

BOOK REVIEWS

The reviews in this section are all concerned with the series of research papers produced by the Research Section of the Justice Department. This series commenced in 1971 and promises to make a significant and continuing contribution to our knowledge of crime, criminals and the treatment of offenders. Copies of the first publication in the series, the Waipiata study, may be obtained free from the Justice Department. The other two may be purchased from the Government Printer, price 40 cents.

A STUDY OF TRAINEES IN AN OPEN BORSTAL INSTITUTION, by Mary Schumacher, Justice Department Research Series No. 1. Government Printer: Wellington, 1971. 46 pages.

This report is a fairly detailed study of the social history and post-release behaviour of a sample of New Zealand borstal trainees. The particular sample involved was drawn from youths received at Waipiata Borstal between January 1962 and August 1965 and consisted of those who had been released for at least one year by the time this study was commenced in mid 1966. Information concerning the background and behaviour of the sample was obtained from both institutional files and the Police Gazette. Each youth was then followed-up for a period ranging from 12 to 30 months after release.

The selection of Waipiata Borstal for a study of this sort is an interesting fact in itself. Situated in Central Otago, Waipiata was established in August 1961 as a result of the Department's expressed policy of developing smaller and more open institutions for the treatment of youthful offenders. Thus the institution is organised along relatively informal lines, operates with a minimum of security and holds a maximum of approximately 60 inmates. In addition no trainee can be sent to Waipiata straight from the court. He must first pass through a classification process at one of the two central institutions — either Waikeria or Invercargill — which is designed to select those who have "a better than average potential for good citizenship". Furthermore, at the time when Waipiata was opened the Minister of Justice assured local residents that youths sentenced for violent or sexual offences would not be eligible for transfer to the institution.

This survey is thus concerned with an institution which is in many ways the white hope of the New Zealand borstal system. It receives the best trainees and it is run along lines which, in theory at least, should make a more positive contribution to the rehabilitation of the inmate than more traditional methods. Moreover the "Review of Borstal Policy in New Zealand," published in 1969, makes it quite clear that Waipiata will provide a model for future development in this area.

After a brief introduction covering the history of the borstal system

and the methodology and setting of this survey, the report is divided into three main sections. Chapter 1 deals with offending by the trainees both prior to and on release from the institution, chapter 2 outlines the social background of the trainees and chapter 3 discusses the reports prepared on the trainees both prior to and after release. All three of these chapters are of great importance in relation to both borstal training and crime in general.

Perhaps the most dramatic finding to emerge from this study is that relating to the overall reconviction rate for the sample. In gross terms, 69.7% were reconvicted within the follow-up period. This figure is very similar to that arrived at for the borstal system as a whole in an unpublished report produced by the Department in 1968. It is this finding, of course, which has drawn considerable public comment and which for some time looked as if it might preclude publication of the report altogether.

However, the gross reconviction figure alone cannot tell one very much about the efficacy or otherwise of borstal training. When one sees that more than 93% of the trainees had one conviction or more prior to entry to borstal and that 31.9% had had previous institutional experience, the gross failure rate takes on a slightly different complexion. In addition, the report breaks down the "failures" into much more meaningful categories. For example, of those reconvicted 39% only had a reconviction for an offence classified as minor in terms of the sentence imposed. A fine of \$100 or less, a sentence of three months' imprisonment or less, release on probation, a suspended sentence and an order to come up for sentence if called upon, were all regarded as minor. In addition to this, the two research officers responsible conducted a detailed examination of each trainee's post-release record and concluded that 76 trainees had in fact settled down after some minor offending and could really be considered as "successes". If this figure is taken into account the "failure rate" for the sample is reduced from roughly 70% to 40%.

One obvious point that must be made here is that a borstal sentence is generally reserved for serious offending and is often only utilised after the individual has accumulated a significant number of convictions. This observation, coupled with the fact that the sentence of borstal training usually isolates an individual from the community for at least 10 or 11 months, would lead one to expect at least some minor offending on release. Viewed in this light the figures produced in this report may in fact reflect considerable credit upon Waipiata.

Nevertheless, the unfortunate fact is that Waipiata has not performed significantly better than more traditional borstal institutions. Although there is a lack of comparable data on the borstal system as a whole, the 1968 report mentioned earlier gives much the same result as the Waipiata study. The gross reconviction rate is similar and the percentage reconvicted of major and minor offences is also similar. The study concludes that "it has been shown that youths sent to Waipiata do not differ greatly in their histories of offending

or prospects for the future from youths who are detained in other borstals. The reconviction rate does not differ significantly from that of other borstals."

Although depressing, such a result is not wholly unexpected. In the first place the study itself can be criticised on the ground that the sample consists of trainees "who had spent part of their sentence at Waipiata". Thus it includes youths who had been found unsatisfactory for Waipiata and returned to one of the two main institutions. In itself this could be expected to bias the sample in the direction of "failure" without providing any real test of the peculiar characteristics of Waipiata. More important, however, is the fact that Waipata cannot really be regarded as a new type of borstal. After all, a muster approaching 60 is not small and the institution itself is hardly integrated with the community. Similarly the treatment programmes are not all that different from those in operation in Waikeria and Invercargill. All in all Waipiata looks rather like more of the same and it is thus scarcely surprising that it produces similar results.

The rest of the report largely confirms what we already know about borstal and borstal inmates. Thus, age at first court appearance, number of previous convictions and previous institutional experience are all significantly correlated with reconviction. Similarly the findings relating to Maori trainees tend to confirm the existing folklore. Thus nearly 36% of the trainees at Waipiata were of half-blood or more. This percentage, which is similar to that for the prison system as a whole, may be compared with the figures for the general population which show that, during the period of this study, Maori males aged 15-20 made up less than 10% of the total male population in this age group. In addition to this, the survey shows that youths of Maori origin were more likely to be reconvicted than New Zealand Europeans. However there were no significant differences in the seriousness of the reconvictions.

One of the most interesting aspects of this report is the attempt made in chapter 3 to link the subsequent records of the trainees with the conclusions reached in the pre- and post-release reports prepared by the institutional authorities and the probation officers responsible for post-release supervision. Prior to release the Superintendent prepared a report giving an improvement rating to each trainee which covered his time at Waipiata. In this report 93.6% of the trainees were rated as showing some evidence of improvement; similarly roughly 42% were given a "favourable" prognosis. As against this the improvement rating obtained from the probation officers indicated that only 65% were rated as having improved. These findings perhaps only serve to illustrate the incurable optimism of the prison service and pinpoint the problems inherent in the application of wildly differing criteria. Nevertheless this chapter does indicate that the probation officers' reports were generally very accurate indeed in predicting those who would fail on release. This in itself is a useful result.

Overall this survey tends to confirm rather than expand our

existing knowledge. In doing so it provides some hard information for future research and discussion and throws up a number of odd little findings that would repay further investigation. For example, it is evident that some information is needed on how to gauge "improvement" within the borstal setting. After all an estimate of 93.6% showing evidence of improvement is so wildly at odds with the actual results in terms of serious reconvictions that it would be very interesting to investigate the assessment process further. Such research would pay obvious dividends in relation to, for example, the decision to release on parole. Other more general areas are indicated by the author herself. For example, this research did not attempt to examine the effects of intramural treatment programmes on the trainees. Clearly this should be the next step if we are ever to be in a position to evaluate borstal training adequately.

This last point does indicate one of the basic deficiencies of research of this sort. In general it would be fair to say that the projects undertaken by the Research Section of the Justice Department are rather piecemeal in nature. They tend to be the result of some sudden enthusiasm. The research on Waipiata is really only research into one particular aspect of Waipiata. It would have been much more satisfactory and much more interesting if the Research Section had been able to produce a detailed and comprehensive piece of research which analysed this particular institution from the ground up. Further research on borstal is not like to eventuate for some time. When it does there is a danger that it will not mesh with the earlier research due to differing time periods, to differing social conditions, and to a host of other factors. If we really want to learn something about borstal, and to extract the essence of such research as an aid to the future development of the system, we need one wholesale, comprehensive study. Unfortunately this is simply not possible under the present system. The Research Section is grossly understaffed and underfinanced. In addition its skills are misused in that the staff spend a considerable amount of time drafting speeches and Ministerial replies. This is surely not an appropriate task for a specialist section of this sort. If we want good research into the New Zealand penal system we must be prepared to make the resources available. Up till now the penal system has developed on a rule-of-thumb basis without adequate research and feedback. The publication of this research series will go some way towards changing this situation. It should not, however, be regarded as anything like a complete solution. New Zealand has a massive human and financial investment in its penal system; it needs a similar commitment to research into crime, its causes, consequences and treatment.

NEIL CAMERON.

VIOLENT OFFENDING, by Mary Schumacher, Justice Department, Research Series No. 2. Government Printer: Wellington, 1971, 62 pages.

Crimes of violence are in the news; "cures" may be expected in

the election manifestos. Appropriate, then, that the Justice Department should have recently published a booklet on the subject.

Violent Offending reaffirms the existence of a number of trends already perceived: crimes of violence increased at the rate of fourteen convictions per 100,000 population between 1956 and 1969; the Maori conviction rate is proportionately higher than the European rate; a disproportionate number of offenders are young, below average intelligence, have poor work records and have had previous convictions. Figures, however, are by nature bland, hide a multitude of factors and readily lend themselves to prejudice and manipulation. The questions that spring to mind remain unanswered, due largely to a paucity of statistical data.

It is instructive to take two of the "findings" mentioned above by way of example: the ostensible increase in violent crimes, and the disproportionate Maori representation. As far as the first is concerned, the author herself points out that "the increase in the rate of conviction for violent offending may be allied to one or several factors: an actual increase in violent offending, an increase in the proportion of young men in the age group at risk, migratory factors, population compression, the growing efficiency of law enforcement agencies, a greater readiness on the part of the public to report violence, the impact of acceptable violence, the impact of all types of violence through the agency of the mass media". Just what weight should be given to each or all of these factors is, at present, impossible to ascertain. The figures given by Mrs. Schumacher do, however, leave room for speculation. She observes, for example, that "the more highly developed (civilised) societies are, the less acceptable does internal violence become, and the stronger the public reactions of anger and fear. Consequently, illegal violence commands more publicity in mass media and in the minds of individuals". Where there is a lowering in the public tolerance of violent crime, one would expect it to be reflected in a rise in the number of convictions for the less serious offences. The figures cited by Mrs. Schumacher could be interpreted in such a way as to make this a relevant factor in New Zealand. Of seven types of violent offences (common assault, aggravated assault, robbery, aggravated robbery, wounding with intent, rape and attempted rape) only two accounted for the greater part of the 14 per 100,000 increase: common assault (13.6) and wounding with intent (0.3). These two types of offence were the only two whose increase was statistically significant.

The second example involves equally complex issues. Is the disproportionate representation of Maoris a result of racial difference, a difference giving rise to such factors as culture conflict and alienation? Or can it be ascribed to the fact that a similarly disproportionate number of Maoris fall into the social stratum that is associated with violent crime overseas? More data is needed before such questions can be answered. Other figures given, however, are relevant here. In the second chapter the author takes a sample of 188 persons convicted of crimes of violence in 1969. In this group 44.3% of the Maori offenders were represented by counsel; 88.7% of the European offenders were

represented. Of the 87 offenders represented by counsel 26 pleaded not guilty; of the 53 not represented by counsel 2 pleaded not guilty. In addition to this, 79 of the 94 Maori offenders pleaded guilty as compared with 55 of the 75 New Zealand European offenders. The author concludes: "With a greater proportion of Maoris pleading guilty and fewer having representation there is, of course, a greater likelihood of Maoris being convicted". There is obviously scope for further study here.

Other figures raise other questions: 56% of the sample had consumed an intoxicating amount of alcohol at the time the offence was committed — some studies have indicated that this may be causal, others that it is merely catalytic. Of the 188 offenders, 124 had committed previous offences against property. It would be instructive to know what proportion of these offences against property were first offences; given the social factors that come into operation on conviction, could it be that protection of property necessarily presages some sort of increase in crimes against the person?

After dealing with trends in violent offending and a sample of violent offenders in the first two chapters, the author goes on to the victims of violent crime in the third. Once again, important statistics are not available. It would be helpful, for example, to know what sort of increase there has been of cases where the victim has been seriously injured — this might have been the most reliable indication of the extent of violence in the community, although, of course, this would place rape in a special category since, as Mr. Justice Roper is reported as saying, "Many of the cases appear to come down to nothing more than a lack of technique and finesse". The chapter concludes with a short discussion of the Criminal Injuries Compensation Act 1963.

It remains, for the sake of completeness, to record that the remaining pages of the booklet deal with 1969 and 1970 figures, appendices (Description of eight violent crimes, Police Statistics and Raw Data from Justice Statistics) and a section entitled "Comment". It is the last which is of the greatest interest. In it Mrs. Schumacher records that "from a historical viewpoint some violence seems inevitable in all but a very few primitive Societies". This inevitability, she points out, proceeds from such factors as our cultural model of "brave, aggressive masculinity" (Graham and Gurr *The History of Violence in America*, p. 802), social change, and increasing urbanisation. In light of this the Prime Minister's determination "to eliminate crimes of violence" (*Evening Post*, 15.3.72) appears to be based on unfounded optimism. Further than this, means by which the Government intends to attain this goal — a strengthening of the police force and criminal sanctions — are discounted by one of Mrs. Schumacher's conclusions: "Although strengthening systems of law enforcement by increased manpower and stronger sanctions is sometimes advocated, it is doubtful whether this kind of conduct is really responsive to deterrent sanctions. Explosive behaviour does not dwell on consequences and some countries with the most severe punishments for violence have the highest incidence of violent offending". This renders the Prime Minister's addendum in the

newspaper report quoted of great importance: "But we are also trying to get to the root of the problem by improving the housing conditions of our people, giving them better training at school and eradicating the social problems in our crowded cities".

Human society is, by nature, dynamic; a complex structure of dialectical forces. At the same time, however, legal and governmental processes necessarily involve a time lag between observation, theory, and action. The result is friction which, in terms of human material, means disorientation, fear and prejudice culminating, in some instances, in violent crime. The sword is double edged: as the United States National Commission on the Causes and Prevention of Violence has pointed out (quoted by Mrs. Schumacher), "Progress in meeting the demands of those seeking social change does not always reduce the level of violence. It may cause those who feel threatened by change to engage in counter-violence against those seeking to shift the balance". The conclusion that may be drawn is that *some measure* of violent crime is the penalty that must be paid for organisation, flexibility and legal process in government. This is not to say, however, that the level of violent crime cannot be reduced; rather it leads to the conclusion that reduction is not likely to be achieved by utilisation of the fear principle in the form of tougher sanctions. The use of a cause to combat effect seems both circular and sterile.

In the above context *Violent Offending* is of great value, both for the clear statistical data it contains and the need for further work and figures it indicates. Lack of knowledge is a call for work on the part of researchers and caution on the part of politicians.

L. H. ATKINS.

SELF IMAGE AND DELINQUENCY: A STUDY OF NEW ZEALAND ADOLESCENT GIRLS, by Jocelyn Roberts. Justice Department Research Series No. 3. Government Printer, Wellington, 1972. 73 pages.

This booklet is a welcome addition to the publications that have come from the Research Section of the Department of Justice. It focusses upon the lack of esteem for which borstal girls are notorious, and with the use of a very simple request it attempts to draw out some of the major differences between the personalities of borstal girls and others in the community of about the same age. The request is simply that the girls give at least ten statements that describe themselves, while being encouraged to provide more should they wish to do so. Altogether the statements were obtained from the borstal girls at three different times; one within the first six months of their arrival in Arohata Borstal; the second time six months later, and a third time six months after they had been discharged. Control groups in various parts of the country were asked to provide a set of statements only on one occasion. The sample consisted altogether of 110 borstal girls

comprising 63 Maoris and 47 non-Maoris. The controls however were rather biased the other way, consisting of 534 girls, comprising 107 Maoris and 427 non-Maoris. The statements that the girls made were then counted, evaluated, grouped and compared. The basic assumption was that girls who lacked self esteem would make fewer statements about themselves, and that their statements would reflect a lack of belonging or "social anchorage", that the originator Kuhn described as locus or consensual scores.

In the event, the assumption was supported. Girls outside the institution tended to give a greater number of statements about themselves than did those inside, whether Maori or non-Maori. However, neither group seemed to be especially forthcoming, with the controls giving a mean of about 5.6, and the others about 4.0. That difference itself might not have appeared at all had the controls not included some 92 4th Formers who produced total mean scores of 24.7 and total locus scores of 5.9. There was one particular group of 20 low I.Q. 4th Formers who gave locus scores of 12.5, and it could be that their responses distorted the overall calculations unduly.

However, having obtained some evidence in support of the lack of esteem of borstal girls, Jocelyn Roberts proceeded to make an interesting analysis of the so-called sub consensual scores. In the theory the latter were treated rather incidentally, but it is clear in practice they might be as important if not more important than the former and no doubt had Kuhn been a psychologist instead of a sociologist, he would have regarded them as so. These sub consensual statements, examples of which are liberally given in the booklet, provide the basic data with which any personnel worker in a borstal has to contend. They indicate the inadequacies, the distortions, the bitterness, the regret, the rejection and the anger of borstal girls, and they show the kind of obstacles that the girls and the staff have to overcome if the life styles are to be changed. Mrs. Roberts suggests that the various sub consensual self descriptions that incidentally outnumber the major locus scores by about 6 to 1, reflect the maturity of the girls. They suggest that they need to indulge in the spontaneous drama of adolescence in order to work through their roles of indecision, passive conformity and anti-social behaviour. She may be right, but her case would have been stronger had she made studies of potential delinquents who are in child welfare homes or on probation before they came to borstal so that a progression could be charted. It has to be shown that institutional life alone does not create special differences that might be unrelated to the personal development of the individual.

It would also have been helpful had there been some test and retest procedures to check the reliability of the W.A.I.S. scale, and some use of independent ratings to determine the validity of those with poor prognosis as distinct from those with a good prognosis. The latter depended upon the researcher's discretion rather than upon members of staff who would make their judgment independently of the researcher. Furthermore, there is just a suggestion that a social

halo effect may have been at work in the researcher's mind when she placed into a good category those rare borstal girls who had a 5th Form education, had studied at school until 15+ and were of high intelligence. Incidentally there were no specific details given about the kind of intelligence tests that were used for making the assessments of intelligence, and with the researcher's plea for the greater use of objective tests, the chance should not have been overlooked to present whatever objective data was to hand.

My final comment would be that the researcher might well have stimulated some of the positive changes that she received when in her letter to the girls six months after their discharge she used the phrase "I am sure you may be feeling differently now". She may have been right; the girls may have been feeling different, but the data would have been more acceptable had there been no leading question nor any doubt about a self fulfilling prophecy.

A. J. W. TAYLOR.

A Selected Bibliography of Unpublished Criminological Material held in New Zealand Universities

This section is intended as a guide for anyone wishing to undertake research in the general area of crime and punishment. It is not exhaustive and consists of research papers, dissertations and theses held at Auckland, Massey, Otago and Victoria Universities.

Further information on published and unpublished material in this area can be obtained from Mr. E. W. Braithwaite of the Education Department, University of Auckland. Mr. Braithwaite is currently engaged in preparing an annotated bibliography of New Zealand criminological material and would be grateful for any information concerning such material.

For further information on recent research and projects which are currently being undertaken see Gibson R.E. and Harcourt N.E., *An Index of Current Research in the Social Sciences 1968-70*, National Research Advisory Council, Publication No. 3 (National Research Advisory Council; Wellington, 1971).

AUCKLAND UNIVERSITY

(A) *Dissertations for the degree of LL.B. (Hons.)*

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