REPORT
of the
INSPECTOR-GENERAL OF PENAL
ESTABLISHMENTS
on
DEVELOPMENTS IN PENAL SCIENCE
in
THE UNITED KINGDOM, EUROPE AND THE
UNITED STATES OF AMERICA;

together with
RECOMMENDATIONS RELATING TO VICTORIAN
PENAL ADMINISTRATION

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND

[Approximate Cost of Report.—Preparation, not given. Printing (500 copies), 13 80.]

By Authority:
J. J. Gourley, GOVERNMENT PRINTER, MELBOURNE.
No. 25.—(2d. Rd.)—110/52.
I have the honour to submit a comprehensive report of my investigations in the United Kingdom, Europe and United States of America, together with recommendations relating to Victorian penal administration.

Its purpose is to indicate the developments in penal science in the various countries visited. It is not intended as a comprehensive report on each jurisdiction investigated. This would require a separate thesis on each and the rapidity of my tour, and the time at my disposal for such a series of theses make such a procedure impracticable. I left Victoria on 12th July, 1950, and returned on 24th December, after visiting England, Scotland, France, Sweden, Denmark, and the United States of America. An attempt has been made however to present as briefly as could be effectively done a survey of the main phases of penology, indicating features observed in various countries with a critical appraisal of their value, and thence proceed to recommendations for penal reform in this State.

Despite the limited period spent abroad, I was able to make a close study over a wide field of activity and see at first-hand the actual work being done. The tour was of immense professional value to me, and I take this opportunity of recording my gratitude to the Honorable the Chief Secretary for recommending, and to the Government for approving, my visit to these countries, and I trust that this report of the survey made will justify the confidence shown in me by the State of Victoria in sending me on such a mission. The distance travelled and the field of activity covered made the tour physically exhausting but mentally stimulating, and considerable thought and care has been devoted to the study of literature obtained in various countries and to the recommendations made.

This Report is indexed under suitable chapters and a summary of recommendations is made at the conclusion for quick reference.

The following summary indicates the scope of the tour:

**ENGLAND.**

The Prison Commission and Home Office Administration.

Thirteen institutions of various types:—

- Brixton. Trial and remand prison.
- Wormwood Scrubs. Under 21 convicted and unconvicted. Star Class.
- Bristol Reception Centre.
- Bristol Local Prison.
- Leyhill Open Prison Star Class.
- Maidstone Regional Training Prison.
- Holloway Women’s Prison.
- Ashkam Grange Open Prison (Women).
- Chelmsford Central Prison.
- Feltham Borstal.
- Hollesley Bay Colony, Borstal.
- North Sea Camp, Borstal.
- The Imperial Training School.

The Home Office. Approved Schools Department.

The Home Office. Probation Service.

One Juvenile Court at Toynbee Hall.

Nadpas After-care Organization.

Scotland Yard.
SCOTLAND.
Scottish Home Office. Prisons Department.
Two institutions:—
Saughton. Edinburgh.
Cornton Vale. Borstal.

FRANCE.
The Second International Congress of Criminology at Paris, 10th to 19th September, 1950.
Four institutions:—
Fresnes.
Melun.
Brecourt.
Saint Maurice.

SWEDEN.
Prisons Department. Head Office Administration.
Five institutions:—
Harlanda Prison. Gothenburg.
Hall. Mentally abnormal and recidivists.
Haga. Mental hospital.
Skenas. Borstal.

DENMARK.
Prisons Department. Headquarters.
Four institutions:—
Vridsløseville Prison.
Herstedvester. Psychopathic Criminals.
Sobysøgaard Borstal.
Nyborg Prison.

UNITED STATES OF AMERICA.
New York State.
American Prison Association.
Three institutions:—
Manhattan City Jail.
Wallkill Prison.
Sing Sing Prison.
New York City Probation Services.

New Jersey State.
Department of Institutions and Agencies. Head Office Administration.
Five institutions:—
State Criminal Mental Hospital.
State Diagnostic Centre.
Clinton Women's Reformatory.
Annandale Boys' Reformatory.
Bordentown Reformatory for Men.
State Parole Organization.

Washington D.C.
Five Federal institutions:—
Alderson Women's Reformatory, West Virginia.
Ashland Correctional Institution, Kentucky.
El Reno Reformatory, Oklahoma.
Seagoville Correctional Institution, Texas.
Alcatraz Penitentiary, California.
California.

Los Angeles County Probation Service.
Four County institutions:—
Las Tunas Probation Camp.
Senior Forestry Camp.
County Jail.
Wayside Honore Rancho.

California Youth Authority.
Two State Youth Institutions:—
Preston Industrial School.
Forestry Camp.

California Adult Authority.
One State adult institution:—
Chino Institution for Men.

California State Probation Service.
California State Parole Organization.

In addition, considerable time was devoted to a recruiting campaign for penal officers as reported previously.

Acknowledgment of valuable services rendered to me is made to the following:—

The British Council, London.
The United Kingdom Prison Commission.
The United Kingdom Home Office.
The Scottish Home Office.
The Secretary General—Congress of Criminology.
The Swedish Institute.
The Swedish Prison Commission.
The Danish Prison Commission.
The Danish Social Ministry.
The American Prison Association.
The Department of Institutions and Agencies, New Jersey.
The United States Federal Bureau of Prisons, Washington, D.C.
The Federal Probation Service, United States of America.
The New York General Sessions Probation Service.
The Californian Adult Authority.
The Californian Youth Authority.
The Los Angeles County Probation Service.

I met many world authorities and at every point, officers, from the highest to the most humble positions, extended to me the utmost courtesy and every facility to draw on their experience and to pursue my investigations in my own way. I shall not attempt to name individuals, but do acknowledge most gratefully their help and kindness given so freely, officially and socially, and in such a way as to enable me to achieve the maximum in the time available. Discussions, both formal and informal, with international figures, university authorities, and practising administrators enabled me to absorb the varied philosophies current in modern penology, and established many personal contacts, which will be very beneficial in the years to come.

Despite the variations in practice, there are many important features common to all progressive jurisdictions which are worthy of development in this State. These are elaborated in the ensuing chapters.

I have the honour to be,

Sir,

Your obedient servant,

A. R. WHATMORE,

Inspector-General.
SYNOPSIS OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Modern Principles of Penology</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>Pre-sentence Investigation</td>
<td>15</td>
</tr>
<tr>
<td>3</td>
<td>Probation</td>
<td>17</td>
</tr>
<tr>
<td>4</td>
<td>Classification</td>
<td>21</td>
</tr>
<tr>
<td>5</td>
<td>Treatment Programme</td>
<td>27</td>
</tr>
<tr>
<td>6</td>
<td>Parole and After-care</td>
<td>34</td>
</tr>
<tr>
<td>7</td>
<td>The Sentence of the Court</td>
<td>47</td>
</tr>
<tr>
<td>8</td>
<td>The Paroling Authority</td>
<td>52</td>
</tr>
<tr>
<td>9</td>
<td>Buildings</td>
<td>54</td>
</tr>
<tr>
<td>10</td>
<td>Medical Facilities</td>
<td>59</td>
</tr>
<tr>
<td>11</td>
<td>Staffing and Organization</td>
<td>78</td>
</tr>
<tr>
<td>12</td>
<td>Prison Standards</td>
<td>85</td>
</tr>
<tr>
<td>13</td>
<td>Female Prisons</td>
<td>90</td>
</tr>
<tr>
<td>14</td>
<td>Youthful Offenders</td>
<td>91</td>
</tr>
<tr>
<td>15</td>
<td>Juvenile Offenders</td>
<td>93</td>
</tr>
<tr>
<td>16</td>
<td>Future Studies and Research</td>
<td>94</td>
</tr>
<tr>
<td>17</td>
<td>Conclusion—Summary of Recommendations</td>
<td>95</td>
</tr>
</tbody>
</table>
CHAPTER 1.
INTRODUCTION AND DISCUSSION ON PRINCIPLES OF MODERN PENOLOGY.

It is appropriate to discuss basic principles of modern penology to facilitate an understanding of theories developed in this Report. Criminology is essentially a study in the science of human behaviour, and as such, has so many unpredictables, that there can be no sure and certain remedies. Every nation and every organized social group recorded in history has individuals, who cannot, or will not, conform to the rules laid down, and the science generally known as penology represents the action society takes to deal with these individuals. Many law enforcement authorities, who have, through disappointments, become cynical and despairing, may regard the recommendations herein as pious hopes doomed to disillusionment. On the other hand, ardent reformers will be disappointed in not finding some new panacea.

I have no illusions about the complexity of the problems involved, nor of the likelihood of dramatic success. The theories expounded in this Report, are the result of practical experience and observation of developments in other countries, and are the minimum necessary to bring this State into line with current thought and practice. There are no grandiose schemes, but the general aim is to provide a treatment programme, which experience shows is more likely to succeed than a negative programme of safe custody.

The conception of penology developed in this Report is not limited to institutional treatment, but embraces three important phases, namely:—

1. Alternatives to institutional treatment.
3. Post institutional treatment or after care organization.

This is merely a recognition of the fundamental idea that there are alternatives more likely to succeed than prison treatment and that whatever institutional treatment is given, offenders must ultimately be released into the community. Recognition of this threefold aspect is paramount in an understanding of this Report.

Much has been written about deterrence, and unquestionably different factors exert differing deterrent influence on individuals. For many people the standards of their own moral training deter them from criminal acts, for others the certainty of detection is a major factor, in others the loss of social status and ignominy deters, whilst in others loss of liberty is the main factor. History shows that severity of punishment is not a complete deterrent for over the past years, torture, death, degradation, and transportation have not prevented crime. As long as there are people who will not conform to the rules laid down, Society must provide for punishment in order to protect itself and courts of law must regard the protection of society as paramount. Punishment may deter potential as well as actual wrongdoers. Imprisonment temporarily relieves society of the criminal by confining him to an institution, where he cannot continue his predatory activities, but the gates which close upon him now, must eventually be opened to him. Hence the far more important question of how prison can further protect society by leading the prisoner away from criminality.

In seeking the answer to this question, society is seeking self preservation, and its motives may be regarded as humanitarian, and at the same time economic, since criminal activity is a parasitic growth on the social body which demands increasing expenditure on its alleviation. My approach to the problem is neither punitive nor sentimental, but is, I hope, a realistic analysis with practical
recommendations founded on the experiences of this and other jurisdictions in the field of penology. Considerable emphasis is laid upon the importance of individual treatment and the closely interwoven pattern of the three phases referred to. The recommendations cannot be achieved immediately, but constitute a long-range plan which may be modified or expanded in the light of experience. All recommendations, however, have been carefully analysed and are essential to a progressive approach to a complex problem. When effected, they will require considerable initiative and progressive development in order to achieve a measure of success. They will increase the complexities of this department considerably, but if the measures are effective, they may, in the long run, be less costly than the present methods.

All the major recommendations have their counterparts in other countries, and having proved themselves successful therein, cannot be regarded as philosophical or academic theories.

The annual congress of the American Prison Association which embraces a very wide field of penal work in United States of America, revises and reaffirms a Declaration of Principles each year. These principles, except a few relating to specific American problems, which are omitted, are quoted herewith as indicative of modern thought:

"DECLARATION OF PRINCIPLES.

I.—Crime is a violation of duties imposed by law, which inflicts an injury upon others. Criminals are persons convicted of crime by competent courts. Punishment is suffering inflicted on the criminal for the wrong done by him, with a special view to secure his reformation.

II.—The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its great object should be his moral regeneration. Hence, the supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering.

III.—The progressive classification of prisoners, based on study of the individual, and administered on some well adjusted system, should be established in all prisons above the common jail.

IV.—Since hope is a more potent agent than fear, it should be made an ever-present force in the minds of prisoners, by a well-devised and skilfully-applied system of rewards for good conduct, industry, and attention to learning. Rewards, more than punishments, are essential to every good prison system.

V.—The prisoner's destiny should be placed, measurably in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his own condition. A regulated self-interest must be brought into play, and made constantly operative.

VII.—Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. Then only will the administration of public punishment become scientific, uniform, and successful, when it is raised to the dignity of a profession, and men are specially trained for it, as they are for other pursuits. The development of schools for the training of prison executives and guards, along the lines already started in this and other countries, should be promoted throughout the United States.

VIII.—Peremptory sentences ought to be replaced by those of indeterminate length. Sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time.

IX.—Of all reformatory agencies, religion is first in importance, because most potent in its action upon the human heart and life.

X.—Education is a vital force in the reformation of fallen men and women. Its tendency is to quicken the intellect, inspire self-respect, excite to higher aims, and afford a healthful substitute for low and vicious amusements. Recreation is considered to be an essential part of education. It has come to be recognized that recreation is an indispensable factor of normal human life. This principle is now heartily indorsed by prison administrators. Education in its broadest sense is, therefore, a matter of primary importance in prisons."
XI.—In order to effect the reformation of imprisoned criminals, there must be not only a sincere desire and intention to that end, but a serious conviction, in the minds of the prison officers, that they are capable of being reformed, since no man can heartily maintain a discipline at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart, he desairs of accomplishing.

XII.—A system of prison discipline, to be truly reformative, must gain the will of the prisoner. He is to be amended, but how is this possible with his mind in a state of hostility? No system can hope to succeed, which does not secure this harmony of wills, so that the prisoner shall choose for himself what the officer chooses for him. But, to this end, the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation.

XIII.—The interest of society and the interest of the convicted criminal are really identical, and they should be made practically so. At present there is a combat between crime and laws. Each sets the other at defiance, and, as a rule, there is little kindly feeling, and few friendly acts, on either side. It would be otherwise, if criminals, on conviction, instead of being cast off, were rather made the objects of a generous parental care; that is, if they were trained to virtue, and not merely sentenced to suffering.

XIV.—The prisoner’s self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood. There is no greater mistake in the whole compass of penal discipline, than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy.

XV.—In prison administration, moral forces should be relied upon, with as little admixture of physical force as possible, and organized persuasion be made to take the place of coercive restraint, the object being to make upright and industrious freemen, rather than orderly and obedient prisoners. Brute force may make good prisoners; moral training alone will make good citizens. To the latter of these ends, the living soul must be won; to the former, only the inert and obedient body.

XVI.—Industrial training should have both a higher development and a greater breadth than has heretofore been, or is now, commonly given to it in our prisons. Work is no less an auxiliary to virtue, than it is a means of support. Steady, active, honorable labour, with reasonable compensation to the prisoner, is the basis of all reformatory discipline. It not only aids reformation, but is essential to it. It was a maxim with Howard—’make men diligent, and they will be honest’—a maxim which this congress regards as eminently sound and practical.

XVIII.—The most valuable parts of an effective prison system—the more strictly penal stage of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of training—are believed to be as applicable to one country as to another.

XIX.—Prisons, as well as prisoners, should be classified or graded so that there shall be provision for the untried, for the incorrigible, and for all other degrees of depraved character, as well as separate establishments for women, and for offenders of the younger classes.

XX.—It is the judgment of this congress, that repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression. Reformation is a work of time; and a benevolent regard to the good of the criminal himself, as well as to the protection of society, requires that his sentence be long enough for reformatory processes to take effect.

XXI.—Preventive measures for the care and treatment of problem children not yet delinquent, but in danger of becoming so, constitute the true field of promise, in which to labour for the repression of crime.
XXII.—More systematic and comprehensive methods should be adopted to save discharged prisoners, by providing them with work, and encouraging them to redeem their character and regain their lost position in society. The State has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up. And to this end it is desirable that State societies be formed, which shall co-operate with each other in this work.

XXIV.—Since personal liberty is the rightful inheritance of every human being, it is the sentiment of this congress that the State which has deprived an innocent citizen of this right, and subjected him to penal restraint, should, on unquestionable proof of its mistake, make reasonable indemnification for such wrongful imprisonment.

XXV.—Mental disorder is a question of vital interest to society; and facts show that our laws regarding mental disorder in its relation to crime, need revision, in order to bring them to a more complete conformity to the demands of reason, justice, and humanity; so that, when mental disorder is pleaded in bar of conviction, the investigation may be conducted with greater knowledge, dignity, and fairness; criminal responsibility be more satisfactorily determined; the punishment of the sane criminal be made more sure, and the restraint of the insane be rendered at once more certain and more humane.

XXVI.—While this congress would not shield the convicted criminal from the just responsibility of his misdeeds, it arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests, practised by the criminal classes. Does society take all the steps which it easily might, to change, or at least to improve, the circumstances in our social state that lead to crime, or when crime has been committed to cure the proclivity to it, generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both particulars. Offences, we are told by a high authority, must come; but a special woe is denounced against those through whom they come. Let us take heed that that woe fall not upon our head.

XXVII.—The exercise of executive clemency in the pardon of criminals is a practical question of grave importance, and of great delicacy and difficulty. The effect of the too-free use of the pardoning power is to detract from the certainty of punishment for crime, and to divert the mind of prisoners from the means supplied for their improvement. Pardons should issue for one or more of the following reasons:—viz, to release the innocent, to correct mistakes made in imposing the sentence, to relieve such suffering from ill-health as requires release from imprisonment, and to facilitate or reward the real reformation of the prisoner. The final exercise of this power should be by the executive, and should be guarded by careful examination as to the character of the prisoner and his conduct in prison. Furthermore, it is the opinion of this congress that governors of States should give to their respective legislatures the reasons, in each case, for their exercise of the pardoning powers.

XXVIII.—The proper duration of imprisonment for a violation of the laws of society is one of the most perplexing questions in criminal jurisprudence. The present extraordinary inequality of sentences for the same or similar crimes is a source of constant irritation among prisoners, and the discipline of our prisons suffers in consequence. The evil is one for which some remedy should be devised.

XXIX.—Uniform criminal statistics, gathered from every State, and skilfully digested, are essential to an exhibition of the true character and working of our correctional systems. The collection, collation, and reduction to tabulated forms of such statistics can best be effected through the appropriate federal bureau.

XXX.—Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to pure taste, but not costly or highly ornate. We are of the opinion that those of moderate size are best, as regards both industrial and reformatory ends.
XXXI.—The construction, organization, and management of all prisons should be by the State, and they should form a graduated series of reformatory establishments, being arranged with a view to the industrial employment, intellectual education and moral training of the inmates.

XXXII.—As a general rule, the maintenance of penal institutions, above the county jail, should be, as far as possible, from the earnings of their inmates, and with a minimum cost to the State; nevertheless, the true standard of merit in their management is the rapidity and thoroughness of reformatory effect accomplished thereby.

XXXIII.—A right application of the principles of sanitary science in the construction and arrangement of prisons is a point of vital importance. A competent and adequate medical staff is essential. The apparatus for heating and ventilating should be the best that is known, sunlight, air, and water should be afforded according to the abundance with which nature has provided them; the rations and clothing should be plain but wholesome, comfortable, and in sufficient but not extravagant quantity; the bedsteads, beds and bedding, including sheets and pillow cases, not costly but decent, and kept clean, well aired, and free from vermin; the hospital accommodations, medical stores, and surgical instruments should be all that humanity requires and science can supply; and all needed means for personal cleanliness should be without stint.

XXXIV.—Probation and parole are among the most vital factors in the rehabilitation of the delinquent and the criminal. Probation is the release of the convicted delinquent, under competent supervision, without commitment, to an institution. Parole is a conditional release of the prisoner after having served a portion of his sentence. The overcrowding of our prisons, and the demoralization of young and inexperienced criminals by vicious association, can be greatly diminished by the use of these measures, but these two plans are ineffective unless efficiently organized with trained, competent, and well-paid probation and parole officers.

XXXV.—It is our conviction that the most effective agency in the repression of crime is suitable education for all the children of the State. Educational training should be adapted to the mental abilities and aptitudes of each child, and should develop character, emotional stability, and the creative and productive capabilities of each individual. Education, in its broadest sense, includes more than the training provided in the class rooms and laboratories of our institutions of learning. It includes the training for citizenship which youth receives from the many environmental factors which include home life, religious training, wholesome recreation, and the example set by the civic life of the community.

XXXVI.—As a principle that crowns all, and is essential to all, it is our conviction that no prison system can be perfect, or even successful to the most desirable degree, without some central authority to sit at the helm, guiding, controlling, unifying, and vitalizing the whole. We ardently hope yet to see all the departments of our preventive, reformatory, and penal institutions in each State moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same objects, and subject to the same control; yet without loss of the advantages of voluntary aid and effort, wherever they are attainable.

XXXVII.—This congress is of the opinion that both in the official administration of such a system, and in voluntary co-operation of citizens therein, the agency of women may be employed with excellent effect."

From this brief discussion, emerges the basic principle that protection of society is the primary consideration, and in seeking to achieve this protection, stress must be laid on the use of every effective agency in the rehabilitation or reformation of the individual delinquent. The artificial atmosphere of a prison is not always the most appropriate agency for this purpose. Nevertheless, prison must be regarded as the appropriate agency in many cases, and as such it cannot be regarded as a convenient repository where prisoners may be safely and securely incarcerated and forgotten. Time alone may expiate a crime but will not reform the offender, and to be effective the treatment programme of any prison must constantly lead to the day of ultimate release, and be closely and effectively co-ordinated with the difficult period immediately following such release.
14

As far back as 1923, the British Prison Commission in its general report said:—

"It is not to make prisons pleasant, but to construct a system of training such as will fit the prisoner to re-enter the world as a citizen. To this end, the first requisite is greater activity in mind and body, and the creation of habits of sustained industry. Next comes the removal of any features of unnecessary degradation in prison life and the promotion of self respect; and education on broad lines calculated to arouse some intelligent interests, and to raise the minds out of a sordid circle of selfish broodings. Finally, we endeavour to awaken some sense of personal responsibility by the gradual and cautious introduction of methods of limited trust."

It cannot be too strongly emphasized that reformation is not an over-night miracle, nor is it achieved by a strictly regimented routine, since each criminal remains an individual, and each may react quite differently to the various agencies employed. Hence the need for an individual approach, a diversity of institutions, and treatment programmes, and a well-planned after-care organization.

From this brief enunciation of general principles, we shall proceed to specific aspects of penology.
CHAPTER 2.

PRE-SENTENCE INVESTIGATION.

Perhaps the most baffling problem associated with the administration of justice is that of determining the appropriate action after conviction, i.e., the sentence of the court. Public opinion in this State indicates confidence in the methods of trial and determination of guilt or otherwise. The fairness of our courts is traditional, and it is doubtful if an innocent person is ever convicted, but it is certain that many guilty persons escape conviction. This is unavoidable as innocence must be presumed unless proved otherwise. This confidence does not always extend to the sentence of the court, and indeed in most countries there is an increasing doubt as to the wisdom and efficacy of the penalties inflicted.

It is true that our criminal code prescribes differing penalties for differing crimes, but within those limits, there is necessarily a wide variation, and a most onerous and exacting duty devolves upon all magistrates and judges in determining the appropriate penalty in the case before them. Many people, and especially criminals, seek to make comparisons and are convinced that grave inequalities occur, but it is almost universally conceded that there can be no rule of thumb application to penalties since there is never exact equality of circumstance. Nevertheless, all too frequently the court may be ill-equipped to discharge this duty. Indeed, it has been advocated by some reformers that courts should merely determine guilt or otherwise, and that a sentencing authority should be set up.

This is discussed very lucidly by Sir Leo Page in his book *The Sentence of the Court*, and reference is made to this problem in Chapter 7 of this Report.

Quite apart from the problem of the length of sentence, is the question of whether the court is adequately equipped to determine whether the offender could be more appropriately dealt with by being placed on probation instead of being given institutional treatment. Courts have recognized this quite readily, and various types of machinery have been created to assist the court. However fairly presented, a mere recital of previous convictions is inadequate; equally so are the eloquent pleadings of defending counsel. There are many factors associated with the crime and the individual which need to be known.

What Does the Court Need to Know?

The Court can be aided by a pre-sentence investigation and report, if it is an impartial and comprehensive picture of the defendant, his family history, his home environment, his education, his religion, his interests and activities, his employment record, his health (physical and mental), his attitude to his crime and to society, his prospects of rehabilitation and any agencies interested in his welfare.

The logical branch for this information is the probation service, where trained and impartial investigators are employed. Whatever the disposition of the offender, this investigation and report will be valuable. If probation is granted, it remains with the probation branch, if imprisonment is determined upon, it passes to the institution to assist in his classification and in developing his training and release programme. It subsequently passes to the parole branch.

Procedures vary considerably with each jurisdiction. In some cases pre-sentence investigation is mandatory and the Court signs the report. In Sweden, it is obligatory if the offender is under 21, and for others, the Court, or the prisoner, may ask for a report before sentence.

In some Courts, these reports are regarded as confidential, and the Court may call the investigating officer into Chambers or question the accused to clarify it; but in other Courts it is presented in open court and the officer may be cross-examined.

In some cases it is mandatory for the report to indicate whether the offender is suitable for probation or not, or suitable or not for specific treatment such as Borstal or Corrective Training. Where restitution is involved, the report should indicate what claims are valid and the amount that could be made payable, and the effect that such payment will have on the accused.
These reports are merely to assist the Court, they do not recommend that probation be given or that certain sentences be given, they merely express an opinion on whether the individual is suitable for such treatment. The Court is entirely free to exercise its own judgment and power, but it now has a better appraisal of the individual than is possible without such a report.

In Victoria, there is no established machinery for pre-sentence investigation and report. It is not uncommon for judges to remand prisoners, and defer sentence, pending a medical report from the prison medical officer. It is also not uncommon for honorary probation officers, attached to church or other social organizations, to appear in Court and express willingness to supervise an offender released on a bond. This indicates clearly that the Courts recognize the need for assistance, and members of the Judiciary have expressed this view to me personally, but the machinery available is inadequate.

It is recommended that power be given to any Court to remand, with or without bail, for a period of up to 21 days, with power to extend if necessary, to enable a pre-sentence investigation report to be submitted. Such report would contain a medical report where directed, or where the investigating officer deems desirable; and notice of the requirement of such report should be sent to the probation branch by an officer of the court. It will be indicated in Chapter 3 that the establishment of a Probation Branch with full-time trained investigation officers as a branch of the Penal Department is recommended to provide the machinery necessary for these pre-sentence investigations.
CHAPTER 3.

PROBATION.

As almost every country has had a probation service since early in this century, and extensive literature is available for those who wish to study it, it is not proposed to describe at length the various systems in operation. Reference should be made to Chapter 8 of my New Zealand Report.

Probation is accepted as an essential feature in any modern system of penal treatment, and the pros and cons need not be elaborated here, but some description of probation is necessary to avoid misconceptions due to the use of the term, probation, in relation to prisoners released in this State under Section 626, Crimes Act, relating to Indeterminate Sentences.

What is Probation as Commonly Used?

To begin in a negative way, probation is not "letting off". The Court has already proceeded to conviction but in lieu of institutional (i.e., gaol) treatment, the Court releases the offender under supervision, on certain conditions, for breach of which the Court may later order imprisonment for the original offence. There are variations from this, in so far as in some countries conviction and sentence are suspended and may even later be completely erased.

Further, the offender must be willing to undergo probation under the conditions laid down. It is not merely the will of the Court, but an undertaking by the offender that he will "make good" under supervision. It cannot be imposed without the consent of the offender.

To Whom Should it Apply?

Originally, it applied to young first offenders, but it is now conceded as applicable to any age group and for any offence. The Court, however, must have regard not merely to the welfare of the offender alone, but to public reaction. At times it may be necessary to deter others by sending to prison offenders whom the Court may be convinced are unlikely to offend again. The problem is a judicial one and great care is needed in selecting appropriate cases for probation. The Court must be satisfied that having regard to the nature of the offence and the character of the offender, that it is expedient to make a probation order. To release on probation those incapable of making good is not in the best interests of society; neither is it wise to extend probation for crimes which the community regards as very serious.

How is the Court to Determine those Suitable for Probation?

Although the Court makes its own decision, it is not usual for it to do so until it has had the assistance of further information. This problem is dealt with fully under Chapter 2, Pre-sentence Investigation.

The Period of Probation.

In England, the period has a minimum of one year and a maximum of three years. In some American States the maximum is five years and in others the same as the maximum imprisonment provided for the offence. It is usual for the Court making the order to have powers of revocation, variation and discharge, but in England this may be transferred to a Supervising Court where the probationer moves outside the territory of the original Court.

Some Advantages of Probation.

It is more likely to succeed in re-establishing some offenders than imprisonment in a gaol since it gives them the opportunity, under supervision, to prove that they are capable of living a normal life and of maintaining their social obligations especially to their own families. Imprisonment postpones the problem of re-establishment and increases its difficulties. Probation avoids undesirable associations and stigma which cannot be dissociated from gaols.
From the purely monetary point of view, it is more economical than imprisonment. The cost of established probation services is less than the per capita institutional costs, and furthermore the offender can maintain his family which may otherwise be a charge on the State.

In United States of America, it is estimated that a probationer costs 18.5 cents per day as against a prisoner costing $3.12 per day (Federal Probation, June, 1950, page 51).

To what Extent is Probation Applied?

In England, in 1947, of all persons over seventeen found guilty by all courts of indictable offences, 11 per cent. were placed on probation.

In United States of America District Courts, in the last four years an average of 43.6 per cent. of all sentenced offenders were placed on probation.

In California, in 1948 the percentage placed on probation by Superior Courts varied from 32.7 per cent. to 62.1 per cent., and in Lower Courts from 2.5 per cent. to 24.8 per cent.

In Denmark, it is estimated at 28 to 30 per cent.

The pre-requisites of a sound probation system are:

1. Adequate pre-sentence investigation machinery.
2. Adequate supervision provisions.
3. Power to control probationers where conditions are not observed.
4. Machinery for variation of conditions.

To effect these, trained full-time probation officers under a central administration are essential, and the success or failure of any probation system will rest in the quality of its probation officers.

The following extract from a circular letter issued by the United States Attorney-General is indicative of the qualifications regarded as essential:

"Qualifications.

(a) Age.

The age of persons selected for probation service is important insofar as maturity affects fitness for duty. That is, the person selected must possess physical vigor, mental adaptability, and moral force.

The work of a probation officer is exacting from both a mental and physical standpoint. One of advanced age cannot ordinarily be expected to perform many of the duties for which the position calls.

On the other hand, a probation officer must continually exercise mature judgment and the officer who is too youthful or too inexperienced is likely to make serious errors.

The ideal age of a probation officer is probably 30 to 45. It is improbable that persons under 25 will have acquired experience essential for success in probation work.

(b) Education and Experience.

It is commonly agreed that the probation officer should have at least:

(1) High school education, plus one year in college; or
(2) High school education, plus one year's experience in paid probation work, organized system; or
(3) High school education, plus one year's experience as paid worker in some organized agency that trains in case work; or
(4) High school education, plus two years of successful experience as unpaid worker in probation or other social agency service in which instruction and guidance has been afforded by qualified administrators. It is essential that the probation officer be one who is thoroughly trained in the technique of social investigation, and it is desirable that his experience shall have been in the field of delinquency.

(c) Personal Qualifications.

Among the personal qualifications a probationer should possess are the following:

(1) Good moral character with sound standards of conduct in private and public life.
(2) Point of view and sympathetic understanding of others, especially those with conduct standards inferior to his own.
(3) Patience when dealing with the offender, in standing up under criticism, and in working steadily toward objective.
(4) Thoughtfulness in dealing with his superior officers, with public officials or private citizens whose co-operation is being sought, and with probationers committed to his charge.
(5) Discretion in the expression of his views and sentiments, in his conduct in and out of court, and in the use of his power.
(6) Courtesy and friendliness in his relations with the court, the public, and the probationer.
(7) Judgment based on ability to assemble and assess pertinent facts; and based on thorough knowledge of social factors entering into the problem of each individual offender and his readjustment to society.
(8) High native intelligence as distinct from knowledge or skill acquired by education, experience, and training.
(9) Physical and mental energy sufficient to enable him to perform arduous duties, if necessary, under pressure.
(10) Emotional balance.

In England the training of probation officers is usually made up of:

(a) A University Social Studies Course.
(b) Three months' study of law and economics at the Home Office.
(c) Field experience under guidance of an experienced probation officer.

Then applications are made to a local committee for a position usually on probation for one year.

Appointing Authorities.

There is a wide variation in the method of appointment in various jurisdictions. In United States of America, it is common for Judges of various courts to appoint their own probation officers. In others a centralized service is established with principal probation officers supervising the work of field officers. In California alone, there are no less than 59 County Probation Departments. In England, the probation service comes under the Home Office, but appointments are made by the probation committee in each probation area.

Location of Offices.

In many cases, probation officers have rooms in the Court buildings, in others they are located in one centralized office. In England, I felt that probation officers wasted valuable time by attendance at Court when quite obviously many of those charged are unsuited for probation.
In some jurisdictions prisoners are remanded in custody, after conviction and before sentence, to enable a report to be presented. In others, they are remanded, on bail, with a written direction to report to the probation office and to appear on a given date. Some courts may prefer to remand a prisoner in custody in order to impress the seriousness of the offence, but in other cases it may be preferable to remand on bail.

The weight of evidence supplied by the experiences and successes of other countries is such that Victoria need have no qualms about its expansion in this State; indeed, it may well be ashamed at its tardy development here.

Recommendations.

I recommend—

(a) That provision be made for probation to be granted for any offences which the Court deems expedient.

(b) That an essential pre-requisite shall be a pre-sentence investigation and report by the probation branch.

(c) That the period of probation be one to three years.

(d) That power be given to revoke, to vary, or discharge the order on application by the probationer or the probation officer.

(e) That a supervising Court be appointed where considered necessary.

Probation Officers and Probation Branch.

As my recommendations combine probation and parole under one branch of the Penal Department, further reference should be made to Chapter 6 of this Report.
CHAPTER 4.

CLASSIFICATION OF PRISONERS.

Classification, in various forms, has been practised for many years, but it is correct to say that no aspect of penal administration has received greater attention and consequent development in recent years, than that of classification.

What is the Origin of Classification?

Classification began when it was recognized that separation of certain groups was essential. Females were separated from males, and the young from the old, and the hardened offenders from the inexperienced. Classification by sex, age, and criminality has, however, proved inadequate, and the modern approach stresses not merely the older theory of contamination, but the more constructive process of the development of a suitable programme of rehabilitation during the period of incarceration.

The Committee on Classification and Casework of the American Prison Association states:

"Classification implies not only a thorough analysis of the individual and the factors in his background and environment which influence his personal development, but also a procedure by which this information can be utilized as the basis of a well-rounded, integrated program for him looking toward his improvement as a social being. It is the organization of personnel and procedures through which the rehabilitative facilities of the institution may be directed most effectively towards a solution of the problems presented by the individual."

What are the Elements of Classification?

A primary consideration is safe custody if for no other reason than a public demand for it, but it is evident in all countries that only a small percentage of prisoners require maximum security custody. Many are not custody risks at all and will respond to less rigid conditions, but provision must be made for changes from one custodial group to another where necessary.

It is generally agreed that the most likely field of reformation is in the younger age groups, but it is appreciated that age alone is not a reliable guide and should never be rigidly followed. In England, the upper age limit for Borstal has been reduced from 23 years to 21 years. In one American State, reformatory committals are limited to 30 years, but chronological age is less significant than was previously felt. Sometimes very young men are more mature and sophisticated than older men.

Segregation according to types of crime is equally unsound, and the only satisfactory approach is an individual one based on the needs of the individual and the facilities available for the type of treatment programme determined upon, and since the aim of the treatment programme is to effect changes, provision must be made for frequent reclassification. In other words classification must be a continuous process.

The following extracts from a paper to the Twelfth International Penal and Penitentiary Congress, The Hague, 1950, by Colonel F. Lovell Bexby, Deputy Commissioner, New Jersey, are relevant to this discussion:

"Probably the basic grouping of convicted offenders should be on the basis of the type of treatment needed and available. Is there present in the individual a grievous constitutional weakness or acquired physical or mental pathology which makes social adjustment impossible? If the answer is in the affirmative, the prisoner should be placed with others similarly afflicted under medical supervision for treatment and care throughout the duration of the pathologic condition."
In this connection the proper disposition of the feeble-minded prisoner has received a great deal of attention, but no satisfactory solution. Some State prison systems, notably New York, have special prisons for sentenced prisoners whose mental age level falls below that range usually considered as normal. It is the writer's opinion that special provisions for the mentally deficient should include only those in whom the deficiency is so great as to preclude any possibility of social adjustment or where the deficiency is accompanied by marked emotional instability and personality defects. In our daily lives we come in contact with many successfully and useful mentally deficient persons, and it is entirely practicable and desirable to let the higher grade feebleminded mingle with the normal in our penal institutions and find their level there as they will have to do when they are released to society.

The so-called psychopathic offender has likewise been the subject of much discussion by United States penologists. Unfortunately, there is little agreement as to the nature of psychopathy, its diagnosis or its treatability. Until we have a great deal more scientific knowledge regarding this somewhat questionable category of psychopathic personality, it is highly probable that the behavior problems ordinarily associated with a psychopathic diagnosis can be met best under the conditions established to provide maximum custody for normal individuals of appropriate age groups.

Having defined and established that group of offenders in which individual pathology can be medically diagnosed, we are left with the larger group of offenders for whom the indicated treatment lies not in the medical field, but in the field of discipline, training, and socialization.

It has been stated that no prisoner should be held under a greater degree of restraint and surveillance than is needed to give reasonable assurance that he will not escape from custody. In other words, the attitude of the individual toward his own offense and consequent incarceration should be an important determinant of his classification. On the one hand, the less restraint and surveillance exercised the more favorable the climate for rehabilitation. Also, the less the degree of custody the less the expenditure for construction and operation. This principle has been widely recognized in the United States where three degrees of custody are generally observed under the descriptive terms maximum, medium, and minimum. Thus, a prisoner is classified for maximum custody if all the available information about him indicates that he might plan and execute an escape even though to do so would involve serious harm and possibly death to himself and others. Such prisoners have to be kept in the most secure type of housing and under constant vigilant guard.

A prisoner is considered eligible for medium custody if it can be anticipated, on the basis of knowledge about him, that he would not plot an escape or execute one at the cost of serious injury to himself or others. It is recognized that he might seize an unexpected opportunity to run away if it seemed to present itself without the danger of immediate detection. The greater number of prisoners, by far, fall into this category, and they may be housed in much less expensive buildings and guarded by a lower ratio of prison officers.

Minimum custody prisoners have been described as those who might be expected to remain within designated boundaries for the duration of their legal incarceration without any official oversight. They may be housed in inexpensive barracks and supervised by a small staff.

Both from the point of view of rehabilitative possibilities and the more mundane considerations of cost, custodial classification is important, and it is also necessary to bear in mind that prisoners undergo change while imprisoned, and that a custodial classification which is suitable for a certain person at one time may not be appropriate at any later date. Some prisoners, at the beginning of their sentences, require maximum custody but gradually under treatment and habituation, become suited to medium or even minimum supervision. Others, who are minimum custody types, change for the worse and have to be put back to maximum security conditions. Therefore, the penal administrator must establish a plan where the population is frequently reclassified.
Classification is a continuous process and may be considered in three distinct phases:

1. Classification by the Court.
2. Classification at an allocation centre.
3. Classification within the institution.

**Classification by the Court.**

Procedures vary considerably in different jurisdictions.

*In England,* the *British Criminal Justice Act* 1948 provided for the following distinct groups for Court classification.

(a) Probation.
(b) Detention (Centres are not yet established).
(c) Imprisonment.
(d) Borstal Training.
(e) Corrective Training.
(f) Preventive Detention.

There are specific limitations especially in regard to age, and pre-sentence investigations are made. Despite this, it is apparent that many disposals subsequently prove to be wrong. Courts were so impressed with the aims of corrective training that committals exceeded the expected numbers. By the end of 1950, approximately 2000 had been committed to corrective training and reorganization of institutions is still in process.

Careful examination of the programmes of Borstal Institutions, Corrective Training Centres and training prisons in England prompted me to ask "What basic differences are there in the treatment programmes?" In point of fact the differences are insignificant except as for age. In other words in every Borstal prison, reformatory or place of detention, the programme is essentially one of training with a view to rehabilitation.

*In California,* courts commit prisoners to the care of The Adult Authority, which determines how and where the prisoner is to be classified.

*In United States* Federal Courts, committals are to the custody of the Attorney-General and the Federal Bureau of Prisons determines where he shall serve.

**Sweden.**

Reference should be made to a useful booklet prepared by Professor Thorsten Sollin, entitled *Recent Penal Legislation in Sweden,* from which the following extracts are quoted:

"**Examination and Classification.**

The Act states as a general rule (Section 26), that the classification and treatment of prisoners must take into account their age, health, mental condition, character traits, previous conduct, ability to work, aptitudes, and training. It specifies that men and women must be separated and, if possible, kept in different institutions or sections of institutions, nor should prisoners be placed together if harmful contacts and influences would result. The Prison Administration is given full power to transfer prisoners from one institution to another or assign them to institutions for treatment, guided by the considerations mentioned above.

The proper placement of prisoners, i.e., their classification by institution, requires considerable knowledge about the offender. In order to carry out the purpose of the Act a pre-classification examination is necessary. No previous law required such an examination. The Royal decree of 8th April, 1938, governing the execution of imprisonment in institutions for youthful offenders did provide that everyone sentenced to such punishment should be kept in a reception depot for not over two months, or in exceptional cases
as long as four months, if the Prison Administration found it necessary, but no examination was specifically required. The Prison Administration, however, required them from the beginning. Their demonstrated value caused the Commission to insert a provision in the new Act requiring a pre-classification examination of all prisoners serving sentences of imprisonment, simple or at labour, of at least six months in length, and of all youth offenders, detainees, and internees.

In the case of convicts and simple prisoners, the examination, as complete as possible, shall be made as soon after admission as possible "to provide guidance in treatment" (Section 43). It shall cover the circumstances of the prisoner's life, his personal history, state of health, aptitudes and knowledge. In other words, it is to be a social, medical, and psychological examination. It is to be conducted by the head of the institution to which the offender has been admitted to serve his sentence, assisted by the prison physician, and following directives issued by the Prison Administration. The report must be submitted to the Prison Administration as soon as possible (within a month as a rule), and it should contain the examiners' recommendations concerning the placement and the treatment of the offender.

When the new Act, therefore, speaks of closed institutions, that term is used to indicate institutions that are reasonably secure against escape. In its report, the Penal Code Commission states: "It is probably impossible to define exactly the difference between a closed and an open penal institution. It lies in the varying degree to which the inmates' freedom of movement is restricted to a given area (the institution, or a part thereof). The characteristic marks of an open institution are, as a rule, the absence of a surrounding wall or fence as a means of preventing escapes, the fact that the outer door is kept unlocked in the daytime, the existence of a recreational area for inmates, the absence of barred windows, &c. Even among institutions of the same category, the freedom of movement of inmates will vary depending on local circumstances, such as the size of the institution, its location, and so forth. Intermediate forms of institutions between the open and the closed will obviously occur. The Commission suggests, for instance, that closed annexes be placed at certain open institutions.' While it is customary in the United States to talk of maximum, medium, and minimum security institutions, it is interesting to note that the Penal Code Commission thinks only in terms of two categories, open and closed. An examination of the provisions of the Act will show to what a very great extent it conceives of prison treatment as open in character, i.e., of the medium or minimum security type, with the accent on minimum."

Although machinery for transfer from one classification to another can be devised, I feel that the most satisfactory results have been shown where the classification rests with the penal administration and not with the Courts. This is particularly so where the number of institutions is limited. England meets this problem by a further classification at allocation centres such as Latchmere House, Wormwood Scrubs, and Reading, where those committed to Borstal and Corrective Training are further classified according to their suitability for open, semi-open, or closed institutions. Many prisoners committed to Borstal and Corrective Training are security risks. If only one or a very limited number of institutions are possible, then the whole tenor of each institution is set to meet the needs of the worst type of inmate. This limits severely the treatment programme, and is a serious consideration in this State.

Classification at Allocation Centres.

England uses allocation centres for a further classification after the Court has made its classification. In United States of America, States such as Illinois, California, New York, and New Jersey have set up diagnostic centres to assist in classification procedures, especially with mentally disturbed prisoners. In the Federal sphere all committals are to the care of the Attorney-General, who through the Federal Bureau of Prisons, has laid down basic directives for the guidance of United States Marshals as to where prisoners are to be taken. Special cases receive individual direction from the Bureau.
In a compact State, it is most satisfactory to have a central depot where appropriate machinery can be developed for suitable classification having regard to the custody risk, any specialized treatment such as medical, psychological, and psychiatric treatment, and the general training programme.

Classification within Institutions.

Classification at the main centre must necessarily be followed up at the institution by further sub-classification and by regular reviews to determine the progress made and the need for changes. Initial classifications will not always be correct, and in any case the more effective the programme the greater the changes that will be effected. Decisions which appear reasonable to-day may need appreciable change in the light of changing circumstance, and no system of classification can be regarded as adequate unless provision is made for frequent reclassification.

Current Victorian Practices.

In Victoria, classification by the Court is virtually limited to definite sentences of imprisonment which may be at hard labour, or to Reformatory Prison on an Indeterminate Sentence. Sometimes the latter follows a definite sentence.

Some attempt has been made to introduce a classification procedure at Pentridge, where virtually all definite sentence prisoners other than short-term ones are held. It is not practicable to classify short-term prisoners as little can be done in the short terms, but it would be an advantage to establish a minimum custody section on the farm area for the petty offenders, drunks, and vagrants.

For all sentences exceeding four weeks there is a form of classification by a Classification Officer subject to review by the Inspector-General. A brief history sheet is prepared from an interview with the prisoner, but no checks of information given are made and little reliance can be placed on some statements.

Those under 21, unless considered too hardened in crime, are classified as "Restrain" and attend school (primary classes) in the morning and work on the farm in the afternoon.

Those of any age with no previous gaol sentence are classified as "Special" and serve in "A" Division segregated from other prisoners.

All others are classified as "ordinary", but those with sentences exceeding three years serve in "B" division and the remainder in "C" division.

Periodically groups of old and infirm, unsuited to prison industries, are transferred to a semi-hospital prison at Geelong and a few (the maximum is 30 at any one time) may receive the benefit of the open conditions at Coorong Mungie Prison Farm. In July, 1951, Beechworth Reformatory Prison was closed as a Reformatory Prison, and a group of prisoners suitable for forestry work and medium security conditions transferred there. This will provide valuable experience of medium security provisions.

Classification within these groups may be changed at any time, but this does not occur frequently, and in any case facilities are too limited for greater classification.

What is needed most in Victoria, is the development of modern training programmes suited to various types of prisoners, and greater use of prisons at country centres for special purposes. A relaxation of rigid routine and custodial conditions could then be made, but cannot be effected, unless and until the treatment programme is such as will enable the prisoners to make full and profitable use of the time available. The present routine of having all prisoners fed and locked in separate cells by 5 p.m. daily has long since been abandoned in all progressive countries. See Chapter 5 for "Treatment Programme".

Without classification the whole tenor of each institution is set by the poorest type of inmate, but enthusiasts should ponder deeply over the fact that the prisoner must learn to live in an unclassified community and too great a degree of segregation into similar types may make this later assimilation more difficult. Those who clamour for complete segregation of sex offenders are referred to the discussion in Chapter 10.
Classification Method and Personnel Required.

The essential pre-requisite to classification is the compilation of a case history of the individual to include his family history, his home environment, his education, his religion, his interests and activities, his employment history, his health (physical and mental), his attitude to his crime and society, and his prospects and desire for rehabilitation.

It will be seen that this coincides with the pre-sentence investigation report required for probation, and in the plans outlined, it is important to note the integration and co-ordination of effort in all phases.

If adequate pre-sentence investigation has been made, the work of classification will be facilitated, but since this will not always have been done, the machinery of classification must be geared to do this work. Further, the report must be studied and elaborated on by members of the classification committee. Copies of reports prepared by the probation branch should automatically go to the centre, and all case histories should accompany the prisoner to the institution and be available to the parole service.

In some jurisdictions, very elaborate procedures were observed, and though, perhaps, too much time and energy was expended, it was indicative of the complexity of the problem of classification. There is scope for differences of opinion, and the wider the scheme the more likely it is that correct classification will be made.

Classification committees, especially those in United States of America, embrace every aspect of the programme. The warden or his deputy, the classification officer, the parole officer, the education officer, the chaplain, the medical officer, the psychologist, the social worker, the industrial supervisor, the chief custodial or disciplinary officer, and the housemaster or his counterpart are members and are required to make prior contact with the individual and his case history. In some cases each adds a report and a general summary is made.

It is important to have the co-operation of the prisoner since a forced programme is unlikely to be successful. He appears before the committee, having already talked with the various officers and knowing the courses available is allowed to speak freely. He may not be granted all he seeks, but is told why, and as far as possible led to see the wisdom of the programme planned and the need for his active co-operation. To allow this contact to be made, many institutions have an initial period of up to six weeks for orientation. It is often called quarantine period. It is not uncommon, in England, for three months to elapse before a Borstal trainee is finally allocated.

Care is needed that undue delays do not occur, and a suitable activity programme needs to be developed for this period, but the main point is that the classification committee work as a team to arrive at an appropriate classification after assessing the individual.

In Victoria, Pentridge has become the central point for the department, and it would not be difficult to arrange an orientation period for the effective development of a classification procedure. Prisoners would be transferred to the appropriate section at Pentridge or the institution appropriate for the treatment programme decided upon. The following would be represented on the Classification Committee—The Inspector-General, the Governor, the Chief Probation and Parole Officer, the Chief Education and Training Officer, the Supervisor of Industries, the Medical Officer, the Chief Disciplinary Officer, the Chaplain, and the Classification Officer who would act as Secretary to the committee.

England has abolished the term “penal servitude”, and since distinctions as to “light labour” and “hard labour” have disappeared in this State, it is recommended that the term “hard labour” be deleted and that all sentences be referred to simply as imprisonment.

It is recommended:—

1. That Courts having determined guilt should decide on (a) probation, or (b) imprisonment.
2. That the length of the imprisonment should be determined as recommended in Chapter 7 with a minimum-maximum sentence for all indictable offences.
3. That classification into appropriate groups and appropriate penal institutions should be effected by the penal administration’s classification machinery.
4. That the time and conditions of release under supervision be determined by the Parole Board as in Chapter 8.
CHAPTER 5.
TREATMENT PROGRAMME.

Early in this century, the programme of well-conducted gaols consisted of well-organized safe custody, hard work in convenient types of industry, and rigid discipline. Prisoners were fed and locked in cells by 5 p.m., there supposedly to repent their evil ways and sleep after the day's exertion. To this programme was added later some recreational activity for week-ends to cover idle periods. Victoria has progressed very little beyond that stage.

It is now recognized that this rigid regimented approach to treatment is inadequate. This vague and impersonal mass-production method has encouraged a belief that good conduct and industry and submission to discipline indicate reform. Nothing can be further from the truth. Shrewd prisoners know how to "coast" through their sentences and often have no intention of living honestly when discharged. Human behaviour varies so much that trying to adopt a programme common to all cannot succeed; an individual approach is demanded.

This elusive and indefinable change called reform, is really a process of social readjustment brought about by close personal contact with various elements of a complex plan. It is not achieved by moralizing or by repression.

Let it be clear that it is not desired to make gaol a pleasant place, nor to pamper prisoners. In point of fact, it is infinitely more difficult to pass through a modern gaol programme where he becomes an active partner in developing and planning his own future than in the passive routine of the old regime, where he was not allowed to speak and not required to think. Discipline is not relaxed, it merely takes a different form. Active participation replaces the negative approach of "don'ts". The prisoner's destiny should be placed, measurably, in his own hands.

There are many different aspects in an effective treatment programme, and the reformatory value of each varies with the individual prisoner and a wide diversification is essential in all institutions. Correctional treatment may be regarded as re-educational; it is certainly a process of re-adjustment in which many and various conflicts have to be resolved. They are unlikely to be resolved and may even be intensified by a purely negative programme of safe custody, hard labour, and the passage of time.

A suitable treatment programme can for convenience be discussed under separate headings as follow.

Medical Examination and Treatment.

The earliest attention should be given to a medical examination so that physical and mental disabilities may receive attention. This may materially affect the treatment programme and must be considered in classification. A physical defect may preclude many activities and where treatable should be treated at once. Mental disabilities may require psychiatric and psychological examination, and may determine future programme. Considerable attention has been focussed on mental abnormality in relation to criminal responsibility and is referred to in Chapter 10.

General Education.

Many prisoners are under-educated, some may be uneducable. Little can be achieved in a short period. True illiteracy seldom occurs nowadays, but very low standards may be seen. In United States of America, Federal prisoners unable to pass Grade V. standard are referred to as illiterates. Compulsion will rarely succeed and wherever possible a desire for further education should be encouraged and provision made for trained teachers. At present, in Victoria, prisoners under 21 not considered too hardened in crime are compelled to attend primary school classes each morning. Too often these prisoners feign ignorance in order to remain in low grades where the mental effort is less. Compulsory attendance is unlikely to achieve success, it rarely evokes a responsive desire but if work is voluntary and woven into the parole plan, it can be more satisfactorily effected.
There must always be a compulsive element in gaol, but it will be noted in each chapter that the best results are achieved where active co-operation is induced by the least apparent compulsion. This rests largely with the wise influence of all correctional staff and especially those closely linked with individual interviewing and counselling.

Lack of education is an important factor in the criminal activities of many prisoners, but it is well to remember that many poorly educated and even subnormal people lead useful and law-abiding lives.

In England, local education authorities play an active part and supply many part-time instructors for evening tuition. These teachers are qualified in the special subject required. In all countries, evening tuition in a wide range of subjects is available.

It is rare for Victorian prisoners to undertake correspondence courses and in any case personal coaching is needed as interest lags quickly. At present, at Pentridge, two full-time primary teachers supplied by the Education Department, conduct elementary education classes for the under twenty-one group. They observe normal school vacations.

When Castlemaine Reformatory Prison functioned, a full-time secondary teacher supplied by the Education Department, conducted elementary classes and manual training classes for inmates. In addition, a warden with some knowledge of elementary teaching and a warden with some training in woodwork were used in the school. The training given was limited by the average term being ten to twelve months. Langi Kal Kal has not continued this training as the class rooms are not yet available. This touches the fringe of the problem but is limited to the group under 21. This is a logical field, but needs wide extension, and the development and co-ordination of all educational agencies in all institutions is imperative. Mental tests and the examination of the general level of education should precede classification and the development of the programme for the individual.

Libraries.

Libraries can be a potent source of voluntary general education, and are also of great recreational value in prisons. In all modern gaols visited, special provision was made for excellent library facilities and every encouragement was given to inmates to read widely.

In England, local Education authorities are responsible for the supply of books on a loan basis, and in many instances stated that the general level of wear and tear was less on books loaned to penal institutions than to the general community.

Although fiction predominated, a wide range of technical books was available, and the general control and use of the library was developed by the education sections as a very important phase of its programme. It was quite impressive to see the effective use made of libraries in England and United States of America.

In Victoria, libraries are encouraged as a recreational factor. Fiction predominates and many old volumes need disposing of, but there is a lack of purpose and understanding of the value of a library in the educational programme. If the plans outlined are adopted, the Chief Education Officer could co-ordinate and develop library facilities and effect a satisfactory liaison with the Melbourne Public Lending Library and the Free Library Service Board.

Films.

The educational and recreational values of films are widely recognized and extensively used in modern prisons. Film projectors are available at Langi Kal Kal Training Centre and Pentridge but more extensive use can be made of them as the educational plan develops.
Vocational Training.

In addition to general education, and to any specific academic training, there is need for purely vocational training in specific trades, quite apart from the general industrial training in production shops. There are several important limiting factors frequently overlooked. Few prisoners are young enough or educationally qualified to be apprenticed, and the trade training does not receive outside recognition. Uneven dates of entry, of lengths of terms and the short duration of many sentences make it difficult to organize courses.

In England courses in such trades as bricklaying, carpentry, joinery, cabinet making, painting, decorating, boot repairing, boot making, tailoring, engineering, textile manufacture, &c., have been developed. These are modelled on Ministry of Labour courses developed as a war-time measure and are similar to the dilutee training undertaken in Australia during the war. Full-time qualified instructors are employed and intensive practical and theoretical training is carried out.

In Denmark, one Borstal inmate was actually apprenticed to a local watchmaker and voluntarily remained at the institution to complete his apprenticeship.

In United States of America, almost every major vocation was provided for. Printing and auto mechanics were specially noteworthy. In Oklahoma, a certificate recognized by the Oklahoma State Board for Vocational Education is issued.

The vocational training seen in progress in all modern prisons visited was quite impressive, and despite the difficulties of union and trade recognition the courses were used as part of the development of a parole plan. It was also co-ordinated with placement in maintenance parties and production shops.

Hobbies.

A feature in all countries visited was the development of hobbies as a means of developing personality, of avoiding the pernicious influence of "killing" time by idly, as is common to the old methods of gaol. Hobbies may, or may not, be closely related to the vocational training programme, but their influence in the correct use of leisure hours, a major factor in delinquency, is immeasurable.

Craftwork of various kinds can be developed for evening training and is of great therapeutic value where emotional stresses and conflicts have developed. It is essentially voluntary, and wisely directed, can be an important influence in discipline and character development, and may even be a useful source of income.

At present, in Victoria, it is frowned upon because of the inconvenience it causes and because buildings are designed specifically for safe custody by locking in separate cells at dusk, so that a minimum number of officers needs to be employed on night watches. Until it is recognized in this State, that merely locking in cells at dusk is completely negative, a proper and balanced treatment programme cannot be developed and the prospects of reform will be remote.

Even where old buildings presented problems, it was noticeable that attempts were made to surmount the difficulties and some excellent results were observed. Prisoners were encouraged to develop hobbies, and were allowed to dispose of their products or to take them away on discharge subject to paying the cost of any materials supplied.

Care, however, is needed in planning and developing hobbies, as indiscriminate growth can lead to misuse, but wisely directed, immense value can accrue from them.

Control and Development of Education and Training Programme.

There is scope for development of the educational facilities in Victorian prisons. It is merely tinkering with the problem to employ teachers from the Education Department, as at present. These are frequently changed and have a very limited function of teaching elementary classes. Every progressive penal administration has developed an extensive and co-ordinated education and training programme planned by specialists. There are specialized problems associated with penal institutions and continuity of purpose cannot be achieved without centralized direction.
I recommend that a position of Chief Education and Training Officer be created in this department. This is a full-time position requiring great initiative, wide experience, and knowledge of educational facilities and methods. This officer would develop and co-ordinate the educational and vocational training programmes of all institutions as an integral part of the treatment programme. He would be required to examine all resources available, organize the employment of full and part-time instructors at various institutions, arrange intelligence tests, participate in the classification of prisoners and examine carefully the problems of apprenticeship and trade recognition of vocational training, organize libraries and other educational agencies. He would also contribute to the work of staff training.

Every country visited has developed an educational division as part of the penal administration. New South Wales has appointed an Education Officer in the Penal Department. This officer should be employed in this department but teachers from the Education Department will be required at individual institutions. Many of these will be part-time instructors required for evening tuition, but the over-all planning should be centralized in this department. The Education officer should also affect a liaison with the Council of Adult Education.

Industrial Training and Prison Industries.

The history of prison industries makes an interesting study, and is much more involved than generally realized. Early prisons made no provision for work; prisoners languished in dungeons. Later, rigorous hard labour, sometimes accompanied by cruelty, was common. Gross exploitation of prison labour occurred in many countries even in this century. The general reaction to the protests of manufacturers, trade unions, and reformers generally, has been to place stringent limitations on the sale of prison products and to abolish road gangs and the like. Almost all prison administrations have had to devise industries catering for goods for State use only. The primary purpose of prison industries is to provide useful employment to prevent the evils of idleness. In doing this, two further important objectives may be achieved. These are, to cultivate habits of industry in prisoners and to recoup some of the high costs of gaols to the State. The punitive element of hard labour has disappeared, and prisoners are utilized within their physical capacity at suitable productive employment. There are, of course, many prisoners, who are not employed in industries. These may be awaiting trial, or sick, or under punishment, or on transfer, or some other routine. Many are needed for domestic and maintenance duties. Care needs to be observed that unduly large numbers are not so engaged.

Earlier methods of cellular employment have been replaced by industrial workshops and outdoor employment on food production. The most impressive feature of workshops visited was the high quality of the products produced. It must be appreciated that few prisoners have any trade skill, sentences vary and changes are being made constantly; yet despite these disadvantages, the finished products compared favourably with anything produced outside. Many gaols have laboured under great difficulties as machines were often obsolete cast-offs from other institutions, but the shops I visited, were well equipped with modern machinery and conducted on the most progressive lines. Supervisors were fully qualified in their own trade, the highest standards were exacted and industries conducted as business propositions.

In America, the industrial shops visited were superbly equipped, and, in the Federal prisons were controlled by the Bureau of Prison Industries with excellent costing systems. In England, Sweden, and Denmark excellent production was equally noticeable. In Denmark one maximum security gaol had a large up-to-date steel foundry. Others had first class cabinet making and toy-making shops.

In Victoria, apart from rural production at certain country institutions, all industries are centralized at Pentridge. It is probably fair to say, that having regard to the inadequate and often obsolete machinery available, the production is good. The total value of production for the year 1950 was £63,431 at penal prices. The estimated “outside” value was £84,379. Nevertheless the quality of work produced by prison labour is poor. It has been found necessary to purchase officers’ uniforms and boots and even inmate clothing from outside sources. Sabotage has occurred occasionally, but this is probably due to the general approach to the treatment
programme. The labour is forced and more regard is paid to the labour needs of each industry than to the individual needs of the prisoner and his future parole programme. This can be overcome only by proper and continuous classification.

It is necessary to emphasize that placement in an industrial shop does not ensure trade training. It does provide training in habits of industry which is valuable, but it does not receive outside recognition as trade training. In a few exceptional cases, prisoners have obtained vocational skill in Victorian prisons and entered that particular trade on discharge.

Nevertheless, production shops are an important part of the treatment programme, and many though unsuited to purely vocational training can be gainfully employed therein. These shops, however, should be organized and equipped to produce high quality products. Competent instructors are necessary and modern machinery and modern production methods should be employed.

I can see no reason why the whole of the printing requirements of this department could not be produced in the printing shop at Pentridge if modern machinery were installed. This applies equally to other shops, but some are already well equipped and yet fail to produce satisfactorily. Some reference is made in Chapter 12 to greater incentive by a revision of the earnings scale, but something more is needed. Trade supervisors must be fully skilled in their own trade and must be competent to supervise prisoners and impart that knowledge.

There is need for greater co-ordination of effort in production as between all institutions, for better quality production and better organization of production methods.

A Supervisor of Industries with practical experience of modern production methods should be appointed. The cost would be small compared to the enhanced production and the co-ordination of industries with the general treatment programme.

The following industries are conducted at Pentridge:—Printing, Bookbinding, Tailoring, Shoemaking, Mat making, Wire-netting, Brushmaking, Textile manufacture, Woodwork (including plumbing, painting, and general maintenance), Engineering maintenance, and Farming. With the development of training prisons at country centres suitable types of industries will need to be developed at these gaols and may involve transfer of some from Pentridge. All gaols conduct vegetable gardens to supplement the diet and provide outdoor activity and it may be possible to extend the activities at Langi Kal Kal Training Centre to produce the whole of the department's requirements in potatoes, eggs, and perhaps fruit. It may also be possible to fill many timber requirements from Coorimungle Prison Farm.

Physical and Recreational Training.

The harmful physical effects of confinement need no elaboration here. The long history of gaols shows ample recognition of the importance of physical well-being and the value of physical exercise.

The first response to this may still be seen in the older gaol buildings in England and in Victoria, where exercise yards were provided. It is impossible to cater for proper physical recreation in the confines of a small yard. Few things in England depressed me more than to see large groups of prisoners compelled to walk a circular path in a small yard for a set period each day. It was necessary, because of building limitations, but in the modern gaols a different approach was in evidence. Large well-equipped gymnasiums and playing fields were in evidence. In some cases, physical training instructors carried out set physical training classes of a somewhat disciplinary nature for younger offenders, but in most cases participation was less compulsive and interest high.

Sport in various forms can be an important character builder. Learning to give and take in the spirit of the game has very deep psychological implications. It is not merely to make life in gaol a pleasant game but to encourage and develop interests which can be important factors in normal life. Many prisoners are law-breakers because they have never been adequately equipped to utilize their leisure hours properly.
Every person needs recreation of some kind for his own physical and mental well-being, and recognition of this has changed the programme of modern penal institutions. Great variety is needed to meet the varying physical needs, and provision is needed for organized or team games and for casual games.

In England, I saw prison teams competing at Soccer on the prison playing field against outside teams. Many types of team games are used for competition within the institutions and in Borstal institutions inmates were permitted to play in local teams. There is need for indoor recreation also and darts, quoits, and various card games were permitted and encouraged.

A feature of the programme at Langi Kal Kal Training Centre will be recreational activities, because of its importance to the younger offenders, but there is scope for extension to all prisons. Properly supervised and controlled, it is an important indirect disciplinary agent, it also reduces the ill effects of idling and is an important contributing factor in mental and physical rehabilitation.

Action will be taken in this direction as soon as possible, but the first step will be in training staff, at present predominantly custodial in outlook, to a new approach perhaps best indicated by the American term of Correctional Officer.

**Spiritual Training.**

The following extract from the *American Prison Association Manual* of suggested Standards for a Correctional System, is very pertinent. I agree entirely with its sentiments.

"It is not necessary or appropriate to discuss here the value of religion in men's lives. Men and nations have found that they cannot live without its guiding, sustaining, and inspiring power. One is not taking a holier-than-thou attitude who recognizes that men and women in correctional institutions are doubly in need of the help that religion can give them. It is not enough, however, to provide religious services which they can attend; they also need individual counseling and spiritual guidance by chaplains who are sincere, approachable, understanding, and tolerant, have special training for their difficult task, and possess the qualities of personality that attract and inspire others.

The public generally does not understand how quickly prisoners respond to religious services and individual counseling under this type of leadership. It is true, moreover, that they respond even to the rather drab and uninspiring religious services that are held in far too many institutions. Many prisoners are religious by nature and, becoming more thoughtful in confinement and perhaps sincerely repentant; turn again to religion. Others have been brought up in homes that are religious. To please their families, they attend religious services and end by finding comfort and help in religion. Others have never had any religious belief and attend services or talk with chaplains in the vague and sometimes cynical hope that they can get help with some personal problem or in "solving the riddle of the universe". These men are often among the more intelligent prisoners, and their cynicism and lack of religious and ethical standards are so destructive that every effort should be made to reach them."

I was greatly impressed by the importance given to Spiritual Welfare in England and in the United States of America, where all main prisons had full-time chaplains whose work was recognized as an integral feature of the treatment programme.

It is necessary to emphasize that each aspect of the treatment programme contributes in its own way to the final aim of rehabilitation. Few prisoners are affected by one aspect only, and the co-ordination of all is essential, and perhaps it is best described as the gentle pressure of each agency that achieves results.

The work of a prison chaplain is such that special qualities are required and churches should give special attention to the nomination of men of the right calibre with great capacity for individual counselling rather than preaching. Chaplains must understand and participate actively in the treatment programme. In United States of America classification committees usually had the appropriate chaplain as a member. In England he was recognized as a staff officer with special duties.
In Victoria, valuable work has been done by Chaplains who, except in rare cases, have been loyal and helpful to the administration. I feel, however, that when the treatment programme outlined here is developed, greater co-ordination of the work will be achieved and chaplains will become more positive contributors to the programme and active assistants in parole plans. When this develops, it will be necessary to pay greater remuneration to attract suitable chaplains and permit them to devote greater time to their work.

Social Education.

Many prisoners are socially maladjusted. They have marital and other problems that are rarely resolved by their own efforts. I was interested to note that in England and perhaps more so in United States of America this was widely recognized and catered for in various ways. Individual counselling and group therapy are practised in an attempt to resolve these problems.

No amount of punitive repression will resolve these problems, and until they are resolved, anti-social acts will continue. To ignore them merely intensifies them.

In one institution an excellent series of discussions, illustrated lectures, and films on social problems were utilized as a means of attacking this problem. Merely to say you are giving lessons in civics or citizenship would be to court derision from prisoners and some officers, but there is scope for an active programme at the level of the prisoner. Competent officers can introduce discussions on sex problems, on the art of living, and on everyday problems of life.

Education officers, social workers, parole officers, and chaplains do provide this in many gaols in England and United States of America. Many observers may scoff at this as abortive and futile, but it can and does succeed in making an effective contribution to the general programme, and does help to resolve emotional conflicts.

In Victoria, the programme is heavily burdened by a custodial atmosphere. Little is done in the way of positive treatment and individual counselling which are now features of all progressive penal institutions.

Alcoholics.

Many petty offenders are alcoholics, and it was interesting to observe the methods adopted overseas to attack this problem which is common to most countries.

In Denmark, experiments are proceeding in the use of the drug antabuse; but in England and United States of America the most effective results have been achieved through the activities of the social group known as Alcoholics Anonymous. Many accounts were given to me of its activities, and members, who have themselves been victims of alcohol, established contacts with prisoners, and on discharge arranged effective steps to rehabilitate victims.

General.

It will be seen from this chapter that considerable importance is attached to an effective treatment programme as the only method likely to achieve reformation.

The present method of purely safe custody with an inadequate individual basis is completely negative. It may have occasional successes, and to those with a punitive mind who consider gaol should be rigorous punishment, the treatment programme outlined will have no appeal; but until it is accepted that gaol is for correctional treatment aiming at diverting criminals from a life of crime, little will be achieved except to keep criminals out of circulation during the currency of their sentences.

Every modern penal administration recognizes the need for a more positive approach to a difficult problem and has sought to develop more fully the aspects outlined in this chapter.

Victoria has, in some degree, recognized this by its development of reformatories under an indeterminate sentence; but, in my view, every sentence should aim at ultimate reformation and, hence, every reformative principle should be applied in every gaol. Furthermore, it is axiomatic to me that the treatment programme should be planned towards the time when release must be effected and the realization of this is certain to provoke keener active co-operation and participation by prisoners, and to those in whom any desire to reform is kindled, gaol will have some purpose other than punishment.
CHAPTER 6.

PAROLE AND AFTER-CARE ORGANIZATION.

The efficacy of any treatment programme is reflected in the amount of recidivism, and some research has been undertaken in other countries, with general agreement that recidivism occurs most frequently in the period immediately following release. Grunhi.it quotes from *Prison from Within*, by R. Harvey: “In a very real sense, punishment begins only when a man enters the world again and joins in the struggle of living”.

This problem of assimilation into the community has long been recognized, and evidence of this is seen in the provisions of Borstal releases and more recently of Corrective Training and Preventive Detention. It is seen in the various parole systems of Europe and United States of America, and in the provisions of the Indeterminate Sentence (Sections 514–543, Crimes Act), in Victoria.

**England.**

After-care is controlled by the National Association of Discharged Prisoners Aid Societies (N.A.D.P.A.S.), an incorporated body, conceived from a desire to co-ordinate and in some measure control the numerous social organizations interested in the welfare of discharged prisoners. It is characteristic of England that such bodies are evolved in a semi-official capacity from voluntary social and philanthropical beginnings. It receives official blessing and co-operation and operates successfully.

N.A.D.P.A.S. is a central authority, but all after-care functions in England have a strong local flavour and varying degrees of success. Based on voluntary and untrained workers, it supplements the work of the prison, but is not woven into the treatment programme as effectively as it could be. It is a patchwork which still smacks of charity. England traditionally abhors any regimented system, preferring a general co-ordination of varying existing practices. This is often very successful, but it is difficult to follow and beyond most countries to emulate.

**United States of America.**

A wide variation may be seen, but there is a general pattern common to the more progressive States and generally referred to as parole. The parole plan is the goal of the treatment programme, and the release date and conditions are dependent upon the effective development of this plan, to the satisfaction of the paroling body and its supervising officer.

Parole may be described as a method of releasing prisoners from institutional treatment to life in the community under prescribed conditions and with the aid of adequate supervision. It is not a right nor a reward for good conduct. It provides the parolee with help and guidance over the difficult period when he endeavours to readjust himself to life in the community; it retains control so that he may be returned to custody if he breaks the conditions of his parole. Parole is part of the sentence!

Parole machinery is generally much more closely associated with the penal administration than probation. Within certain statutory limitations, the paroling authority determines the date and conditions of parole, the supervision required, and the action to be taken for breach of parole. In England, power to release and recall from Borstal, Corrective Training or Preventive Detention rests with the Prison Commission, and in United States of America it usually rests with a Parole Board.

In **Victoria**, prisoners committed under Sections 514–543 of the Indeterminate Sentence provisions of the Crimes Act come under the control of the Indeterminate Sentences Board, which determines when a prisoner may be released on parole to test his reform. It may by its own warrant recall any parolee. It may extend parole or may recommend to the Chief Secretary that the parolee having indicated his reform during parole should be granted probation, which is for two years, and recall can be made by order of a Court of Petty Sessions. Where a parolee has not been recalled within five years, he is, by general practice, considered as out of the Board’s hands. The Board also has powers of grading transfer and punishment not usually exercised by paroling authorities. Chapter 7 of my New Zealand Report emphasizes some peculiar anomalies in the operation of these sections.
One Welfare Officer is employed for the guidance and supervision of parolees. He usually has about 87 cases. He obviously cannot effectively supervise them all, and concentrates on difficult cases.

Reformatory prisoners represent approximately $2\frac{1}{2}$ per cent. of all prisoners, and there is no provision whatever for the supervision of indefinite-sentence prisoners on their discharge, that is for 97\% per cent. of prisoners.

By Regulation (Gaols Act Regulation 77) provision is made for the Inspector-General to grant remissions for good conduct and industry, up to one quarter of the sentence. The prisoner is discharged, and should he offend within the period of remission, action is limited to deducting the remitted portion of the previous sentence from remission on the current sentence (Regulation 79).

In England, there is one-third remission, and in United States of America “good time”, “meritorious good time”, &c., is usually on a basis of days per month and may be lost by bad conduct.

Remission is distinct from parole, it merely makes earlier eligibility for consideration for parole, and is regarded as a useful incentive and disciplinary aid in all gaols.

**Personal Problems of After-care.**

Many minor but significant personal problems arise when a prisoner is released. Problems of vocational training, trade recognition and employment have been part of the parole plan, but problems of adequate clothing, of money for immediate needs and temporary accommodation arise. Short term offenders are catered for by charitable organizations, but this is necessarily limited. However, other offenders should be provided for.

In England the following clothing may be given gratis on discharge:—

1 suit, tailored to measure outside.
2 sets underclothes.
2 shirts.
2 pairs of socks.
1 pair boots or shoes.
1 hat.
1 overcoat (if recommended by the Medical Officer for prisoners over 60 years of age).

Discretion is exercised by the Governor having regard to the private clothing he has, but where the sentence exceeds four years, the prisoner may send his clothing home and receive the complete issue costing about £12 (sterling).

In United States of America, the general practice, in the more progressive States, is to make a complete issue of first-class clothing. Before parole, the prisoner makes his selection from a wide range of stock, usually prison-made and of first quality.

In Victoria, private clothing is brought out of moth balls, aired and pressed a short time before discharge. If it is inadequate, clothes may be sent in or new clothes purchased from earnings, which, however, are very limited. Clothes may also be supplemented from a very non-descript stock of secondhand clothes provided by charitable groups. Reference is made in Chapter 12 to the standards of service in laundry, clothing, etc., in other countries.

Sterling work has been performed in this State by the Victorian Prisoners’ Aid Society. Even if all the recommendations of this Report are effected, there will always remain scope for the type of personal assistance rendered by this and other societies, especially with vagrant short-term offenders.

The question of earnings is discussed in Chapter 12, and bears on the question of parole needs. Provision of an adequate scale of earnings would enable the parolee and his supervising officer to resolve these problems. In some cases earnings may be inadequate, the prisoner may have been in hospital, delayed on appeal, or have spent a large amount on dentures or some other valid purpose. I dislike a gratis issue. It is preferable to earn and pay your own way as is normal outside, but some provision should be made for special cases, and when parole supervision applies there is adequate safeguard against abuse.
Accommodation is a very real problem, but hostels are undesirable. It is preferable for a parolee to be fitted into normal life, even if it requires much effort from the parole officer. However, provision is necessary for advance payment of a week's lodging, and again this can be controlled by the supervising officer.

Whatever aspect of after-care is studied it is apparent that organization is needed. Parole is, therefore, an essential corollary to any institutional treatment. It is impracticable for short sentences, but is essential for success in all others and becomes part of the sentence.

The whole tenor of this Report is intended to show four essentials in any penal code.

These are:—
1. Machinery for adequate pre-sentence investigation.
2. Supervised probation as an alternative to institutional treatment.
3. A positive treatment programme in all institutions leading up to.
4. Release on parole with supervision and guidance with power to recall for breach of conditions.

Each should be an integral part of penal administration and it appears logical to me that probation and parole can be most effectively developed as one branch of penal administration.

In the United Kingdom the probation service comes under the Home Office, but is not part of the Prison Commission. Supervisory or parole functions are carried out by Societies approved by the Commission through N.A.D.P.A.S.

In United States of America, probation services are often controlled by the Courts or by local counties or by Youth and Adult authorities. Parole services are closely allied to penal administration, but in the Federal sphere parole supervision is carried out by Federal Probation Officers.

There is thus costly duplication of effort in many countries, whereas a centralized and co-ordinated probation and parole service could be more effective. Authorities freely admitted this was the ideal, but for various reasons, mainly established interests, it was nowhere achieved, though to a notable degree the California Adult Authority approaches it. It is important to appreciate that in some countries there are town, city, county, and State jurisdictions, and this makes co-ordination very difficult.

**Recommendation for Victoria.**

It is recommended that a Probation and Parole service be established within the Penal Department. This service would undertake:—
1. Pre-sentence investigation (Chapter 2).
2. Supervision of probationers (Chapter 3).
3. Supervision of parolees (Chapter 6).

It would be very closely correlated with the treatment and training programme of all institutions, and would make use of available honorary probation services and social agencies, especially in places outside the metropolitan area.

**Case-load of Officers.**

Opinion varies considerably on the question of case-load, but almost every organization claimed to be labouring under excessive case-loads. Many factors are involved, such as the distances to be covered, the variation in the amount of supervision for different individuals and the records that have to be maintained. The American Prison Association considers that an officer engaged in investigations should not have more than fifteen new cases per month, and that a supervising officer should
not have more than 50 cases under continuous supervision. It is difficult to assess the requirements in the initial stages of establishment, but the following appear necessary to begin with:—

1 Chief Probation and Parole Officer.
1 Senior Supervising Officer.
4 Male Field Officers.
1 Female Field Officer.

Provision of power to remand, with or without bail, for investigation, makes it unnecessary to waste time stationed at Courts and the branch could carry out the investigations in the required period. In time, some officers may specialize in investigation work, others on probation or parole supervision.

In Chapter 3, reference is made to the qualifications required for such officers.

For those who necessarily query the cost of this scheme, I repeat that probation and parole are cheaper than institutional treatment, but the paramount consideration is to make a co-ordinated scheme, each part of which is to contribute very materially to the fundamental aim—reduction of crime by the most effective deterrent—namely, the desire and ability to reform.

The recommended constitution of the paroling authority and its powers is discussed in Chapter 8.

By way of emphasis, and to give some insight into the details of parole, forms given to parolees in United States of America explaining parole are attached.

State of New York.
EXECUTIVE DEPARTMENT.
DIVISION OF PAROLE.
Albany.

Mr. Number Dear Sir:—

You should realize by now that neither the officials of the institution in which you are confined nor the members of the Parole Board were responsible for your being sent to prison. Since you are required by law to serve a sentence in prison, it is to your advantage to make the most profitable use of your time and to avail yourself of the institution facilities in order to better prepare yourself for your eventual release.

In doing so, it is important to you that you learn from the proper sources just how the parole system operates. Do not rely upon information given to you by other inmates who may try to explain why the Parole Board refused parole to certain individuals and why others were brought back for violation of parole. Information received from this source may prove to be harmful rather than beneficial to you.

Common sense should indicate to you that no inmate will be granted parole unless the Board considers he is a fit risk to resume his life in the community, and no individual is returned as a violator unless it has been established that he actually violated the rules of his parole.

You owe it to yourself to learn what parole is about. Read the contents of this letter carefully. Consult the institutional parole representative if there is anything you desire to know or that you don't understand about parole procedure.

Your Sentence.

You were sentenced to serve an indeterminate term in State prison. Your date of eligibility for parole will be determined by deducting from your minimum sentence, the compensation or "good time" allowance of time you have earned. The maximum "good time" allowance provided by law is four months a year. The Correction Law provides that officials of the Department of Correction compute the time you are required to serve and determine the date when you will appear before the Parole Board for parole consideration. The earning of "good time" is, of course, dependent upon your conduct and work record in the institution. Compensation is figured from your minimum and not your maximum sentence. "Good time" allowance does not assure your release on the minimum eligibility date, but only makes it possible for you to be considered for parole before the expiration of your full minimum term.

The amount of time you lose in the event of bad conduct or poor work is determined by the institution authorities, and any loss of time for any reason will delay your appearance before the Parole Board.
No Application for Parole Necessary.

You do not make application for parole. The law specifically states that "no application for release on parole made by a prisoner or in his behalf shall be entertained by the Board of Parole". Your appearance before the Parole Board is an automatic procedure and your hearing before the Board is scheduled when you have served your minimum sentence less the amount of "good time" you have earned.

Release on Parole.

Parole is not a right, but a privilege granted only to those who, in the opinion of the Board of Parole, are fitted for release. There is no law which provides that you must be paroled when you have completed the minimum sentence less "good time". You appear before the members of the Board of Parole for parole consideration, and the members of the Board decide whether you will be released on your parole eligibility date, or whether you will be held for a longer period of time not to exceed your maximum sentence.

The parole law provides no prisoner shall be released merely because he has maintained a good conduct and work record in the institution, but only if in the unanimous opinion of the three members of the Board hearing your case, there is reasonable probability that if you are released, you will not again violate the law, and that you can be released without danger to the welfare of society. The law further provides that you cannot be paroled unless there is assurance you will be suitably employed.

The action of the Parole Board in granting or withholding release of any prisoner is a judicial function and is not reviewable if done according to law. This is a provision of law which has been upheld in the State's highest court.

Stand on Your Own Merit.

When you become eligible to appear before the Parole Board, stand on your own merits. Don't waste efforts calling upon so-called influential people to contact the Parole Board in your behalf. The Board of Parole will have a thorough investigation conducted into all the facts in your case, including your personal and family history, the record of your previous arrests and convictions, the attitude of the community toward you, the reports of the various officials in the institution, your conduct and progress record in the institution, and information regarding the place where you plan to live and your proposed work program. The complete report will be reviewed by the Board at the time you are granted a hearing.

Your Parole Program.

The following simple suggestions are made to help you work out a parole program when you are notified you are to appear before the Parole Board:

1. Save yourself disappointment by submitting only job offers you believe are legitimate and made in good faith. All employment offers are carefully investigated. Do not submit "phoney" job offers. Tell your family and friends not to do so.
2. You should begin to plan your program about four months before you meet the Board. Don't wait until a few weeks before your hearing. You must have a satisfactory residence and a bona fide job offer before you can be paroled and sufficient time must be allowed for proper investigation.
3. If you have an offer of work on premises licensed by the Alcoholic Beverage Control Board, your employment there must first be approved by the Alcoholic Beverage Control authorities before the employer hires you. To clear this type of job through the proper channels takes time.
4. If you are a barber, you must secure a license from the Department of State before your employment can be approved. Ask the institutional parole officer regarding the procedure you must follow.
5. If you have a venereal disease, obtain treatment in the institution so that the disease will be cured or in a non-communicable state when you are eligible for parole consideration.
6. If you have been in military service, secure your discharge or write for a duplicate, so that accurate information regarding your record will be available.
7. If you do not have a social security card, consult the institutional parole officer about securing a duplicate.
8. Give an account of your marital history. If you have been divorced or a marriage has been annulled, attempt to secure official verification of this action.
9. If you are under any legal obligation to support any of your children, furnish information regarding the terms and the court from which the order issued.
10. If you are under any legal obligation to provide restitution in connection with your present offense or any previous offense, furnish information regarding the terms, the court from which the order issued, and whether or not you have taken any steps to comply with the conditions imposed upon you.
11. If you are not a legal resident of New York State and plan to live in another State, submit your parole program well in advance of your hearing. The New York State Division of Parole works on a co-operative basis with the parole authorities in other States, who investigate and supervise cases referred to them by the Division of Parole. Allow sufficient time to have your case investigated. No individual can be paroled to another State unless the proper officials in that State agree to accept responsibility for supervision.
If the investigation of the prospective home and employment in another State is unsatisfactory, or if the proper parole officials do not agree to accept supervision, the Parole Board cannot approve release to that State.

If you are paroled to another State, it is necessary that you have sufficient funds to pay for your transportation to your destination, and these funds must be available when you are released.

If you are paroled to reside in another State, you must agree in writing to waive extradition, and to accept the rules and regulations of the Board of Parole in New York State as well as the State to which you are paroled.

Parole Board Hearings.

The Board of Parole holds hearings each month in each of the institutions under its jurisdiction. These hearings are private. The law provides that no attorney, relative, or other person interested in the case of a prisoner may be present at parole hearings.

There is no expense connected with parole. Under no circumstances should you or your relatives pay money to any one at any time to help you obtain parole, or for any special consideration after you are paroled. You and your relatives should know that any official representative of the Division of Parole will be able to produce evidence of his official capacity by producing a shield and an identification card with his photograph attached. In the event you or your relatives are approached by anyone seeking a fee in connection with your parole situation, you should report it to the Board of Parole immediately.

Nothing contained in the foregoing paragraph is to be considered as opposed to the employment of an Attorney at Law for the protection and enforcement of any and all legal rights to which you believe you are entitled.

When you appear before the Board for your hearing, be frank and honest in your statements. Speak in a straightforward manner. The Board of Parole may question you about your offense and other phases of your case.

The Board does not re-try cases. Don’t be untruthful and evasive about the crime which led to your commitment to prison.

Don’t be untruthful about the people who participated in the crime.

Don’t give a “phony” story about the gun, if one was used. If you don’t intend to tell where you got it, say so. Don’t say, “I found it in an ash can—the subway—a vacant lot, etc.” Remember the Board has talked with thousands of prisoners and the Board members recognize a “phony” story when they hear it.

The Board is interested in the progress you have made in the institution, your conduct, the achievements you have made in school or in trade training, your attendance at religious services, and any special skills or interests you have developed. If you have been attending meetings of the Alcoholics Anonymous, the Board would like to know about it.

The Board is also interested in your attitude toward your family’s situation and what your plans are for them.

When you are given your hearing before the Board, you have your opportunity to say what you want and tell your story. Don’t be afraid to talk freely and to ask any questions you desire. Say anything you believe might give the Board a full understanding of your case.

Why You Might be Refused Parole.

Under the law, the Board of Parole cannot release any inmate from a State prison until one full year has been served.

No two cases are exactly alike and the Board usually has more than one reason for denying parole. For example:

The Board may conclude that the facts in your case would not warrant favorable consideration of your parole at the minimum eligibility date.

Your previous criminal record may be such that the Board believes you would be a poor risk.

The Board may have the opinion that you are not ready for parole and that continued confinement may be for your own best interests.

Your home or job programme may be unsatisfactory.

Your infractions of institutional regulations may lead the Board to believe you could not be expected to abide by the regulations of parole on the outside.

You may have a venereal disease in a communicable state.

The Board may postpone consideration of your release pending further investigation of some particular phase of your case, such as the status of charges pending against you, additional information regarding your personal history, &c.

Possibly you have “slept” through your sentence and have failed to use your time to best advantage.

The Board may find you have withheld information regarding your personal family, employment, or criminal history, and you may have failed to co-operate with the Division of Parole so that an adequate investigation could not be made in your case.

You may have had a previous opportunity on parole and have failed to make good.

There are many other factors which the Board considers. If your parole is denied, you will know the Board has determined your release on parole would not be for the best interests of yourself or society.
After you have had your hearing before the Board, you will receive written notice of the Board’s decision.

If you are going to be paroled, you will be informed of the date set for your release.

If you are not going to be paroled, you will be told when your case will be considered again by the Board.

If you are given an “Open Date”, the Parole Division will assist you in arranging a programme.

If you are placed on “Or Earlier” status, the Board expects you to arrange your own programme.

**When You are Paroled.**

Prior to your release, you must agree in writing before leaving the institution, to accept certain definite and specific conditions of parole. These rules have been established as a result of study of many thousands of cases. In addition to the general rules regulating your parole, the Board of Parole may impose certain specific conditions with which you are expected to comply.

You are told what you must do to succeed on parole. The rules are not difficult. They are designed to help you to lead a law-abiding life and to protect people in the community and their property.

**The Conditions of Parole.**

1. You must proceed directly to the place to which you have been paroled and within 24 hours you must make your arrival report to the person designated. When you make your arrival report, you must have in your possession the money you received at the time of your release, except necessary expenditure of funds for travel, food, and shelter.

2. You must not leave the State of New York or the community to which you have been paroled without the written permission of your parole officer.

3. You must carry out the instructions of your parole officer, report as directed, and permit him to visit at your residence and employment. You must not change your residence or employment without first securing the permission of your parole officer. If, for any reason, you lose your position, you must immediately report this fact to your parole officer. You must make every effort to secure gainful employment and you must co-operate with your parole officer in his efforts to obtain employment for you.

4. You must conduct yourself as a good citizen. This means you must not associate with evil companions or any individuals having a criminal record; that you must avoid questionable resorts, abstain from wrongdoing, lead an honest and upright and industrious life, support your dependents, if any, and assume towards them all your moral and legal obligations. Your behaviour must not be a menace to the safety of your family or to any individual or group of individuals.

5. You may be required to be in your home at a reasonable hour at night as determined by your parole officer.

6. You must not indulge in the use or the sale of narcotics in any form, and must abstain from the use of intoxicating liquors.

7. You must not marry without consulting with and obtaining the written permission of your parole officer. You must not live as man and wife, with, nor have sex relations with, any woman not your lawful wife.

8. You must surrender to your parole officer immediately after release any motor vehicle license which you had in your possession at the time of your conviction and sentence. You must not make application for a motor vehicle license at any time or for any license which would permit you to carry firearms of any nature, without the permission of your parole officer. If while on parole, you carry firearms of any nature, or drive a motor vehicle without a valid license, it will be considered a violation of parole.

9. You may not accept employment in any capacity where liquor is made or sold, without the written approval of the State Liquor Authority permitting such employment.

10. You must not correspond with inmates of the State prisons or reformatories without the written permission of your parole officer. You must not carry from the institution from which you are released, or send to any penal institution, whether in New York State or elsewhere, any written or verbal message, or any object or property of any kind whatsoever, unless you have obtained specific permission to do so from the Warden, the Superintendent, or other duly authorized officers of both the institution from which you were released and the institution to which the message, object, or property is to be delivered and unless your parole officer has been duly advised.

11. You must reply promptly to any communication from a member of the Board of Parole, a parole officer, or an authorized representative of the Board of Parole.

12. Any reports, either verbal or written, made to or submitted by you to your parole officer, which are subsequently found to be false, will be rejected by the Board of Parole, and will not be used in crediting parole time served, and in addition, may be considered a violation of parole.

13. During the period while you are on parole, should you commit a felony, either in New York State or any other state, in addition to serving the sentence pronounced upon you for that offense, you will be compelled to serve in a State penal institution, the portion remaining of the maximum term of the sentence on which you were paroled, from the time of such release on parole to the expiration of such maximum.
14. If you should be arrested in another State during the period of your parole, you must waive extradition and must not resist being returned by the Board of Parole to the State of New York.

15. You must not register as a voter and must not vote in any primary, special, or general election, as your right of franchise was revoked when you were sentenced to a State prison.

16. You must report to your parole officer each and every time you are arrested or questioned by officers of any law enforcement agency and furnish all the facts and circumstances which caused your arrest or questioning.

In addition to the above conditions of parole, the Board may, in its discretion, add any specific conditions if deemed necessary or desirable.

Co-operate with Your Parole Officer.

It is the parole officer's job to be of help to you in solving your problems. While you are under supervision, follow his advice. If you lose your job, he will advise you and help you get work. If you or the members of your family need medical care or welfare assistance, your parole officer will assist you to secure this service. If you want further education or vocational training for yourself or members of your family, ask your parole officer for his advice and assistance.

If you obey all regulations, you don't have to fear parole.

Parole Violation.

If your parole officer has reasonable cause to believe you have lapsed or are probably about to lapse into criminal ways or company, or that you have violated the conditions of your parole in an important respect, he is required to submit a written and detailed report of all the facts regarding your violation and a summary of your conduct and history since release.

The parole violation report must be submitted to a member of the Board of Parole, who then decides whether you are to be declared delinquent. He determines the date of your delinquency and whether you are to be returned to prison as a parole violator.

Just as you have been warned regarding the payment of money to anyone while you are confined, you are also warned that neither you nor any member of your family should pay anyone anything to "fix" a violation of parole.

If you are detained on the parole violation warrant alone, you are given credit for the jail-time served on this warrant. However, if there are other charges against you for which you are found guilty, any time spent in jail pending the disposition of these charges is not considered parole jail-time.

If you are returned to prison as a parole violator, without a new felony conviction, you will appear before the Board and will have an opportunity to present your story.

If you violated your parole by the commission of a new felony, the Board cannot give you a hearing as the time you are required to serve is determined by law and the Board has no authority to act in your case. The law provides you must serve the remainder of the sentence on which you were paroled, from the date of release to the maximum, before beginning any new sentence which may have been imposed upon you.

If at any time you are returned as a violator and have not been convicted of a new felony, the Parole Board has authority to hold you for any period of time from the date of delinquency to the date of the expiration of the maximum sentence.

Discharge from Parole.

The law provides that every prisoner sentenced to a State prison must remain under supervision until the expiration of the maximum term.

In the cases of individuals who have served in the armed forces, of the United States subsequent to their conviction and in time of War, the Board of Parole has discretionary power to grant discharge from parole, providing the individual was honorably discharged from the service or released under honorable circumstances, and providing the Board is satisfied that termination of supervision will be for the best interest of the individual and of society.

In General.

It is repeated that the Board of Parole does not attempt to re-try cases. The Board must assume prisoners are guilty of the crimes for which they are incarcerated. The Board has no power to change the sentence which has been imposed by the court. Your right to appeal from the sentence of the court is provided for in the law.

The prison officials are responsible for the computation of the time to be served. If you have any question regarding your sentence, jail-time credit warrants, etc., the matter should be discussed with the proper prison officials.

While you are in prison, if you are concerned about your family's need of food or shelter or medical care, or any other problems relating to them, it is suggested you consult with the institutional parole officer who will give you the proper advice and if necessary, he will request that an investigation be conducted by the Division of Parole, after which he will advise you of the efforts made to solve your problem and those of your family.

The Board has written this letter to you in a friendly spirit, to give you a better understanding of parole. It is suggested that during your incarceration, you make an honest effort to prepare yourself to meet your responsibilities when you return to the community.

Very truly yours,
United States Board of Control, Washington, D.C.

Certificate of Parole

Know all men by these presents:

It having been made to appear to the United States Board of Parole that

...........................................................................................................

is eligible to be paroled, and that there is a reasonable probability that said prisoner will remain at liberty without violating the laws, and it being the opinion of the said United States Board of Parole that the release of this prisoner is not incompatible with the welfare of society, it is ordered by the said United States Board of Parole that the prisoner be paroled from the said

...........................................................................................................
on

United States Board of Parole, GEORGE G. KILLINGER, Chairman.

FRED S. ROGERS, Member.

B. J. MONKIEWICZ, Member.

JAMES A. JOHNSTON, Member.

JOSEPH H. DEWITT, Member.

[Seal]

United States Board of Parole:

The above-named prisoner was released on the day

day

Washington, D.C.

Statement of the conditions under which this parole is granted.

This certificate of parole will become effective on the date shown on its face after the following conditions are accepted by the prisoner as evidenced by his signature at the end thereof, duly witnessed:

1. That I will proceed directly to designated district and upon arrival I will report in person immediately to my Parole Advisor, and to the United States Probation Officer responsible for my supervision. The latter will in turn advise the Parole Executive, Department of Justice, Washington, D.C., that I have reported to my Parole Advisor on the Arrival Notice provided for that purpose.

Probation Officer

2. That I will live and remain at liberty without violating the law.

3. That I will remain within the limits fixed in the Certificate of Parole. If I have good cause to leave these limits I will first obtain written permission from the Probation Officer.

4. That I will, between the first and third days of each month, until my final release, and also on the final day of my parole, make a full and truthful written report to the Probation Officer upon the form provided for that purpose and that I will submit each such report first to my Parole Advisor for certification and then mail or deliver same to my United States Probation Officer.

5. That I will in all respects conduct myself honorably, work diligently at a lawful occupation, and support my dependents, if any, to the best of my ability.

6. That I will promptly and truthfully answer all inquiries directed to me by the United States Board of Parole or by the United States Probation Officer.

7. That I will immediately consult my Probation Officer if I am arrested or questioned by law enforcement officers regarding any crime or suspected crime.

8. That I will direct a communication to the Parole Executive, United States Board of Parole, Department of Justice, Washington, D.C., if at any time it becomes necessary to communicate with my Parole Advisor or Probation Officer for any purpose and they are not accessible.

9. That I will live and work at the place stated in my parole plan and will not change employment until after I have permission in writing to do so from my Probation Officer. In emergencies I will notify my Probation Officer at once.

10. That I will not purchase, possess, use, consume, or administer narcotic drugs or marihuana in any form, or frequent places where such articles are unlawfully sold, dispensed, used, or given away.
11. That I will not use intoxicating liquors nor frequent places where they are sold.

12. That I will not associate with persons having a criminal background, bad reputation, or those engaged in questionable occupations.

13. That I will not enter marriage or execute contracts for any purchases that require installment payments without first consulting the United States Probation Officer.

14. I understand that my release rests entirely in the discretion of the United States Board of Parole and that if I do not demonstrate capacity and willingness to fulfill the obligations of a law-abiding citizen, or if my continuance on parole becomes detrimental to the integrity of the parole system, or incompatible with the welfare of society, I may be retaken on a warrant issued by the Board of Parole and reimprisoned pending a hearing to determine if my parole or conditional release should be revoked.

15. I have read, or have had read to me, the foregoing conditions governing my release. I fully understand them and I will abide by and strictly follow them. I also understand that if I violate them in any manner I may be recommitted.

Dated: .................................................. .................................. 

Witnessed: .................................................................................. Register No. .......................................................... 

(State of California.)

PAROLE

Name

And Conditions of His Parole.

The Adult Authority of the State of California has imposed certain conditions to be observed by you while on parole which are fully explained in this document. Your parole is a privilege and not a right. You should read these instructions carefully and retain this paper for reference. Your supervising parole officer will assist, guide and counsel you, and you should, at all times, frankly discuss with him any difficulties which may arise. You should co-operate with him to the fullest extent with the thought in mind that the members of this Authority have placed their faith in you and that you are completing your sentence with the benefits this parole makes available to you.

Chief State Parole Officer.

117 State Office Building No. 1, Sacramento 14, California.

DISTRICT OFFICES—BUREAU OF PAROLES.

Suites 23, Ferry Building, San Francisco
Room 334, Homer Laughlin Building, Los Angeles
655 22nd-street, Oakland
Suite 200, 631 J-street, Sacramento
Room 601, Brix Building, Fresno
Room 3, Redding Theatre Building, Redding
Room 205, Jerina Trust Building, Long Beach

Room 206, Rosenberg Building, Santa Rosa
327 Balboa Building, Santa Barbara
Room 415, Broadway Building, San Diego
Institutional Parole Office, San Quentin
Institutional Parole Office, Folsom Prison
Institutional Parole Office, C.I.M., Chino
Institutional Parole Office, M.S.P., Soledad

PAROLE

Granted by

The

Adult Authority

of the

State of California

To

Name

Age

Received: San Quentin ..........................................................
C.I.M., Chino ............................................................
Folsom .................................................................
Soledad ...............................................................

Released on Parole: ..........................................................

Expiration of Sentence: ..................................................

With benefit of credits allowed.
CONDITIONS OF YOUR PAROLE.

The Adult Authority, Department of Corrections, State of California, at a meeting held at ........................................ on .................... 19......... having reviewed and considered your case, hereby grants a parole to you, ........................................ effective on .................... 19......... subject to the following conditions:

I. You shall be released from prison on the above effective release date if there is at said time a parole program approved by the Bureau of Paroles, and if there is not, you shall be released as soon thereafter as there is an approved parole program for you.

II. You shall, upon release from prison, go directly to the place designated by the Bureau of Paroles, and shall report to the State Parole Officer, or other person designated by the Bureau of Paroles.

III. You shall not change your employment, your place of residence or leave the county of your residence without first obtaining the permission of the Bureau of Paroles.

IV. You shall submit monthly, or as often as directed, to the Bureau of Paroles a written report on your activities for the previous month, on forms supplied by the Bureau of Paroles. This report shall be true and correct in all respects, and shall be mailed or delivered to your supervising Parole Officer so as to reach him by the 5th day of the month following the month for which the report is made. When so instructed, you shall have the report countersigned by such person as is designated by the Bureau of Paroles.

V. Your civil rights have been suspended by law, except as restored by this parole, or as hereafter may be restored by the Adult Authority, upon the request and recommendation of the Bureau of Paroles. Therefore, you may not enter into any contract, you may not marry, you may not engage in business, you may not borrow money, or execute a contract, &c., without the restoration of such civil rights by the Adult Authority. However, the Adult Authority cannot restore to you the right to act as trustee, hold public office or vote. The following civil rights only are hereby restored to you:

(a) You may make such purchases of clothes, food, transportation, and tools and rent such habitation as is necessary to maintain yourself and keep your employment, but all purchases shall be for cash and your rent shall be paid promptly when due. You shall not make any purchases, relative to the above, on time or credit except with the permission of the Bureau of Paroles.

(b) You are hereby restored all rights under any law relating to employees, such as rights under the Workman's Compensation Laws, Unemployment Insurance Laws, Social Security Laws, &c.

VI. You shall not:

(a) Possess, use, or consume any alcoholic beverages.

(b) Possess, use, commiss or sell any narcotic drugs, the possession, use, consumption or sale of which is prohibited by law.

(c) Possess, use or sell any deadly weapon, including but not limited to, any billy, sandclub, sandbag, metal knuckles, explosive substance, fixed ammunition, dirk, dagger, pistol, revolver, rifle, shotgun, tommy-gun or machine gun, the possession, use, or sale of which constitutes a felony and is prohibited by law.

(d) Drive or operate any automobile, auto-truck, motorcycle or aeroplane, except with the written permission of the Bureau of Paroles, and then only if said vehicle is properly covered with Public Liability and Property Damage Insurance.

(e) Associate with, and/or correspond with or make any contact with any present or former inmate of any of the penal or correctional institutions of this State or any other State of the United States, or any individual of known bad reputation; except that in exceptional cases and under certain circumstances, permission to do so may be granted by the Bureau of Paroles.

(f) Engage in any public speaking, or sell, offer for sale or distribute any manuscript, without the permission of the Adult Authority and/or the Bureau of Paroles.

VII. You shall:

(a) Obey all municipal, county, state, federal, and military laws, ordinances, and orders.

(b) Contribute to the support of your dependents in accordance with the applicable laws or court orders, or instructions of the Bureau of Paroles.

(c) Maintain steady employment at all times; and you must not absent yourself from your job without the knowledge and consent of your parole officer.

(d) Co-operate at all times with your parole officer and the Bureau of Paroles; and your behaviour and attitude on parole must, at all times, justify the privilege granted to you by this parole.

(e) Consult with, and seek advice of your supervising parole officer in all matters not clearly understood.

VIII. You shall:

(a) Abide by all municipal, county, state, federal, and military laws, ordinances, and orders.

(b) Maintain steady employment at all times; and you must not absent yourself from your job without the knowledge and consent of your parole officer.

(c) Co-operate at all times with your parole officer and the Bureau of Paroles; and your behaviour and attitude on parole must, at all times, justify the privilege granted to you by this parole.

(d) Consult with, and seek advice of your supervising parole officer in all matters not clearly understood.

VIII. Should you break or violate this parole or any of the conditions of this parole, or violate any law of this State, or rule or regulation of the prison, or of the Adult Authority—

(a) All, or a portion of your credits earned, or to be earned, may be forfeited by order of the Adult Authority.

(b) This parole may be suspended, cancelled or revoked and your term of imprisonment may be increased by the Adult Authority, and pending action by this Authority you may be retained immediately to a State prison or may be held in jail until you can be returned to a State prison.
IX. SPECIAL CONDITIONS, if any:

Attest: 

DEPARTMENT OF CORRECTIONS  
ADULT AUTHORITY

Secretary, Adult Authority.  

By:  

Member.

AGREEMENT BY PAROLEE.

I have read, or have had read to me, the foregoing conditions of my parole, and I fully understand them, and I agree to abide by and strictly follow them, and I fully understand the penalties involved should I in any manner violate the foregoing conditions.

Witness:

State Parole Officer.

Date  

Parolee.

DISTRICT OFFICES—BUREAU OF PAROLES.

Room 601, Brix Building, Fresno, Tel.—4-5171  
Room 205, Jergins Trust Building, 20 South Pine-  
avenue, Long Beach, Tel.—7-7429 and 7-7420

Room 334, Homer Laughlin Building, 315 South-  
Broadway, Los Angeles, Tel.—Madison 6-1515,  
Ext. 581 and 582

655 22nd-street, Oakland, Tel.—Higate 4-5427

Room 3, Redding Theatre Building, 1543 California-  
street, Redding, Tel.—2120

Suite 200, 631 J-street, Sacramento, Tel.—Gilbert  
2-4711, Ext. 2908 and 2909

Room 615, Harbor Insurance Building, 1017 First-  
avenue, San Diego, Tel.—Franklin 0488

Suite 33, Ferry Building, San Francisco, Tel.—Yukon  
6-2025

Room 2, 1226 4 State-street, Santa Barbara, Tel.—  
2-2253

Room 206, Rosenberg Building, 308 Mendocino-  
avenue

Santa Rosa, Tel.—1765

State of California.

L.S.  

PAROLE  

of  

Name.  
And Conditions of His Parole.

Chief State Parole Officer,  
417 State Office Building No. 1,  
Sacramento 14, California.

Telephone—Gilbert 2-4711, Ext. 3071-3072.

State of California.

ADULT AUTHORITY.

To:  

The Adult Authority, Department of Corrections, State of California, at a meeting held  
at , on , 19 , having reviewed and considered your case, believe that you can and will successfully complete your term outside of an institution and hereby grants a parole to you effective on . 19 . It is intended that you be released on the above date, or as soon thereafter as a satisfactory program can be arranged for you and approved by the Bureau of Paroles. This parole is granted to, and accepted by, you, subject to the following conditions and with the knowledge that the Adult Authority has the power, at any time, in case of Violation of the Conditions of Parole to cause your detention and/or return to a State prison.

I. Release.—Upon release from the institution you are to go directly to the program approved by the Bureau of Paroles and shall report to the Parole Officer or other person designated by the Bureau of Paroles.

II. Residence.—Before changing your residence, your employment, or leaving the County of your residence, you must first obtain the permission of your Parole Officer.

III. Work.—It is necessary for you to maintain steady employment and any change of employment must be approved by your Parole Officer. You should make every effort to support any dependents you may have.
IV. Reports.—You are required to submit a written monthly report of your activities on the last day of each month on forms supplied by the Bureau of Paroles. This report shall be true and correct in all respects and must be countersigned by such person as is designated by the Bureau of Paroles and should be received at the Parole Office not later than the FIFTH day of the month following.

V. Intoxicants.—The excessive use of alcoholic beverages has occasioned more failures on parole than all other cases combined. You should not use intoxicating liquors.

* A. You may neither possess or consume such beverages in excess.

B. You shall totally abstain from the use of alcoholic beverages or liquors.

VI. Narcotics.—You may not possess, use or sell, any narcotic drugs in violation of the law.

VII. Weapons.—You shall not own, possess, use, sell, nor have under your control any deadly weapons or any other firearms.

VIII. Associates.—Former inmates of penal institutions and individuals of bad reputation must be avoided.

IX. Motor Vehicles.—Before operating any Motor Vehicle or Aircraft you must secure the written permission of your Parole Officer.

X. Co-operation.—You must, at all times, co-operate with your Parole Officer and the Bureau of Paroles and your behaviour and attitude must justify the opportunity granted to you by this parole.

XI. Laws and Conduct.—You are to comply with all municipal, county, state, and federal laws, ordinances and orders and to conduct yourself as a good citizen.

XII. Civil Rights.—Your Civil Rights have been suspended by Law, therefore, you may not enter into any contract, marry, engage in business, borrow money, or execute a contract without the restoration of such Civil Rights by the Adult Authority. The following Civil Rights only are hereby restored to you:—

(a) You may make such purchases of clothing, food, transportation, and tools and rent such habitation as are necessary to maintain yourself and keep your employment, but all such purchases must be for cash. You shall not make any purchases relative to the above on credit except with the written permission of your Parole Officer.

(b) You are hereby restored all rights under any law, relating to employees, such as rights under the Workmen’s Compensation Laws, Unemployment Insurance Laws, Social Security Laws, &c.

XIII. Problems.—Whenever problems arise or you do not understand what is expected of you, consult with your Parole Officer as it is his responsibility to help you in the interpretation of the conditions of this parole, which can only be changed by the Adult Authority or by the written consent of the Bureau of Paroles when permissible or advisable for effective supervision.

XIV. Special Conditions:

Attest:

Representative, Adult Authority.

By: Member.

AGREEMENT BY PAROLEE.

I do hereby waive extradition to the State of California from any State in the Union, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or to the State of California.

I have read, or have had read to me, the foregoing conditions of my parole, and I fully understand them and I agree to abide by and strictly follow them, and I fully understand the penalties involved should I in any manner violate the foregoing conditions.

Parolee.

Witness:

Institutional Parole Officer.

Date.

* Strike out either A or B, leaving whichever clause is applicable.
CHAPTER 7.

THE SENTENCE OF THE COURT.

From the previous chapters, it is apparent that Courts have a grave responsibility and a complex and difficult duty to perform. It is agreed that the initial factor of deterrence of the individual and of other potential offenders must remain of primary importance since the protection of Society is paramount. Considerable difference of opinion exists as to how far deterrence is effected by imprisonment. It is frequently asserted that contamination of impressionable young offenders occurs in gaol and induces further criminality. The following provisions of the United Kingdom Criminal Justice Act of 1948 indicate a strong desire to avoid imprisonment of young offenders wherever possible.

"17.—(1) A court of summary jurisdiction shall not impose imprisonment on a person under seventeen years of age; and a court of assize or quarter sessions shall not impose imprisonment on a person under fifteen years of age.

(2) No court shall impose imprisonment on a person under 21 years of age unless the court is of the opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

(3) Where a court of quarter sessions or court of summary jurisdiction imposes imprisonment on any such person as is mentioned in the last foregoing sub-section, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and if the court is a court of summary jurisdiction the reason shall be specified in the warrant of commitment and entered in the register required to be kept under section 22 of the Summary Jurisdiction Act 1879."

Where imprisonment is determined upon, it is logical to insist that an adequate treatment programme is developed within institutions calculated to equip the prisoner with the desire and ability to take his place in the community to which he must be eventually released, whatever the length of sentence imposed. The old idea that a long sentence of safe custody is a complete deterrent does not prevail. The modern approach is to attempt to effect reformation without imprisonment by probation under supervision wherever appropriate; but where imprisonment is necessary to develop a positive treatment programme leading up to release under supervision. The least developed aspect of the British system, and also in this State, is the after-care supervision.

In Chapter 4 it is stressed that the Court is not an appropriate classification point, and provided adequate classification machinery is developed, I do not think the Judiciary would wish to attempt it; but assuming this is so, the problem of the length of sentence still remains. The practice of sentencing for definite terms has been proved inadequate; it no longer satisfies the concept that a parole period is an integral part of the sentence.

It is appropriate to stress once again, that repeated short sentences for minor offences are useless and tend to produce a vagrant group of petty offenders for whom gaol neither punishes nor reforms. True enough, it temporarily removes them from Society, it cleanses and delouses them, it feeds and clothes them, it restores theirwaning physical capacity and gives them strength to go for and pursue their particular vice, withstand its rigours, and sooner or later, grind once again through the mills of justice. This is a grim and costly cycle and a parasitic growth common to all countries.

In Victoria, 1950 figures show—

53 per cent. were sentenced for less than one month.
17 per cent. were sentenced for one to three months.
14 per cent. were sentenced for three to six months.

Many petty offenders have more than a century of convictions!
These prisoners are not a custody risk, they may never reform, and frequently perish in parks and alleys unwanted and forgotten. Charitable bodies try to succour them, but they often resist help and rarely remain in these voluntary homes.

Section 69, ss. 2, Part III. of the Police Offences Act requires a person to be thrice convicted of drunkenness within the preceding twelve months and also to have behaved in a riotous and indecent manner to justify an habitual drunkard being regarded as an idle and disorderly person, and therefore liable to twelve months' imprisonment.

Consideration should be given to amendment of this section to enable habitual drunkards to be detained for twelve months. If this were done a minimum security institution on the farm area at Pentridge or elsewhere could be established for this group. I do not pretend that reform would be effected, but it would be more likely to be effected in the longer period and it would eliminate their more or less regular reappearance in the Courts, and would avoid cluttering up maximum security institutions with petty offenders. It would provide a more economical and more humane method of treating a difficult problem which does not appear to have been solved in any country.

A more complex problem arises for the more serious offenders, and it is becoming increasingly recognized that definite sentences are inadequate. Hence the development in England of Borstal Training, Corrective Training, and Preventive Detention, and in America and some other countries of sentences either completely or partially indeterminate. This is a recognition of the principle that imprisonment is a punishment commensurate with the nature of the crime, but is also a process intended to induce reform leading to eventual release into the community.

It is this process of corrective treatment and eventual release that should be the guiding factor in determining the length of sentence. If reform is achieved, Society is protected. Too often repeated convictions and terms of imprisonment are followed by a reformatory sentence as a somewhat desperate effort to bring reform. The advantage of the reformatory sentence is its indefiniteness and its supervision provisions. A period of supervision is essential for all sentences other than minor ones. In other words part of the treatment programme is served in an institution and part is served under supervision in the community and control is retained for the whole period.

In England, sentences are definite, but provisions for Borstal, Corrective Training, and Preventive Detention allow for conditional releases. Borstal committal is for three years with conditional release after nine months. Corrective Training release may be after two-thirds of his sentence and Preventive Detention release may be after five-sixths of the sentence.

In the Federal jurisdiction of the United States of America all sentences are definite, but parole may be granted after one-third of the sentence. If parole is denied, a conditional release is provided for at a time determined by full sentence less good conduct and industrial good time.

In California, the following provisions of the Penal Code are notable:

"Sec. 1168. (Indeterminate sentence of imprisonment: Prohibition against fixation of term by trial court.) Every person convicted of a public offence, for which imprisonment in any reformatory or State prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence suspended, be sentenced to be imprisoned in a State prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment.

Sec. 3020. (Authority of board.) In the case of all persons herefores or hereafter sentenced under the provisions of Section 1168 of this code, the board may determine and redetermine, after the expiration of six months, from and after the actual commencement of imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State."
Sec. 3021. (Cumulative and consecutive sentences: Time for determination.) When a prisoner has imposed upon him two or more cumulative or consecutive sentences, the board may determine and redetermine after the expiration of six months of his first sentence, what length of time he shall serve on all such cumulative or consecutive sentences.

Sec. 3022. (Notice of meeting to fix terms: Officers entitled to notice.) At least 30 days before the board shall meet to fix and determine the length of time any prisoner shall be confined, the said board shall send written notice thereof to the judge of the superior court before whom the prisoner was tried and convicted, and to the district attorney and the sheriff of the county from which the prisoner was sentenced.

Sec. 3023. (Limitations on determinative powers.) The term of imprisonment shall not exceed the maximum or be less than the minimum term of imprisonment provided by law for the public offence of which such person was convicted.

In effect the Adult Authority determines the length of sentence. In some States of United States of America a min-maximum sentence is used. It is difficult to present an accurate statistical analysis of the lengths of sentences. It is even more difficult to arrive at a suitable comparative basis as between countries as there are so many variables in the various penal codes. The United Nations Organization Social Defence Department has produced some literature and various graphs, and may later produce suitable comparative tables.

In Victoria, Sections 514-531, Crimes Act, provide Indeterminate Sentences for certain categories. Eligibility for parole is entirely at the discretion of the Indeterminate Sentences Board. By general practice, those under 21 years of age average ten to twelve months, under 25 years up to two years, over 25 years up to approximately two and a half years. Parole is for six months with provision for extension, followed by two years probation. The Board may recall from parole on its own warrant and breach of probation requires an order from a Court of Petty Sessions. A more detailed reference may be found in Chapter 7 of my New Zealand Report.

However, in Victoria, about 97.5 per cent. of sentences are definite sentences, and a combination of a definite sentence and reformatory is often used.

It is significant that 91 per cent. of definite sentences are for less than one year. Experience shows that reformation is not an overnight miracle but a slow and indefinable process—difficult to produce and difficult to assess except by actual trial outside an institution. An effective training programme cannot be planned and developed in a short term. In vocational training alone, and this is but one aspect, little can be achieved in less than one year and parole supervision for less than one year is unlikely to be very effective.

The methods available may be summarized thus:

1. Definite sentences with remissions for good conduct and no parole supervision.
2. To provide special methods such as Borstal, Corrective Training, and Preventive Detention for special groups and retain definite sentences for all others.
3. Provide definite sentences with release under parole supervision after a fixed portion of the sentence has been served, e.g., one-third or one-half.
4. Provide a minimum maximum sentence. The minimum representing the Court's decision of the time that must be served in the institution and the maximum is the limit of the supervision period.
5. Provide a completely indeterminate sentence with release in the hands of an appointed authority.

Method 1.

This is inadequate as we already go beyond this by indeterminate provisions for certain groups.
Method 2.

Under this method the Court decides the group subject to certain specified requirements as to age and previous convictions. Experience shows that many decisions proved wrong and unless there is available a number of institutions for further classification, particularly as to custody risk, the regime of the institutions is governed by the worst type committed. Artificial distinctions of age and number of convictions are inadequate guides and England has found it necessary to further classify Borstal and Corrective Training institutions into open, semi-open, and closed types.

Under this method, many who would receive definite sentences would benefit from special training and I am convinced that each definite sentence without release under supervision makes reformation more difficult. The earlier corrective treatment is applied the more likely success is to be achieved. All sentences exceeding one year should combine an effective treatment programme and a period of supervision.

Classification by the Court is somewhat rigid, and since it must be a continuous process great flexibility and power for administrative transfer is essential. Sections 519–520 of Crimes Act have rarely been used. Not one such transfer was made between 1934–1950. The term is limited to the actual sentence, and provides inadequate time for parole supervision, and a mixture of definite sentence prisoners and indeterminate sentence prisoners causes problems difficult to overcome. In any case the transfer provisions are very limited and complete transfer powers should be given to the administration.

Method 3.

For this method to be effective, not less than one year in an institution and one year under supervised parole is essential. At present slightly over 98 per cent. of sentences are for less than two years. If Courts appreciated that eligibility for parole came after one-half or one-third of the sentence they may increase the length of sentences to meet this objection.

Method 4.—Minimum–maximum sentences.

This has an important and commendable feature in that it enables the Court, as it does now, to determine the time a prisoner must be in an institution and does not reduce the Court’s powers. The maximum should be the maximum provided by the Statute, and it should be noted that at present Courts rarely commit for the maximum now provided.

Under this method, the Court determines the minimum time spent in the institution and this less remissions for good conduct fixes the date of eligibility for parole. The paroling authority then determines the actual release date in the light of the response made, and supervision is maintained for the unexpired portion of the sentence, and most important of all the paroling authority has power to recall at any time within that period for failure to observe the conditions of parole.

This is infinitely more effective than increasing the sentence each time he offends and then, when he has acquired the required number of convictions and proved thoroughly hardened, sentencing him to corrective training or the more despairing preventive detention.

The Judiciary is concerned with this problem of recidivism and this attack on the problem would be acceptable, if it were clear that proper classification of individuals and of institutions were established and that the treatment programme led up to release under skilled supervision.

Furthermore, public opinion with a quite natural retributive or punitive belief in punishment is more likely to gain satisfaction from the imposition of a definite minimum sentence by the Court.
Method 5.—Indeterminate Sentences.

California goes furthest in this direction by committal to the custody of the Adult Authority with a maximum set by statute, and it may be that this method will be increasingly used in the future, and may in time become universal practice, but until public opinion is more enlightened and adequate machinery developed, it is unlikely to meet general approval in this State.

I recommend that method 4 be adopted for all indictable offences.

This is a distinct departure from current practice and from my earlier recommendations which leaned heavily in the direction of British practice: but my observation of British procedures has forced me to recommend a more comprehensive development which I believe will ultimately be forced on Britain. The present British practice of classification by the Court has really tended to “Borstalize” prisons for an older group, and has added a punitive measure of preventive detention to ensure safe custody of habitual criminals, but large numbers still serve definite sentences without after-care supervision and many eventually graduate to the special groups. Furthermore many problems have arisen from the inflexibility of the classification and need for sub-classifications.
CHAPTER 8.

THE PAROLING AUTHORITY.

In England, conditional releases are controlled by the Prison Commission on the recommendation of a Board of Visitors and an Advisory Board, whereas in most other jurisdictions a Parole Board functions autonomously with power to release and recall.

If the partially indeterminate sentence recommended in this report is adopted, a paroling authority is required. The duties of this paroling authority would be:

1. To determine the date and conditions of parole of all prisoners eligible for parole by virtue of having served the minimum sentence less good conduct remissions.
2. To recall parolees on its own warrant for breach of conditions of parole.
3. To finally discharge from parole.

This is an extremely important function to perform, and as the powers are wide, it is imperative that such a board should have considerable status. In this connection, my previous recommendations are still relevant.

It is recommended that a Board of Parole be appointed. That it shall consist of five members as follow:

1. A Judge of the Supreme Court, nominated by the Chief Justice of the Supreme Court, who shall *ex officio* be Chairman.
2. The Director of Penal Establishments.
3. Three other members with experience in social work. One of these could be the Chief Stipendiary Magistrate, but at least two members should be considered as representative of the general public.

It is important in my view that all questions of classification, transfer, and discipline should be part of the penal administration. Classification machinery and treatment programme are part of the normal procedures of the penal department, and all transfers between institutions should rest with the Director of Prisons. It should not be necessary for a board to waste valuable time on minor functions. In no jurisdiction, other than with the Indeterminate Sentences Board in Victoria, have I found these minor duties being performed by a board. In any case, the expanded jurisdiction recommended would preclude time being devoted to such duties.

The procedure I envisage, is that complete case histories will be prepared, that the Classification Committee will determine the treatment programme required and that more elaborate progress reports will be maintained. At present, these are limited to conduct and industry and a few general remarks.

In all cases, the date of eligibility for parole will have been already determined by the minimum sentence, and the Governor or Superintendent in close liaison with the parole branch will have developed a parole plan. These plans and the case history and reports would be considered by the Parole Board in the quarter preceding the eligibility date.

It is quite wrong to determine the parole date simply on conduct and industry in the institution, and then proceed to formulate hurried parole plans after the date has been determined. The treatment programme should lead up to the parole plan, and then the date and conditions should be determined. Too much emphasis should not be placed on interviews before a board. It is the progress reports from those in daily contact with a prisoner which require greatest consideration. Some prisoners are impressive at interviews, others have little guile and are unable to do justice to their case. Others have emotional conflicts and prejudice their own cases. Experience shows that judgments formed at interviews are apt to err unless there are adequate case histories and regular progress reports of the response to the treatment programme. It
is stressed that good conduct and industry and passive submission to routine are not adequate indication of reform. Shrewd criminals know how to "coast" through their sentences and have no intention of reforming. They are unlikely to impress when a diversified programme is developed and all aspects are reported on.

In United States of America, the Federal Parole Board has a huge area to cover and individual members visit institutions to interview those eligible for parole and make a recommendation. If, on study of the file, a majority of members concur, parole is approved. Members however are full time members.

In Victoria, quarterly visits to institutions would suffice for all country Institutions with probably monthly meetings at Pentridge and at Head Office.

The success of this scheme will depend very materially on the development of a suitable treatment programme and on effective parole supervision. The expansion of these aspects will considerably widen the scope and responsibilities of Governors and senior officers, and reference should be made to Chapter II., Staff Training.
CHAPTER 9:

BUILDINGS.

The evolution of gaol buildings makes a fascinating study, and for those interested I recommend study of The Hand-book of Correctional Institution Design and Construction, published by the United States Federal Bureau of Prisons 1949. It is most informative and provides a very wide survey of the historical development and planning of penal institutions.

In every country visited, I saw evidence of huge sums spent in past years on "bastille" types of gaols which everyone now agrees are no longer required for the majority of prisoners. The only purpose they now serve, is to prevent the introduction of modern methods. They were extremely expensive to construct and cannot lightly be abandoned, and in many cases are being remodelled at great expense. Many however are so cramped, that it is futile to attempt remodelling; but there rarely seems to be a favorable time in any State to embark on a large construction programme for penal institutions and all countries have buildings which are legacies of past centuries.

The Federal Bureau says:—

"Architectural Setting.—If the architecture of a correctional institution gives the impression of being primarily, if not entirely, designed to prevent escapes, then the administrators, however enlightened in theory, are bound to succumb in greater or less degree to the habits and patterns of the purely "jailing" function. Similarly, if the inmates are mentally overwhelmed and defeated by forbidding and repressive surroundings, they can hardly be expected to respond to reformatory policies with zest or understanding. They either sink into hopelessness and lethargy or regard the seeming impossibility of escape as a challenge to their interest and ingenuity in achieving illegal freedom.

Architects, law-makers, and psychologists have long recognized the importance of the setting to the accomplishment of particular objectives. The imposing majesty of cathedrals, the quiet dignity of court-rooms, and the cloistered seclusion of the university are all of the utmost value in promoting the fulfillment of their special aims.

Just so, an appropriate atmosphere is equally essential to the successful operation of any programme of enlightened correctional administration and to inmate co-operation therein. And nothing more directly and powerfully conditions the mental atmosphere of both administrators and inmates than the physical plant of an institution, its location, structure, and facilities. No other single factor has so retarded the development and success of rehabilitative programmes as has the lag in correctional architecture—its signal failure to keep pace with the progress in correctional philosophy and practices.

The best and most successful correctional ideals and methods of to-day have little in common with those of a century and a half ago, when prisons and other correctional institutions were first being constructed. But there have been few, and no fundamental, changes in correctional architecture in the last century, except for institutions intended for youthful offenders or in the case of a few scattered and especially enlightened experiments in constructing suitable institutions for adults with a good outlook for rehabilitation. These actually only constitute the exceptions that prove the general rule of inertia and tradition in correctional plants."

Victoria has made little progress with prison buildings. Almost all institutions were built last century when custodial functions were paramount, and I have no hesitation in saying that this has been a strong factor in the failure to develop an adequate rehabilitative programme. It permeates staff as well as prisoners.

England has been faced with this problem, and despite the aftermath of war and grave difficulties has made a determined effort to remedy the position. Old buildings have necessarily been retained but open prisons have been established in war-time camps and in castles, and other buildings have been converted. Even old buildings have been improved and an active rehabilitative programme developed.
Well-planned buildings will not of themselves produce an enlightened programme, but will certainly make it easier to do so. All Victorian gaols were designed on the English pattern to give maximum security with minimum supervision.

I am well aware of the current building difficulties, and do not propose to submit a grandiose building plan, but I am confident that the long-range plan submitted herewith can gradually be carried out. In the detailed analysis which follows, it will be seen that Victoria can make use of present structures without huge expense. If an enlightened treatment programme is developed with comprehensive staff training, ways and means will be found to meet physical needs. My philosophy is that good staff is more essential than elaborate buildings, nevertheless, good staff appreciate good facilities.

As already experienced in Victoria, all countries show instances of local resistance to the establishment of new prisons, but in many instances wise administration has developed a friendly liaison with local bodies and not only broken down this resistance but created local interest in the work of the institution. There is a widespread belief that a man in prison clothes is an "untouchable," but what of his future? He must eventually be released into the community. The most effective answer to this may lie in close co-operation with local bodies and to do this gaols must not be entirely closed to outsiders. The Penal department is not a machine capable of living a cloistered life devoid of social contacts, and so long as it functions so, prisons and prisoners will remain "untouchable". This aspect needs very careful thought and development. Discipline and security can be undermined very easily by well meaning but misguided enthusiasts.

The most noticeable feature of overseas countries is the classification of gaols into maximum, medium, and minimum security prisons. No longer is it considered necessary nor desirable to have high walls with armed sentries and bolts and bars. In fact, the aim now is to put everyone except the hardened core of dangerous criminals into less secure prisons, which are not only more economical of construction and maintenance, but more conducive to the development of effective rehabilitation programmes. Some prisons are completely open and escapes are rare. It is however futile and unreasonable to develop these open prisons until an effective programme can be established. The best answer to escapes is an enlightened treatment programme.

It is interesting to note that in English gaols there are no arms carried by sentries and no arms in an armoury. Disciplinary officers carry a very small latent more or less concealed in a small side pocket of the trousers. In United States of America arms are common and security measures highly developed in some prisons. There is scope in Victoria for development of medium and minimum security institutions in conjunction with an appropriate treatment programme and after-care organization.

PENTRIDGE.

Despite the aspirations of Coburg City, Pentridge will necessarily remain for centuries, and its replacement need not be discussed here. It should be considered in three aspects:—

1. A trial and remand prison and classification centre.
2. A female prison.
3. A maximum security prison for males.

The trial and remand section known as "D" division does not conform to modern standards. It was never designed for the purpose to which it is now used. The so-called exercise yards are quite inadequate. To enable greater segregation they have been subdivided, and are little more than small pens surrounded by high walls overlooked by a sentry post. They are paved, but are cold and bleak, and in inclement weather prisoners perch like roosters under totally inadequate shelters. With Court delays, especially in the Law vacation, appeals, remands, &c., prisoners sometimes spend months in this division idling aimlessly under wretched conditions. This division needs a mess hall for dining now catered for by meals in cells and in exercise pens, some workrooms where unconvicted prisoners may work and earn money often necessary for their defence and maintenance of their families; a library, adequate toilet facilities for daily showers, and better exercise and recreation facilities.
I am aware that bail facilities are generous, but the poorest types rarely raise the security demanded, and surely these demand even more uplift than any others. In any case, many relatively decent types are held on remand and are subjected to archaic treatment. They sleep in their own clothes with five blankets on the floor and remain in cells from about 4 p.m. until 7.30 a.m.

Modern philosophy demands better treatment than this. It is not desired to create a luxury hotel, but sub-standard facilities must not be allowed to remain.

**How can a reasonable trial and remand division be created?**

Suitable beds and mattresses are now being made to improve cell accommodation. This is a minor problem only. To expand the division and provide the facilities required is dependent on absorbing the present adjacent section now occupied by females. It is very old but capable of remodelling to give a reception block, recreation, and exercise facilities and work rooms.

Early attention will be given to this planning and also to make other provision for short term derelicts, drunks, and vagrants, who now remain in this division for their sentences if less than one month. I am confident that an adequate trial and remand division can be developed for this division when the adjacent section is available.

**Classification Centre.**

At present, the limited classification procedure is carried out at “D” Division, but will need considerable development. Current renovations to the section of female division situated opposite “D” Division were deliberately planned with a view to its use as part of a remand centre and subject to other provision for females can be utilized as such.

**Female Division.**

Unquestionably the female division is hopelessly inadequate on modern standards and there is no solution other than to create a new female prison. This should preferably be situated elsewhere than as part of a male prison.

There are three alternatives in order of preference:

1. To take over “Fairhaven” as previously recommended. It is ideally situated and could be developed at low cost. Further examination of this proposition is strongly recommended.
2. Find a new location within reasonable range of Melbourne. This is a difficult task which must be faced.
3. Build a new female prison on the farm area at the south-east end of Pentridge.

This is a costly venture but is inescapable if 1 and 2 are rejected, but the difficulties of No. 1 are not insurmountable and should be given further consideration.

Very few female prisoners except a few young offenders are custody risks, and modern penal philosophy and public opinion, demands adequate provision for the relatively small group of females sent to prison.

I visited female prisons overseas and even the depressing old prison at Holloway is preferable to Pentridge female division. The completely open female prison, in a lovely manor in the heart of the village at Asikam Grange, York, is a model of which England is justly proud. Its tone and its effect as a rehabilitative agency are remarkable. Similarly American female prisons at Clinton, New Jersey, and Alderson, West Virginia, are models worthy of emulation in this State. Here, as elsewhere in male prisons, emphasis is on treatment programme rather than safe custody.

Action is required in regard to the female prison in order to provide for a modern female prison, and also to enable the proper development of the trial and remand division and classification centre.
Maximum Security Prison.

Pentridge proper, as distinct from the remand section, may be regarded as the main maximum security prison in this State. The oldest section called "C" division is sub-standard even compared with any other division or prison in this State. It cannot be remodelled and should be demolished. When Bendigo Gaol is renovated the strain on accommodation may enable this to be done.

"B" division is fairly satisfactory, but an exercise yard which has remained partly paved for many years requires completion, and a mess room and hobby rooms could be built there.

"A" division houses "Specials," Restraints, a Reformatory division and a punishment block. With the development of a treatment programme and better classification changes can be made in this division. The punishment block or "labour yards" has long since disappeared from the best modern prisons, and more effective disciplinary measures than isolation and stonebreaking are found. The more negative the programme the greater the need for a punishment block.

The hospital or "E" division is referred to under a separate Chapter on Medical facilities (Chapter 10).

I repeat my earlier recommendations that no prison should exceed 500 prisoners. Overseas opinion goes further and reduces the maximum to 250-300. The overall plan recommended here will enable Pentridge to be substantially reduced.

Geelong.

This is a very old and secure prison used for the aged and infirm semi-hospital types. An adequate hospital block at Pentridge would enable this gaol to be used for maximum security prisoners but workshops need developing. The windows in cells are unduly small and very secure, but there is no provision for toilets in cells or a dining hall, or recreation facilities.

Bendigo.

When renovated, this gaol will be very useful, but here again, workshops, hobby rooms, and a dining room are needed and will be planned.

Ballarat.

This very old gaol in the heart of the city will probably remain for short-term district prisoners. It is very clean and will house 66 prisoners quite satisfactorily.

Beechworth.

This building will make a useful training prison when the workshops are adequately developed. It was improved for use as a reformatory, and with its pine plantation could be a good medium security prison.

Experience in England and in Sweden shows that very successful open or minimum security prisons can best be developed as satellites of closed prisons.

An excellent opportunity exists to establish an open camp as a satellite of Beechworth Training Prison. Suitable barracks could be erected cheaply on the 269 acres purchased in 1949, and together with 120 acres adjacent to the plantation and now available for purchase at low cost, could be made into a productive farm unit capable of supplying milk, meat, and eggs for the institution.

A maximum population of twenty prisoners would make a suitable satellite for work on the farm.

Sale.

The growth and industrial expansion of Gippsland will probably cause an increase in the needs of this gaol as a local prison.
When completed, French Island will house 100 prisoners under medium security conditions. Training will be predominantly rural as its remoteness will preclude the provision of teaching staff for other types of training. The painful progress in rebuilding this institution is distressing to see. If it had not already cost a large sum, I would recommend its abandonment. Overseas experience shows that remote islands are difficult to staff and a good treatment programme is rarely achieved.

**French Island.**

All young offenders, except especially vicious types, will be catered for with a diversified training programme under minimum security conditions. The building programme for this institution is already under way, but there is scope for varied development in future years as the property is very large.

**Langi Kal Kal.**

This open prison is in many respects equal to the best seen overseas, and its duplication elsewhere can be contemplated in future years. Most of the overseas open prisons are even less secure than Cooriemungle, where prisoners are locked at night.

**Summary of Building Recommendations.**

1. Provide a female prison away from Pentridge.
2. Absorb the older female section to make "D" division an adequate trial, and remand prison to include dining room, workshops, library, showers, and exercise yards.
3. Utilize newer female portion now being remodelled as a classification centre.
4. Demolish "C" division and build a new division incorporating a hospital and a wing for borderline mental defectives and observation cases with appropriate dining room, workshops for occupational therapy and exercise yards.
5. Provide minimum security dormitories on the farm at Pentridge for vagrants, drunks, &c., who are not a security risk.
6. Develop hobby rooms and dining rooms and libraries in "A" and "B" divisions.
8. Geelong—provide dining room and library and workshops.
9. Beechworth—develop workshops and recreation facilities. Establish a satellite open prison for twenty prisoners adjacent to the plantation.

In 1952–53, it is anticipated present work will be advanced sufficiently for the following disposition of prisoners:

<table>
<thead>
<tr>
<th>Location</th>
<th>Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Langi Kal Kal</td>
<td>80-90 young offenders</td>
</tr>
<tr>
<td>French Island</td>
<td>100 young offenders</td>
</tr>
<tr>
<td>Beechworth</td>
<td>78 active offenders</td>
</tr>
<tr>
<td>Bendigo</td>
<td>130 active offenders</td>
</tr>
<tr>
<td>Geelong</td>
<td>170 active offenders</td>
</tr>
<tr>
<td>Ballarat</td>
<td>66 local and district</td>
</tr>
<tr>
<td>Sale</td>
<td>35 local and district</td>
</tr>
<tr>
<td>Cooriemungle</td>
<td>40 active offenders</td>
</tr>
</tbody>
</table>

Pentridge could then consist of maximum accommodation:

<table>
<thead>
<tr>
<th>Division</th>
<th>Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;D&quot;</td>
<td>Trial and remands 100-200</td>
</tr>
<tr>
<td>&quot;A&quot;</td>
<td>Specials and medium security</td>
</tr>
<tr>
<td>&quot;B&quot;</td>
<td>Long-term and hardened</td>
</tr>
<tr>
<td>&quot;C&quot;</td>
<td>Hospital and special wing</td>
</tr>
</tbody>
</table>

58
CHAPTER 10.

MEDICAL FACILITIES.

The importance of medical services is well understood, both from the humanitarian and preventive viewpoint. Health is now generally accepted as a national problem, and in institutions good sanitation and prevention of epidemics are elementary needs. It is also important to realize that medical treatment (physical and mental), is part of a comprehensive treatment programme aimed at fitting the inmate to resume normal life. It should not be regarded as a thing apart from the reformative programme, it may be an essential pre-requisite to reform and should always be co-ordinated with the general programme.

In all countries visited, most up-to-date medical and dental facilities were available with well-equipped and staffed hospitals in all large institutions. Some use is made of public hospitals, but major operations are usually performed in prison surgeries. In some cases female nurses are employed in male prisons.

In England, the main centre for major surgery is located at Wormwood Scrubs Prison, and there and at Wakefield some psychiatric work is also undertaken. Criminal insane are transferred to Broadmoor institution. Full-time medical officers are employed in all large institutions under the direction of the Medical Director for the Prisons Commission.

In the Federal system in United States of America, Springfield, Missouri, is the main medical centre and in all institutions hospital equipment is equal to and probably better than many Australian general hospitals. Adequate staff and technicians are provided.

For convenience we may examine medical facilities under the following headings:

1. Pre-sentence investigation.
2. Examination on Committal.
3. Daily sick call.
4. Treatment requiring hospitalization.
5. V.D. treatment.
6. Dental services.

1. PRE-SENTENCE INVESTIGATION AND REPORTS.

These are discussed in Chapter 2 and are essential for the guidance of the Court. They should include, where required, a medical report on the physical and mental condition of offenders. Provision for this type of report is also referred to in Part 7 under psychiatric services.

2. EXAMINATION ON COMMITTAL.

On entry to prison all prisoners should be medically examined and full records should be maintained. If not opened in a pre-sentence investigation, they should be begun at once and remain active during the full term. This is impracticable for all short-term offenders, but should be done for all others and for any problem cases among short-term offenders. The medical officer should be represented on the Classification Committee as a prisoner’s medical condition may influence his classification and treatment programme and subsequent classification reviews.

3. DAILY SICK CALL.

Provision should be made for a daily sick parade conducted by a qualified medical officer. Minor ills, real and imagined, are potent causes of disciplinary problems and should be resolved quickly and efficiently.

4. TREATMENT REQUIRING HOSPITALIZATION.

Experience shows that a small percentage of prisoners require hospitalization. There is obvious need to provide quarantine for transmittable infections such as V.D., tuberculosis, and other infectious diseases; there is also need for hospitalization for treatment of other ailments including surgery. The extent of this hospitalization is
dependent on the medical and technical staff available, and in this State frequent use is made of public hospital facilities. It is obvious that custodial problems arise with this method. Each day requires three officers on guard. This is very expensive, but probably cheaper and more easily arranged than full-scale hospital facilities at an institution. However, public hospital facilities are strained to the utmost and patients are returned to the prison hospital as soon as possible. It will therefore always be necessary to provide hospital accommodation at gaols and to provide the widest possible range of treatment.

Plans outlined in Chapter 9 would give Pentridge a capacity of 750, including 200 in trial and remand division, and 100 in hospital and clinic for special cases. Not less than one full-time medical officer is required on duty each day, including Saturday and Sunday.

At present, either the Assistant Government Medical Officer or in his absence the Government Medical Officer, attends each week day, but each has other duties. If an effective treatment programme is to be developed the close co-operation of the medical officer is required and initial interviews and classification meeting would absorb considerable time, and with an extension of pre-sentence investigations, medical officers may have more frequent appearances in Courts.

On standards observed overseas in all countries, the present medical staff is inadequate.

5. V.D. TREATMENT.

In Victoria, the incidence of V.D. among prisoners is not as high as generally supposed, but as far as compulsory treatment is concerned the V.D. act is virtually inoperative. Prisoners suffering from V.D. often have very short sentences, and they may be discharged before cure is effected. Some refuse treatment and many do not seek treatment whilst at liberty in the community.

It is noticeable that charges of vagrancy or insufficient means are usually resorted to in order to put females into custody for treatment in preference to action under the V.D. act.

For any prisoners brought under the paroling authority recommended, there would be no problem as the Board of Parole would not release an infected person, but for short-term prisoners some action is needed—

(a) to compel treatment whilst in custody;
(b) to defer discharge until cured or certified as no longer liable to convey infection.

The Department of Health should be asked to comment on this aspect of health services.

6. DENTAL FACILITIES.

Dental facilities should be regarded as essential in all institutions, and adequate treatment should be available to all prisoners. In overseas countries, excellent facilities were provided at all institutions and full-time dentists employed at large establishments.

At present a part-time dentist is available on one day per week at Pentridge. This limits the work to more serious cases only and is not adequate. Equipment is primitive. A dental unit should be included in the new hospital plans, and treatment should be entirely free for longer term inmates and perhaps limited to extractions for short-term offenders.

7. PSYCHIATRIC SERVICES.

There is general agreement on the physical requirements of medical services, but there is a wide divergence of opinion on psychiatry and especially on its application in penology. Hence this aspect is discussed at considerable length. My conclusions are essentially those of a penal administrator with no claim to psychiatric qualifications. This may or may not be an advantage according to the point of view of the reader, but they have been reached after careful examination of practices in the countries visited, and are submitted as a practical approach to a difficult problem. Although this aspect is elaborated at length, it is not a complete survey of the field. Reference should be made to various publications for greater coverage.
Whilst some advocates enthusiastically embrace psychiatry as the answer to all problems and quite erroneously attribute all criminal acts to mental sickness; others dismiss the science as quakery. As with all inexact sciences relating to human behaviour, there is great uncertainty and hence many conflicting opinions and impracticable theories.

England.

In England, the Prison Commission has adopted a somewhat cautious approach to psychiatry in prisons. In the 1950 edition of *Prisons and Borstals*, an official publication of the Commission, it states:—

"Psychiatric Treatment.—There is another group of prisoners who, while not certifiably under the Lunacy or Mental Deficiency Acts, are mentally abnormal or affected by recognizable psychopathic states. It is proposed, when conditions permit, to provide a special establishment where those who are deemed to be suitable for treatment can be segregated in conditions akin to those of a hospital under the care of a medical and nursing staff. Research will be carried out here and treatment will be given by a panel of specialists in the various branches of psychiatry. In the meantime, the arrangements made for the psychiatric treatment of prisoners are as follows. All Medical Officers are given guidance on the type of case likely to benefit by such treatment and the prisoners they select, or those to whom the courts have drawn attention, are, in the case of men, removed to Wornwood Scrubs or Wakefield where the Principal Medical Officers investigate their condition. Here are psychiatric clinics (in one of which there are remedial workshops and a biochemical laboratory) and visiting psychiatrists conduct assessments and carry out such treatment as they consider necessary. The recognized physical methods of various kinds and group therapy are employed, and the psychiatrists are assisted by non-medical psychologists and psychiatric social workers. Women in similar circumstances are removed to Holloway where there is a visiting psychiatrist."

In a paper contributed to the Twelfth International Penal and Penitentiary Congress at The Hague, August, 1950, Dr. H. T. P. Young, O.B.E., M.B., Ch.B., Director of Medical Services of the Prison Commission, stated among other points:—

"During the past 25 years while the legal criteria of responsibility have remained unchanged, increasing cognizance has been taken of the lesser form of mental abnormality and of the degree to which the culpability of the accused has been modified by them. Offenders of this type may therefore be sentenced and sent to prison where those who are chronic and incurable are allocated, if necessary, to prison collecting centres appropriate to the length of sentence they have to serve, and there are given general care under a modified form of discipline. The majority of the non-sane non-insane group, however, undergo imprisonment under the ordinary conditions applied to their class and have been given such psychiatric guidance as would assist them to profit by their training. Reformation in these cases therefore has depended on the disciplinary training as applied to normal prisoners.

The wider conception of public responsibility for these offenders coinciding with the increased emphasis thrown on the corrective as opposed to the punitive aspect of imprisonment has led to introduction in prison of psychiatric treatment for those who are suitable for it."

"At a time when the field of psychiatry and the demands made on psychiatrists are increasing, it is as well to recall the fact that crime, although sometimes the result of mental or physical abnormality, is essentially a bio-social problem on which modern methods of detection and general treatment have a highly deterrent and reformatory effect. The fact that crime at the age of 13 is twice as frequent as at the age of 19 which in turn is twice as frequent as at the age of 30 disposes of any suggestion that in itself it is a disease. Records in England and Wales show that in the case of first offenders a reformatory effect has been achieved in the past with a minimum of psychiatric intervention. Thus statistics show that of those offenders who were first committed to prison in 1930, approximately 75 per cent. had not been reconvicted by 1943 and, of
a similar class convicted in 1938, 83 per cent. were not reconvicted over a period of 5 years. Further analysis of these statistics shews that of those who had no previous conviction of any kind before committal to prison, approximately 80 per cent. of the first group and 90 per cent. of the second had not been reconvicted by 1943. These are substantial figures indicating the reformatory effect of the modern prison regime and the deterrent action of improved methods of detection, but they are submitted with reservations owing to the fact that the times of incidence synchronized with the industrial depression of 1930 and the second world war. In more normal circumstances it may be expected that the number of first offenders reconvicted after a period of 5 years would be rather higher than 20 per cent."

"Although abnormality is more commonly associated with certain types of crime than with others, the offences with which many of this class are charged may not be of the kind to which attention would ordinarily be drawn or would individually arouse serious public concern as is the case in major crimes of violence to the person, arson and sexual offences. But it is only through psychiatric investigation that, for example, the transvestite or fetishist who is charged with simple larceny or more serious offence will have the abnormality associated with the crime exposed.

It is thus necessary that psychiatric examination in greater or lesser detail should be made of prisoners on a larger scale than has hitherto been done in order to differentiate firstly those whose conduct is not due to pathological causes; secondly, those who are unaware of any abnormal motivation but whose conduct is, in fact, so influenced, and thirdly those who are concerned at the impulses to which they are liable irrespective of the fact that a penalty has been incurred as a result of giving way to them.

Hitherto psychiatric attention has been directed mainly towards the third of these groups with beneficial effect in a proportion of them. In this group are to be found all forms of minor abnormality in different degrees of severity ranging from personality defects, psychopathic personality, sexual deviation, adolescent instability, psychological maladjustment, psychoneurotic and neurotic states to early psychoses. Cases of this type are estimated to constitute from 5 to 15 per cent. of the prison population.

It is, however, in connection with the hitherto somewhat neglected second group, the sociopathic personality whose condition is at some point in the scale between normality and gross abnormality but perhaps rather nearer to abnormality that psychiatry has a contribution to make which should assist in the reduction of the number of potential recidivists."

"The psychotherapeutic treatment of abnormal offenders in prison who have neither acquired fixed habits of crime nor suffer from permanent organic cerebral changes demands compliance with certain criteria of suitability including (1) an upper age limit of about 35 to 40 years; (2) an intelligence level high enough to enable them to understand the process and co-operate with it; (3) a genuine anxiety for cure; and (4) a sentence of sufficient length for treatment to be completed before discharge.

Cases amenable to this form of treatment may be found among persons convicted of indecent exposure, homosexuality, sadism and other forms of sexual perversion and of offences which have for them no sexual significance or direct emotional value, such as some cases of arson. There are also persons whose anti-social behaviour has a strong emotional value apart from any real gain to themselves."

"Provided that the psychotherapist is a man of wide experience and has a sound knowledge of prison conditions and criminal reactions there is usually little difficulty in his obtaining the confidence of his patient.

Treatment in prison, however, is not limited to the psychotherapeutic approach alone. It includes abreactive and other procedures in ordinary use in psychiatric practice and has its part in the direction and management of those prisoners whose condition lies in the borderland between character anomaly and mental disease.
The abnormal states dealt with up to this point are not confined to persons in prison albeit they are often presented there in somewhat different guise from that seen in public clinics, and their treatment does not differ materially from that applied to similar conditions elsewhere.

Neurotic reactions, however, are less often found among prisoners than might be supposed and views are held that criminal reactions in some instances are, in effect, a substitute for them.

Considerations of this kind emphasize the necessity for those who undertake the treatment of prisoners being themselves familiar with their day to day reactions and the social and prison background of the offender, lest any ill-advised attempt to correct such symptoms as those found in conversion hysteria, for example, should result in the adoption of criminal habits as an alternative to this form of expression. Similarly caution is needed in the psychiatric approach to such conditions as fetishism lest a substitute for the abnormal impulses activating, it should be found in sadistic acts and a state of mind that results in conduct which is no more than a nuisance to society be converted into one which is a menace to it.

Psychiatry as applied to criminal conduct in prison is therefore a branch of the science requiring special knowledge and the application of it by those whose experience has lain in other fields may lead to more serious consequences than might be foreseen by those who advocate it as a measure to be adopted in a wholesale and indiscriminate way."

From these statements it will be seen that England has not embraced psychiatry as wholeheartedly as some other jurisdictions have. Nevertheless it has not ignored the problem.

At Wakefield, a psychiatric clinic has been established in part of the large training prison and its medical staff includes:—

The Principal Medical Officer.
One full-time Medical Officer.
One General Practitioner (part time).
One psychiatric assistant or psychological tester.
One psychologist.
One female psycho-therapist (part time).
One psychiatric social worker.

Dr. W. F. Roper, Principal Medical Officer, expressed the opinion that group therapy was the most likely field for future success.

The clinic at Wormwood Scrubs appeared even more cautious in its activities though special workshops have been established for therapy.

Sweden.

Sweden has embraced psychiatry much more enthusiastically, and one authority, who prefers anonymity, considered that psychiatry had oversold itself. Special institutions for diagnosis and for treatment, have been established. In some cases investigational work for Courts has occupied several months before sentences were imposed. I submitted an extensive questionnaire to the authorities in Sweden and in Denmark, but to date no reply has been received.

At Haga, there is a special institution which houses about 60 prisoners. Shock and insulin treatments are practised. The staff consists of—

The Director (medical).
One psychiatrist.
One assistant to the director (civil).
Two female social workers.
Two female typists.
One female nurse.
One Superintendent.
Two officers.
21 officers employed as guards.
One watchman employed outside the walls.
One agricultural officer.
During 1949, there were about 20 escapes and 20 failed to return from special leave from this institution. The Director claimed that very satisfactory results had been achieved.

In my opinion, even better results would be achieved if the custodial or disciplinary staff were of better calibre with some elementary training in the special field of work.

**Denmark.**

In 1930, Denmark revised its penal code and stated as its aim the treatment of the person not the felony. Danish statistics show that of prisoners receiving more than six months' imprisonment, 81 per cent. are given a preventive detention, 10 per cent. are committed to preventive detention, 4 per cent. are lunatics or mental defectives treated in accordance with Section 16 of the Penal Code which says:

"No person shall be subject to any punishment for an offence committed by him while irresponsible by reason of insanity or similar mental state or high degree of mental deficiency." 

Five per cent. are sentenced in accordance with Section 17 which reads:

"If a person at the time of an offence owing to mental underdevelopment, weakness or derangement, including sexual abnormality, was in a mental state of a more permanent nature, but not of a character provided in Section 16, then the Court shall decide, after due consideration of a medical certificate and all other relevant circumstances, whether the accused would benefit from punishment."

These persons who are neither insane nor feeble-minded in a large degree, but, nevertheless, differ from most other people by being more eccentric, weak and more moody, are in some cases (3 per cent. of the total group) sentenced to ordinary punishment, at times under the supervision of a physician to a "psychopathies prison" or they are placed in an institution for feeble-minded or in ordinary hospitals. The last 2 per cent. is absorbed in a special institution for the detention of psychopaths at Herstedvester.

At present, there are 300 inmates and it has 200 on parole directly supervised by the institution. The staff is led by a physician-in-chief—a psychiatrist, Georg K. Stærup, M.D., a most virile personality with a very keen perception of the problems of penology. His staff includes 4 forensic psychiatically trained assistant physicians and 2 young doctors, 2 nurses, 1 psychologist, 1 teacher, 5 social workers, 145 prison officers with a short hospital training and further trained during their work, 20 work-shop leaders and assistants, and 13 clerks. The economic administration is directed by the Governor of the nearby State-prison of Vridsløselille.

The 300 inmates are divided diagnostically into the following groups:

- **Character-insufficiency** 73 per cent. (people who on account of the peculiarities of their character have been unable to fall in with the demands of the surroundings under which they must live).
- Three per cent. may be termed as **Character-abnormalities** (persons, who in regard to character clearly stand apart from the average without being able to assert, that they on that account have been unable to get along).
- **Intellectual-inferiority** 26 per cent. (who may be labelled as "backward," a very few of these were feeble-minded).
- **Psycho-infantile** 6 per cent. (mentally immature—infantile—nature who in behaviour remind one of young people in the adolescent age).
- **Sexually abnormal** 48 per cent. (the sexual urge, or desire, biologically judged, deviates in a large degree from the average, either in relation to the direction of the urge towards children or persons of the same sex, or—the strength of that urge).
- **Neurotic** 23 per cent. (a group of "conflict-conditioned" nervous states, where the symptoms only have a hidden connection with the conflict, and where there is no objective evidence of organic disease).
- **Psychotic** 8 per cent. (where there are disturbances in the consciousness, severe emotional disorders, craziness or the like).
- **Epileptic** 8 per cent. (in all these cases there has been epileptic changes of character).
- **Organic diseases in C.N.S.** 13 per cent. (inflammation of the brain, serious consequences of accidents, arteriosclerosis or the like).
Obviously some appear in more than one group.

The crimes for which these 300 were committed show:

<table>
<thead>
<tr>
<th>Crime</th>
<th>Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual crimes against children</td>
<td>96</td>
</tr>
<tr>
<td>Theft</td>
<td>86</td>
</tr>
<tr>
<td>Fraud</td>
<td>39</td>
</tr>
<tr>
<td>Incendiaryism</td>
<td>24</td>
</tr>
<tr>
<td>Exhibitionism</td>
<td>19</td>
</tr>
<tr>
<td>Robbery, violence, manslaughter</td>
<td>17</td>
</tr>
<tr>
<td>Rape</td>
<td>12</td>
</tr>
<tr>
<td>Threats</td>
<td>7</td>
</tr>
</tbody>
</table>

Of the first 300 inmates, 12 are still in the institution, 8 are dead, 23 transferred to mental hospitals or institutions for mental defectives, 258 are at large or elsewhere and are made up of 79 castrated and 40 non-castrated sexual criminals and 139 ordinary criminals.

Castration is voluntary and arrived at only after psychiatric examination and treatment, but there is a compulsive element as it may determine the release on parole. It is not a cure-all, it does not prevent sexual intercourse but reduces the dangerous sexual urge. After castration glass prostheses are inserted in order that the patient shall not appear noticeably different at public baths or when sharing rooms with others.

Castration is not practised elsewhere to my knowledge, and is unlikely to be accepted very widely in this State or elsewhere at present.

Denmark uses psychiatrists in five ways:
1. To identify before sentence those persons not likely to benefit from punishment.
2. To assist the penal authorities in giving such treatment as may be deemed most appropriate from the point of view of mental hygiene.
3. Diagnosing and treating such psychic disorders as may occur while serving a prison term or during a stay in a special institution.
4. Treatment of those committed to the Institution for Preventive detention of Psychopaths.
5. On the Prisons Board where the vice-president is a psychiatrist.

In the United States of America procedure varies greatly in different jurisdictions, but in many, considerable development has taken place in this field in the past fifty years. Many elaborate and expensive clinics have been set up.

In June 1950 issue of the American Journal of Psychiatry, Manfred S. Guttmacher, M.D., wrote as follows:

"As I see it, the relationship of psychiatry to criminal law has the wrong point of emphasis and the fault does not lie alone with the legal profession but partly with us. Tradition, or what the lawyers term precedent, long ago opened the door of the criminal court room to the expert in mental disease—but for the express purpose of advising in regard to the existence or non-existence of insanity. Legalists have put us in our place, or perhaps better, kept us in our corner and there we have complacently stayed. Psychiatry has far more to offer than the detection of insanity, important as that may be and difficult as that may be, when we are forced to make our examinations through lenses blurred by cobwebs.

If psychiatry is worthy of a place among the sciences of human behaviour it should be better able than the law to detect motives, to measure the force of antisocial drives, to discover guilt-ridden individuals with an abnormal need for punishment, to evaluate the curative potentialities of punishment, probation, and psychotherapy in individual cases, and to determine levels of individual physical and intellectual capacity or incapacity. If the nation-wide legal acceptance of the dictum that modern justice and penology treat the criminal rather than the crime be more than empty, pretentious obeisance, then what psychiatry has to offer is the very meat of the business. We psychiatrists have no crystal balls and we are not infallible but our clinical training and our psychiatric experience, aided by an understanding of the revelations of adjuvant psychological tests, do give us a special insight into the offender’s makeup and qualify us to express an opinion as to his reformability and his potential danger to society, as well as to the existence of mental disease."
Not for one moment do I advocate that we psychiatrists usurp the functions of the criminal court judge. Society has today as great a need for the judicial gown as it has for the priestly robe. But I do believe that the criminal court judge needs all of the technical guidance that he can get in selecting cases for probation, in formulating the conditions of probation in individual cases, and in determining the length and place of penal sentence. And today most enlightened judges will endorse this view. In the two decades that I have been doing this work, I have seen a very heartening change in the attitudes of the younger men who are now being called to the bench.

It is my practice in Baltimore to send my entire case study, which may run over ten single-spaced typewritten pages, to the judge. I have two chief reasons for doing this—first of all, this, in my opinion, is the best method of educating judges in criminal psychiatry. Secondly, I feel that a psychiatric report is only as good as the completeness and accuracy of its data and the cogency of its judgments. I am opposed to forcing our views on people as though they were oracular. On the other hand, I have no patience with the psychiatrists, who, although officials of the Court, are too timorous to make specific and unequivocal recommendations in regard to the disposition of an offender whom they have examined. Courts not infrequently invite recommendations as to sentence from the defense and prosecuting counsel. How then can they, in justice, resent such advice from their own neutral psychiatric expert?

Let us consider briefly the chief methods currently employed by criminal courts in this country in securing psychiatric advice other than that obtained through the court clinics, which we are discussing. First and foremost, there is the time-honored system of privately employed partisan experts.

Surely there is no need to present to this group the great dissatisfaction that exists with expert testimony. This was clearly brought home to me early in my professional career. Like most medical graduates I entered practice with complete ignorance of court procedures. One day I found myself before an Industrial Accident Commission on the case of a brewery employee who had, while unloading a truck, carelessly allowed a barrel of beer to roll down on his head with rather disastrous results. I had carefully examined the fellow and had reached certain definite conclusions. As I was waiting for the case to be called for trial, I spied an older and greatly respected medical colleague—a professor in the medical school and a former president of the State Medical Society. We found that we were on opposite sides of the same case. After discussing our findings, I learned that we were in complete scientific agreement. Naively and somewhat facetiously I said, "It is too bad that we both have to waste time here. Why can't we toss up a coin and decide which one of us testifies?" My wise and experienced colleague remarked "It is true that we are in agreement now, but you wait—after your lawyer gets you to stretch the truth as far as it can be stretched without its breaking, and my lawyer gets me to do the same thing for his side, no one will have any idea that we are in essential agreement about anything, let alone about the prognosis." Then those remarks seemed like rank cynicism but I have learned that they merely represented a realistic view of partisan testimony, and we are grossly deluding ourselves if we do not admit it. Furthermore, such biased attitudes are unfortunately easily reconciled with the laudable philosophy of most physicians: Do not deny help to those who seek it.

Many people gain their chief impressions of psychiatry from the lurid newspaper accounts of partisan psychiatric testimony in spectacular criminal trials. And a pretty poor impression it is indeed. One of the greatest values of the court psychiatric clinic is that it practically puts an end to the battles of experts in criminal cases. Of course, either side has the legal right to employ its own expert witnesses, but experience has proved that this is wasteful and ineffectual because the court representative, chiefl y because of his neutral status, has too great an advantage.

Then there is another common method of securing expert testimony. In most states the court may appoint an expert or group of experts to advise it in a specific case. This is at best a makeshift device with obvious defects. It is seldom used except in notorious cases, and all too often the experts are not experts at all, but merely physicians who happen to be held in high personal regard by the judge.
A third way in which expert opinion is obtained for criminal courts is the state-wide system of pretrial psychiatric examination such as the one in Massachusetts administered under the Briggs Law. Such a system has great merit but it also has serious defects. I found last year, when I had the opportunity of going over many reports with Commissioner Perkins, that the Briggs Law as now administered does only one thing effectively: it separates the psychotic offender from the rest. It gives pretty good assurance that an insane man will not be found guilty of serious crime, but it contributes to the court almost no understanding whatever of the psychological and emotional makeup of the accused. In fact, Commissioner Perkins has instructed his examiners to confine themselves to the issue of sanity. It should also be recognized that the Briggs Law, as administered, does not provide for a very wide use of psychiatric examinations in criminal cases, since only about 500 examinations are made annually—fewer than are made in Cleveland or Pittsburg.

Then there is the system where certain cases are hospitalized for diagnosis. This is in force in Colorado, where the accused is sent to the psychopathic Hospital for study whenever an insanity plea is entered. Its obvious defect is that the court does not have the benefit of psychiatric study in the great majority of difficult cases before it, but only in those instances in which formal insanity pleas have been filed.

Now let us return to a consideration of court clinics. One practical advantage of the court clinic is that it is an official, accredited agency. It is the court's own clinic; its staff are members of the court team. In course of time, if the psychiatrist is a really competent man, he may become the trusted advisor of many of the judges and even of members of the bar with whom he has contact. That, of course, is something of a selling job—the kind of thing that many of the psychiatrists in the Army had to do and did with their commanding line officers.

I believe that with the proper organization the Court clinic can adequately discharge most of the functions that these other systems serve, especially if the court psychiatrist has access to beds in a state psychopathic hospital where the most difficult cases can be intensively studied under his direction.

If you will glance again at Fig. 1 you will see that the scope of the Baltimore Clinic is unique, in that it is not a behaviour or a psychiatric clinic, but the medical department of the courts. I have been unable to learn whether this was the result of chance or of rare prescience. In my opinion this concept of the court clinic has definite advantages. First of all, it accents the fact that psychiatry is a medical discipline and not some species of necromancy. I feel that psychiatry suffers in all areas and particularly in the medico-legal field, when it is divorced from medicine. Then, it offers the original court neutral, expert opinion in certain important medical but non-psychiatric issues. Every year a number of defendants in domestic relations cases are sent to our office for examination. They are men who contend that as a result of recent physical disability they are no longer capable of carrying out the court's order to support their dependents. I realize fully how difficult it is to be an expert even in a single field of medicine and I do not presume to be one in anything but psychiatry. But I can and do refer these individuals to the proper tuberculosis clinic or to a specially well-qualified expert on hernias in one of the hospital dispensaries, with a note pointing up the problem. Reports are made to me and I interpret them to the court. Or I may be called upon to determine whether a witness, defendant, or juror is too ill to appear in court on a certain day. Here the answer may be obvious even to me, or I may need the help of the individual's own physician.

I was in part responsible, a few years ago, for having a statute passed making blood grouping mandatory in all bastardy cases in Baltimore. At first I did the grouping myself. But as time grew shorter and the technique became more involved, I gave this up so that now every case has ABO, MN, and Rh groupings carried out in the clinical laboratory of the University of Maryland Medical School. These reports are sent to the court through my office. By this means we are able to exculpate about one-fifth of the putative fathers in bastardy cases.
I feel that Justice's scales often measure too grossly and I believe that the finer balance of scientific procedure should be used unhesitatingly whenever it can add accuracy to the determinations.

Last year, as part of my task while acting as the psychiatric advisor to a committee of the United Nations studying the prevention of crime and the treatment of offenders, I drew up an ideal plan for the scientific examination of offenders prior to sentence. I recommended the establishment of a Scientific Legal Institute for the social, psychological, and medical study of the juveniles and adult offender. This institute was to have three divisions: a social division, a psychiatric division, and a medical division. The social division, in addition to making recommendations in regard to the granting of probation and supervising individuals placed on probation, would obtain full and accurate sociomedical case histories in a high proportion of cases, permanently filed and made accessible to certain official agencies at any time. These records would be kept current and would not only be of value to the probation, parole, and penal authorities, but could also assist the courts in sentencing. The psychiatric division would be staffed by psychiatrists, psychologists, and psychiatric social workers. It would be equipped not only to examine but also to treat cases. In addition to the cases specifically referred for examination by the court or one of its agencies, routine pretrial examinations were recommended in certain types of offenders, individuals charged with capital offenses, individuals three times charged with the same crime, and those charged with sex offenses, homicide, arson, bigamy, abandonment and cruelty to children, assault on wife, and turning in false fire alarms. Prior to trial a preliminary report would be furnished to the court, the prosecution, and the defence. This would be confined to two issues: whether the defendant was competent to stand trial and whether there was any doubt as to his responsibility at the time of the commission of the crime. After conviction the full diagnostic and advisory report would be made available.

The medical division of this Scientific Legal Institute would act as the official, neutral medical agency advising the criminal court and its agents on medical problems of all types, including post-mortem examinations, blood grouping, alcohol determinations, stain identifications, presence of venereal infection, examination of injuries or complaints in assault and rape cases, ability of individuals to carry out the court's order to support, &c.

To the establishment of such an Institute there would be no doubt many objectors—lawyers, police officials, and postmortem physicians, not to mention thrifty taxpayers. Perhaps this is an ideal and will not come into being immediately, but in course of time some such evolution is bound to come. Undoubtedly, too, this evolution will give rise to various parties. It seems to me one of the healthy characteristics of our American culture that our social institutions do not follow rigid stereotypes but are adapted to the local needs of the communities they serve.

Finally, let us outline what in our experience would be the practical professional organization of the adult psychiatric court clinic for a city with a million people. The director of such a clinic should be a competent general psychiatrist with special knowledge and experience in criminal psychiatry, as well as a man of courage and mature judgment. I maintain that criminal psychiatry is a specialty within a specialty, and that mere certification by the American Board does not give assurance of a competent advisory report in the most difficult and important aspect of the problem, that of disposition. Furthermore, because of current limitations in salary it is probably practical to have this position filled on a part-time basis, thus giving the director time for private practice as well as for teaching in law schools and medical schools. He should, of course, accept no private employment in any court in his own area. The clinic should also have on its staff a young full-time psychiatrist, or two part-time psychiatrists, who would do most of the routine examinations under the guidance of the director.

Here, because of limitations of time I shall not attempt to discuss the complex problems of therapy. Suffice it to say that the court psychiatrists should reserve some time for the treatment of selected offenders on probation. For I believe that no psychiatrist can continue to function at maximum efficiency unless he is carrying some cases for treatment.
The clinic should have at least one social worker, preferably a psychiatric social worker, whose chief function would be the preparation of a pre-examination case history. An alternative plan, followed in some clinics, is to have the psychiatric division intimately related to the probation department; where this system is in force the social investigation is conducted by a probation officer.

Then there should be at least two clinical psychologists. They should be competent not only to give such psychometric tests as the Wechsler-Bellevue, but also to use the projective tests, particularly the Rorschach and the T.A.T. I strongly advise that batteries of tests be given routinely in the examination of criminal court cases. In my experience, projective techniques are helpful in general psychiatric practice in evaluating the problem at hand and planning therapy. Since, however, much of the material will in due course reveal itself in a co-operative patient, the private psychiatrist may often dispense with the testing aids. But the court psychiatrist is pressed for time. He must give definite answers promptly; he cannot wait for a gradual evolution of rapport. And the projective tests are singularly useful in working with patients who are strongly motivated toward conscious distortion of data as defendants in criminal proceedings are likely to be.

Where the court clinic is not only a behaviour or psychiatric clinic but the Court’s medical department, it is highly desirable to have a part-time physician on the staff.

It is obvious that compensation must be fully adequate in order to get competent professional personnel to carry out the work of the court clinic, with its high degree of responsibility. It seems almost a caricature of the American scene to have a criminal court judge in New York City receiving an annual salary of more than $25,000, and a full-time psychiatrist, with his years of professional training and experience, directing the work of the psychiatric clinic for $6,450 a year.

The longer I work in this field, the more surely am I convinced that frontal attacks by psychiatrists on the existing and grossly illogical laws governing criminal responsibility are doomed to failure. In order to bring about the needed reforms, three things must be done. First, our own knowledge must be refined by competent research and better clinical studies. Secondly, the alienation which exists between law and medicine must be resolved. This can be greatly helped by the teaching of psychiatric principles in the law schools and the instruction of medical students in relevant legal fundamentals. Thirdly, and this I consider the most important of all, we need competent, conscientious psychiatric work, carried out in the scientifically favorable environment of the neutral court clinic, rather than in the hostile, distorting atmosphere of partisanship, in order to educate the bench and the bar as to what psychiatry really has to offer the law. Only when the legal leaders of this country develop an understanding of and trust in psychiatry and psychologists, can we hope for the reforms so urgently needed in the problems of mental disorder and the Law."

On the other hand, in the same journal in November, 1949, Henry A. Davidson, M.D., writing in special reference to sex offenders, said:—

"As Dr. Myerson used to say, when it comes to the criminal law, the psychiatrist has an itch to be both Mr. Know-it-all and Mr. Fixit. Current interest in sex offenders high-lights the validity of that remark. One after another, States are considering legislation on this subject and consulting their psychiatrists about it. The thread that runs through popular thinking on sex offenders is this: sexual psychopathy is an illness, not a crime; the offender needs treatment, not punishment. Most psychiatrists promptly say 'amen' to that noble sentiment.

The difficulty is that we have no way of successfully treating the sexual psychopath. Cures, if any, must be extremely rare. The demand, therefore, that these offenders be 'treated' is still a sterile one. Why do we want jurisdiction in these cases transferred from the courts to the psychiatrists? It looks as if we have talked ourselves into the privilege of holding the bear by the
tail. We have lectured and written so much and so positively about the
dynamics of sexual aberration that the public has finally taken us at our word,
and in many states they have turned the sex psychopath over to us to deal with.

Special laws re sex offenders are now in operation in California,
Massachusetts, Michigan, Minnesota, Illinois, New Jersey, Ohio, Wisconsin, and
the District of Columbia. In Michigan and Illinois, a criminal sexual psychopath is
' one who is not insane or feebleminded, but whose mental disorder is coupled
with a propensity to commit sex offences'. In Wisconsin and Minnesota, the
criteria are: 'such instability, impulsiveness, and lack of good judgment . . . .
as to render him irresponsible for his conduct with respect to sexual matters'.
In the District of Columbia the definition is: '. . . . a person not insane who by
repeated misconduct in sexual matters has evidenced such a lack of power to
control his sexual impulses as to be dangerous to others'. Perhaps the most
flexible statute is the one in New Jersey which simply provides for commitment
to a hospital of any person convicted of sex crime who is found to be 'suffering
from any form of abnormal mental illness which resulted in the commission of the
offence'.

Ohio and New Jersey require that the defendant be convicted of the crime
before the special statute begins to operate. In Illinois, Michigan, and
California, a criminal charge, but not necessarily a conviction, is needed before
the Court may classify the defendant as a sex psychopath. In Wisconsin,
Minnesota, Massachusetts, and the District of Columbia no formal criminal
charge is necessary.

All the laws require the commitment of the offender to a mental hospital.
Here is the point where the lawyers step out and the psychiatrists step in; here
is where we are asked to pay off on our premise that these persons need treatment
not punishment. In New Jersey the time in hospital cannot exceed the maximum
confinement provided by law for the crime itself. In the other
jurisdictions, the patient is to be released when he is no longer a danger to society.
This is generally to be determined by certification from the hospital staff. But
few psychiatrists are willing to swear that any person (particularly one with an
aggressive sex-habit pattern) is going to restrain his drives in the future. Failing
such an affirmation, the defendant must remain in the hospital until he is "cured"
of his psychopathy! The net result is an indefinite and purely custodial
confinement, behind bars, for a patient to whom the average State
hospital has nothing to offer in terms of definite treatment.

When we do discover an effective method for treating the aggressive sex
offender, we should insist on his transfer from the prison to the hospital. To-day,
we have nothing to offer but custody—a field in which penal authorities are far
more efficient than we are. Perhaps it is time to confess this is an area in which
we may have been overselling psychiatry. It is, of course, a good thing that
popular and legal thinking about the sex offender is veering away from the purely
punitive. But it is not yet at the point where the psychiatrist can appear before
the public as the man who has the answer."

These are the two extremes of thought and indicate much more lucidly than I am
able to do, the problems of psychiatry in penology and especially the limitations in the
field of treatment.

Between these two extremes there is scope for discussion, and this leads us to the
question of Sex Offenders.

Sex Offenders.

In every country public attention has been focussed on sex offenders because of
publicity given to such offences, and the natural public indignation and repugnance aroused
by such offences. I repeat my earlier reports, by saying, that there is no justification for
separating the treatment of sex offenders from treatment of other offenders who may need
treatment. Furthermore, many offences which have a sex motive are not readily
distinguishable as sex offences and many sexual offenders are convicted of lesser charges
for want of adequate proof of a more serious offence.

England has no specific legislation relating solely to sex offenders. Sweden and
Denmark which emphasize the psychiatric approach to treatment do not limit such by
legislation to sex offenders.
In United States of America, one may reasonably say that some of the drastic legislation has resulted from public hysteria, and some of the provisions certainly go beyond our conception of justice since in some States a conviction is not necessary. A short summary of these appears in the quotation of Dr. Davidson.

However, some interesting observations may be made on reports submitted by commissions set up to review this problem in the State of New York and the State of New Jersey. The following lengthy extract from New Jersey Commission's report deserves close study and appreciation:

"**Fallacies Concerning the Sex Offender.**

It may be useful at the start to consider a number of the propositions upon which public fears have been fed in relation to the sex offender. These assumptions have been the basis to a large extent of ineffective legislation that has been enacted in a number of states in recent years. The futility of these laws has proceeded from the inaccuracy of views that have been held widely but without real scientific or critical investigation. Their popularity must be attributed in the main not to any foundation in fact for their adoption but to the exploitation of the peculiarly intense anxieties about sex crime that most people feel: the channels of publicity have been receptive mainly to the rabidly distorted declarations of ill-informed often hysterical prophets of calamity. Sober evaluation of the problem of sex deviation and of feasible methods of meeting it has been rare indeed, and particularly so through the vehicles of information to which most readers are exposed. Single instances of the crimes of "sex fiends" are given widest currency along with demands for heroic remedies, while more objective studies of the prevalence of such behaviour, its possible prevention and treatment, are relegated to specialized technical journals, scholarly monographs, and legislative reports.

Every conceivable variety of approach has been recommended from some quarter in recent months to "meet the sex problem". Most of these have been put into operation somewhere, either legally or extralegally; increased publicity, the death penalty, doubling the prison sentence or life terms, prohibition of parole, castration, sterilization, the administration of sex hormones or goat gland extracts, psychoanalysis, shock treatment, State hospital custody for life or for indeterminate periods, brain surgery, group therapy, and many others. Some "authorities", confused in their oestrus to resolve at once problems of sex control that have beset man throughout the span of human history, recommend in one over-heated breath the greatest possible severity of punishment for all sex deviates and in their next impetuous exhalation declare that the problem is medical and must be turned over at once and in its entirety to psychiatrists. Some of the more significant and prevalent fallacies are presented below very briefly. They are given more detailed consideration at appropriate points in this Report. The immediate purpose is merely to point toward certain crucial areas where error serves only to complicate our difficulties. These are some of the commonly cherished but quite erroneous views that are vitally related to policy considerations:

1. That there are tens of thousands of homicidal sex fiends abroad in the land.

In fact the vast majority of the sex deviates are minor offenders, most of whom never come to official attention (e.g., there are sixty million homo-sexual acts performed in the United States for every twenty convictions in our courts). It has been carefully estimated by Dr. Kinsey that not more than 5 per cent. of our convicted sex offenders are of a dangerous variety, exercising force or injury upon a victim. Crime reports support this finding. Homicide associated with sex crimes is unusual. A recent study by the criminologist Dr. Sutherland, shows that the "danger of murder by relative or other intimate associate is very much greater than the danger of murder by an unknown sex fiend." Nearly 90 per cent. of the murders of females he studied were committed by relatives or suitors, and 25 per cent. of those who murdered females committed suicide. The sex fiend as portrayed by D. Wittels, et al, is a rare phenomenon in the criminal history of any
State; the tens of thousands that he hypothecates are the much publicized creatures of his well-stirred imagination. Most of those who do occasionally appear are insane, not merely sexual deviates.

2. That sex offenders are usually recidivists.

Sex offenders have one of the lowest rates as 'repeaters' of all types of crime. Among serious crimes, homicide alone has a lower rate of recidivism. Careful studies of large samples of sex criminals show that most of them get in trouble only once. Of those who do repeat, a majority commit some crime other than sex. Only 7 per cent. of those convicted of serious crimes are arrested again for a sex crime. Those who recidivate are characteristically minor offenders—such as peepers, exhibitionists, homosexuals—rather than criminals of serious menace.

3. That the sex offender progresses to more serious types of sex crime.

It is the consensus of opinion among psychiatrists, confirmed by crime statistics, that sex deviates persist in the type of behaviour in which they have discovered satisfaction. Any thoroughly frustrated, rigidly repressed personality may conceivably explode into violence it is true. There is no evidence, however, that this occurs more frequently among sex offenders than others; indeed, there is good psychological ground to believe that individuals who experience some outlet of sexual tensions are less likely to need release of rage and aggression. Progression from minor to major sex crimes is exceptional, though an individual may engage at any given time in a variety of forms of sex outlets.

4. That it is possible to predict the danger of serious crimes being committed by sex deviates.

Reports from 75 prominent psychiatrists reveal a consensus that it is impossible to predict the occurrence of serious crime with any accuracy. That the behaviour sciences have not attained this level of prognostication is attested in these statements by authorities:

Dr. J. B. Gordon, Medical Director, New Jersey State Hospital: ‘This would require superhuman intelligence and the gift of prophecy.’

Dr. Hilding Bengs, Commissioner of Mental Health, Pennsylvania: ‘It is impossible to predict accurately commissions of serious crimes in a person of certain tendencies. There are the unpredictable facts of circumstances, opportunity, and the timely reaction of the person.’

Dr. Philip Q. Roche, Chairman, Committee on Forensic Psychiatry, Group for the Advancement of Psychiatry: ‘The expediency of the law would call upon unqualified physicians to make guesses or to express prejudices. There are very few psychiatrists who have sufficient training and experience with offenders.’

Dr. Edwin H. Sutherland, Professor of Criminology, Indiana University: ‘Accurate prediction could not be made in any case or percentage of cases.’ This inability to predict is of special importance in relation to recent laws that are designed to constrain individuals who have committed no law violations as well as minor sex deviates and even juveniles.

5. That "sex-psychopathy" or sex deviation is a clinical entity.

Two-thirds of the psychiatric authorities consulted by the writer pointed to the wide disagreement among psychiatrists as to the meaning of the term, sex psychopath. More than half of them maintained that this condition is not a sufficiently clear diagnostic entity to justify legislation concerning the type. Hospital authorities handling cases of 'sex psychopaths' committed by the courts find, in fact, a wide variety of psychological types: neurotics, psychotics, schizoids, feebleminded, epileptics, constitutional homo-sexuals, alcoholics, and many who are normal. In different states the authorities look for different qualities as evidence of dangerous sexual psychopathy; the cases they adjudicate as such display varied forms of sex deviation and assorted types of personality organization.
6. That these individuals are oversexed.

From the point of view of their treatment and their dangerousness, it is important to realize that most of the sex deviates treated under the laws are under-sexed rather than hyper-gonadal types. A majority are passive or non-aggressive. The problem is very rarely one of drives too strong to control, as commonly recommended programmes of castration, sterilization and close correctional custody would imply.

7. That effective treatment methods to cure deviated sex offenders are already known and employed.

As compared with other types of psychological and constitutional abnormality, we are peculiarly at a loss in the handling of abnormal sex offenders. Methods of effective treatment have not yet been worked out. The states that have passed special laws on the sex deviate do not attempt treatment. The patients are kept in bare-custodial confinement. This point is central to the atrocityous policy of those jurisdictions that commit non-criminals and minor deviates for indefinite periods to mental hospitals where no therapy is offered. Most psychiatrists indicate that psychotherapy of some sort should be given to sex offenders, but they are in agreement that professional staffing is not available to perform this work and that an unknown but undoubtedly very high percentage of deviates would not respond to such treatment. In private practice the treatment applied to the sex deviate by many psychiatrists is designed to help him accept his peculiarity without guilt feelings and to be more discreet in its expression. The point should be stressed that commitment of a sex deviate to a state mental hospital does not imply clinical treatment. These institutions lack the space, the personnel, the treatment methods, or even the desire to handle deviated sex offenders who are non-psychotic.

8. That the laws passed recently in one-fourth of the states are getting at the brutal and vicious sex criminal.

Data secured from the several jurisdictions reveals that, although the laws have been passed in response to public fears about the dangerous and aggressive offenders, in fact these are the types least frequently brought under the statutes in actual administration. Most of the persons adjudicated are minor deviates, rarely if ever 'sex fiends'.

9. That civil adjudication of the sex deviate and/or indeterminate commitment to a mental hospital is similar to our handling of the insane and, therefore, human liberties and due process are not involved.

This type of thinking has been used in several states to support long-term custody of minor deviates, many of them without a criminal charge. Under these laws the insane and mentally defective are specifically excluded. Those covered are in fact a variety of psychological types that have never before been exempted from criminal responsibility nor commitable to mental hospitals. No sound reason has ever been advanced for committing a 'peeper' to a mental hospital for an indeterminate period (or any period) of time where he will be segregated from his community and family in an unproductive existence at state expense. Nevertheless this has become common practice today under the recent legislation throughout the country. Regardless of the type of court employed to attain this result, it is in effect a serious punishment in which liberty and due process are vitally involved. Reasoning to the contrary is founded in a technical legalism of the most vicious sort.

10. That the sex problem can be solved merely by passing a new law on it.

Commonsense must indicate to the contrary. Certainly experience with these laws reveals the futility of ineffectual legislation. In general the statutes appear to have served only the purpose of satisfying the public temporarily that 'something is being done'. In fact, and
fortunately, very little is being done under the sex psychopath laws, but that little is worse in effect than leaving the offender to the operation of the traditional criminal law would have been. Thus far no problems have been resolved by the new sex laws that have been enacted. On the contrary, some extremely dangerous precedents have been established (1) for adjudicating individuals without ordinary due process—even in five states without a criminal charge, (2) for indeterminate commitments to mental hospitals of individuals who are not insane and who deviate little or not at all from normal psychology, and (3) for providing hospital custody to a growing body of minor sex deviates who are to be held until 'cured' though without treatment, at great cost to the taxpayer and with serious diminution of the facilities available for those mental patients who are seriously disturbed."

In the same report, the following summary of opinions expressed by administrative authorities in the States which have enacted special laws indicates the inefficiency and danger of such laws:—

"Wisconsin: Law inoperative. 'Law is too loosely drawn as to its coverage and treatment facilities.'

Illinois: Sixteen cases in ten years. 'Requires change; little interest in administering present statute.'

Michigan: Law inoperative.

Minnesota: Under 200 cases in ten years. 'No triumph for justice or for the protection of society.'

Massachusetts: Law inoperative. 'Law hurriedly enacted, not completely satisfactory; courts do not like it.'

New Hampshire: No commitments under recent statute. 'These cases should not be sent to a State hospital. No treatment facilities.'

Washington, D.C.: Fourteen cases this year. 'A Star Chamber procedure, with inadequate diagnostic and treatment facilities.'

Washington: Law inoperative.

California: No data available. 'Leaves much to be desired: an ineffectual law.'

Indiana: Seven cases. 'Undesirable in principle, ineffective in operation: Is no solution to the problem.'

New Jersey: 35 cases in six months. 'A temporary measure, inadequate to handle problem.'

Vermont: Law virtually inoperative."

Problems of Definitions.

The term psychopath is freely used in all countries, but there is a wide variation in the meaning attached. This variation in terminology was very noticeable at the Second International Congress of Criminology in Paris and in all my investigations. A Committee on Forensic Psychiatry of the Group for the Advancement of Psychiatry issued this warning:—

"The Committee cautions against the use of the appellation, psychopath, in the law on several grounds. There is still little agreement on the part of psychiatrists as to the precise meaning of the term. Furthermore, the term has no dynamic significance. The Committee believes that in statutes the use of technical psychiatric terms should be avoided whenever possible. Psychiatric knowledge and terminology are in a state of flux. Once having become a part of the public law such a term attains a fixity unresponsive to newer scientific knowledge and application."

The Director of the Diagnostic Centre in New Jersey prohibits the use by his staff of the term psychopath.

Dr. Justin K. Fuller, Medical Consultant of the California Youth Authority, says:—

"There has been a long-drawn-out controversy over the definition of the term 'psychopath'. Until this is settled, it has seemed to me the term should be used to cover a considerable borderline group, the members of which are neither frankly psychotic, nor frankly neurotic, nor frankly defective. This is a loosely-drawn concept of convenience, designed to meet clinical and administrative purposes, rather than legal ones."
Dr. M. J. Pescor, Warden and Chief Medical Officer, Medical Centre for Federal Prisons at Springfield, Missouri, says:

"There is no general agreement as to what psychopaths are, how they get that way, or what to do with them. About the only positive trait common to all psychopaths is that they are nonconformists as judged by the standards of conduct set by a given community at a given time in history."

Arief and Rotman, Psychopathic Personality, 39, Journal of Criminal Law and Criminology, 158 (1948) says:

"The term has become the wastebasket of psychiatry, serving as a coverall for all persons who indulge in anti-social conduct."

Without agreement on terms and definitions how can a law requiring legal interpretation be framed? Furthermore, if definition were possible, why should "a sex psychopath" be treated differently from any other "psychopath"?

Governor Dewey in a preface to a report prepared by a committee which studied 102 sex offenders at Sing Sing, said:

"This study confirms the belief that little scientific ground exists for considering sex criminals separately from others."

Doctrine of Responsibility.

Many psychiatrists and others consider that "psychopaths" are not responsible for their actions and should be spared criminal conviction. Victorian law clearly indicates that unless certified insane, a person is responsible for his actions. I am unable to see how the many conflicts between the legal and medical viewpoints can be reconciled especially when medical opinion is at such variance within itself. I do not recommend special legislation for sex offenders.

Methods of Treatment.

This of course does not answer the question of treatment of those imprisoned under existing laws.

The 102 sex offenders studied by the Committee for the State of New York were classified as follows:

(a) Eighteen offenders predisposed to crimes of violence likely to commit new attacks on release and not treatable by present-known methods.
(b) Thirty-two offenders who because of personality make-up, age or alcoholism are not suitable for treatment at present and who are likely after release to continue as a danger to public morals and to women and children.
(c) Forty-four offenders who, because of their treatability, could be placed in a treatment centre with good prospect of improvement before release.
(d) Eight offenders who, because of their treatability, could be released on parole and treated on an out-patient basis.

These 102 may not be truly representative but two significant features emerge—

(1) 50 per cent. were untreated.
(2) They were regarded as likely to offend again on release.

As a result of the report the State of New York passed legislation providing an indeterminate sentence for certain defined serious sex offenders. Release is determined by the Board of Parole. This was aimed largely at preventing release of those in groups A and B whilst still a danger to the community, and recognized that groups C and D were treatable but the period required for treatment was indefinite and could not be met by a fixed sentence.

The treatment programme of modern prisons has for some years used religious, occupational, recreational, and educational activities to rehabilitate prisoners. In this field are chaplains, instructors, teachers, house masters, counsellors, social workers and medical officers, but a small proportion of prisoners with deep emotional conflicts need specialized treatment which psychiatry should supply. This treatment is still in the experimental stage and is not a cure all. It is an integral part of a general treatment plan and unless woven into the general pattern will achieve little.
How does psychiatry work? It has been described in an elementary way as a process of emotional growth induced by a therapist who practically assumes the role of a substitute parent or advisor, enters into a most intimate confidential relationship with the subject, seeking for patterns of conduct and unrealized motivations.

This relationship is usually established by talking with the prisoner and the technique required can best be acquired by experience. In some cases the aid of drugs and of shock treatment is invoked. Useful results were claimed in the use of the so-called truth drugs at the New Jersey Diagnostic Centre. This technique called "Narcosynthesis" has been claimed to be effective where a prisoner has resisted disclosure and prevented development of close relationship. Another treatment being developed is group therapy. This is favored by psychologists and is supplementary to individual counselling. I "sat in" on several sessions of group therapy. It requires very patient and skilful technique.

An interesting experiment embracing this, is in process for youthful offenders at Highfields, New Jersey. Inmates are regarded as not psychologically prepared for probation but not in need of lengthy reformatory training. It is somewhat early to assess results of this experiment.

It is perhaps opportune to add that in my opinion psychologists and psychiatrists all too frequently lose themselves in a spate of theoretical terminology which brings the science into disrepute and contributes nothing intelligible to either their own colleagues or the laymen called upon to read their reports. Psychiatry and psychology both need a good deal more down to earth commonsense if they desire to achieve more general recognition.

Conclusions regarding Psychiatry.

Summarizing my conclusions, I believe that psychiatry has something to offer from the diagnostic viewpoint, but there are important limitations on treatment. Mental abnormality does not necessarily induce criminality and the percentage of criminals with a treatable abnormality is very small.

The treatment of mental ills is essentially a long-term process, requiring active co-operation from the patient. Many offenders have no desire to be cured, although they may make specious pleas to escape punishment. Criminal psychiatry is a specialized field in which there are very few competent practitioners available. Furthermore, it is very difficult to devise effective treatment in the artificial atmosphere of a penal institution which produces problems not found in outside life.

Nevertheless, the growing practice of defending counsel to use and mis-use psychiatry to expound exculpatory theories renders a negative approach to wait and see, futile.

The proper field for experience in criminal psychiatry as distinct from criminal insanity, is in the Penal Department. Provision should be made for a psychiatric clinic in the new hospital at Pentridge. This clinic would be available to the Court where required for pre-sentence investigations, and where a treatable condition was found, it could provide that treatment, and operate effectively within the framework of the treatment programme outlined in this report.

The staffing requirements for such a clinic should be the subject of a recommendation by the Health Department.

Hospital Unit at Pentridge.

Plans were previously agreed upon to erect a new hospital at Pentridge on the site of an old terrace of staff houses. Experience overseas indicates that prison hospitals are best constructed as maximum security units so that staff may concentrate on hospital work without undue custodial problems. As soon as "C" division can be vacated by
placement of prisoners at Bendigo, Beechworth, and other training prisons, this insanitary and archaic division should be demolished to provide a site for a new division to include the hospital with provision for—

(a) daily sick parade;
(b) dispensary;
(c) a hospital unit for 30 prisoners requiring hospitalization for treatment or convalescence following major surgical work at a public hospital;
(d) a V.D. clinic;
(e) a dental unit;
(f) a psychiatric clinic;
(g) living accommodation for those under observation or segregated, together with hobby rooms, group therapy rooms, workshops, and exercise yards.

This would centralize all major medical facilities at Pentridge and enable closer co-ordination of the medical section with the general treatment programme.

It is recommended that the Health Department and the Government Medical Officer be asked to examine and report on these proposals. It is further recommended that the Government Medical Officer be asked to report on the question of hospital staffing including the problem of dispensing medicines at institutions.
CHAPTER 11.

STAFFING AND ORGANIZATION.

Central Administration.

Each of the jurisdictions investigated is a much larger organization than required in this State, and although there are variations in emphasis, a general pattern common to all is noticeable. The central control is exercised either by a Commission as in England, or a Director, and the following organizational chart indicates the features common to most countries:—

Central Administration.

- Inspection, General Accounts and Administrative Division
- Treatment or Education and Training Division
- Industrial Division
- Probation and Parole Division
- Medical Division
- Works Division

In many, probation and parole are quite separate, and probation is often apart from penal administration. In England parole or after-care is the least developed division. There is of course a close correlation and co-ordination of all divisions, but each has specialized functions requiring personnel with specialized skill.

If the recommendations of the previous chapters are accepted the Penal Department in this State would be organized on a similar basis and the personnel chart would be as follows:—

Director of Penal Establishments.

- Chief Clerk and Clerical Officers at Headquarters
- Chief Inspector
- Chief Education and Training Officer
- Supervisor of Industries
- Chief Probation and Parole Officer
- Chief Medical Officer (Health Department)
- Parole Board
- Judge of Supreme Court, Director, three others

The Parole Board has a judicial rather than an administrative function.

The title Inspector-General is outmoded and should be changed to Director as more indicative of its administrative function, and the position of Deputy Inspector-General should become that of Chief Inspector.

Analysis of the sub-divisions would give:—

Chief Clerk, responsible to Director for head office clerical administration.

Chief Inspector, responsible for regular routine inspections of institutions, administration, and recruitment.

Chief Education and Training Officer (Chapter 5), responsible for the development of the treatment programme, academic and vocational training, and the organization of all instructors, including part-time, in all institutions, and for organization of staff training and examinations.

Supervisor of Industries (Chapter 5), responsible for co-ordination of all industries and supervision of overseers.

Chief Probation and Parole Officer (Chapter 6), responsible for organization and supervision of the probation and parole service.

Medical Services (Chapter 10). Health Department.

Parole Board (Chapter 8). Determine dates and conditions of parole of all prisoners under a minimum-maximum sentence.
Each division has specialized functions outlined in the relevant chapters, and is the minimum requirement for an effective treatment programme and after-care as contrasted to the present preponderance of custodial functions.

**Institutional Staffing.**

In every country visited staff were classified into the following distinct groups:

1. Custodial or disciplinary staff.
2. Specialized staff such as hospital staff, cooks, engineers, mechanics, boiler attendants, and supervisors of industries.
3. Instructional and advisory staff including teachers, vocational instructors, house-masters, institutional parole officers, classification officers, psychologists, counsellors, welfare officers, chaplains, and social workers.
4. Higher executives such as Governors or Wardens and clerical administration.

Illustrations of this break-up of staff:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Approximate</th>
<th>Total Staff</th>
<th>Custodial</th>
<th>Special</th>
<th>Advisory</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wakefield</td>
<td>750</td>
<td>172</td>
<td>100</td>
<td>58</td>
<td>12</td>
<td>18</td>
</tr>
<tr>
<td>Wormwood Scrubs</td>
<td>1,000</td>
<td>206</td>
<td>156</td>
<td>70</td>
<td>9</td>
<td>21</td>
</tr>
<tr>
<td>El Reno</td>
<td>850</td>
<td>271</td>
<td>181</td>
<td>72</td>
<td>22</td>
<td>16</td>
</tr>
<tr>
<td>Ashland</td>
<td>430</td>
<td>136</td>
<td>73</td>
<td>41</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>Alderson (Women)</td>
<td>425</td>
<td>180</td>
<td>90</td>
<td>50</td>
<td>15</td>
<td>16</td>
</tr>
<tr>
<td>Seagoville</td>
<td>400</td>
<td>127</td>
<td>72</td>
<td>36</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Clinton (Women)</td>
<td>400</td>
<td>117</td>
<td>46</td>
<td></td>
<td>71</td>
<td></td>
</tr>
<tr>
<td>Bordentown</td>
<td>560</td>
<td>115</td>
<td>69</td>
<td></td>
<td>46</td>
<td></td>
</tr>
<tr>
<td>*Penal Establishment, Pentridge</td>
<td>800-1,000</td>
<td>227</td>
<td>200</td>
<td>22</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

* Specialist includes:—Overseers, Hospital Attendants, Nurse.

Advisory includes:—Classification Officer, but not Chaplains (part-time).

1. **Custodial Staff.**

Groupings or ranks correspond roughly:

<table>
<thead>
<tr>
<th>Rank</th>
<th>United States</th>
<th>Victoria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Officers</td>
<td>Correctional Officer</td>
<td>Warden</td>
</tr>
<tr>
<td>Principal Officers</td>
<td>Senior Instructors</td>
<td>Senior Warden</td>
</tr>
<tr>
<td>Chief Officers, Class II</td>
<td>Lieutenants</td>
<td>Chief Warden</td>
</tr>
<tr>
<td>Chief Officers, Class I</td>
<td>Captains</td>
<td>Senior Chief Warden</td>
</tr>
</tbody>
</table>

The term warden has fallen into disfavour almost everywhere overseas and could be changed to Penal officer or merely officer.

Comparison of salaries as between countries has many difficulties, and is not attempted, but the important field of staff training will be discussed.

2. **Specialized Staff.**

These are recruited from persons with trade qualifications and experience outside, and all work in industries and maintenance, and many building projects, are efficiently supervised by these officers.

3. **Advisory Staff.**

This group is the main key to the treatment programmes developed overseas as discussed in Chapter 5 and academic qualifications are of prime importance.

Custodial officers do not hold clerical positions and it is common for female clerks to be employed. This has some advantages as general division officers do not usually have good clerical ability.

Governors or Wardens are usually recruited from outside and rarely rise from the custodial ranks. Many have university degrees in Arts, Law, &c., and are men of excellent calibre and very high status in the community.

Staff Training in the United Kingdom.

The Imperial Training School is established at Wakefield in a new building specifically designed as an officers' training school. Three main courses are undertaken, comprising:—

1. Officers' Training Class.
2. Staff Course.
3. Superior Officers' Course.

1. Officers' Training Class.

Officers are recruited as auxiliary or temporary officers, after interviews by Governors. They spend about three months at "on-the-job", or as the Americans term it, on "in-service" training, during which they are assessed by the Governor and his senior officers and reported on to the Commissioners.

A course of three to five weeks is then given at the Imperial Training School. Examinations are held and a Board of five, headed by a Commissioner as Chairman, and including the Principal of the Training School and senior officers makes a final selection of those suitable. One-third to one-half usually fail. Selected officers are posted to institutions on twelve months' probation.

Instruction includes duties and regulations and physical training is included for exercise, not to qualify as Physical Training instructors, who are usually trained at an army school.

2. The Staff Course.

Officers, under the age of 35, with at least two years' service, who pass a Civil Service Examination of a higher standard, are permitted to apply. Applicants undergo five days of Country-house Tests, during which a Board determines whether they are likely to benefit by a staff course. Of 30 on the last Country-house Test, five were selected for the Staff Course.

This course is of six months' duration. It is purely educational and stresses social graces. Half the time is spent at the Imperial Training School and half at Leeds University for lectures in English Literature (19 lectures), Economics (30 lectures), and Ethics (10 lectures). In lectures at the Imperial Training School, considerable emphasis is placed on improving general education; history, civics, English, and current affairs predominate.

Officers are boarded free if married, but pay £1 1s. per week after four weeks if single, and receive their salary as usual.

At the conclusion of the staff course officers are graded—

(a) fit for promotion to Assistant Governor, Class II.;
(b) fit for accelerated promotion in uniformed ranks to principal officer;
(c) not suitable for either.

In the last course, four were graded (a) and two graded as (c).

3. Superior Officers' or Governor's Course.

This course is for those entering directly into the superior groups. Usually twelve months is served in the field, then one month at the Imperial Training School where the aim is to give them a general background by talks and visits to Courts and various types of institutions. There is no examination or report.
Although the Commissioners state that they encourage subordinate officers to proceed to higher ranks if they show special aptitude, the following table, supplied by the Commission when answering a question before the Civil Service Arbitration Tribunal, indicates that only 20 per cent. of the higher positions have been filled by promotion from subordinate ranks.

<table>
<thead>
<tr>
<th>Type of Post</th>
<th>Total Number of Governor Posts</th>
<th>Total Number for Promotion of Senior Officers</th>
<th>Promotion from Chief Officer</th>
<th>Protection by Selection for Higher-Qualifications (Preliminary Course)</th>
<th>Promotion from Staff Course</th>
<th>By Accelerated Promotion Following Staff Course</th>
<th>By Staff Correspondence Course</th>
<th>Vice Open Competition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Men</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Governor, Class I</td>
<td>9</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Governor, Class II</td>
<td>18</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Governor, Class III</td>
<td>19</td>
<td>11</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Governor, Class I</td>
<td>26</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Governor, Class II</td>
<td>61</td>
<td>9</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>143</td>
<td>29</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

| **Women**     |                               |                                             |                            |                                                 |                             |                                               |                               |                        |
| Governor, Class I | 1                             | ..                                          | ..                        | ..                                              |                             |                                               |                               |                        |
| Governor, Class II | 1                             | ..                                          | ..                        | ..                                              |                             |                                               |                               |                        |
| Governor, Class III | 4                             | 2                                           | ..                        | ..                                              |                             |                                               |                               |                        |
| Assistant Governor, Class I | 2                            | ..                                          | ..                        | ..                                              |                             |                                               |                               |                        |
| Assistant Governor, Class II | 8                            | 2                                           | ..                        | ..                                              |                             |                                               |                               |                        |
| **Total**     | 16                            | 4                                           | 2                          | ..                                              |                             |                                               |                               |                        |

The Commissioners informed me that although the way is open to them, very few disciplinary officers have the education or aptitude for higher posts. However, both in England and the United States of America the administration stresses that disciplinary or custodial officers should have an understanding of the treatment programme as they, by their close contact with prisoners, play an important part in the programme.

From the courses outlined and the table showing promotions to higher positions, it is apparent that the United Kingdom Prisons Commission is impressed with the need for well-qualified persons in the higher administrative positions.

In Sweden, governors are recruited direct and usually have a law or other university degree. Disciplinary staff did not appear to be of very good calibre in some cases.

In United States of America, considerable emphasis is placed on staff training. "In-service" training and conferences are features. The majority of Wardens have superior educations. The large number of specialized positions seen in American institutions provides an excellent field for recruitment of administrative officers and academic qualifications are recognized as essential.

In Victoria, the basic minimum qualification for a warder is Grade 6 Arithmetic, and Grade 8 English, and to become permanent he has to serve satisfactorily one year's probation and pass an examination in Rules and Regulations.

Eligibility for promotion depends on passing examinations in—

1. Acts and Regulations:
2. The principles and practice of prison management.

Each subject is treated in a very elementary fashion and requires only a little application to lectures and notes and about Grade 8 level of education. There is no further educational bar to promotion.
With the exception of the Superintendent of Langi Kal Kal Training Centre, who is a University graduate, not one field officer in the Victorian Penal Department is matriculated. I have no false illusions about the possession of a University degree. Academic qualifications alone are insufficient, but they do assist an officer in the study and application of modern developments and should be a pre-requisite for all higher positions.

I have no desire to restrict the avenues of promotion to officers, rather do I wish to encourage them to show their aptitude for higher positions by obtaining further qualifications. Many officers have no ambition to qualify for promotion even at the present low standard, others would be prepared to study and should be encouraged to do so. At least two officers have attended Adult Education classes of their own volition.

Any higher education is valuable, but the most appropriate course for such positions as Governors, Assistant Governors, Superintendents, Counsellors, Welfare Officers, Classification Officers, probation, and parole officers is that of Diploma of Social Studies as provided by the Department of Social Studies at the Melbourne University. I have discussed this with the Director of Social Studies (Miss R. Hoban), and am assured that special studies in criminology and allied subjects, with practical field work in conjunction with this department can be introduced into the diploma course. A pre-requisite of this course is adult matriculation which should not present undue difficulty for ambitious officers.

The development of the plans outlined in this report and especially for probation and parole will depend largely on the training and recruitment of staff. It is a specialized field, and qualified personnel will not be obtained easily. In order to encourage officers to qualify, I recommend that this department offer four scholarships for the Diploma of Social Studies to officers within the service who obtain adult matriculation. This course is for three years, but the Board of Social Studies may permit certain students to take the course in two years. Fees are about £50 per annum. These would be additional to the five free places allotted by the Free Places Board for the Public Service. Officers should be paid full salary, and be under bond to serve this department for three years at the conclusion of the course in a similar manner as provided for free places under Governor-in-Council Regulation 50.

If four scholarships were offered annually for several years the staff needs would receive great impetus. Later one scholarship annually may suffice. I appreciate that this is a bold plan but other departments, especially the Education Department, have been forced to take similar steps to obtain qualified staff, and I strongly recommend early consideration be given to this scheme so that, if approved, it could operate for the 1952 academic year. Otherwise the benefit of this long-range plan will be deferred another year.

The Chief Education and Training Officer would be responsible for the supervision of these courses as part of the organization and development of all staff training. In time the possession of a Diploma of Social Studies would become a qualification for certain special positions.

Apart from this scheme, it seems opportune to examine the field of higher positions. At present the following positions are fixed positions by appointment:—

Superintendent, Langi Kal Kal Training Centre, Professional, Class B, £761–839 plus cost of living (£318 at present).
Governor, Pentridge, Professional, Class C2, £683–735 plus cost of living.
Deputy Governor, Pentridge, Technical and General, £643–695 plus cost of living.
Superintendent, French Island, Technical and General, £617–643 plus cost of living.
Superintendent, Beechworth, Technical and General, Chief Warder plus Gratuity, £521–547 plus cost of living.
Classification Officer, Technical and General, Chief Warder, £521–547 plus cost of living.
All other positions are interchangeable by rank and the senior ones of these are:
Officer in Charge, Geelong, Senior Chief Warder, £573-599 plus cost of living.
Officer in Charge, "D" Division, Senior Chief Warder, £573-599 plus cost of living.
Staff Officer, Pentridge, Senior Chief Warder, £573-599 plus cost of living.
Main Office, Pentridge, Senior Chief Warder, £573-599 plus cost of living.
Officer in Charge, Bendigo, Chief Warder, £521-547 plus cost of living.
Officer in Charge, Ballarat, Chief Warder, £521-547 plus cost of living.
Officer in Charge, Corrieemungle, Chief Warder, £521-547 plus cost of living.
Officer in Charge, Sale, Senior Warder, £469-495 plus cost of living.

In the proposed reorganization Reformatory Prisons will cease to exist and prisoners will be available for classification to the following institutions, where emphasis will be laid on training rather than custody:

<table>
<thead>
<tr>
<th>Pentridge</th>
<th>Maximum Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;D&quot; Division</td>
<td>Trials and Remands</td>
</tr>
<tr>
<td>Classification Centre</td>
<td>200</td>
</tr>
<tr>
<td>&quot;A&quot; Division</td>
<td>Specials medium security</td>
</tr>
<tr>
<td>&quot;B&quot; Division</td>
<td>Long-term maximum security</td>
</tr>
<tr>
<td>&quot;C&quot; Division</td>
<td>Hospital and special wing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Langi Kal Kal Training Centre</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Young offenders—minimum security</td>
<td>200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>French Island Training Centre</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Young offenders—medium security</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Beechworth Training Prison</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Active types suitable forestry and medium security</td>
<td>80</td>
</tr>
<tr>
<td>Minimum security at satellite</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bendigo Training Prison</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Active types—maximum security</td>
<td>130</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geelong Training Prison</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Active types—maximum security</td>
<td>170</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ballarat</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Prison</td>
<td>30-50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cooriemungle Prison Farm</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum security</td>
<td>40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sale</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Prison</td>
<td>35</td>
</tr>
</tbody>
</table>

The positions of Governors at these institutions will become more onerous as training in preparation for parole is developed. There are many advantages in interchangeability by rank, and I consider that the positions at French Island, Beechworth, Bendigo, and Geelong should be equated at the present level of that of Superintendent, French Island, by creation of a class called Superintendent or Governor, Class II.

Experience shows the need for the second in command to be able to readily relieve the Superintendent, and if the new class is created, the position of second in command should have the rank of Chief Warder. If the training centre at Langi Kal Kal develops as planned the positions of Superintendent at French Island, Beechworth, Bendigo, and Geelong, may ultimately have the same status as Langi Kal Kal, but for the present their development must be considered a long-range project.
It is therefore recommended that a new rank of Superintendent be created in the general division to embrace the four positions—Superintendent, French Island; Superintendent, Beechworth; Superintendent, Bendigo; Superintendent, Geelong; and that the position of second in command at the four institutions be raised to the rank of Chief Warder. The interchangeability of officers in this group would be very helpful to the general development of training plans.

Recommendations concerning the appointment of Chief Education and Training Officer are made in Chapter 5 and of Chief Parole and Probation Officer in Chapters 3 and 6, and as plans for the development of the treatment programme depend on the work of these no immediate recommendation is made for the appointment of specialists in institutions. It is also proposed to defer the question of examination standards. Later, proposals for a staff course similar to the British practice will be submitted. This course will be suggested as a pre-requisite to all positions above Chief Warder.

Consideration has however been given to the question of recruiting men of education and experience into the service to provide for future senior positions, and the method employed in Great Britain was examined carefully. Men aged between 30 and 40, with good academic background and usually some good service in the armed forces, have been recruited to positions of Assistant Governor, Class II. These men are the equivalent of the housemaster, the counsellor or supervisor, and they exercise a very strong personal influence in prisons. They are not disciplinary officers but assist in the personal problems and administration of the treatment programme, and form the main field for recruitment of deputy governors and governors.

These officers have raised the standards of British prisons and are equivalent to the many specialists shown in United States prisons. Consideration is recommended for the creation of a position of assistant Superintendent, Langi Kal Kal. By mid 1952, this institution should accommodate about 90 prisoners of the young group for whom personal counselling is a major need. If a position in the professional division were created, the experiment would provide an excellent opportunity to train a qualified officer for succession to the position of Superintendent of Langi Kal Kal. Unquestionably, experience is a valuable factor in this field and unless a field of training is developed recruitment to these positions will remain difficult.

Summary of Recommendations.

That title Inspector-General be changed to Director.
That title Deputy Inspector-General be changed to Chief Inspector.
That a Chief Education and Training Officer be appointed (Chapter 5).
That a Chief Probation and Parole Officer be appointed (Chapters 3 and 6).
That a Supervisor of Industries be appointed (Chapter 5).

That a rank of Superintendent or Governor Class II. be created at the present level of Superintendent, French Island, for officer-in-charge at French Island, Beechworth, Geelong, and Bendigo.

That four scholarships be offered to officers in this department, who obtain adult matriculation, to undertake the Diploma of Social Studies Course at Melbourne University in 1952.

That an Assistant Superintendent be appointed at Langi Kal Kal Training Centre in 1952.
CHAPTER 12.

PRISON STANDARDS AND AMENITIES.

In the countries visited, there is wide variation in standards of buildings, equipment, sanitation, culinary services, cell furnishings, and general amenities, nevertheless some observations on the general minimum standards are pertinent.

In general, a noticeable effort has been made to provide conditions calculated to uplift the general tone of prisons and the habits of prisoners. It is not merely making gaol a pleasant place, but, in keeping with a general reformative treatment programme, to avoid unnecessary degradation. Cynics, who allude to making gaols comfortable homes away from home, should experience deprivation of liberty themselves and would then hasten to amend their opinions. Gaols are not pleasant places but no good purpose is served by making imprisonment cruelly rigorous on the one hand and attempting reform on the other.

Cell Accommodation and Furniture.

Modern gaols provide well-lighted and ventilated rooms rather than cells, which are necessarily features of maximum security prisons. In every country beds and mattresses and pillows are supplied except where a prisoner needed restraint owing to his mental condition and threatened violence. Bedding also usually included sheets and pillowslips on the grounds that a high standard of cleanliness could be maintained with sheets, but was not possible with blankets. In some cases, pyjamas were issued, sleeping in prison clothes or private clothing except underwear was not permitted. In modern buildings a toilet and a wash basin with hot and cold water are standard equipment. A small table and chair or stool and shelves for books, &c., is usual, and some form of heating is provided throughout. Considerable freedom is allowed in prisons where minimum and medium security conditions prevail. Sweden permits some prisoners to furnish their rooms completely, and it is not uncommon to see birdcages or goldfish or sundry pot plants and other fancies.

In Victoria, the general rule except in reformatories is to provide the barest requirements. Prisoners sleep on the floor, or on a wooden bed board, where floors are stone. Five blankets are issued and many sleep in their prison clothes in winter. Some cells are severed and have cold water taps. A small table and stool is provided. In some special cases mattresses are supplied. Even with these bare essentials, some prisoners maintain very high standards of orderliness. Beds and mattresses should be supplied for all prisoners.

Laundry and Clothing Issues.

Clothing issues are generally superior in quality and quantity to Victorian standards, and large efficient laundries are features. Many prisoners gain valuable training in laundry work and in the clothing shops where manufacture and maintenance repairs are of a high standard. Victorian clothing is crudely utilitarian, laundry facilities are poor, and few things are more depressing than the ill-fitting unkempt garb prisoners usually wear.

The development of better clothing standards has been a major factor in the improved tone of Langi Kal Kal as compared to Castlemaine. It is important in character training and helps maintain some semblance of self respect and pride.

Culinary Services.

Even in Britain, where food rationing creates problems, I was impressed by the emphasis laid on the culinary services. Trained supervisors are used in all except very small prisons, and the standard of meals is excellent in all countries. Kitchens are very well equipped, scrupulously clean, and supervisors train prisoners in baking and cooking. Even in maximum security prisons, dining in association is the rule and food is not eaten or kept in cells. It is true that more strikes and disciplinary problems emanate from dissatisfaction over food than any other source. Skill and initiative are needed to avoid monotony and rigid adherence to a repetitive menu, even if good, causes discontent.
Many prisoners are better fed in gaol than in their outside lives, some have to be taught to eat certain foods. Special care is given to avoiding waste, and it is not uncommon for prisoners to be permitted to take an unlimited quantity from the bulk containers at the servery, conditional upon all that is taken being eaten. This has proved more economical than serving equal portions to every inmate.

Cleanliness and orderly conduct are demanded in all dining halls, and all utensils are of excellent quality. In large institutions unbreakable metal utensils are general, but china is common in special prisons and the breakage rate is low.

It is rare to find severe diet restrictions used as a punishment.

In Victoria, the standards of kitchen equipment have been steadily improved in recent years. One trained cook and baker is employed at Pentridge, but inmate labour is used in all other institutions. This frequently causes apprehension to officers in charge, and in all institutions except very small ones at least one trained cook should be on the staff.

The ration scales are reasonable but skill and initiative are required to provide adequate variation.

Except at reformatories and at Coorimungle, all meals are eaten in cells, and, in general, the method of serving and utensils provided are below the standards seen overseas.

**Bathing Facilities.**

In the best institutions, hot and cold showers are provided within easy reach of the living accommodation, and daily showers may be taken. Generally speaking, prisoners take more than the minimum compulsory bath.

**Hairdressing and Shaving.**

Safety razors are usually issued, and except for dangerous prisoners razors and blades are retained in cell lockers and a daily shave is compulsory. A room properly equipped for haircutting is usually provided and is available at suitable times. Close cropping or shaving the head has disappeared except where vermin are found. Some prisoners have obtained useful trade-training in hairdressing in some institutions.

**Recreation.**

As outlined in Chapter 5, recreation is well organized and encouraged, and the training in the correct use of leisure hours is regarded as of prime importance. Indoor and outdoor facilities are provided, and many first-class gymnasiums were seen. Visits by local teams are permitted and encouraged in certain types of institutions.

Victoria lacks facilities in most institutions for any form of recreational activity.

**Canteens.**

In every country, canteens were a feature and prisoners were able to purchase tobacco, sweets, toilet requisites, and various foods. In some cases it is by book entry, in others special gaol coins are used, whilst in others normal money is allowed. Limitations are placed on the amounts to be spent. This problem is closely related to the earnings scale.

In Victoria, tobacco is issued gratis and toilet requisites may be sent in. Tobacco is used as an unofficial currency and those who do not smoke receive the same issue as smokers. The canteen method is preferable, and can be used for desirable training especially in institutions for younger offenders. It costs approximately £4,725 per annum for tobacco in this State, averaging about 1s. 6d. per week per prisoner.

**Visits and Correspondence.**

Generally speaking, visits and correspondence regulations are similar to those in Victoria, but as prisoners advance in degrees of trust considerable relaxation of restrictions is permitted. In all, other than maximum security institutions, visits by parents and relatives are encouraged, and the length of time and conditions of visits are
modified. Visiting rooms are simply sitting rooms, and in favorable weather, lawns and gardens are used. In Sweden, visitors are permitted to visit prisoners in special prisons in their rooms, and it was admitted that sexual intercourse may take place on occasions. Sweden also provides home leave, similar to the Borstal practice in England where boys are granted five days' home leave, and very few have abused the privilege or failed to return.

Approved daily newspapers and periodicals may be received if posted direct by the publishers.

Relaxation of restrictions is desirable if response to the treatment programme merits it. If minimum privileges are laid down with discretionary powers for relaxation, the problem becomes an administrative one and can be developed according to the special nature of the institution and the inmate, and can be used as an effective agency in character development.

Use of Radio.

Radio is usually provided with programmes selected by the inmate committees and approved by the Governor. Amplifiers are usually provided in recreation rooms and yards. In Victoria, cell headphones are also provided to provide for the evening periods when all prisoners are locked in cells. It has proved a success.

Remission of Sentences.

It has been the practice in most countries to grant remission of sentence for good conduct and industry. In some jurisdictions this has developed into automatically giving the fullest remission allowable, except where some breach of discipline has been recorded, so that, even where a prisoner shows exceptional industry he cannot obtain more than a prisoner who "coasts" along but does not actually offend. This is regarded as preventing favoritism.

Good conduct remission has some advantages and can be used effectively to advance the date of eligibility for parole, but the suitability for parole should not be determined solely on conduct and industry.

Earnings.

It is now generally recognized that earnings provide funds for—

(a) daily canteen needs to suit the individual;
(b) requirements immediately after discharge or parole;
(c) maintenance of families whilst the breadwinner is in custody.

Scales vary considerably and in many cases are too low to contribute towards (c). In some cases, in United States of America, prisoners with family responsibilities are allotted to production shops instead of vocational training courses to earn higher amounts paid in these industries. In some cases piece-work rates are used as an incentive to production.

The issue of clothing on discharge (see Chapter 6) reduces the requirements under (b), but it is essential that parolees have some ready money for their immediate needs. I was not impressed by the English method of granting a small sum (usually 5s.) by the Board of Visitors in necessitous cases. Surely it is preferable for a man to earn money and pay his own way as one normally has to do.

In institutions, cleaning and general maintenance absorbs many inmates, and obviously piece-rates cannot apply. It appears preferable to me to determine a general scale applicable to all prisoners engaged in any work or instruction, with possibly some small incentive payment for special industries, to build up credits sufficient to meet the requirements of (a) and (b) rather than to issue tobacco, and discharge clothing gratis.
The Victorian scale of earnings was devised many years ago. Prisoners receive 1d. to 6d. per day as billets and in industries, except that piece-rates in the woollen mill for weavers is 16s. to £1 7s. 6d. per month, in wire-netting 11s. to £1 2s. 2d. per month. Special rates apply to each grade in reformatory according to grades as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Local Kut Kcil</th>
<th>Training School</th>
<th>Penit. Establishment, Penzbie</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£s. d.</td>
<td>£s. d.</td>
<td>£s. d.</td>
</tr>
<tr>
<td>Third grade</td>
<td>0 6</td>
<td>0 6</td>
<td>0 3</td>
</tr>
<tr>
<td>Second grade</td>
<td>0 6</td>
<td>1 0</td>
<td>0 6</td>
</tr>
<tr>
<td>First grade</td>
<td>1 0</td>
<td>1 6</td>
<td>1 0</td>
</tr>
<tr>
<td>Special</td>
<td>1 6</td>
<td>1 6</td>
<td>1 0</td>
</tr>
</tbody>
</table>

Special rates apply to each grade in reformatories according to grades as follows:

- Coonamungie rates are 9d. per day.

Special permission may be granted for spending earnings to purchase books, materials, correspondence courses, &c., and deductions are made for dental services, loss or destruction of property, and claims for maintenance of children by Children's Welfare Department and all earnings are forfeited for escapes.

Revision of the earning's scale is desirable with a basic rate of 1s. per day, rising by special rates to 2s. 6d. per day. Allowance of a canteen spend not exceeding 2s. 6d. per week from earnings and to include tobacco purchases now issued gratis. This would encourage production, enable costs of dental services to be paid from earnings and help prisoners to purchase clothing and other necessities when proceeding on parole. It is emphasized that there is valuable character training in earnings and spending from earnings, and parole officers would be in a position to check waste by careless spending immediately on discharge.

**Gradings.**

Practices vary considerably in different countries, but it is probably correct to generalize by saying that whereas earlier in the century practices of earning promotion to higher grades with higher privileges were developed, many institutions now grant all privileges at the outset and deprive those who abuse them.

Any system of gradings tends to anomalies and artificiality and may become a routine matter of effluxion of time. It seems preferable to have varied types of institutions to carry out a scheme of classification, and to weave privileges into a treatment programme which calls for active participation by inmates rather than for negative submission.

This brings the discussion to the question of punishments within the institutions.

**Punishment.**

The most challenging problem for Governors is how to maintain proper discipline. Considerable personality and initiative is required in maintaining discipline. Governors must be impartial, but not harsh or vindictive. Staff members are easily aggrieved if charges are not sustained, and their conception of punishment meted out. Many officers have learnt the happy knack of maintaining discipline effectively.

It is generally agreed that the more negative the programme of a gaol the more disciplinary problems will occur and the more difficult it is to devise suitable punishments. In gaols where a positive treatment is developed, effective punishment is achieved by deprivation of valued privileges rather than by solitary confinement and diet restrictions. In some cases a change of classification or transfer to another type of institution is the most effective.

In some American institutions, small disciplinary committees, including the chief costodial officer and the associate warden (treatment) deal with discipline problems. It is idle to say punishments are not inflicted but justice is often best achieved by wise counselling and loss of privileges rather than more punitive action.
Some interesting experiments in inmate participation were observed. Provided the pitfalls are understood, there is scope for its development in a diversified treatment programme, and inmate participation can be a very effective indirect disciplinary agent.

Grunhüt says:—

"Three ways are open to prison authorities for the maintenance of good discipline. First, they may and often will use repressive methods, viz., punishment and restraints. Secondly, they may resort to incentives, e.g., to an earnings scheme or a grading system. Thirdly, they may rely on constructive methods and appeal to the prisoners' self respect and co-responsibility by the recognition of inmate participation and self-government. No prison regime will succeed by adopting one exclusive pattern of discipline. It is only reasonable to use every means at its proper place. Progress from repressive to constructive methods should be the aim for every good institution. As Schleiermacher said: 'Punishment should be a waning factor in education.'"

Governors require to be keen students of human behaviour, to educate staff members in how to obtain discipline, to develop a varied programme and to concentrate on obtaining a good disciplinary tone by indirect methods. Unimaginative harshness is no more effective than weak indifference.

Conclusion.

It will be appreciated from this and previous chapters that I consider Victorian prisons have been somewhat crudely negative. However scrupulously clean and apparently well disciplined they may appear on the surface, there is tremendous scope for development of a positive treatment programme, calculated to meet the varying individual needs of different types of prisoner. Rigid adherence to one general pattern aims at a uniformity of human behaviour which it is not possible to achieve, and which by its negative approach limits the prospects of success.

In effect, all gaols have been developed as maximum security institutions, and have therefore necessarily imposed rigidly harsh conditions which, however, appropriate to the hardened core of criminals are unsuited to the needs of the majority of prisoners. The development of varied types of training prisons will enable more effective programmes to be developed and the conditions can then be relaxed, or more correctly, widened, to meet the varying circumstances.

I repeat that it is not to make prisons pleasant places but to effect reformation wherever possible that these steps are essential.

If and when the general plans of this Report are approved, new regulations will be submitted embracing the aspects referred to in this chapter.
CHAPTER 13.

FEMALE PRISONS.

A characteristic common to all countries visited is that the female population of prisons is very much lower than the male population. One may be gracious enough to say that the female is more law-abiding than the male. Contributing factors may be that Courts usually exhaust all other avenues such as probation, or bonds, or entering special institutions rather than commit to gaol; and few women are actively engaged in criminal activities of the more serious kind except in conjunction with male criminals as receivers of stolen goods or as decoys. Hence, they may knowingly benefit from crime but are rarely apprehended.

Most females are committed by Courts for petty offences, and few female prisoners are custody risks, hence the reference in Chapter 9 to buildings for female prisoners. It is very doubtful whether the vagrant types who come and go frequently for drunkenness and the like will be reformed by gaol, but whatever uplifting influences can be brought to bear, they will certainly gain from better conditions.

Some excellent female prisons were seen abroad and the treatment programmes showed a positive approach. Occupational training and hobbies were very good features. In several American institutions courses in hairdressing and beauty culture were featured as definite trade training and as a morale builder. The general tone of these institutions and the calibre of the staff employed were impressive.

However, these institutions were larger and inmates committed for longer periods than occurs in this State.

The following table for 1950 indicates the difficulty of developing a good programme of vocational training:

<table>
<thead>
<tr>
<th>Sentences</th>
<th>453 or 70 per cent.</th>
<th>108 or 16 per cent.</th>
<th>53 or 8 per cent.</th>
<th>30 or 5 per cent.</th>
<th>5 or 1 per cent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than one month</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One to three months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three to six months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Six months to one year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>More than one year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Many are too old for training, but do profit from the general clean-up and absence of liquor. Some of these may well profit from more frequent use of an amended Section 69, Part III., Police Offences Act, as recommended in Chapter 7.

The younger group is small, but there is need for facilities to give vocational training and craft work for hobbies. A general programme of treatment under pleasant conditions may succeed, but it is unlikely where crude depressing buildings are used. In the overseas women's institutions visited, the inmates were eager to display their own handiwork and obviously were responding well to the programme and to the pleasing surroundings.

Early action as set out in Chapter 9 is recommended. Given suitable buildings, the Matron is capable of developing an appropriate treatment programme as referred to in Chapter 5, and all chapters apply to females as well as males.
CHAPTER 14.
YOUTHFUL OFFENDERS.

It is logical to expect the most effective results in the youthful offenders group under the age of 21, since this group offers greater potential in the field of training. In previous reports, emphasis was laid on the need for concentration of corrective training on the group under 25 years of age and a special type of sentence was recommended with a minimum of two years. There are advantages in developing a training programme with a minimum of two years, but experience shows that the opportune time to release young offenders varies with individuals, and an arbitrary minimum of two years may preclude release at the most suitable time. England recently reduced the Borstal minimum to nine months.

The recommendations of this Report give all sentences for indictable offences a partially indeterminate character, with special emphasis on a diverse treatment programme. This should enable the development of an adequate period of training followed by release under supervision. Classification by age alone will not be practised; nevertheless, all youthful offenders, except the most intractable ones, will be concentrated at Langi Kal Kal Training Centre. This institution will be developed to provide varied training under very accelerated conditions calculated to upfit the offender. The minimum-maximum sentence recommended for all indictable offences will remove the present distinction between definite sentences and reformatory prison sentences, and is based on the belief that all prisons should concentrate on training and all sentences should include a period of supervised parole. This should be given a thorough trial for several years to determine its efficacy, and if it proves inadequate, it will not be difficult to superimpose a special type of sentence for youthful offenders.

In the Federal sphere in United States of America, the Youth Corrections Act 1950, created a Youth Correction Division for offenders aged 18 to 22, and gave the Director of Prisons power to send these offenders to any institution, public or private, for a period of custody not exceeding four years.

In England, provision is made for Borstal training for certain types in the under 21 group for a period of not less than nine months nor more than three years, followed by a period of release under supervision. England has found it necessary to develop three types of Borstal---Open, semi-open, and closed, because youthful offenders are more unstable and in many respects greater custody risks than older offenders. Even with care at the allocation centres, many escapes have occurred. In 1949, no less than 1,031 or 23 per cent. absconded from Borstal.

Too much can be made of escapes and sensational newspaper headlines cause unnecessary alarm and apprehension. Escapes must be discouraged, but experienced penologists realize that many escapes later prove better prospects of reform. They are often made on the spur of the moment in an attempt to resolve some emotional conflict, and though they may be significant in a wise treatment programme, they are not the sinister act many believe them to be. Escapes and attempted escapes occur more frequently in closed prisons than open prisons, especially where a negative and regimented programme of close custody prevails. The best answer to escapes, except perhaps for a hardened core of dangerous criminals, is in an enlightened treatment programme, and the development of a close personal relationship between prisoners and staff. Hence, the importance of staff training.

Langi Kal Kal is an open institution and some youthful offenders may prove unsuited to these conditions, but the experiment can be regarded as successful even with the limited facilities at present available. When training facilities and greater accommodation are available there will be great scope for development of plans to incorporate the best features of the English Borstal and the Youth prisons of other countries. It must be stressed, however, that the present average term of ten to twelve months at Langi Kal Kal does not give adequate time for training. Reformation is seldom achieved in a short period. A minimum of twelve months' institutional training followed by a minimum of one year under parole supervision is essential, but many will require more than one year to complete an adequate training programme, especially where vocational training is attempted, and the Parole Board will have special regard to the completion of such training when determining the date and condition of release.
Unfortunately, England has not yet established the Detention Centres provided for in the Act of 1948. These were designed for short-term institutional treatment of young first offenders. The efficacy of a short salutary lesson in a special institution has yet to be proved, and the small number suitable for this does not warrant it at present. If, however, it should become necessary, the Penal Department could establish such a centre as one of its special institutions without legislation. This need can be determined after due trial of the present recommendations.
CHAPTER 15.

JUVENILE OFFENDERS.

In Victoria, offenders under 17 years of age are dealt with by Children's Courts and all over 17 are dealt with in adult courts. There is a tendency in overseas countries to increase this line of demarcation towards 21, and it may be necessary to reconsider Victoria's line of demarcation at a later date.

I visited one London Juvenile Court and have examined the treatment of juveniles generally, but insufficient time and the pressing need for reforms in the over 17 group have made it necessary to concentrate on the adult field in this Report. In this sense, this Report is incomplete since even the most enlightened plans for adult offenders will not achieve their full purpose unless and until co-ordinated with effective measures for juveniles.

Many adult offenders experience institutional treatment as juveniles before they come to prison from the adult courts. This is not necessarily an indictment of the juvenile institutions, but the more effective the measures taken in juvenile institutions the less will be the number reaching adult prisons later.

In England, juvenile courts use probation extensively and have institutions called Remand Homes and Approved Schools, which are comparable to Victoria's Reformatory Schools.

In California, the Youth Authority which functions alongside the Adult authority controls all juvenile offenders up to 21.

Victorian Children's Courts have many admirable features, but my experience as Inspector of Reformatory Schools and the brief observations of juvenile procedures overseas, have convinced me that Victoria should establish its own State institutions for boys and girls. However admirably Church organizations conduct the so-called Reformatory Schools, it is preferable for the State to have full administrative control of such schools. The heavy subsidies and per capita payments made to the two Schools could have been more effectively used in establishing a State institution.

If the adult probation service is as successful as it is anticipated, it may be advantageous to develop a Youth Division of this service to embrace the work of the Children's Courts and to co-ordinate the work of the honorary probation officers. This may reduce the number sent to Reformatory Schools.

The Children's Court has power to commit juveniles to prison and to Reformatory Prison (Section 28, Children's Court Act). These powers should not be used until the offender has been tried in a Reformatory School. Short prison terms have little value with incorrigible juveniles who need training which cannot be encompassed in a short time. Reformatory Schools must however develop better vocational training programmes and in keeping with modern thought the name should be changed to Training School.

Victoria could profit from a close study of overseas developments in the treatment of juvenile delinquency, and probably California, United States of America, offers the nearest field for study of an enlightened approach to this problem with its Youth Authority.
CHAPTER 16.

FUTURE STUDIES AND RESEARCH.

One very important conclusion from this tour, is the need for regular contact with overseas agencies. Unless there is contact with practising administrators in other countries it is not possible to keep abreast with current thought and practice, and if this State is to absorb and develop modern penal philosophies, steps should be taken to establish association with acknowledged authorities without delay.

The most appropriate authority for practical participation in research and for dissemination of information is the United Nations Department of Social Affairs.

In August, 1950, the International Penal and Penitentiary Commission met at The Hague for its Twelfth Congress. Over 300 delegates representing 34 nations attended. Australia has not been a member nation and was not represented. Delegates were mainly outstanding experts actually engaged in work in various penal fields, and from the literature available concerning the discussions at the conferences, it is apparent that the practical problems of penal administration were keenly understood by delegates. The highly academic and controversial plane of discussions at the Second International Congress of Criminology at Paris was noticeably absent and undoubtedly the meetings have influenced legislative and administrative action in various countries. I have no hesitation in saying that the lack of progress in penal reform in this State is in some measure due to failure to actively participate in the work of the International Penal and Penitentiary Congresses.

The International Penal and Penitentiary Commission has, however, now formally handed over its functions and its assets to the United Nations Organization which has accepted the offer.

Briefly the plan of the United Nations Organization is as follows:

1. Members of United Nations and existing members of the International Penal and Penitentiary Congress not members of the United Nations have been asked to nominate one or more representatives, who should be qualified experts with professional or scientific experience in the prevention of crime and the treatment of offenders, to act as correspondents of the United Nations Department of Social Affairs.

2. These experts to meet in suitable groups every two years.

3. A select international advisory committee of experts is to be formed to advise the Secretary General and the Social Commission in drafting a programme for international study.

4. The United Nations will convene every five years an international congress similar to those formerly organized by the International Penal and Penitentiary Congress.

5. The United Nations will publish an international review containing the recommendations and conclusions of the groups.

It is strongly recommended that an approach be made to the Commonwealth Government to obtain the maximum benefit from these developments within the United Nations Organization, by asking each State in Australia to nominate an expert with a view to corresponding with the United Nations Department of Social Affairs, and meeting as an Australian group once each two years. Attendance at the Quinquennial Congresses would be most helpful especially for the larger States.

As there are no Federal prisons, the Commonwealth is not directly concerned, but the States are vitally interested and should indicate this to the Commonwealth Government and express willingness to participate and to receive the United Nations literature regularly. This would provide excellent guidance in the field of research which has hitherto been lacking.
CHAPTER 17.

CONCLUSION.

In concluding this Report, I desire to emphasize that although the work of studying the wide field of literature obtained, and of collating the information therein as related to the studies made abroad, has been arduous, the tour was very beneficial and enabled me to obtain excellent first-hand experience of modern developments. The recommendations submitted have been carefully analysed and should enable Victoria to develop its penal methods along modern lines, but experience alone can prove their efficacy.

SUMMARY OF RECOMMENDATIONS.

For convenience, the following is a summary of the recommendations made in this Report.

Chapter.

2 That power be given to any Court to remand, with or without bail, for a period of up to 21 days, with power to extend if necessary, to enable a pre-sentence investigation report to be submitted by the Probation Branch.

3 (a) That provision be made for probation to be granted for any offences which the Court deems expedient.
   (b) That an essential pre-requisite shall be a pre-sentence investigation and report by the probation branch.
   (c) That the period of probation be one to three years.
   (d) That power be given to revoke, to vary, or discharge the order on application by the probationer or the probation officer.
   (e) That a Supervising Court be appointed where considered necessary.

4 (a) That Courts having determined guilt should decide on (i) probation, or (ii) imprisonment.
   (b) That the length of the imprisonment should be determined as recommended in Chapter 7, with a minimum-maximum sentence for all indictable offences.
   (c) That classification into appropriate groups and appropriate penal institutions should be effected by the penal administration's classification machinery.
   (d) That the time and conditions of release under supervision be determined by the Parole Board as in Chapter 8.

5 That a modern treatment programme be introduced in all gaols.

6 That a Probation and Parole service be established in the Penal Department with initial appointments of:—
   One Chief Probation and Parole Officer.
   One Senior Supervising Officer.
   Four Male Field Officers.
   One Female Field Officer.

7 That a minimum-maximum sentence be provided for all indictable offences.
   That Section 69, Police Offences Act, be amended.

8 That a Parole Board be appointed consisting of:—
   A Judge of the Supreme Court, nominated by the Chief Justice of the Supreme Court.
   The Director of Penal Establishments.
   Three other members.
   Its duties shall be:—
   (1) To determine the date and conditions of parole for all prisoners eligible for parole by virtue of having served the minimum sentence less good conduct remissions.
   (2) To recall parolees for breach of parole.
   (3) To discharge from parole.
Chapter.

9 (a) Provide a female prison away from Pentridge.
(b) Absorb the older female section to make "B" division an adequate trial, and remand prison, to include dining room, workshops, library, showers, and exercise yards.
(c) Utilize newer female portion now being remodelled as a classification centre.
(d) Demolish "C" division and build a new division incorporating a hospital and a wing for borderline mental defectives and observation cases, with appropriate dining-room, workshops for occupational therapy and exercise yards.
(e) Provide minimum security dormitories on the farm at Pentridge for vagrants, drunks, &c., who are not a security risk.
(f) Develop hobby rooms, dining-rooms, and libraries in "A" and "B" divisions.
(g) Bendigo, French Island, and Langi Kal Kal—continue operations now in progress.
(h) Geelong—provide dining-room, library, and workshops.
(i) Beechworth—develop workshops and recreation facilities. Establish a satellite open prison for twenty prisoners adjacent to the plantation.

10 That a new division include a hospital unit with provision for:

(a) daily sick parade;
(b) dispensary;
(c) a hospital unit for 30 prisoners requiring hospitalization for treatment or convalescence following major surgical work at a public hospital;
(d) a V.D. clinic;
(e) a dental unit;
(f) a psychiatric clinic;
(g) living accommodation for those under observation or segregated, together with hobby rooms, group-therapy rooms, workshops, and exercise yards.

That Health Department examine and report on hospital staffing, and on the operation of the V.D. Act.

11 That title Inspector-General be changed to Director.
That title Deputy Inspector-General be changed to Chief Inspector.
That a Chief Education and Training Officer be appointed (Chapter 5).
That a Chief Probation and Parole Officer be appointed (Chapters 3 and 6).
That a Supervisor of Industries be appointed (Chapter 5).
That a rank of Superintendent be created at the present level of Superintendent, French Island, for Officer in Charge at French Island, Beechworth, Geelong, and Bendigo.
That four scholarships be offered to officers in this department, who obtain adult matriculation, to undertake the Diploma of Social Studies Course at Melbourne University in 1952.
That an Assistant Superintendent be appointed at Langi Kal Kal Training Centre in 1952.

12 That gaol regulations be completely revised.

13 That a new female prison be established away from Pentridge.

15 That Reformatory Schools be established as State Institutions for boys and girls, and known as Training Schools.
That Children's Courts should not commit juveniles to Reformatory Prison until the offender has been tried in a Reformatory School.
That a study be made of overseas developments in the treatment of juvenile delinquency.

16 That each State in Australia nominate a correspondent to the United Nations Department of Social Affairs.
That an Australian group be formed and meet biennially.
That Australian delegates attend the Quinquennial Congresses.
That United Nations literature be obtained regularly.

By Authority: J. J. Goulty, Government Printer, Melbourne.