

THE DETENTION CENTRE IN NEW ZEALAND*

INTRODUCTION

This study of the detention centre in New Zealand is essentially descriptive of the operations of the two detention centres and the characteristic conception in New Zealand of the operation and function of such training in our penal system. It is not within the scope of this paper to discuss in any detail the effectiveness of this sentence as a corrective or deterrent measure. However, it is inevitable that a descriptive study such as this will impinge in part on these two areas.

The approach has been to discuss the development and formation of the concept of detention centre training by the Justice Department, including a brief analysis of the influence in New Zealand of the operations and of researches on the sentence in the United Kingdom, and to place all this in political context. Having indicated the formulation of the concept as elaborated upon by the initial years of experience at the first centre at Waikeria, the regimes at Waikeria and Hautu are described as they operate today using the ideal conception of the detention centre sentence as a frame of reference. With this local conception of the sentence as a frame of reference the operations of the detention centres at Waikeria and Hautu are then discussed. The study falls neatly into these parts in that the Hautu centre approximates the ideal conception of the sentence, whereas the longer established centre at Waikeria has lost many of what are considered to be the essential features of the sentence. To conclude, a brief look is taken at the future of the sentence in New Zealand.

The Conception of Detention Centre Training in New Zealand.

The first detention centre in New Zealand commenced operation at Waikeria in 1961. But the legislative authority for it was first introduced in 1955 when the Criminal Justice Act 1954 came into effect. The first significant indication of the type of sentence envisaged appears in the Department of Justice Report to Parliament for the year 1952-53. Here it was reported that there was a need for a treatment of young offenders alternative to those available at the time.

“The regime would be spartan, but just, consisting of useful manual labour, physical training, and a restricted educational programme; privileges would be few and would be hardly earned.

Within three months it would be impossible to carry out any detained training plan. The main purpose of the Centre would be to bring the offender to a sense of self-realisation and an appreciation of the consequences of his actions — a

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foretaste of what might be. It would also be likely to act as a deterrent to other potential offenders
 it should only be used for the comparatively few inexperienced and young offenders who would be unlikely to respond to probation, but who do not require the long-term training of a Borstal Institution.”

Subsequent Departmental Reports show that there was every intention to put a detention centre into operation on this basis as soon as possible and plans were under way. The upsurge in the number of prisoners about that time however directed the Department's attention away from the development of this new sentence. This delay allowed the Department time to reflect on the functions and operations of the sentence. The visit of two senior Department officers to centres in the United Kingdom and the study by Dr. Grunhut of these centres were influential in the Department having “second thoughts”. It was also felt that the sentence as it was conceived would not adequately cope with the delinquent who was a member of a gang. The Departmental Report to Parliament for the year 1959-60 reflects the change in thought. The Report states:

“The danger of detention centres has always been that they constituted a challenge to the offender; either he had to be ‘broken’ and admit it or he had to show that he was not awed by the experience. The danger was less when the offender was a solitary, unallied member of the community; he could leave the centre and start again. Today he would probably be a member of a gang or coterie and on his release would have the additional pressure of demonstrating to his associates that he was tough and could ‘take it’. The only real way of proving this would be to offend again. If he did this time it would be exceedingly difficult for the administration to provide any training or penalty which would not in comparison be an anti-climax and a lesser deterrent.”

Three proposals emerge from the Report as likely remedies for this weakness in the sentence. The first mentioned above, was to inject a constructive or remedial element into the sentence otherwise essentially punitive, the second was to ensure by amendment of the law that “some months of supervision” should follow the release to allow for proper rehabilitation within the community. A third remedy implicit was that careful attention should be paid to the selection of the offenders for detention centres, in particular those who have previous convictions and specifically those with institutional experience would not be suitable. Dr. Grunhut had specifically concluded that the latter two suggested remedies were essential to keep in view. In a study¹ of the first hundred offenders to be released from Campsfield House (the first detention centre in the United Kingdom) he tentatively concluded

1. Grunhut, *Juvenile Delinquents under Punitive Detention*, Brit. J. Delinq. Vol. 5 (1955), p. 191-215.

on the basis of the finding that 88% had not re-offended within three months of release and that this 'time of grace' must be taken advantage of and used for constructive after-care to be continued for a 'considerable time'. The study also disclosed that, after a six months' follow up, 66% of those with serious institution experience had re-offended, 53% of those socially maladjusted apart from their delinquency had re-offended, while the average reconviction figure was only 27%.²

Among penologists advocating the sentence there was a trend favouring a more personalised approach in addition to other constructive elements. This approach may be explained as a concession to critics of the "short, sharp shock" concept rather than having any justification in research findings. One critic writes:³

"So far as I understand, this so-called shock treatment . . . depends upon the denial of human contact between the boy and the members of the staff, in my judgment it runs counter to all the most hopeful developments in the treatment of delinquency. This, after all, is what the boy expects of society and in detention centre society obliges by providing it; the centre offers no challenge to the boy and seeks no response from him other than obedience."

To answer this criticism by advocating a personalised atmosphere was further criticised as an abandonment of the underlying principle of a deliberately undifferentiated regime. Dr. Grunhut had doubts himself and wrote in a later study:⁴

"The short period within the centre . . . rules out any classification, not to speak of individualised treatment. Nor is there any opportunity for trial and experiment by loosening supervision and control and exposing the young to calculated risks. It is an attempt to throw him into a regime of clear directions and an established pattern of institutionalised life."⁵

To this background of the developing views of penologists on the sentence, must be added the political and social climate within New Zealand which was in the final count to precipitate the hurried establishment of the detention centre at Waikeria. The disruptions at the Hastings Blossom Festival in September 1960 involving gangs of delinquents prompted public and political demands for new measures to meet the wave of juvenile delinquency. Within a week of these disturbances, it was announced that a centre was to be built. At the

2. *Ibid.*, at p. 209. The percentage figures for 'institutional experience' and 'serious maladjustment' re-offending are taken from the absolute figures cited by the author.

3. Ford, *The Deprived Child and the Community* (Mystic, Conn.: Verry Inc., 1965), p. 56.

4. Grunhut, *After-Effects of Punitive Detention*, Brit. J. Delinq. Vol 10 (1960), pp. 178-194.

5. *Ibid.*, at p. 179.

time two Parliamentary debates⁶ focussed on the problem of juvenile delinquency and the introduction of a detention centre into the penal system was mooted. The mood was for a detention centre sentence which would "shake some sense and respect of the law" into the delinquent and little attention was given to any potentially constructive measures in what was portrayed as a "military glasshouse" or "short, sharp, shock" regime. But one must hesitate to suggest that the political demands had any considerable effect on the detail of the structure of a regime which the Justice Department had already applied its mind to and begun to formulate. Both the Secretary, Dr. J. L. Robson, and the Director of Prisons, Mr. P. K. Mayhew, had seen or were to see the detention centre operating in the United Kingdom and Dr. Robson was adamant that the detention centre was not to be a "military glasshouse".

Nevertheless the public outrage at the Hastings disturbances cannot have assisted the Department in seeking to introduce anything into the sentence that might have been viewed as a derogation from its punitive impact.

Where the public outcry had its very real effect was in the manner it forced the Government into the hurried establishment of the first centre at Waikeria. In the 1959-60 Report to Parliament it was stated:

" . . . apart from purchasing a site, we are as far away as ever we were from the opening of a centre."

That was in March 1960 and Waikeria was not the site here referred to as the Department had already owned that land for some time. It would seem then that six months later when a detention centre was promised, to ensure speedy development the Department was forced to take up an existing building on a site which was not as suitable as may have been hoped for. In a very real sense the Waikeria Detention Centre appeared as a stop-gap measure and yet the same building and site is in use today as the centre. To accommodate the "second thoughts" that the Department had on the sentences since the provision for the sentence in the Act of 1954, amending legislation was enacted in 1960. The essential statutory requirements are:⁷

- (1) The sentence may only be applied where the offence is one punishable by imprisonment.
- (2) The offender must not previously have been to Borstal nor to prison for more than one month, nor to a detention centre.
- (3) The offender is to be between 16 years and 21 years of age.
- (4) The length of the sentence is three months with maximum remission of one month.
- (5) A probation period of twelve months must follow release and

6. See the Police Department Supply Debate, 1960, 324 N.Z. Parl. Debates, pp. 2244-2256, and the Imprest Supply Bill (No. 4) Debate, *ibid.*, pp. 2366-2410.

7. Criminal Justice Act 1954, ss. 15, 16, 16A and 17.

is subject to the statutory and special conditions of the Criminal Justice Act 1954.

- (6) No Court shall sentence an offender to a detention centre without a prior probation report and a medical clearance.

A useful concluding analysis of how the centre was intended to operate appears in a paper produced by the Justice Department in 1961. It describes the sentence as one involving an "exacting regime" with an "emphasis on the fast tempo and alertness" and, in the stock phrase, to be a "short, sharp, jolt within a programme made as constructive as possible". The term of three months was said to be "not long enough for the offender to become accustomed to the routine, but not too short for some character training". Such training would result not only from the discipline and hard constructive work faced by the trainee, but also from educational activity which was planned "to impart a better appreciation of the obligations of citizenship".

These then are the general indications of the thinking of the Justice Department at the time it established its first centre at Waikeria in 1961. That is not to say that this was the final word as far as the Department was concerned; there must inevitably be a growth and development of the training programme as problems are faced and overcome in the course of the operation of the centre.

The type of offender envisaged as suitable for the sentence is best described by reference to the Manual of Instructions to Probation Officers. The Manual describes the person as someone:

" . . . who has not so far submitted to any will greater than his own because he has not been in contact with anyone sufficiently impressive, interested or determined to make him see the necessity for and acquire the habit of an ordered life in the community. He will earlier have been offered kindness, warnings and opportunity to reform and rejected them [or for] the larrikin type, who is given to self-indulgence and evasiveness"

Furthermore it had always been clear that the sentence would not be suitable for the mentally and physically weak. It is clear then that great care should be taken in assessing an offender's personality before sentencing him to detention centre training. The emphasis was never on the actual offence for which the individual was to be sentenced, but on his ability to benefit from the sentence.

The detention centre was not intended simply as a half-way house between probation and borstal in the sense that an offender would not be sent there purely on the basis that his offence or his previous record indicated that probation was insufficient and borstal training too long. An approach of this nature could only be justified by a retributive theory of punishment relating the severity of the sentence to the gravity of the offence or the length of the offender's record.

But this was not the approach; the sentence was considered at once as a corrective and a deterrent measure and suitable as such only for a certain type of individual.

(A) THE WAIKERIA DETENTION CENTRE

Development of the Centre

Before analysing the current operations of the centre it is appropriate first to offer some detail of the development of the regime.

From the outset a full programme operated seven days a week. From Monday to Saturday the day commenced at 5.30 a.m., drill before breakfast, work from 7.30 a.m. to 4.00 p.m., clean up for personal inspection at 5.00 p.m., organised classes or activities from 6.00 p.m. to 8.00 p.m., free association for 15 minutes, reading for 30 minutes and lights out at 8.45 p.m. The programme was designed to ensure that a brisk tempo was maintained throughout. The work, being generally scrub cutting, ditch digging, or work in the vegetable garden, was intended as a physical challenge. Only two brief breaks were allowed during the working day. Drill and marching to and from work were an essential element of the brisk and disciplined regime. Rules at the centre required the trainee to stand at attention when spoken to and to address all persons other than trainees as 'sir'. Evening classes reflected at once an endeavour to maintain the tempo at the end of the work programme and an endeavour to ensure that the sentence was constructive as well as punitive. The Sunday programme commenced at 6.30 a.m. and included compulsory church, a visiting time, compulsory sports and a long weekly training test. The Sunday sports were considered an important activity for extending the trainee, by encouraging him always to better himself and to compete against others.

Marks of two types designed to operate independently were awarded. Conduct marks of a negative type were lost for trivial faults in the trainee's tidiness or conduct. Loss of these marks meant loss of remission. Positive marks were awarded for performance at work. According to the number of these marks awarded, each week the trainee would be placed in one of the privilege groups ranking from 'A' to 'F'. The top privilege groups received "perks" such as first option on second helpings at meals, double tobacco rations and better work. The lowest group, on the other hand, was deprived of all perks. The system was designed to convince the trainee that only by living according to the rules would his existence be comfortable. The privileged group system was considered a constructive feature of the sentence designed to encourage pride in personal achievement.

The regime placed peculiar demands on the staff as it was necessary not only that a brisk tempo and high standard of discipline was maintained, but also that treatment of the trainee be just and constructive. The Superintendent concluded in his report to the Department in 1963 that:

“... the climate conducive to individual inmate response and the reassessment of personal values lies in the staff. Anything unreasonable, any utterance of scorn, belittlement of the individual or incident that causes the inmate to lose respect for the due process of law creates resistance that can override or even nullify the positive factors presented in the programme.”

The centre was not to be a military glasshouse. There was a clear intention that the sentence was to accommodate constructive features, together with the punitive. But there was no indication that a personalised atmosphere was sought for the reason that that would not be compatible with the functions of the sentence.

To meet the disadvantages of the close proximity of the centre to the Waikeria Borstal, it was removed in 1964 to a new open villa block 1½ miles away. This shift also remedied an overcrowding problem at the original building. The villa was a modern building, spacious and open in its design. It was a far-cry from the spartan surrounds of the original block. Each trainee had his own small room with a large window having only a single bar across it. The provision of a large discussion room combined with a library and separate staff administration rooms readily enabled the splitting of trainees into groups for the evening programme. The facilities and design of this building eliminated much of the spartan element at the original centre. At the same time the evening programme of education and counselling was able to flourish. Reports indicate that morale was high amongst both staff and trainees at this time. Senior staff have attributed this to the open design and facilities of the villa which were very adequate to cope with the moderate musters.

However, this golden era was not to last. In February 1971, as a result of chronic overcrowding, the centre was shifted back to the original building adjacent to the Borstal.

The Current Operation of the Centre

Today the centre runs essentially the same programme as was operated at the outset. There has however been a significant decline in the evening programme. It is common for there to be no activity at this time and for the trainees to be confined to their cells once they have tidied up after dinner. But if the programme remains the same in most respects, it will not be denied by the senior staff and many administrators that the regime has lost its former tempo and impact. There is every indication that the centre is merely going through the motions of a detention centre sentence.

All the staff, without exception, exhibit an intense nostalgia for the days when the centre operated from the open villa. It is stated that the trainees were at once better disciplined and drilled and more enthusiastic towards their work and the regime as a whole. In these circumstances the staff themselves could only feel more purposeful in their approach. Thus the attitudes of the staff and trainees were mutually reinforcing.

The obvious decline cannot be attributed to any single factor, but it is apparent that the precipitating event was the shift back to the old building. It is not difficult, however, to define a number of factors which together led to the decline. These are now examined.

Staff/Trainee Ratios and Musters

The number of staff relative to the number of trainees and the increase in the number of trainees at the centre are at once separate and related factors which are discussed together here by reason of their close relation.

The ratios between staff and musters cannot be precisely ascertained from Departmental records, but it is clear that musters have out-stripped staff numbers. Muster figures show that prior to the shift to the open villa in 1964, the maximum figure was 46 trainees at any one time. Maximum musters, discounting 20 at the Pirongia Forestry, for the years 1967 to March 1971 are: 1967, 76; 1968, 87; 1969, 108; 1970, 107; March 1971, 86.⁸ Staffing has not increased at the same rate. The Superintendent states work parties never exceeded 7 in each before 1964; by 1971 this figure had increased to between 10 and 12.

The problem with increasing musters and less favourable ratios is two-fold. There is loss of the intimacy essential to the operation of the sentence and a decline in effective control. Where the institution lacks intimacy the bulk of the trainees will be able to serve their sentence with a minimum of effort without being detected. The best and worst trainees will always show up, but there will be a large anonymous group of mediocre trainees who will complete the term without recognition. Trainees have stated it is not difficult to 'bludge' their way through Waikeria. Both officers and trainees recognise that a shrewd trainee can readily bluff his way into a top privilege group. Where a trainee can succeed by adopting this attitude the sentence is serving only to reinforce his belief that an individual can get by in the community without effort, or worse still by cheating the system. This problem of anonymity is distinct from the problem of discipline. In an institution where many of the trainees are weak personalities, who find strength only in a crowd, it is essential that each is fully understood as an individual and challenged as such. Without impact on the individual, the sentence will have failed.

Simply to improve staff-trainee ratios will not remedy the problem of anonymity. To assign each trainee to a particular officer so that he may personally get involved with each of his trainees would not be workable so long as the privilege system operates. Under the privilege system there will necessarily be considerable mobility between the

8. These figures appear in a letter from the Superintendent to the Justice Department dated 15th March, 1971. For some unknown reason these figures only approximate those that appear in the annual reports of the Justice Department (see Appendix I Table F of those reports). The March 1971 figure is provisional; the maximum is expected to be higher as musters generally increase in the months June, July and August.

groups; the trainee would be working under different officers from week to week. Thus an officer assigned to attend personally to a certain number of trainees would not be working over those trainees from day to day and could not, therefore, adequately assess their personalities. To abandon the privilege system, on the other hand, would take from the regime an essential element. To combat the problem of anonymity, then, each officer must know adequately all the trainees and this he cannot possibly do while the musters are so large.

Inconsistency in marking and discipline is a problem at Waikeria which staff recognise and the trainees resent. This is witnessed by a feeling that marks are awarded in something of a lottery. It is a problem peculiar to high musters in the sense that high musters necessitate an increase in staff numbers and where this occurs it is inevitable that different standards and attitudes will be adopted by the various officers.

Discipline problems at the institution could be met however to a large extent by improvements in the staff-trainee ratio. The consensus among the staff is that gangs of 8 are controllable, but anything larger presents problems. This is so in part because there is not enough work in any one place for more than 8 trainees, but is also because the rigid controls required by the regime cannot be maintained where there are too many trainees to attend to at once. It is important that all offences are detected and that penalties are brought to bear immediately. A senior officer at Waikeria puts the detection rate at 1 in every 15 offences. This is clearly unsatisfactory and can only encourage the trainee to beat the system.

Staff shortages cause problems in a further respect. Insofar as there is a limited availability of staff, irregular rostering results, so that one privilege group may have a different officer from day to day. It also means that borstal staff are called upon sometimes and they may tend to bring with them the different approach of a borstal officer which only serves to break down the centre as a separate entity from the borstal.

The Work Programme

Perhaps the most fundamental requirement of an effective detention centre sentence is that there be sufficient work to maintain a brisk tempo and to ensure that the "short, sharp shock" is administered. The Superintendent believes constant and constructive work will and does bring with it a sense of pride in achievement to the trainee. And this satisfaction should be reinforced by tangible rewards under the privilege system.

Work now consists of clearing drains, hoeing ragwort and vegetables, a limited amount of clearance of light scrub and domestic work. This is tedious and often futile work. The forestry work is more constructive, but it is said to be tedious; it is only for the best trainees and is reputed not to be very demanding. At the centre the work tempo is slow and

only moderately constant. The work is not physically challenging. Few trainees enjoy the farm labouring and the general mood is not enthusiastic; pride in the work must be minimal.

The repercussions are clear; the shock impact is blunted, work satisfaction is almost entirely lost and the tempo and tone of the institution suffers to the point where the work programme becomes a negative feature rather than a constructive one. Without the work offering, the officers lose a very useful lever for both keeping the tempo going throughout the entire programme and for keeping added pressure on the disruptive trainee. At the same time the shortage of work has upset the privilege system to the extent that it is difficult to provide significantly more onerous work for the lowest groups, although the lowest groups will get the dirty work if available. This then takes the edge off the incentive to get into a good privilege group.

The Design of the Building and its Proximity to the Borstal

The return to the original detention centre building operated to the detriment of the regime in two ways. It brought the centre into close proximity with the Borstal thus depriving it of an essential isolation from any other institution. And, in addition, the building itself had not the facilities or qualities conducive to a constructive as opposed to a purely punitive regime. Although the building had been used from 1961 to 1964, the centre was not then undergoing the stresses of overcrowding and staff shortages that it is today. Even in 1961 the building was envisaged as a purely stop-gap measure. The close proximity of the centre to the Borstal has resulted in the mode of behaviour and the tone of that institution being passed on to the detention centre trainees. Whereas the centre is intended as a disciplined and rigorous regime, the Borstal is a comparatively easy paced regime being a long term sentence directed at rehabilitative training. The Borstal trainee generally is older and a more experienced offender who does not have the respect for authority that is strived for at the centre. Thus observation by the detention centre trainees of the borstal operations has the effect of undermining the discipline at the centre. In addition the trainees are "ragged" by the Borstal inmates for the juvenile respect they have to show at the centre and for such things as being drilled and marched to work.

Furthermore, actual contact is made between Borstal and centre trainees resulting in unprecedented 'trading' of shaving cream and other commodities for tobacco. This undermines the privilege system to such an extent that the non-privileged groups appear always to have tobacco, whereas they should have none. Where such privileges assume large proportions the defeat of the system amounts to a serious undermining of the regime.

Finally, observation of the easy existence cannot serve to dissuade trainees from re-offending for fear of being sentenced to Borstal. Many trainees will boast that they shall go to Borstal and this in part may arise from the fact that it appears to them to offer a secure and easy existence.

On a conservative analysis the centre has lost a significant portion of the special and separate identity that it should have. Not only is the proximity a disadvantage, it appears to be positively counter-productive to the extent that it familiarises the trainee with the rudiments of the Borstal sentence which often is the very thing that was hoped to be avoided when sentencing an offender to detention centre instead of Borstal.

The other problem mentioned is the building itself. Its major failure is its inability to accommodate the increasing musters. The doubling up in cells which now exists is viewed with concern by the Superintendent who believes it essential that each inmate has a cell to himself so that he is given some respite from the pressure of the daily programme and an opportunity to reflect upon the attitudes the regime is intended to impress upon him. Furthermore, the cramped facilities have not assisted in the development of the counselling programme which requires a number of separate rooms to operate effectively. There are only 2 rooms available and that is insufficient.

The stark and oppressive mood of the building has had a very real depressing effect on inmates and staff. Additional tensions are created by an ever-present awareness of locks and grills which did not exist in the open villa.

Invariably officers speak of the dramatic change in the tone of the centre since the shift from the open villa. For example, the psychologist for the entire Waikeria complex speaks of the markedly favourable change in the mood of both inmates and officers when they shifted from the stark surrounds of the major Borstal block to the open villa. It appears that this process has operated in reverse with the shift from the open villa to the building which is now the detention centre.

An indication of an increase in tension in the 'dormitory' block, and a fact taken very seriously at Waikeria, is that up to September of 1971 14 escapes had been made as against a total of 30 for the previous 9 years. It is feared that one reason for this rapid escalation is the comparative grimness of the building and the prison-like atmosphere which creates tension and may well act as a challenge to the trainee. Thus the negative impact of the building is a detriment to the programme and is recognised as such by the Superintendent.

Education and Counselling Programme

The education and counselling programme was always considered to be a necessary feature of detention centre training but particularly so as the planners moved towards an increasingly constructive conception of the sentence. At the outset it was envisaged that the sentence would have "equal impact on the mind and body". The education programme, it was hoped, would assist the many inmates who had inadequate formal education. Group counselling was to be the other feature of the evening programme with the aim of enabling the individual to reassess for himself his attitudes and responsibilities within the com-

munity. Counselling was planned, in addition, to channel the group norm within the institution in a constructive direction. The evening programme as a whole was also essential to sustain the tempo at the conclusion of the working day.

But the actual operation of the evening programme at Waikeria does not match these ideals. Probably the least that can be said is that the programme fills a gap in the day so as not to let the tempo lag in the sense that the trainees are still kept under a close eye and they must give their attention to what is before them. It also means the trainee is not confined to his cell for long periods. The Superintendent advised that two classes a week, in what is informatively called 'civics', are run; on two other nights there is a visiting speaker and on Sunday night there is a film showing; on Saturday night there is no organised activity; generally there will be time for reading or writing. However it is apparent that the evening activities are not so regular in practice. In a comprehensive paper completed by a sociology student at Auckland University, who was recently an inmate at the centre, he dismisses the evening programme in only two sentences. He writes: "After tea there is sometimes a guest speaker who may speak on some general topic often of a religious or legal nature. If there is no speaker the men are locked up soon after the next day's work parties and other general announcements are made."⁹

Group counselling appears to be non-existent. A regular Friday night group discussion allows inmates to express their attitude on various problems within the centre and in the community and upon their responsibilities in the community. However the discussion is inhibited by a classroom-type format. All comments are directed through the officer standing at the front of the room. There is no direct dialogue between inmates. There is no opportunity or endeavour to counsel individuals at this meeting. Furthermore the large numbers make it easy for an inmate to remain anonymous and to avoid participating. Individual counselling at the centre will occur only where a trainee is placed on report before a senior officer. A trainee goes on report for exceptionally bad work performance or conduct but this is comparatively rare. Report cannot be properly regarded as counselling, therefore, but rather a disciplinary matter. Each inmate will be interviewed on arrival and shortly before his departure from the centre. Again this is not counselling as such.

In summary there is no significant, readily discernible effort to encourage the trainee to rethink his values or to develop a constructive group norm by way of group and individual counselling. This is a grave departure from the detention centre sentence as it had been planned to function.

Three discernible reasons exist for the lack of fully operative group counselling for, say, two nights a week and in small groups.

9. Newbold, *The Detention Centre* (Research Paper, University of Auckland, 1971), p. 7.

First, in 1967 a cutback in overtime caused a cutback in night duty, thus affecting the evening counselling. Secondly, there are not the experienced officers available in any case to handle counselling groups adequately. The centre is fortunate to have an officer with more than three years' experience. Thirdly, there are not the rooms available to take several groups at one time. However, an overall impression is that these reasons are not at the root of the problem. It seems rather that there is just not the enthusiasm in the staff to put group counselling back on its feet. This is not surprising in that the numerous other problems that go to the heart of the training programme which have to be tackled by a small staff under trying conditions, must dissipate their energies, leaving them with nothing when it comes to an activity which can so easily seem non-essential or merely on the periphery of the programme of the regime.

The Detention Centre Trainee

The detention centre is being faced with the problem of receiving from the courts an offender who has a longer record than the offender being received in 1961. This problem is not unique to the detention centre. The primary reason for this change is that Departmental policy to keep offenders out of institutions for as long as possible has been applied with greater stringency since 1961, when the policy was in its infancy. A direct outcome of this practice is that by the time an offender is sentenced to an institution he will frequently have a long criminal record. Whereas detention centre training may have been taken as a measure early in the offender's criminal career in 1961, in 1971 this will not so often be the case. Another factor is the introduction into the penal system since the Waikeria Centre opened, of the new, popular sentence of periodic detention. The chances are then that a detention centre trainee will have a history of fines, probation, periodic detention and occasionally a period at a boys training school.

When detention centre training was conceived, it was quite clear that an offender with institutional experience was considered not suitable. This was the express view of the Justice Department and the conclusion of Dr. Grunhut in his studies in the United Kingdom.¹⁰ Periodic detention is not an institution as such, but Boys Training School is, and both the Superintendent and the Probation Office in Wellington are insistent that an offender with this experience should not be sent to a detention centre.

Newbold, in a survey of 67 trainees at the centre in July 1971, found that the average number of previous convictions for each trainee was 4. Of the trainees with previous convictions, 28 had probation, 7 had periodic detention and 5 had boys training school experience. Only 20 had not received any of these.

The Superintendent has found that not only is the trainee with

10. See *op. cit. supra*, n. 4.

moderate previous experience of the penal system a disruptive influence within the centre, but also that the sentence is unlikely to have any impact on him. This trainee will be too familiar with the methods of the penal system to be able to tolerate what is essentially a juvenile sentence. He will not readily accept the drill and rigid discipline. Furthermore he will be shrewd enough to complete the sentence without undue effort and without much recognition of his true personality.

There is a dilemma, however, facing the probation officer, and magistrate when sentencing the offender with a moderate criminal record. The choice may be either borstal or detention centre, so if borstal looks too lengthy as to term, then the detention centre may be the answer even if the offender has a long delinquent history. The dilemma is further complicated according to one probation officer by a reluctance to send an offender to a detention centre before most or all of the lesser penalties have been tried. This problem cannot reasonably be expected to be resolved, if at all, until an additional alternative sentence is developed for the young offender.

Staff

As the centre bears the increasing burdens discussed previously, the stresses placed on the staff intensify. The result is that staff morale has declined. This is crucial to a regime which depends so much on extremely close supervision and therefore demands of the staff an energy and enthusiasm of greater proportions than the majority of other institutions. The decline in staff morale is readily documented. It was found that officers without exception have a pronounced nostalgia for the earlier years at the centre. The staff consider the facilities of the building oppressive in contrast to the open villa and find that the increasing musters and lack of available work for the trainees presents impossible problems of discipline. Discussions with them disclosed that they worked with a sense of futility. Their view tended to be that they were merely going through the motions of running a detention centre and that present facilities and conditions would not permit otherwise.

The decline in staff morale is compounded by the fact that there are few officers with much experience and the recently graduated cadets are inadequately trained to cope with the peculiar rigors of this regime. It is unusual to find an officer of more than three years' experience at the centre. This can be attributed in part to the drain on experienced staff by the Borstal. Inexperience has brought with it problems of discipline. This might not only mean young officers are too lenient or unable to get on top of the trainee, it may mean that some are too tough by way of compensating for their inexperience or their lack of understanding. Discipline then is not always consistent between the various officers which can leave the trainee at a loss to know what is expected of him by the centre and by any one officer. And where there are inconsistencies there will be anomalies and consequent injustices which are not conducive to good training. In

addition to these problems the young officer will often lack insight into the individual and this will lead to inept handling of the particular trainee's failings. Trainees did complain of these matters and although this is to be expected, their complaints did appear to have some substance.¹¹

Future of Waikeria Detention Centre

The problems that have been listed are very real and there are too many for them to be readily remedied. When it is evident that both senior administrators and officers have lost faith in the ability of the centre to operate with at least a moderate amount of efficiency it is time for consideration to be given to closing the institution. The Superintendent of the Waikeria complex would gladly accept this course for the obvious reason that it is not only a malfunctioning institution, but also because the borstal could readily use the building which the centre is now occupying. The Superintendent of the centre is fully aware that the centre is rapidly losing ground, particularly since the shift from the open villa, and although he has not stated that he feels it should be closed, it is apparent also that his sympathies lie in the same quarter. The Director of Penal Institutions has indicated that the centre may be closed, if not completely, at least shifted to the Pirongia forestry; this move would at least effectively create an entirely new institution apart from the staff who may well continue to have their headquarters at Waikeria.

But the history of the centre shows that the Justice Department has been very reluctant to close down the centre, even temporarily. When in 1970 the Superintendent requested that the Department temporarily close the centre to further admissions to alleviate overcrowding, the view of the Department was that so much importance was placed upon detention centre training by the courts that there could be serious public concern if it was obliged to close down even temporarily. It was also considered desirable to preserve the alternative of a short sentence rather than risk the likelihood of borstal training being imposed instead. Another attitude that tends to be taken by the Department is that as long as the training is serving to "stop a few in their tracks", then the primary function is attained. This characteristically pragmatic approach of Government would certainly be disturbing to many penologists and yet to date there is not even information available to indicate whether this sentence is "stopping a few" that might not be stopped by an alternative penalty. Reconviction figures of detention centre trainees obtained from the Justice Department files show:¹²

1961	—	76%	reconvicted on a 2-year follow-up
1962	—	62.5%	reconvicted on a 2-year follow-up

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11. Newbold's study (*op. cit. supra*, n. 9) is enlightening on this aspect. He speaks of ridicule, prejudice and unwarranted penalties at the centre.
12. *The Detention Centre* (unpublished research paper, Research Section, Department of Justice, undated).

1963-64	—	73.6%	reconvicted on a 2-year follow-up
1965	—	—	
1966-68	—	71%	reconvicted on a 2-year follow-up

We can only wait to determine whether or not reconviction rates will rise for the year 1971 at which time it is contended the regime itself began severely to decline. But for the purposes of this study the principal contention is that the centre is not now functioning as it was intended and for so long as there is no prospect of remedying this it should not continue in the name of a detention centre. It can be argued quite strongly that we might just as well put the boys into prison for 2 months; the present arrangement is unfair on the boys, on the reputation of the detention centre programme and on the courts who believe they are passing the correct sentence. Unfortunately it appears that the only hope, at present, for closing the centre exists in the possibility of a rapid expansion at the new Hautu Centre which would accommodate the numbers currently being sentenced to detention centre training.

(B) HAUTU DETENTION CENTRE

Description

The Hautu Centre was opened in September 1970 to relieve Waikeria of the congestion it was facing. Although the programme here is drawn on similar lines to that of Waikeria, in its practice there are significant differences. The Superintendent at Hautu was in charge of the Waikeria Centre at its inception and he has instituted a rigorous regime similar to that operating at Waikeria in its formative years. In addition, the fact that the musters are small and the work is abundant, makes the regime comparable to the Waikeria regime in its heyday. Thus the two centres make good comparative material for analysis of the potentials and defects in the detention centre sentence.

The Hautu Centre is situated at the foot of the Kaimanawa Ranges in 27,000 acres of land and is separated by some miles from Hautu Prison Farm. This is sufficient to ensure the necessary isolation from the prison. The bulk of the land is scrub covered; it is planned to cut this and develop an extensive forestry project. At present not only are the trainees scrub cutting and planting pine, but they are also working on the development of the detention centre facilities. There is then ample physically demanding work in conditions which are rugged physically and climatically.

The muster now varies between twenty and twenty-five, but it is projected that it should rise to sixty as soon as the facilities are available. At present there are just two dormitory huts accommodating eight trainees each and several single bed huts. The limiting factors at present are the lack of a kitchen and the minimal ablution facilities. The electricity supply is completely unreliable and at this stage there is no heating in the dormitories or huts but this is being remedied. Everything about the regime is spartan.

The work programme is essentially the same as at Waikeria but the work and the conditions are far more demanding. There are only two work parties which in size are as large or larger than those at Waikeria. They are not privilege groups. Each is comprised of a mixture of the best and worst trainees and each do much the same type of work. Privileges are awarded only on an individual basis. The points system operates in the same way as it does at Waikeria and the privileges offered are also comparable. The system of remission also operates, but on the average much more remission is lost at Hautu — about 15 days as against 4 to 5 days at Waikeria. There is also a greater use of additional drill or physical exercise (for example, press-ups or a lap of the confidence course) for those who step out of line. The recalcitrant trainee may be placed in solitary confinement at the prison farm for up to a week. This is a device not frequently employed at Waikeria.

There is no working on Sunday, but the programme is a full one. The confidence course is an important activity on this day. As was once the practice at the Waikeria Detention Centre, the trainees are set to better their own personal best time and at the same time the two groups are set in competition with each other. The ideal is constantly to extend the trainee and to persuade him that he has capabilities he did not believe he had.

During the evenings a full educational and counselling programme operates. The programme is planned so as to fit into ten-week cycles, this being the average length of the sentence. Enough people from neighbouring Turangi have been organised to come to the detention centre to run this programme, so it is not often that the officers themselves have to participate in the evening activity. This allows the officers to maintain their solely disciplinarian role.

The entire detention centre programme is run by five officers for the 24 hour period. The Superintendent has selected his better and more enthusiastic officers for the centre in the belief that they are needed more in this type of training than in the rather more 'custodial' setting of the prison farm.¹³

Analysis

The most striking feature of this centre is the comparative enthusiasm that it generates among the trainees. To this extent the regime is constructive. The factors operating to this end are now examined.

The foremost factor in the success of the centre must be the small musters and the sufficiency of suitable work. Small musters allow a close eye to be kept on each trainee and a high rate of detection of offences; in addition they bring an intimacy which enables the officers to better know and understand each trainee. As a result discipline is

13. Hautu Detention Centre is administered from Hautu Prison. Most of the staff have been drawn from that institution.

effective and fair. The deficiencies that exist at Waikeria in this respect are substantially eliminated. There is virtually no opportunity for a trainee to shelter behind a veil of anonymity. Small musters also tend to generate a group spirit as the trainees know each other better. Furthermore, while the musters are small there is rarely a sufficiently large hard core of trouble makers to form a disruptive element. Thus the unity of the group is maintained. This observation, however, can be explained to some degree by the fact that at the present time inmates at Hautu are selected from Waikeria and as a rule none of the worst element are taken on at Hautu.

The work programme is accepted with enthusiasm by the trainees. This appears to be because, in the first place, it is constructive, as positive results are being achieved which makes it purposeful in a way that the work at Waikeria is not. Also it is vigorous and probably favoured to some extent because it is immediately destructive in that a substantial portion of the work is scrub cutting. These impressions may appear trite but there seems to be no doubt as to their authenticity. The pioneer spirit engendered by the isolation of the centre is substantially reinforced by the actual geography of the expansive desert plateau and the nearby mountains, and it is this spirit which is an integral part of the enthusiasm for the work. Support for this contention that the work is enjoyed comes not only from personal observation but from three other sources. First, in essays written by the trainees comparing Waikeria with Hautu, the most frequent comment is that the work is satisfying at Hautu whereas at Waikeria it is onerous, because it is tedious and largely futile. Secondly, the forestry manager has been impressed by the output by the trainees in comparison with the prisoners from Hautu Prison and even with outside workers. From observation, the officers do not pressurise the trainees at work; thus it is concluded that their good output indicates a constancy of work which is in part of their own accord. Thirdly, a probation officer in Wellington reports that, of the trainees he has seen, his impression is that they return with a nostalgia for the institution and its work in particular, and the trainees enjoy their new found fitness. It is uncertain however whether this enthusiasm for work is sustained upon release from the centre. But that aspect is not examined here.

The isolation of the institution from any outside contact and specifically from the prison, throws the trainee back on himself and on his fellow trainees. Without this external influence the group develops its own code and tradition. There are only two groups to impress, the staff and the fellow trainees themselves. There are no prison codes to influence them or for them to emulate. The isolation also engenders a frontier spirit which the trainees clearly enjoy.

The fact that there are two dormitory huts sleeping the majority of the trainees does bring to the centre an added intimacy. It has generated group traditions. It is apparent that there is a kangaroo court attached to each dormitory which deals out rough justice for

any serious offences such as 'topping' (i.e. informing) another trainee, or for lesser offences such as leaving the hut untidy for which the entire group will be penalised. The group-imposed penalties appear to be harmless enough, although there is some element of violence attached to serious offences.

There is not the hostility between these groups as there is at Waikeria as no privilege group system operates at Hautu. Thus there is no promotion or demotion from one group to another. The effect of this is to create a greater attachment to the group and therefore a greater group spirit. The lack of a privilege group system may however lessen the motivation to strive for greater achievement. It is planned that that system will be introduced when the musters are larger. However it is interesting to note that the privileges awarded on an individual basis appear to offer the necessary incentive to behave and work well. This may be so in part, firstly because marks are more readily lost and offences more readily detected at Hautu (there is greater loss of remission at Hautu). Secondly, because the officers are more highly respected at Hautu it is not so smart for a trainee to buck the system. It may be, then, that the privilege group system is not as essential to the regime as has previously been considered.

The group counselling very definitely brings the trainees to a closer understanding of their fellows. That is not to say it is a deep understanding. But what it does do is to give the trainees an opportunity to be spontaneous in a way that the major part of a detention centre programme does not allow. In these informal surrounds inhibitions break down, personalities come to the fore and trainees begin to take on their own particular role, be it as comic or fool, or strong man or timid man. In this way the anonymous trainee is a comparatively rare event. The counselling also offers a necessary relief from the work programme.

It is difficult to assess the effect of the education programme on the tone of the regime at Hautu. There is a clear indication of appreciation of guest speakers and of films but formal education probably has unwelcome connotations of school days and the response could not be highly rated here. The least that can be said is that the education programme offers relief in the way that the counselling does while at the same time it sustains the tempo of the regime.

All the foregoing elements have proven conducive to an enthusiasm and intimacy in the regime which makes it constructive and which has eliminated much of the resentment and sense of futility that exists at Waikeria. This centre is probably operating as effectively as any detention centre could. However the question remains, how long will it last? Certain elements of the centre will remain with it so long as it operates. They are its isolation and its work of which there is an endless supply. In these respects Hautu will not suffer the lot of Waikeria. But some current advantages at the centre will be lost in the same way that they were lost at Waikeria.

The foremost problem that will face Hautu will be an increase in musters which will come with the projected expansion programme and will bring most of the problems previously discussed. This will be mitigated if staff-trainee ratios can be improved and furthermore it will never be quite the problem that it is at Waikeria because there will always be plenty of work. The problem would best be resolved by building two separate centres on the land, but this would be uneconomic and for this reason the Department would be likely to reject it.

It is further planned that Hautu will shortly take offenders directly from the courts; thus it can expect good and bad trainees, whereas at present it is apparent that the worst trainees remain at Waikeria. Hautu will in this event face the problem of a hard core of trainees who will tend to be a disruptive influence. The group spirit will suffer in consequence.

A further problem that is likely to arise is that staff enthusiasm for the scheme will wane. The Superintendent is confident that staff morale will continue to be high so long as he, at least, remains in control. There is no question that he is a man of tremendous energies and has a considerable enthusiasm for detention centre training and that his enthusiasm will not die readily. It is also apparent that at Waikeria the staff have a pronounced nostalgia for the programme operating there up until quite recently. This indicates that enthusiasm could persist at Hautu so long as the major features of the training remain intact as seems likely in the foreseeable future. But on speaking with the staff, it is equally apparent that the average officer has found to date that a six month period at the centre is about enough. The reasons for this are: first, the training programme is much more demanding for the officer who must keep a pressure on the trainee in a way not required at the prison or even at borstal; secondly, there is an immediate challenge and novelty in a new detention centre and when this lapses the pressures indicated in the former point are felt more readily. At the present time the Superintendent is able to select only his best officers for the centre, but if there is a high turnover of staff there, as is evident already, then the pool of good officers may dry up and staffing and staff morale at Hautu could suffer.

As against these potential difficulties the future operation of the centre will see at least two improvements. First there will be the introduction of a privilege group system which should assist to motivate the trainees to greater efforts. Secondly the introduction of single huts, which are now being built, should bring with it the advantages discussed previously.

The future possibilities of the Hautu Detention Centre approximating the lines that have been conceived of as ideal, appear good. It is concluded here that the factor of larger musters alone will certainly detract from the climate and tempo of the institution. It is likely, but not certain, that the other disadvantages discussed will arise, but it is

not predicted that Hautu will suffer the considerable problems that Waikeria has experienced so long as there is plenty of work available, reasonable accommodation facilities and a staff-trainee ratio no less than the current ones at Hautu or at Waikeria.

(C) THE FUTURE OF THE DETENTION CENTRE IN NEW ZEALAND

Ever since the first centre was set up at Waikeria there has been discussion of the possibility of establishing further centres. Various sites have been named as likely ones, but it appears that the Justice Department has been too hard pressed with other problems to see its way clear to rapid development. Approval in principle has always existed. It is something of a paradox that in a decade in which penal policy has been directed towards corrective training of the less established offender, construction of the extravagant maximum security prison at Paremoremo took priority over the development of institutions for the younger offender. But this is political reality, for finance will be found, as here, when activities such as the riots at Mt. Eden cause embarrassment to the Government. Waikeria Detention Centre itself was developed for comparable political reasons. Be that as it may, it appears now that expansion of the detention centre training scheme throughout our penal system is well under way. Hautu initially was designed for about 20 trainees to ease overcrowding at Waikeria and is to be expanded to take 60. Rolleston in the South Island is to become a centre for 60 more trainees. This development is complete but it has not yet been opened to trainees. Tentative plans are being made for a further centre at Rangipo for 60, and second thoughts are being had concerning a shift of the Waikeria Centre to Pirongia.

To seek some convenient political explanation for this sudden expansion or to explain it as a new development in the thinking of the Justice Department would be futile. Investigations for such an explanation were made but they proved to be fruitless. It does not appear, for instance, that there is some new fear that juvenile delinquency is on the increase and must be checked by detention centre training. Nor does it appear that new hope has been found for the detention centre as a penal method. This latter explanation would be difficult to justify on the basis of the New Zealand experience. The fact is that Hautu was developed to take the overflow from Waikeria and is to be expanded largely due to the energies and persistence of its superintendent. He was able to show the Department how to develop a good centre on a shoestring budget. Encouraged by its success and its potential and by the winter of discontent at Waikeria, the Department would not have found it difficult to justify the further development there. The same explanation can be advanced for Rangipo which is the brain-child of the Hautu Superintendent, it being of course on the prison farm adjacent to Hautu Prison Farm. The development of a centre at Rolleston is simply the fulfilment of a political promise by Mr. Marshall in 1969. There appears to be no

significant reason for the promise being made, apart from the fact that the South Island has always wanted a centre and has been reluctant to use the Waikeria Centre.

Specific comments have been made on the future of Waikeria and Hautu. Little can be said of Rolleston without it having come into operation but something can be said of it in the light of the experience at Waikeria. First, the Director of Penal Institutions concedes that there is not good work available there; it appears that clearing stones from paddocks may form the bulk of the work. This does not seem satisfactorily constructive and will surely be tedious work that the trainees will not respond to. Secondly, it is half a mile from the prison there and although it is said that most of the inmates work inside in the tailor's shop, it would seem that some contact may result. But this will not be the problem that the former feature will be. Certainly other sites were sought, and were not found suitable for various reasons, but it seems hasty to step into a centre which from the outset is not going to extend the trainees.

A final comment should be made on whether there are sufficient numbers of the right sort of offender in New Zealand to fill all the detention centre cells available. It must be remembered that this training was not to be a "panacea" for all juvenile offending. The courts and the probation officers must be selective in who is sent and it has already been noted that at Waikeria problems are arising with the type of offender that is coming to that institution. It would appear that as Borstals are so overcrowded, pressure will be taken off them by sending what are currently Borstal trainees to a detention centre. Thus the centres can expect offenders with longer records or with a more serious offence. It is suggested then that a cautious look should be had at this potential hazard and that some analysis be made of the type of offender who does respond to this training and whether there is not a suitable alternative to meet the problem of the rapidly escalating prison population.

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