

PENAL POLICY  
IN NEW ZEALAND

This booklet gives data about our penal system and sets out the measures introduced during this decade. Its object is to inform.

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Minister of Justice.

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# Penal Policy in New Zealand

## RECENT DEVELOPMENTS

### 1. THE PROBLEM

At the beginning of 1968, 5,835 persons in New Zealand were on probation (including 1,669 on parole), and over 2,000 were in penal institutions.

On 12 February 1968 the population of penal institutions was:

<i>Women</i>		<i>Men</i>	
Prisoners .....	48	Prisoners .....	1,312
Borstal trainees .....	64	Borstal trainees .....	490
In pre-release hostels	6	Detention centre trainees .....	62
On remand .....	5	In pre-release hostels .....	14
		On remand .....	74
<b>Total .....</b>	<b>123</b>		<b>1,952</b>

In addition there were 15 men and 43 youths reporting to periodic detention work centres on 12 February 1968.

### 2. GUIDING PRINCIPLES\*

To help turn offenders into good citizens, New Zealand, like many other countries, has chosen a positive approach of responsible experimentation. In following this policy the Department of Justice is guided by these principles:

1. Every effort must be made to divert young people from crime.
2. Offenders should be removed from the community only as a last resort.
3. When some form of imprisonment or detention is necessary, every possible good influence must be brought to bear on the prisoner.
4. Those who persist in serious crime must be held in custody for long periods in order to protect society.
5. Every effort must be made to see that inmates released from detention are adequately resettled in the community.

\*For a more complete statement see the Department of Justice publication *Crime and the Community*, Government Printer, 1964.



### **3. SENTENCES AVAILABLE TO THE COURTS**

If the above-mentioned aims are to be achieved, we must provide the Courts with a wide choice of sentences, from which may be selected the one most appropriate for the particular offence and offender.

The traditional sentences available to the Courts were fines for minor breaches and prison for more serious offences. The fine is still by far the most frequent penalty. In addition the Courts have varied methods of dealing with an offender. They range from discharging him without entering a conviction, convicting and discharging him, or ordering him to come up for sentence if called upon, to preventive detention for persistent sexual offenders.

During this decade new forms of sentences have been introduced, and sentences that have proved failures discarded. Greater emphasis has been placed on probation with special conditions as to employment and residence. Two new types of sentences which have been brought into existence are detention in a detention centre and periodic detention.

Two sentences which have been abolished are corrective training and preventive detention (except for repeated sexual offences).

The Courts can now impose a fine as well as putting the offender on probation. The maximum fines for many common offences have been greatly increased. Certain offences beyond the ordinary traffic category can involve the disqualification of the offender from driving a motor vehicle if the use of a vehicle facilitated his offence.

Because the value of short sentences in prison is usually pretty limited and their disadvantages considerable, the Criminal Justice Amendment Act 1967 has restricted the use of sentences of less than six months to cases where, in the opinion of the Court, there is no appropriate alternative to sending an offender to prison. There is an increasing trend towards the use of fines in place of imprisonment and, as has been said, the maximum fines for certain offences have recently been increased. This, of course, gives further emphasis to the principle that offenders should be removed from the community only as a last resort.

### **4. TREATMENT WITHIN THE COMMUNITY**

#### **Probation**

Probation is the principal means by which an offender can be reformed while still in the community. As emphasis on rehabilitation has become more pronounced, the role of the Probation Service has become more important. In recent years the Probation Service has developed rapidly from a staff of seven in 1949 to 98 at present. In addition 110 police officers and four Court officers act as part-time probation officers generally in the more remote rural areas.

One of the major tasks of the Probation Service is to report to the Court on the character and personal history of any offender about whom the Court requires information before passing sentence. These reports are particularly significant when there is a choice of possible penal treatments. In 1967 probation officers prepared some 7,509 pre-sentence reports.

For probation to be effective there must be:

1. Careful selection of offenders.
2. Supervision by a probation officer within the frame-work of conditions stipulated by the Court.
3. Conditional suspension of punishment.

The functions of the Probation Service have been widened considerably in recent years. It is strategically placed as the spearhead of the Department's policy to have offenders dealt with as far as possible within the community. All penal measures short of imprisonment are administered by the Probation Service. In addition to probation itself these include periodic detention, probation with community work, and hostels of various kinds run either by the Service itself, by Church organisations, or the Prisoners' Aid and Rehabilitation Society in liaison with the Probation Service.

### **Probation Hostels**

Church social services and the Department work together in providing hostels for young probationers. These hostels include one run by the Presbyterian Social Service Association in Auckland; the Baptist Church in Hamilton; the City Mission in Wellington; and the Catholic Church in Invercargill (Marysville), as well as in other centres. The Presbyterian Church is also supporting a scheme in Auckland for flats under supervised conditions for female probationers.

### **Periodic Detention (youth)**

Periodic detention centres are now a regular part of the penal scene. The object of periodic detention is to provide undisciplined young offenders with a salutary lesson involving a taste of detention yet not interfering with their normal working lives. They are detained at the centres during weekends and are also required to report on one or two evenings during the week.

The first periodic detention centre for youths was established in Auckland in 1963. Since then the scheme has been extended to Christchurch 1964; Lower Hutt 1965; and Invercargill 1965. Each centre has an advisory committee presided over by a Stipendiary Magistrate. Committees are representative of church social services, the Police, the Child Welfare Division, the Trade Union movement, employers, and other people interested in the rehabilitation of offenders. These committees have made a valuable contribution.

The programme at work centres includes discussions and lectures in the evenings, and work during the day on Saturdays. This has included maintenance and improvement to the grounds and buildings at the centres themselves, work at intellectually handicapped children's homes and community projects such as removing glass from beaches and helping pensioners and invalid people maintain their homes and gardens. There are indications that this type of social service has helped arouse within some of the youths a sensitivity towards the interests and feelings of others less fortunate than themselves.

Up to 1 January 1968, 292 youths had been sentenced to periodic detention centre training.

### **Periodic Detention (adult)**

In 1967 periodic detention was extended to include adult offenders as well. A non-residential centre was established in Auckland to take up to 16 adult offenders who attend there each Saturday. This is showing good results and it is intended to expand the capacity of this centre to 25. In addition, similar centres at Hamilton, Wellington, Christchurch, and Dunedin are proposed.

### **Probation with Community Work**

Periodic detention centres can be established only where there are comparatively large centres of population where suitable cases are available in sufficient numbers. However, in other areas the alternative can be used of release on probation with a special condition requiring a certain number of hours at community work provided by church or other social service groups. These schemes are administered by advisory committees in the same way as periodic detention centres and community involvement is no less important.

## **5. YOUTH INSTITUTIONS**

### **The Detention Centre**

In June 1961, a detention centre was opened at Waikeria for youths between 16 and 21 years of age. The maximum period of detention is three months with up to one-third remission for good behaviour. In every case, detention centre training is followed by 12 months' probationary supervision. At the centre the emphasis is on hard work and strict discipline. An evening programme of lectures and discussions is designed to stimulate cultural interests and citizenship.

Up to 1 January 1968, 1,660 youths had been sentenced to training at the detention centre. A research project completed recently suggests that only about half of these will be convicted of another serious offence within the five years following their release. This indicates the value of detention centre training as an alternative to borstal training in some cases.

## **Borstal Training**

To get results in the drive against youthful offending it was necessary to revitalise the borstal system. With this age group (15 to 20) there was an obvious need for more individual training and contact with the community.

Five major steps have been taken to reshape the system:

- (a) The maximum term of borstal training has been reduced from three to two years.
- (b) Local parole boards have been established with power to release a trainee when it is felt he is ready.
- (c) A building programme has been drawn up to provide more diverse institutions.
- (d) A determined effort has been made to gain the active help of the community.
- (e) A network of pre-release hostels has been established.

The next important step will be in the opening of a borstal classification centre. Wellington is a suitable central location and it is intended to begin this scheme as soon as practicable.

### *Waipiata*

Waipiata Youth Centre, a former sanatorium, was taken over from the Department of Health in July 1961. Its well equipped buildings and 1,200 acre farm offered attractive possibilities for borstal training.

It is used as an open borstal for trainees who have better than average potential for good citizenship. They are carefully classified upon reception at the main borstals and sent to Waipiata as soon as possible. A total of 562 trainees have been sent to Waipiata since its opening and the average muster during 1967 was 54 trainees.

### *Borstal Camps*

The idea of sending selected groups of borstal trainees to camps has been revived in recent years. Since 1963 regular camps have been organised each summer in the Fiordland National Park for trainees from Invercargill Borstal. They have carried out extensive tree planting, cut tracks through the bush for trampers, and built picnic facilities for the public.

The Waikeria Youth Centre has had similar camps in the Kaweka Ranges.

### *Other Community Work*

Many of our institutions, and particularly the borstals, have assisted during the past few years with such community projects as cutting firewood for age beneficiaries; building a scout den; donating blood; making toys in hobby classes for distribution to needy children; giving concerts in aid of charitable organisations; assisting

Corso with packing; keeping the Wanganui Beach clear of driftwood and litter; and fencing for the Forest and Bird Protection Society on Mt. Pirongia.

In addition, clubs formed at Invercargill and Waikeria Borstals have helped with other community projects. These clubs encourage civic responsibility and social awareness in the trainees.

## **6. ADULT INSTITUTIONS**

### **Minimum Security**

While most prisons have some inmates who live and work in conditions of minimum security, there are a number of institutions where all inmates are detained in more relaxed conditions, and are mostly employed in outdoor work such as farming, forestry, and gardening.

In November 1967, Wi Tako Prison moved into new buildings adjacent to the old institution. Here first offenders enjoy better facilities than recidivist prisoners in other institutions. The surrounding community is encouraged to share in the therapeutic programme, and such facilities as the new chapel are used by local church groups and choirs.

Since the introduction of the release-to-work scheme in 1961, a large number of inmates have been granted this privilege. When the employment situation improves there may be scope for an extension of the scheme, to allow a higher proportion of Wi Tako inmates out on release-to-work earlier in their sentences. For those who do not benefit under this scheme, it is hoped to pay a much more realistic wage for their labour than is paid on the present inadequate earnings scale.

### **Medium Security**

Because many inmates must be held in medium security during the early part of their sentences, there is pressure on this type of accommodation. Facilities for the reception and classification of inmates at most of our medium security institutions are in need of extension, and there is a shortage of suitable employment for inmates held in medium security conditions.

### **Maximum Security**

Following the fire at Auckland Prison in July 1965, the east wing of Waikeria Youth Centre was converted to a maximum security block for inmates from Auckland needing to be detained in conditions of full security. There are 70 inmates in this wing at present. A small maximum security unit for up to 12 inmates was completed at Auckland Prison in February 1966.

When the new maximum security prison at Paremoremo is completed late in 1968, Waikeria need no longer be used for this purpose. Mt Eden will become a remand and short sentence institution. There will also be some relief for other central institutions.



## 7. WORK IN INSTITUTIONS

Our industries include all types of farming; vegetable gardening; timber working; concrete post manufacture; tailoring; cabinetmaking; upholstering; tubular steel furniture manufacture; laundry work; and printing. We take the opportunity to improve production and working conditions when new institutions are being built or substantial additions are being made.

Many inmates also work in our institutions as cooks, bakers, cleaners, laundrymen, gardeners, painters, carpenters, clerks, kitchen staff, butchers, bootmakers, and mechanics.

## 8. TREATMENT AT INSTITUTIONAL LEVEL

### Classification

#### *First-term Adult Offenders*

A classification centre was established at Wi Tako Prison in March 1964 for adult male offenders who have not previously served a period of imprisonment other than for one sentence of up to one month, or detention centre training. Studies indicate that approximately 80 percent of inmates who have been classified at Wi Tako have not been reconvicted after release.

### Discussion Groups

Group discussions have become part of the programme of every penal institution. The groups are small gatherings of inmates who, with an officer, meet voluntarily under informal conditions. Discussion groups encourage inmates to form constructive relationships with others and to become aware of their personal problems.

### Home Leave for First Offenders

Adult inmates serving their first sentence of imprisonment may be granted up to three days home leave plus travelling time once every four months. Home leave is generally restricted to married inmates, although in exceptional circumstances single inmates may be considered. An inmate must apply for leave, he must have an established home to go to, his wife and family must be in favour, and the public interest must be considered before leave is approved. The scheme began in March 1965 and up to January 1968, 250 home leaves had been granted. During the Christmas/New Year holidays in 1965-66, 1966-67, and 1967-68, selected first offenders were allowed an additional home leave to visit their families.

## **Compassionate and Pre-release Parole**

Inmates may be allowed temporary release on parole either for compassionate reasons (the serious illness or death of a relative), or during the last three months of a sentence to assist with re-establishment in the community, e.g., to find jobs or attend to domestic and business matters.

## **Remission of Sentences**

Subject to good conduct, an inmate serving a sentence of imprisonment (except life imprisonment) may receive remission of up to one-quarter of his sentence.

In 1964 provision was made for the granting of special additional remission not exceeding one-twelfth of the sentence. To qualify, an inmate must have been a diligent worker and a good example to other inmates over the major part of his sentence, or he must have performed some outstanding act of service. Superintendents can recommend a limited number of inmates for this extra reward. Up to January 1968, 362 inmates have been granted special remission.

## **Prison and Borstal Parole Boards**

The Prisons Parole Board consists of a Supreme Court Judge, the Secretary for Justice, and not less than five other members of whom one is a Stipendiary Magistrate. It meets twice each year to consider the release on probation of inmates serving sentences of preventive detention and life imprisonment. Preventive detention, except for repeated sexual offences, has been abolished by the Criminal Justice Amendment Act 1967. This Act has also provided for inmates serving finite sentences of six years or more to have their cases considered by the Parole Board when they have served three and a half years, and once in every 12 months thereafter.

Each borstal institution has a parole board consisting of a Stipendiary Magistrate or a retired one, the Secretary for Justice, and two residents of the locality, which considers the case of each borstal trainee at least once in every period of six months.

## **Pre-release Hostels**

These hostels provide a bridge for inmates between the penal institution and the community. Hostel residents are helped to find suitable jobs, to find adequate accommodation, and in general to make a gradual readjustment to normal life, before being finally released from custody.

Each hostel is staffed by a married couple and the personal relationships which develop between staff and inmates are an important factor. Pre-release hostels are located at

Location	Opened	Type
Invercargill	1961	Male borstal trainees.
Auckland	1963	Male borstal trainees.
Hamilton	1964	Male borstal trainees.
Christchurch	1964	Adult male prisoners.
Wellington	1965	Male borstal trainees.
Wellington	1966	Female borstal trainees.

### **Release to Work**

Since November 1961, selected inmates in all institutions have been allowed daily parole to engage in outside employment. Up to 1 January 1968, 537 adult inmates had been approved for this parole. A large number of borstal trainees have also benefited from this privilege.

The scheme was designed to assist those nearing the end of their sentences. It recognises the need to return offenders to the community under conditions that lessen the chances of further offending. The period after release is a critical time for most inmates and the object is to help them to adjust to normal living under controlled conditions. While at work the inmates pay board to the institution and contribute towards the maintenance of their dependants. Additional sums may also be appropriated for payment of outstanding fines, for restitution, and for medical and dental treatment. What remains is available to the inmate upon his discharge.

In supporting themselves and their families, and paying off their debts, inmates are encouraged to take a more positive attitude towards life and are helped to face up to their responsibilities.

### **Post-release Hostels**

The Department has encouraged voluntary organisations to co-operate with the Probation Service in providing hostels for prisoners on release. Post-release hostels offer continuing support for ex-inmates who require this type of assistance.

Marysville, a hostel opened in Invercargill in 1962, is owned by the Catholic Church, but has an advisory committee representative of many voluntary organisations in Invercargill. The Prisoners Aid and Rehabilitation Society opened a hostel in Wellington in 1966 for older released prisoners and another hostel of a similar type was opened in Auckland in 1967.

## 9. OUR DEPENDENCE ON COMMUNITY CO-OPERATION

A great deal of good will exists in the community towards our work. Churches, clubs, and voluntary organisations contribute towards welfare amenities and make regular visits to institutions and hostels. Notable service is given by the Prisoners Aid and Rehabilitation Society by visits to inmates, placement in employment on release, and practical aid to their families.

The churches and their allied organisations run several homes and hostels for alcoholics and homeless people. Alcoholics Anonymous organises weekly group discussions and lectures in most penal institutions. Rotary, the Junior Chamber of Commerce, and Lions Clubs organise work by inmates and probationers on community projects and assist with donations to institutions from time to time. Perhaps the most striking example was the recent gift of a swimming pool to Arohata Borstal by the Wellington Rotary Club.

Justices of the Peace Associations have also been able to provide real assistance in many ways. Donations have been made to prison welfare funds.

## 10. COMPENSATION FOR THE VICTIM

Concern for the effects of offending on members of the community has led to the introduction of compensation to the victims of violent crime. The Criminal Injuries Compensation Act came into force on 1 January 1964. A 1966 amendment to this Act provided for compensation for damage caused by escaping inmates, but no grants have yet been made under this provision. However, 46 grants amounting to \$14,294 have been made to the victims of violent crime.

Year		Number of Awards	Total Amount \$
1964	.....	..... 4	850
1965	.....	..... 12	4,445
1966	.....	..... 9	2,960
1967	.....	..... 21	6,039
		..... —	—————
Totals	.....	..... 46	\$14,294

In addition, the Courts have extensive powers to order an offender to pay restitution, either directly or as a condition of probation. On convicting an offender for car conversion a Court may order him to pay compensation up to the amount of loss suffered by the owner. A more general provision enables the Court to order an offender to pay such sum as it thinks fit by way of compensation for any loss of or damage to property.

## 11. RESEARCH

Within the penal field, research is the process of applying rigorous scientific methods to the prediction of delinquency, the evaluation of current treatments, and the exploration of improved ways of fostering conformity in criminally deviant people.

We have undertaken studies of the following:

- absconders from penal institutions,
- first offenders charged with theft,
- gang rape,
- the borstal recidivism rate,
- probation,
- homicide,
- suicide,
- sexual offending,
- crimes of violence and dishonesty,
- female offending, and
- petty offending.

Two major projects in progress are detailed studies of borstal training and of female offending. In addition an evaluative study of the detention centre will be completed shortly.

## 12. STAFF

Any penal system can only be as good as the men and women who serve as prison and probation officers. We therefore place importance on the careful selection of staff and their adequate training. Officers must command respect and their personal standards and integrity must serve as an example to the offenders in their care. The work calls for a high standard of mental and physical alertness, and many men and women have discovered that the penal or probation service offers an extremely interesting and satisfying career.

The full time staff of the penal and probation services in December 1967 was classified as follows:

### (a) *Penal Institutions*

Senior staff .....	.....	.....	.....	31
Custodial staff .....	.....	.....	.....	473
Farm managers and instructors .....	.....	.....	.....	158
Clerks, storemen, typists, boilermen .....	.....	.....	.....	116
Chaplains .....	.....	.....	.....	10
Teachers .....	.....	.....	.....	7
Psychologists .....	.....	.....	.....	8
Activities and welfare officers .....	.....	.....	.....	6
Social workers .....	.....	.....	.....	1
Total .....	.....	.....	.....	<u>810</u>

(b) *Probation Service*

District probation officers	.....	.....	25
Senior probation officers	.....	.....	9
Probation officers	.....	.....	65
Clerks and typists	.....	.....	44
Total	.....	.....	<u>143</u>

(c) *Hostels*

Pre-release hostel staff	.....	.....	12
Periodic detention centre staff	.....	.....	8
Total	.....	.....	<u>20</u>

### **Staff Training**

Residential courses are held at the Staff Training Centre at Point Halswell, Wellington. Although the need for economy has made it necessary to curtail the number of these courses temporarily, training at institutions includes both induction for recruits and preparation of staff for courses and examinations at the Training Centre.

Five prison officers and two probation officers are now selected annually to attend Auckland University for the one-year Certificate of Criminology course. In 1968 a prison officer received a bursary to study for the two-year course leading to the Diploma of Criminology.

### **Specialist and Welfare Services**

Penal institutions make extensive use of full-time and part-time teachers, psychologists, chaplains, welfare officers, probation officers, social workers, and medical officers. Together with visiting representatives of the Prisoners Aid and Rehabilitation Society, Alcoholics Anonymous, the Women's Borstal Association, and members of church groups, these officers assist with the welfare, treatment, and rehabilitation of prisoners and borstal trainees.

Ten full-time and five part-time chaplains represent the National Council of Churches, and Catholic chaplains visit all institutions on a part-time basis. Both the Protestant and Catholic chaplains combine for annual study and conference.

### **The Prison Officer Cadet Scheme**

The cadet scheme began in February 1967 with 15 cadets, and a further 15 were appointed in January 1968. The two year training covers academic work (from School Certificate to University subjects); practical and theoretical penal work; physical and social development; and training in appropriate special skills such as first aid, driving, bushcraft, judo, and lifesaving.

### 13. ACCOMMODATION AND BUILDINGS

For a long time the work of our penal institutions was handicapped by the lack of space and facilities, but considerable progress has been made in recent years.

New buildings have been erected at

Waikeria Youth Centre (two new villas, two cell blocks with associated facilities, and a large housing village for staff. This construction work was completed in 1963).

Waikune Prison (new institution completed in 1963).

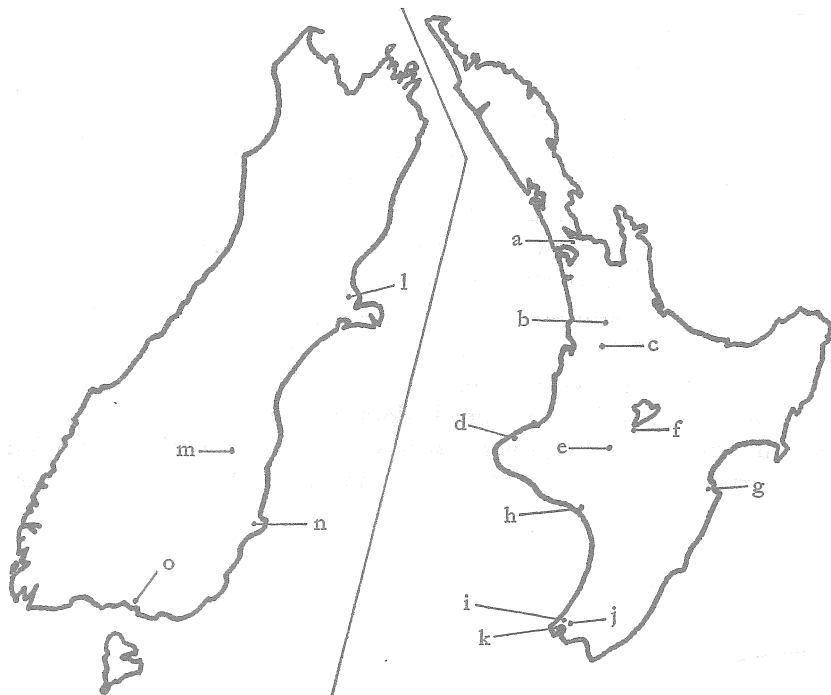
Rangipo Prison (new institution completed in 1966).

Wi Tako Prison (new institution completed in 1967).

The Justice Department has taken over other buildings at Addington, Rolleston, and Waipiata, and a new prison at Paremoremo (mentioned elsewhere) is under construction.

However, we still need more buildings, better accommodation for women prisoners, and greater diversity of accommodation to provide for different types of sentence, age groups, and categories of inmates.

THE LOCATION OF INSTITUTIONS AND HOSTELS  
(including those run by voluntary bodies)



(a) *Auckland*

Auckland Prison (Pāremoremo)  
Mt Eden Prison  
Periodic Detention Centres for youths and adults  
Pre-release hostel for male borstal trainees  
Probation Hostel  
Flats for female probationers

(b) *Hamilton*

Pre-release Hostel for borstal trainees  
Probation Hostel

(c) *Waikeria Youth Centre (Borstal and Detention Centre)*

(d) *New Plymouth Prison*  
(e) *Waikune Prison*  
(f) *Tongariro Prison Farm (Hautu and Rangipo)*

(g) *Napier Prison*

(h) *Wanganui Prison*

(i) *Arohata Borstal Institution (for girls)*

(j) *Wi Tako Prison*

(k) *Wellington*

Wellington Prison  
Periodic Detention Centre for youths (Lower Hutt)  
Pre-release Hostel for female borstal trainees  
Pre-release Hostel for male borstal trainees  
Post-release Hostel

(1) *Christchurch*

Christchurch Prison (institutions at Paparua, Rolleston, and Addington)  
Periodic Detention Centre for youths  
Opawa Pre-release Hostel for adult male prisoners

(m) *Waipiata Youth Centre*

(n) *Dunedin Prison for women*

(o) *Invercargill*

Invercargill Borstal  
Periodic Detention Centre  
Pre-release Hostel for borstal trainees  
Marysville Hostel

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