wardens not only have very different methods, but are also dealing with rather different types of offender.

The approach taken at Dunedin is important for its emphasis on the counselling process and on the fostering of a sense of identity in the detainees. Apart from its effectiveness in dealing with the type of offender at present sent to periodic detention it may, with full development, yield a good treatment for more seriously disturbed offenders. It is this factor, perhaps more than any other, which makes Dunedin the most significant of the four centres studied. Of course it is clear that there is no simple answer in this area. Periodic detention must continue to experiment and we must continue to employ Wardens with differing philosophies and backgrounds. The important thing is that the differing assumptions on which the various Wardens base their approaches should be discussed and tested. This article is intended as a first step in the process of discussion.

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26. For the only study so far on this see Gibson, *op. cit. supra*, n. 9.