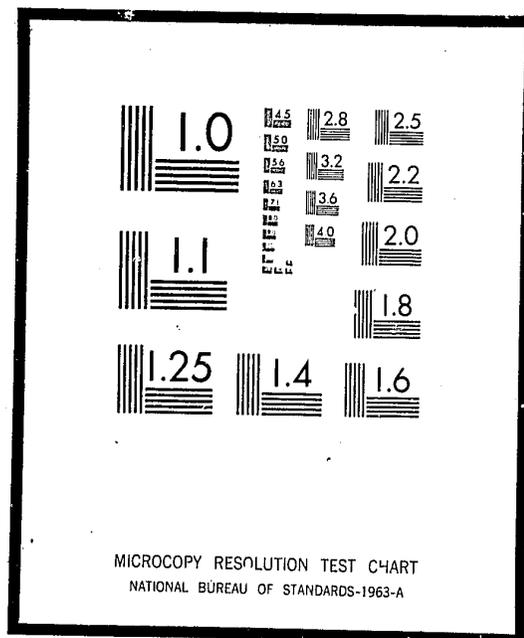


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed

11/11/75

12/11/74

PERIODIC DETENTION IN
NEW ZEALAND



Casa Loma, Periodic Detention Centre, Lower Hutt

PERIODIC DETENTION
IN
NEW ZEALAND

Research Series No. 4
Research Section
Justice Department, New Zealand
1973

FOREWORD

The treatment of offenders by periodic detention in New Zealand has aroused considerable interest both here and overseas. It is increasingly being studied by overseas penal administrations and has been used in a modified form in at least one Australian state and in the United Kingdom.

The study presented here, like most penal studies, is beset by many variables, including the notoriously elusive concepts of success and failure. It should be emphasised that a treatment originally conceived as applying to young people who were comparatively unsophisticated in crime, has been in recent years extended to persons convicted of serious offences including robbery.

Again, periodic detention has been extended in non-residential conditions to adult offenders, some with long criminal histories. Where no residential treatment is available young people are also involved in non-residential activity. The first section of this study, dealing with residential treatment, was prepared in 1972 by Mr R. E. Gibson while a member of the Research Section of the Department of Justice.

The section on non-residential periodic detention was written in 1973 by Mrs Ma'auga, of the Research Section. Since these centres are still proliferating and settling down it was felt that any result figures would be premature. Instead of a comprehensive survey of the outcome of all non-residential treatment, figures are given in the appendix for one of the more established centres with the usual reservations about success and failure evaluation.

D.° F. MACKENZIE,
Director of Research.

PART I

Periodic Detention Work Centres (Youth)

—a review of structures, procedures, and outcomes

R. E. Gibson

CONTENTS

	<i>Page</i>
INTRODUCTION	5
SECTION I—Origins	5
SECTION II—Inside the Periodic Detention System	9
SECTION III—A study of PDWC Outcomes 1963-67	14
SECTION IV—A Replication Study of PDWC Outcomes 1967-69	20

INTRODUCTION

Periodic Detention Work Centres (Youth) in New Zealand

The following review provides an outline of the structure, procedures, and outcomes of periodic detention work centres.

Part I deals with residential youth centres only, as distinct from non-residential centres for adults and youths.

The first section describes the origins, legislation, and administrative structure within which the scheme operates. The second section is of a more subjective nature, and attempts to give an insight into the actual functioning of the centres. For the latter purpose, four separate centres are described in some detail. The four centres, labelled "A", "B", "C", and "D" were selected in order to illustrate the range of philosophies and procedures which are a feature of the system. They also illustrate the features which the centres have in common with each other. The third section is a survey of periodic detention centre outcomes, and deals with patterns of reconviction. Consideration is then given to a follow-up study, again dealing with outcomes and patterns of reconviction.

SECTION I

Origins

The Criminal Justice Act of 1954 was the product of a comprehensive review of New Zealand's penal policy, and a milestone in the development of a liberal and far-sighted attitude towards disposition and treatment of offenders. Concurrently, discussions took place which were to lead to further experiments in penal treatment. Effective alternatives to imprisonment were constantly reviewed; in particular the concept of some form of part-time imprisonment came under close scrutiny. The courts had been concerned for some time about the lack of alternative measures existing between probation and borstal training when sentencing youths. The concept of restitutive work within the community was gradually developed in conjunction with limited deprivation of freedom. Eventually the sentence of "periodic detention" was given full expression as a pioneer treatment under the initiative and direction of Dr J. L. Robson, Secretary for Justice in 1963. This was the first treatment of its kind, and as such has caused considerable interest and led to adaptations in other countries.

Initially, it was considered that oversight of periodic detention centres should be by a "sergeant-major type of person with a capacity for insight into his charges" and that the sentence should be restricted to single youths within the age group 15-21 years. For the youth popularly described as a "larrikin" or "vandal" or who "played up" during his leisure hours, it was anticipated that a series of weekends spent in a detention centre would prove a salutary experience, and that a community work programme providing help to the aged and sick would develop a greater sense of responsibility.

Legislation

Early in 1962 a survey of pre-sentence reports prepared at Auckland over a 3-year period indicated that there was a sufficient number of suitable youths coming before the courts in Auckland to make a scheme of periodic detention feasible. In October 1962, legislation was introduced in the Criminal Justice Amendment Bill 1962 establishing the sentence of periodic detention. The measure became effective as from 28 November 1962.

As originally introduced, the scheme was applicable only to persons not less than 15 and under 21 years of age who were convicted of any offence punishable by imprisonment (s. 9 (1))* . A subsequent amendment to the Act in 1966 made the sentence applicable also to adults. The term of the sentence cannot exceed 12 months (s. 9 (1)), and the sentence may be combined with a fine (s. 9 (2)). At its discretion, the court may also place the offender on probation for a period of 12 months (s. 11 (1)). The term of probation must end not later than 1 year after the expiry of the term of periodic detention, and the court must direct whether the period of probation shall commence on the date of the sentence or on the expiry of the term of periodic detention (Criminal Justice Amendment Act 1966, s. 9 (2)). In addition therefore to being subject to the sanctions and liabilities imposed by the warden of a detention centre—the latter having the powers and authority of a constable (s. 8)—the offender may also be subject to the sanctions and authority that lie within the jurisdiction of a probation officer. In actual practice the probation officer usually takes over effective control upon the completion of the term of periodic detention. Under s. 10 of the principal Act, a sentence of periodic detention may also be imposed for non-payment of a fine.

To be eligible for the sentence of periodic detention, the offender has to meet clearly defined criteria: he must not at any time previously have been sentenced to detention in a detention centre (a penalty

*All section references refer: Criminal Justice Amendment Act 1962; also Criminal Justice Amendment Act 1966; and Criminal Justice Amendment Act 1967.

distinct from periodic detention), or to borstal training, or to imprisonment for a term of 1 month or more (s. 14). Although the general scheme of periodic detention was aimed at offenders with no previous institutional background, it is noteworthy that the Act does not specify previous child welfare institutional experience as a criterion for ineligibility. In practice, however, probation officers give consideration to the latter when making recommendations to the court.

Before a person is sentenced to periodic detention a probation officer's report has to be considered by the court, and likewise a medical practitioner must examine the offender and report upon the person's medical suitability for undergoing a programme of work and training (s. 15).

When sentencing an offender to periodic detention the court must specify:

- (1) The number of occasions in each week on which the offender is required to report (alternatively he may be directed to report as specified by the warden);
- (2) The first day and time on which he is to report after the sentence is imposed; and
- (3) The duration of each period of custody.

No single period of custody can exceed 60 hours. The warden is responsible for determining all reporting times following the first (s. 16). The basic pattern which has evolved in practice is for the courts to specify: "That the defendant place himself in the custody of the Warden . . . for forty hours on one such occasion (the weekend period) in each week and four hours on any other such occasions in each week as may be specified by the Warden." Normal attendance is for 2 to 4 hours on a Wednesday evening and for 40 hours at the weekend—7 p.m. Friday to 11 a.m. Sunday. When at the centre, the trainee must participate in such activities, classes or groups, or undergo such instruction as the warden considers "conducive to that person's reformation and training" (s. 18 (1)).

When the legislation was being drafted the possibility arose that a sentence of periodic detention coupled with work for individuals in the community was in direct conflict with the Geneva Forced Labour Convention Report of 1930. The opinion prevailed, however, that such work taking place after conviction and under the supervision of an authorised person was permissible. Provision was accordingly made for work to be carried out both within and outside the work centre. The type of work which may be carried out includes work at any hospital, charitable or educational institution; at the home of an old, infirm, or handicapped person, or at any institution which cares for the latter; or on any Crown or public

body land (s. 18 (3)). An important provision relating to work is that tasks cannot be undertaken by detainees which would normally be undertaken by regular employees of the institutions or bodies just mentioned (s. 18 (3)). Offenders are not entitled to any remuneration in respect of the work carried out (s. 18 (5)).

Provision is made for either the detainee or warden to apply to the court, at any time, for variation or cancellation of any sentence of periodic detention (s. 19).

For offences relating to the period of detention, detainees are liable to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$100 or both. These penalties are applicable where the detainee fails to report to the centre as instructed; fails without reasonable excuse to obey any rules covering the work centre; fails to obey directions; leaves the work centre or place of work; refuses to work or is careless at work; uses offensive language or otherwise misbehaves (s. 21). Provision is also made for fining persons convicted of loitering around a work centre or place where detainees are working. In effect, where offenders are concurrently placed on probation for a period of 12 months they are likewise concurrently liable to similar penalties as for any breach of the terms of their probation order. The cumulative penalty for the offender who fails to comply with the terms of both the probation and detention orders could therefore be substantial.

Administration

At the same time as an announcement was made in 1962 to institute legislation for periodic detention, the Minister of Justice announced the formation of an Advisory Committee at Auckland, where the first centre was to be established. The chairman of the committee was the senior stipendiary magistrate in Auckland and membership of the committee was representative of the Federation of Labour, the legal profession, the churches, the Police, Child Welfare Division*, and the Probation Service.

In drafting the legislation there were constant discussions between the legal staff of the Department of Justice and the Advisory Committee. This was a unique experience that had the effect of giving what was essentially a lay committee of citizens a share in the preparation of a parliamentary Bill. This committee was responsible for the incorporation into the Bill of a section relating to the use of periodic detention for persistent and wilful non-payment of fines.

*The Child Welfare Division is now incorporated in the Department of Social Welfare.

Wherever a centre is established an Advisory Committee under the chairmanship of a stipendiary magistrate is first called together. The functions of the committee are primarily advisory. The committees do not act in an administrative capacity. They are consultative bodies representing the courts, Department of Justice, and vital interest groups. One such "interest" group is the Federation of Labour whose representative members have an important contribution to make in bridging any gap which may arise between the aims of the actual work programmes of the various centres and employment opportunities of the community at large. The committees advise concerning staff appointments, the work programme to be carried out by the detainees, and on matters of general policy. They are an effective link in bringing community participation into a judicial and rehabilitative process.

In general the warden is responsible for the day-to-day running of the work centre. In planning its programme and activities and in all matters affecting the inmates, the warden acts in consultation with the district probation officer. In matters of policy the warden is under the direction of the district probation officer who consults with the Advisory Committee, and refers to Head Office all matters requiring direction. The latter include questions of property, maintenance, and furnishings. Applications for approval to supply or to do work are channelled through the district probation officer who together with the Advisory Committee gives comments and recommendations upon the propositions. Once policy has been decided upon, however, the warden has a large measure of autonomy in running the centre.

SECTION II

Inside the Periodic Detention System

In keeping with the original concept of periodic detention early appointments to the position of warden included an ex-naval officer, an ex-police constable, and two ex-army majors; subsequently an ex-prison officer and minister of religion have been appointed. With centres currently operating at Auckland (2), Otahuhu, Hamilton, Lower Hutt, Wellington, Christchurch, Dunedin, and Invercargill, these appointments have given rise to a remarkable diversity of treatment philosophies and procedures.

Instead of adherence to a set formula, each centre—through its warden and local advisory committee—has been able to develop its own distinctive approach. There are some basic similarities, but by virtue of a large measure of autonomy each warden has been able to develop a system which is compatible with his own philosophy and experience. In a sense, each centre is largely a reflection of the

warden as a personality. The outcome is a continuously evolving institution which is able to modify and adapt as experience and need indicate.

The legislative framework within which the centres function provides a common starting point. Recently, however, two centres have operated within an amendment to the specified age structure: by Order in Council the age limits for the two centres have been altered to accommodate persons in the 17- to 25-year-old age group. This means that trainees can be accepted who are in the age group 22 years to 25 years, inclusive, and who have previous institutional experience.

Wardens, however, diverge in regard to both philosophy and method.

Centre "A" is a strictly run, disciplinary establishment. The whole emphasis of the training programme is upon rules and the need to obey them. Trainees are, however, given an opportunity to criticise and discuss the running of the centre at group discussions.

The boys arrive at the centre by 7 p.m. on Fridays. A work schedule has been prepared and work is assigned, including maintenance, cleaning, cooking, and community projects. Each boy is made responsible for a particular "area" in the centre, and must keep his "area" clean and tidy at all times he is at the centre. Failure to keep an "area" up to the standards required can result in a penalty involving 4 hours additional work. Throughout the weekend there is great emphasis on cleanliness, tidiness, and smartness: all work must be carried out exactly as taught and laid down by the rules.

Group activity of various types occupies the evening. This includes a group discussion led by the warden. On Saturday, the trainees whose job it is to do the cooking get up at 6.30 a.m.—the remainder at 7 a.m. Work, which begins at 8 a.m., may be at the centre or on an outside project, such as the maintenance of an elderly person's home. The work programme is carried out at a brisk pace—there is no time for dawdling or loafing around.

Work occupies the whole day until 5 p.m. After dinner another group session is held for the trainees who did not participate the previous evening. All are then free at the centre until bedtime. There are no formal activities organised on Sunday mornings. Boys spend some time preparing their respective "areas" for inspection, and when an area has been inspected and passed, the trainee concerned may have his bed and locker inspected, and leave. Usually all have left by 10 a.m.

On Wednesday evening all attend to hear a talk given by a visiting speaker. Attendance is normally from 7 p.m. to 9.30 p.m.

Basically all periodic detention work centres follow the same format as that described in regard to centre "A"; there are, however, major differences in emphasis.

At centre "B" there is again an emphasis upon discipline, but it is supplemented by the development of a casework relationship. The warden at centre "A" makes no deliberate effort to establish inter-personal relationships: the warden at centre "B", in seeking to alter the trainee's value system as distinct from his overt behaviour, attempts deliberately to establish a personal relationship with each trainee. High standards of performance are expected—and obtained.

In general, the warden of centre "B" uses the programme as a means of redirecting youths from the course they have previously followed to a course which is at least "centre of the line", and if possible "right of the line". The means employed to achieve these ends are an admixture of strict discipline and inter-personal relationships.

Centre "C" operates on the principles of good discipline and good manners, with the added ingredient of the need for trainees to think beyond the immediate gratification of needs. The warden endeavours to plan a programme of activities which centre around a youth's thinking capacities. In his opinion, most of his charges are too lethargic, both mentally and physically. He sees a need for sharpening their cognitive processes and thus developing a more positive outlook and behaviour pattern.

A very varied programme has been developed including educational activities such as lessons in basic English and arithmetic (work is set, marked, and tests are given). A wide variety of community projects are carried out, avoiding any repetition or dullness in job content. Other activities include a boat-building project, a tramping trip in the Southern Alps (the latter is anything but a "holiday jaunt"), and training in the management of their own welfare account, together with practice in running a committee. Leisure hour activities include playing "Scrabble" (word building game) and completing crossword puzzles. Use is made of enacted plays to encourage discussion concerning various aspects of behaviour. The latter all serve to promote an animated and vigorous programme which the warden considers will develop the trainees' cognitive processes.

High standards in manners, behaviour, personal cleanliness, and work effort are expected at all times. Once the rules have been explained and understood, a trainee is expected to assume full responsibility for his own behaviour. While the warden at centre "C" demonstrates genuine concern to the trainees for their welfare there are no "second chances" or "second warnings"; penalties for misbehaviour or failure to

carry out a task are automatically imposed. The only comment the warden makes is to quietly, but firmly, point out the cause and effect relationship between misdemeanour and penalty. By developing some sense of responsibility for himself, it is hoped that the trainee will gradually extend this to include a sense of responsibility towards other persons—particularly his parents and employer.

The warden at centre "D" views his task as that of providing a "facilitative environment" which will meet the needs of the "whole person". He endeavours accordingly to provide a stable environment for the trainees whom he views as being casualties of a permissive society. The youths who come before the courts are considered to have no goals other than those of immediate self-gratification: they have endeavoured to give meaning to their lives in socially deviant ways.

With the latter as his basic position the warden sees periodic detention as a means of enabling a youth to work out his own relative responsibility for the situation in which he now finds himself—and to do so within an authority-structured environment. In learning the rules of the establishment the process of becoming "other-centred" will already have made a beginning as the trainees are expected to tell each other the rules of the centre and the penalties which can be incurred.

The warden sees his first task as that of building a relationship with the trainee. This is crucial in assisting the trainee towards the ultimate aim of being able to see himself, define himself, and develop an aim in life beyond himself. All activities at the centre are directed towards development by the trainees of a positive self-concept.

The effectiveness of the work programme is regarded as being an outcome of the counselling programme: criteria for effectiveness include the development of a more responsible attitude towards employment, stability of employment, and increased efficiency and productivity. Apart from maintenance in and around the centre, the warden endeavours to select community projects which have a high creative content and which stimulate interest and encourage the use of initiative.

The Saturday night programme is equally varied: on the first Saturday of the month the trainees participate in a recreational programme conducted by the University School of Physical Education. On the second Saturday there is a programme involving contact with outside youth groups; on the third Saturday the trainees spend the evening at the local swimming baths, and on the fourth Saturday there is a visiting speaker. On the occasion of a fifth Saturday in the month the trainees are escorted to a cinema and are then left to return to the centre unescorted. (This trust has not so far been abused.) The film then forms the subject for group discussion the following Wednesday night.

Individual counselling and group discussion tend to be the centre of focus at centre "D". An interesting feature is a weekly period of 15 minutes during which the warden becomes the target for a frank exchange of question and answer relating to problems of a religious and ethical nature: there is never any shortage of questions and the period invokes considerable interest on the part of the trainees.

Normally when a youth is sentenced to periodic detention centre training he is concurrently placed on probation. He may also be ordered to pay a fine. There is a divergence of practice, however, in regard to the active role of the probation officer during the trainee's period at the periodic detention centre. At some centres the trainee will, in addition to fulfilling his obligations at the centre, also report regularly to his probation officer: the latter may collect any fines and/or contributions to savings accounts. Under these circumstances it is possible for a trainee to be involved in two differing sets of casework or supervision. By close co-operation between warden and probation officer the two areas of responsibility can be complementary. At other centres, however, the trainee, although bound by the conditions of his probation order, at the discretion of the probation officer is not required to report to the latter during the period he is undergoing training at the periodic detention centre. In these cases the warden may assume responsibility for collecting fines: the probation officer assumes active supervision upon completion of the trainee's period at the centre.

Whatever the case may be in regard to the latter, there is in every district an excellent working relationship between warden and district probation officer to whom the former is responsible.

At each of the centres the warden is given invaluable assistance by the active participation of his wife. The husband-and-wife team approach adds considerably to the atmosphere of the centre. Usually, his wife in each case is in charge of the kitchen, and attends to all cooking arrangements. One or two trainees are assigned to assist her on a roster basis in the work that has to be done, and are given training in cooking and kitchen chores. The latter work is carried out to the same high standard as with every other job performed at the centre. Perhaps the most important contribution, however, that is made in this respect is the degree of informal counselling which the matron is able to initiate. She is often able to break through a barrier which is resistant to the more formal counselling processes.

In each of the four centres described, the elements of discipline, good manners, individual and group counselling, hard work both at the centre and community-based projects, and the maintenance of a lively atmosphere are all present. An outstanding feature continues to be the degree to which each of the latter may be present at any

particular centre. This has meant that as institutions periodic detention work centres have been able to evolve, and thus each maintain a distinctive atmosphere. Far from duplicating a stereotyped institution, the diversity of outlook and method has ensured their progressive development as the scheme has continued to expand.

The outcome of what periodic detention centre training seeks to achieve can be viewed in a variety of ways. It is important to realise that "reoffending" or "not reoffending" measures only a relative part of the overall impact upon the individual trainees. For example, there is the boy who probably would not reoffend in any case—periodic detention work centre training helps to confirm this. Then there is the trainee who, as a result of periodic detention work centre training may have undergone a change in attitude—either overtly, or in a less obvious way despite the fact that he may appear before the court again. Alternatively there is the youth who may have outwardly conformed but who has inwardly remained unchanged. These and numerous other factors—a more steady work habit, work skills that have been learnt, better family relationships, improved ability to communicate, acquired habits of personal cleanliness and hygiene—are indices of a less obvious nature which are not necessarily reflected in indices of further criminal offending.

With these factors in mind, attention can now be drawn to a more formal description of periodic detention centre outcome.

SECTION III

A Study of PDWC (Youth) Outcomes

1963-67

The following survey is based upon those youths sentenced to periodic detention centre training from the beginning of August 1963, to the end of July 1967. It is concerned only with a description of subsequent patterns of reconviction.

Reconviction rates are often held to be indices of "success" or "failure". The reconviction rates in the following tables are given in terms of the degree of penalty imposed. Thus, the subjects were classified into one of three groups:

- (1) Those NOT reconvicted.
- (2) Those subsequently offending, but NOT SERIOUSLY.
- (3) Those subsequently offending, SERIOUSLY.

The term "not serious" relates to the type of penalty received, and includes all sentences of imprisonment under 1 month, fines under

\$60, or convicted and discharged. "Serious" reoffending is gauged by all sentences in excess of the latter, including borstal training, detention in a detention centre (a sentence distinct from periodic detention).

Such indices of "success" or "failure" have obvious limitations not the least of which is the absence of any criteria for psychosocial maturational processes which may have taken place. Another limitation is the discrepancy which may exist between the nature of the offence and the degree of penalty imposed: in any given case, for example, the personal circumstances of the offender may outweigh the punitive factor in the sentencing process, or vice versa.

Discussion has taken place on the proper category for reoffending dealt with by probation. The chief probation officer believes that release on probation is an indication of non-serious reoffending, and that the sentence reveals the court's confidence in the probable rehabilitation or maturation of the offender. This view should be borne in mind when considering the following tables in which the 14 reoffenders who were released on probation are listed among the serious reoffenders.

Whatever our judgment on this form of treatment, the final conclusion still obtains in that 66.5 percent of the 251 subjects studied remained within the community during the period under review.

It should also be noted that the outcome described in this report cannot be compared with reported outcomes of other treatment measures. There has been no random allocation to the different measures available to the courts. We therefore cannot say that periodic detention centre training is any more or any less effective than other forms of sentencing.

For the purposes of this brief survey, the subjects' names were taken from the probation registers and *Police Gazettes*. Subsequent convictions were checked in the *Police Gazettes* for a 2-year follow-up period for all cases as from the original date of sentence to periodic detention centre training. Indices for 1967 do not include the whole population but only those cases included in the time period of the survey.

TABLE 1—Number of Subjects Sentenced to Periodic Detention According to Year of Sentence

Year	No.
1963	15 ⁽¹⁾
1964	52
1965	58
1966	74
1967	52 ⁽²⁾
Total	251

NOTES—⁽¹⁾ 1963 saw the commencement of the scheme.

⁽²⁾ Total for 1967 includes sentences January-July (incl.) only. This applies to all subsequent tables in part I.

TABLE 1 (a)—Most Significant Outcome for All Detainees (Most Serious Penalty for All Subjects)

Outcome	No.	Percentage of Total
Not reconvicted	100	39.8
Admonished	1	0.4
Convicted and discharged	1	0.4
Fined	51	20.3
Probation	14	5.6
Detention centre	27	10.8
Periodic detention	5	2.0
Borstal	38	15.1
Prison	14	5.6
Total number of cases	251	100.0

One hundred out of a total of 251 detainees were not reconvicted within the 2-year period "at risk". That is, 39.8 percent did not appear before the courts at all, while the remaining 60.2 percent were convicted, and received penalties which varied in degree of severity. Of those who did reoffend, a total of 84 (table 2)—or 33.5 percent of the whole population—were sentenced to further institutional training, including prison.

TABLE 2—Subjects Sentenced to Further Institutional Training According to Year of Original PDWC Sentence

Year	Number Originally Sentenced to PDWC	Further Institutional Training	Percent Original PDWC Sentences for Each Year
1963	15	5	33.3
1964	52	8	15.4
1965	58	25	43.1
1966	74	23	31.1
1967	52	23	44.2
	251	84	

The most significant feature to emerge from this table is that of all subjects considered in this survey, 66.5 percent were able to remain within the community during the 2-year period "at risk". This figure includes subjects who reoffended but who retained their liberty. This is an important reflection of a policy specifically designed to retain as many offenders as possible within the community.

If reoffending alone is considered, then table 3 indicates that of 251 subjects, 100 (39.8 percent) did not reoffend, 57 (17.2 percent) reoffended and received relatively minor penalties, while 94 (43 percent) reoffended and received serious penalties.

Where reoffending is categorised according to severity of penalty it might be argued that subjects classified "not reconvicted" and "reconvicted—not serious" should be considered together as representing an overall "success" rate. By this means, if we include reoffenders released on probation, a success rate of 66.5 percent could be claimed*.

*See page 22 for definitions. Included in "serious" offences are those resulting in fines of over \$60.

In specific cases the circumstances of the individual concerned may be the determining factor in the sentencing process. Again, minor penalties do not necessarily reflect patterns of offending which, despite the penalties, may be of a consistent nature: for example, "E" was sentenced to PDWC on 23 November 1964 for an offence of wilful damage. His subsequent convictions were:

Date	Offence	Penalty
10 4 65	Failure to report to PDWC	Fined \$20
27 5 65	Breach of probation	Fined \$14
11 3 66	Obscene language	Fined \$15
19 7 66	Carelessly using motor vehicle	Fined \$25
28 10 66	Wilful damage	Fined \$20

Considering the nature of the original offence, it would seem that periodic detention has in no way substantially altered the subject's pattern of behaviour. The case could hardly be considered a "success", although without PDWC experience he might have reoffended more seriously.

A decision to establish a cut-off point in time following conviction is a subjective judgment and always open to question. The further the period at risk is extended, the higher the rate of reoffending becomes. For example, "F" was sentenced to PDWC on 20 December 1965 for two offences of burglary. His subsequent convictions for the 2-year period at risk were:

Date	Offence	Penalty
3 10 66	Assault	Fined \$30
18 10 66	Failure to stop	Fined \$35
	Careless driving	Disqualified 3 months
18 1 67	Inconsiderate driving	Fined \$20

On our accepted criteria, his offending is placed in the category of "NOT SERIOUS". If, however, the same subject's period at risk is extended still further, he would qualify as a reoffender; i.e., 7/3/68—Burglary—BORSTAL TRAINING.

Apart from one case of "admonished and discharged" and one case of "convicted and discharged", the other penalties for all reoffending classified as "NOT SERIOUS" were fines amounting to less than \$60, and released on probation.

The distribution of penalties for offending classified as SERIOUS is as follows:

TABLE 3—Subjects Subsequently Sentenced to Serious Penalties According to Year of Original PDWC Sentence

Year	Fine	Probation	Detention Centre	Periodic Detention	Borstal Training	Prison	Total
1963	..	..	3	..	1	1	5
1964	1	2	3	2	3	..	11
1965	4	5	8	1	14	2	34
1966	3	5	6	..	12	5	31
1967	2	2	7	2	8	6	27
Total	10	14	27	5	38	14	108
Percent Serious Penalties	9.2	13.0	25.0	4.6	35.2	13.0	100.0

The numbers within each cell are too small to warrant statistical conclusions of significance. Of the subjects who committed offences warranting serious penalties, 10 (10.5 percent) out of a total of 94 retained their liberty—while 84 (77.8 percent) were committed to institutional custody. In general, the subjects whose reoffending could be classified as "serious" on the basis of penalties subsequently received, show a greater tendency than others to be involved in patterns of multiple reoffending. This suggests an inevitable further loss of liberty for the group for whom periodic detention is but an intermediate step in a progressive pattern of deviant behaviour.

Multiple reoffending in this instance refers to convictions for different types of offences on all separate occasions subsequent to the original PDWC sentence.

e.g.—26/7/66—Burglary (2 chgs), Theft (1 chg) = 3
 20/2/67—Car Conv. (1), Assault (1), Theft (2) = 4

7

(For the purpose of establishing a *pattern* of reoffending the above case would be recorded as having seven subsequent convictions.)

TABLE 4—Reoffending According to Subjects' Number of Subsequent Convictions: Classified According to Overall (Penalty) Categories of "Not Serious" or "Serious"

Number of Subsequent Convictions	Number of Subjects		Overall Total	Percentage of All Detainees
	Major Outcome—Not Serious	Major Outcome—Serious		
1 conviction	19	18	37	14.8
2 convictions	12	23	35	14.0
3 convictions	7	30	37	14.7
4 convictions	4	8	12	4.8
5 convictions	1	14	15	6.0
6 convictions	..	5	5	2.0
7 convictions	..	3	3	1.2
8 convictions	..	4	4	1.6
9 convictions	..	1	1	0.4
10 convictions	..	2	2	0.7
Total reoffenders	43	108	151	60.2
Subjects with no subsequent convictions	..	..	100	39.8
Total all PDWC subjects	..	..	251	100.0

Tables 5 and 5 (a) indicate the time lapse between sentence to periodic detention and first subsequent conviction. Of all subjects who were reconvicted, 102 (67.5 percent) offended within 6 months of their original PDWC sentence. A further 31 (20.5 percent) reoffended between 7 and 12 months following their PDWC sentence. Similarly, 12 (8 percent) reoffended from between 13 and 18 months, and 6 (4 percent) from between 19 and 24 months. Cumulatively, this means that of all those reconvicted, 81 percent appeared before

the courts within 12 months of being sentenced to periodic detention. Alternatively, if the same numbers are seen as a proportion of all detainees, then 133 or 52.9 percent of all detainees were reconvicted within the 12 months following the PDWC sentence.

Of the subjects classified overall as "not serious", 48.8 percent were reconvicted within 6 months of their PDWC sentence and, cumulatively, 76.7 percent within 12 months. It is noticeable, however, that of subjects classified overall as receiving "serious" penalties, 75 percent had their first subsequent conviction within 6 months of their PDWC sentence, and, cumulatively 92.6 percent had reoffended within 12 months of being sentenced to periodic detention.

TABLE 5—Time Lapse Between Date of Original PDWC Sentence and First Subsequent Conviction (All Subjects Who Reoffended)

	Time Lapse (months)				Total
	0-6	7-12	13-18	19-24	
Number of subjects reconvicted	102	31	12	6	151
Percentage of subjects reconvicted	67.5	20.5	8.0	4.0	100.0

TABLE 5 (a)—Time Lapse Between Date of Original PDWC Sentence and First Subsequent Conviction (Subjects Who Reoffended, According to Most Serious Subsequent Penalty)

Subjects	Time Lapse (months)				Total
	0-6	7-12	13-18	19-24	
Not serious	21	12	6	4	43
Percentage not serious	48.8	27.9	14.0	9.3	100.0
Serious	81	19	6	2	108
Percentage serious	75.0	17.6	5.6	1.8	100.0

General Comments

(1) The problem of defining "success" and "failure" entails the usual difficulties in drawing useful conclusions concerning the effectiveness of any penal measure. Success or failure in this study is defined by the absence or presence of subsequent offending treated in a certain way. On this limited basis 39.8 percent of the subjects could be described as having a successful outcome, while 43 percent of the subjects failed in terms of serious reoffending. The in-between group, i.e., the not serious reoffender—17.2 percent—must remain in the uncertain category: certainly, any exaggerated claims for success should be avoided. It should also be borne in mind that individual cases of "serious" or "not serious" reoffending may well have been marginal in terms of sentencing outcome.

(2) The results are relative to those offenders sentenced to periodic detention, and ought not to be used as a comparison with other treatment procedures.

(3) Perhaps the most important outcome to be observed concerns the percentage of subjects (66.5 percent) who, during the 2-year period at risk, at least maintained their place within the community.

SECTION IV

A Replication of the Study of PDWC Outcomes 1967-69

This follow-up study of the original report on 4 youth periodic detention work centres included 279 subjects who were sentenced to periodic detention between August 1967 and December 1969. The original study involved 251 youths sentenced to periodic detention between August 1963 and July 1967. For the purposes of comparison with the former study, the same definitions of "serious" and "not serious" reoffending have been used; that is "not serious" offences are those which incurred fines of less than \$60, imprisonment for less than a month or a lesser penalty, and "serious" offences are those which incurred fines of \$60 or more, probation, periodic detention, or any institutional sentence. As before, a 2-year follow-up period was taken and the subjects were grouped according to the most serious penalty received during the 2-year period.

Of the 279 persons sentenced, 84 (30.1 percent) were not reconvicted (cf. 39.8 percent over a 4½-year period). Ninety-one detainees received subsequent institutional training, leaving 180 (or 64.5 percent) able to remain in the community over the 2-year period.

Analysis of the most serious penalty imposed on each of the 195 detainees who were reconvicted showed that 50 (18 percent of the total sample) received minor penalties and 145 (52 percent of the total sample) received "serious" penalties. The 50 subjects whose reoffending was judged "not serious" all received fines of less than \$60, save 1 who was ordered to come up if called upon in 12 months. The table below shows the distribution of penalties over all the subjects.

TABLE 1—Most Significant Outcome for All Detainees (Most Serious Penalty for All Subjects)

Outcome	Number of Subjects	Percent of Total Sample
Not reconvicted	84	30.1
Reconvicted—not serious:		
Ordered to come up if called upon	1	0.4
Fine (\$60)	49	17.5
Reconvicted—serious:		
Fine (\$60)	20	7.2
Probation	18	6.4
Periodic detention	8	2.9
Detention centre	18	6.4
Borstal	56	20.1
Prison	25	9.0
	279	100.0

Of all the "serious" penalties imposed, borstal training is by far the most frequent, accounting for 38.5 percent of these penalties. By comparison, probation and detention centre each accounts for only 12.5 percent of all "serious" penalties.

These subjects show the same trend as was noted in the original study, namely that "serious" reoffenders are very likely to be multiple reoffenders. They are much more likely than the "not serious" reoffenders to have committed several different types of offences and to have had more than one subsequent court appearance. This trend is illustrated in table 2 below. For the "serious" reoffenders periodic detention is often merely a step along the way to more severe penalties resulting in further loss of liberty.

TABLE 2—Reoffending According to Subject's Number of Subsequent Convictions (Classified According to Overall Penalty Categories of "Serious" and "Not Serious")

Number of Subsequent Convictions	Number of Subjects		Total	Percent of All Subjects
	Not Serious	Serious		
1	27	26	53	19.0
2	17	30	47	16.9
3	3	32	35	12.5
4	3	22	25	9.0
5	..	9	9	3.2
6	..	9	9	3.2
7	..	10	10	3.6
8	..	4	4	1.4
9	..	1	1	0.4
10 or more	..	2	2	0.7
Total	50	145	195	69.9
Subjects with no subsequent convictions	..	..	84	30.1
			279	100.0

In an analysis of the time lapse between sentence to periodic detention and the first subsequent conviction, the first report found that 67.5 percent of all reoffenders were convicted within 6 months of sentence. For the follow-up study the proportion was almost the same—66.7 percent. Table 3 shows that data from the two studies give comparable results for the other categories as well.

TABLE 3—Time Lapse Between Date of PDWC Sentence and First Subsequent Conviction (All Subjects Who Reoffended)

	Time Lapse (months)					Total
	0-6	7-12	13-18	19-24		
First Report						
Number of subjects convicted	102	31	12	6		151
Percent of these subjects	67.5	20.5	8.0	4.0		100.0
Percent of total sample (i.e., 251 subjects)	40.6	12.4	4.8	2.4		60.2
Replication						
Number of subjects convicted	130	34	21	10		195
Percent of these subjects	66.7	17.4	10.8	5.1		100.0
Percent of total sample (i.e., 279 subjects)	46.6	12.2	7.5	3.6		69.9

Of the 279 detainees in the replication study, 195 were reconvicted within 24 months of sentence. As in the original study, two-thirds of these reconvictions occurred during the first six months, and approximately 85 percent within 12 months.

Table 4 gives an analysis of the time to first reconviction according to the most serious subsequent penalty. Of the subjects classified as "not serious", 50 percent were reconvicted within 6 months of sentence, whereas of those classified as "serious" 72 percent were reconvicted within 6 months of sentence. The first report found very similar proportions in these categories, with 48 percent of the "not serious" and 75 percent of the "serious" reconvictions occurring during the first 6 months.

TABLE 4—Subjects Who Reoffended According to Most Serious Subsequent Penalty (Time Lapse Between Date of PDWC Sentence and First Subsequent Conviction)

Penalty	Time Lapse (months)				Total
	0-6	7-12	13-18	19-24	
Not serious	25	16	6	3	50
Percent not serious	50	32	12	6	100
Serious	105	18	17	7	145
Percent serious	72.4	12.4	10.4	4.8	100
Total	130	34	21	10	195

Definitions of "Success" and "Failure"

If "success" and "failure" of the PDWC sentence are defined in terms of "no reconviction" and "serious reconviction", as in the original study, then those sentenced to periodic detention in 1967-69 show a slightly lower success rate, with 30.1 percent not reconvicted (cf. 39.8 percent), and a higher failure rate of 52 percent in the "serious" reoffending category (cf. 43 percent). The doubtful region between these categories, the "not serious" reoffenders, comprises approximately 17 percent of both samples.

It would seem from these figures that the periodic detention centres are less effective now than they were previously, but they are now receiving offenders with longer and more serious records of offending than before. When periodic detention was first introduced it catered mainly for youths sentenced on charges of disorderly behaviour, the "larrikins" and "vandals" for whom, according to official policy, the system was established. There is, however, evidence that the courts now use PDWC as another stage in the progression of penalties from fines and probation to borstal and prison. It is notable that the majority of offences for which the PDWC sentence was imposed in the replication study were burglary (approximately 20 percent of all cases), theft (16 percent), assault (16 percent), and driving while disqualified (12 percent of all cases). The seriousness of these offences indicates that these detainees could not be regarded as mere "larrikins" or as youths who have "played up".

The division of reoffenders into "serious" and "not serious" categories is somewhat arbitrary and more meaningful conclusions may be made using the categories of "institutional" and "non-institutional" to

differentiate the penalties imposed. In the following tables each subject's most serious penalty during the 2-year follow-up period has been classified as "institutional" or "non-institutional".

TABLE 5—Reoffending According to Subjects' Number of Subsequent Convictions (Classified According to Overall Penalty Categories of "Non-institutional" and "Institutional")

Number of Subsequent Convictions	Number of Subjects		Total	Percent of All Subjects
	Non-institutional	Institutional		
1	43	10	53	19.0
2	27	20	47	16.9
3	13	22	35	12.5
4	10	15	25	9.0
5	2	7	9	3.2
6	1	8	9	3.2
7	..	10	10	3.6
8	..	4	4	1.4
9	..	1	1	0.4
10 or more	..	2	2	0.7
Total	96	99	195	69.9
Subjects with no subsequent convictions	..	..	84	30.1
			279	100.0

TABLE 6—Time Lapse Between Date of PDWC Sentence and First Subsequent Conviction (Subjects Who Reoffended, According to Most Serious Subsequent Penalty)

Penalty	Time Lapse (months)				Total
	0-6	7-12	13-18	19-24	
Non-institutional	52	25	12	7	96
Institutional	78	9	9	3	99
Total	130	34	21	10	195

The above tables 5 and 6 show that when the categories of "institutional" and "non-institutional" are used, the subjects are divided almost equally, and there is a very clear tendency for the "institutional" offenders to be the most persistent offenders. Table 5 indicates that "non-institutional" offenders most often have only 1 or 2 subsequent convictions, whereas "institutional" offenders have up to 10 or more reconvictions.

Of the 96 "non-institutional" offenders, 52 were reconvicted within the first 6 months of sentence, and a further 37 between 7 and 18 months after sentence. Of the 99 "institutional" offenders, however, 78 were reconvicted within the first 6 months, and a further 18 over the next 12 months.

These tables show that, in general, youths who ultimately received institutional penalties were those who had many reconvictions within the 2 years following sentence. They were also very likely to be reconvicted within 6 months of the PDWC sentence, although not necessarily incurring an institutional penalty during that period. In

fact, later analysis showed that 54 (69 percent) of the 78 "institutional" offenders to be reconvicted within 6 months, did incur institutional penalties within that time.

Conclusion

Several conclusions can be drawn from the foregoing discussion. Many of the trends commented on in the original report were evident in this report.

The proportion of detainees who were not reconvicted in the 2 years after sentence was lower in the second study (30.1 percent, against 39.8 percent in the first report). In the first report 33.5 percent of all subjects were subsequently sentenced to institutions, while in the follow-up study this proportion was 35.5 percent. Approximately 64 percent of the subjects in each sample retained their liberty throughout the 2-year period following sentence to periodic detention.

In both samples the "institution" offenders tended to have several subsequent court appearances for several different types of offence, while the "non-institutional" offenders generally were reconvicted only once or twice.

The higher reconviction rate in the replication study would lead us to believe that the detainees in this sample were more involved in crime or further advanced in a criminal career than youths in the first sample. This increase in reoffending is reflected in higher proportions in the "serious" reoffending categories of heavy fines, probation, and periodic detention. It is not, however, reflected in the proportion of detainees receiving institutional sentences. Investigation within the "institutional" category was necessary to find a change in the pattern of penalties imposed. A breakdown by type of institutional penalty shows that a greater proportion of the replication sample were sentenced to borstal and imprisonment than in the original sample. Of the 79 "institutional" offenders in the original sample, 27 (34 percent) were sentenced to detention centre, 38 (48 percent) to borstal training, and 18 percent to imprisonment. In the replication study only half that proportion were sentenced to detention centre, 18 from a total of 99 "institutional" offenders, while 56 and 25 persons received borstal training and imprisonment respectively.

It is important to note that, despite the seriousness of the original offences, and the severity of the penalties subsequently incurred by some, 64 percent of the total sample were able to remain in the community during the 2 years after sentence. They were therefore able to support themselves, continue in their employment or trade training, and face the normal responsibilities of community life.

PART II

Non-residential Periodic Detention and Appendix

Christine Ma'auga

NON-RESIDENTIAL PERIODIC DETENTION

In 1967 the periodic detention scheme was extended to cater for adults as well as youths. These new centres were non-residential and initially admitted only those who were 21 years and over. Later several were established to take detainees of all ages from 16 years upwards. At present 12 non-residential centres are in operation throughout the country (as at 7 December 1972) and, of these, 5 centres admit detainees aged 16 and over. The rest admit those 21 years and over. Information on these 12 centres was gathered in a survey conducted on 7 December 1972.

The buildings used for the centres have in most cases been converted from old houses, halls, or industrial premises. The main requirements for a centre are washing facilities, a lunch room, and an area where inside work can be carried out. The work of conversion and renovation of the property is usually carried out by the detainees themselves as part of their work programme.

Authority for the daily running of each centre lies with its warden. He is responsible for establishing the specific rules regarding reporting and departure times, standards of dress, and so on, within the framework provided by the legislation. The warden's role in the centre is primarily administrative and disciplinary, but he also participates in informal discussions with work parties or during lunch breaks. All wardens are available for counselling and advice when this is requested by detainees.

Assistant wardens are appointed in proportion to the number of detainees attending the centre. The staff-detainee ratio is generally between 1-10 and 1-15. In this survey the two centres which had high staff-detainee ratios of 1-8 and 1-7 had both been in operation for less than 6 months and these ratios could be expected to fall as the local courts increased their use of the sentence of periodic detention.

The centres operate on the basis of 9 hours of attendance every Saturday. In this time work projects at the centre and in the community are undertaken. As mentioned above, work at the centre generally consists of renovations and repairs necessary for the functioning of the centre. This work is continuing in five of the centres. Work away from the centre is usually manual work such as land clearing, building maintenance, painting, cleaning, gardening, maintaining lawns and play areas, tree planting, and construction of concrete paths, walls and kerbing. These projects are carried out for pensioners, at institutions for the aged and for handicapped children, and often in conjunction with charitable organisations such as Jaycees and Lions. The warden's aim is to provide, where possible, work which is worthwhile for the detainees as well as valuable to the community.

In addition to Saturday attendance, detainees in two areas are required to attend for 2 hours on Wednesday evenings for lectures and discussion. These lectures are soon to be introduced in several other centres. At some centres, particularly in the smaller cities, evening programmes have not been held because of the travelling time involved for some detainees. Group counselling is not undertaken in the non-residential centres, as it is in the residential ones, partly because of lack of time, but the wardens are available for counselling should a detainee request this. The wardens refer detainees to specialist services where these are required.

The wardens of the non-residential centres are men in the 40- to 55-year age group. They all have considerable trade experience, usually in the building industry, and experience in the supervision and instruction of others. A number have worked in some type of institution. Several were involved in voluntary social work and the Prisoners Aid and Rehabilitation Society prior to taking this position.

The majority of detainees attending these 12 centres are under 30 years of age. This is illustrated by the average ages at the various centres, which remain low despite a high upper age limit of 50 to 60 years in most of the centres. In the centres admitting persons 16 years and over the average age was about 22 years at the time of this survey. In centres for those 21 years and over the average age is about 29 years. This preponderance of young offenders is emphasised by the fact that in all areas where the non-residential centre is for adults only, there is also at least one residential youth centre. (Two districts have two youth centres.) At the time of this survey (December 1972) the non-residential centres were being attended by a total of 485 detainees.

The range of offences for which these detainees were given periodic detention is large, but several offences stand out as the most common ones. Taking every detainee's major offence, the offence occurring most frequently was driving with excess blood alcohol level. Theft and burglary were the next most common offences, followed by driving while disqualified, assault, and false pretences. In some districts theft and burglary are the most common offences amongst detainees, while in other areas it would seem to be general practice for the court to sentence a drunken driver to periodic detention.

A sub-sample was taken, comprising 49 detainees on whom detailed information was available, and the previous offences of these detainees were noted. Of the 49 detainees, 25 (or 51 percent) had fewer than 5 previous court appearances resulting in conviction (including Children's Court appearances where a penalty was imposed). A

further 15 (30 percent) had between 5 and 10 previous convictions. The most common number of previous convictions was 1, although the range extended from no convictions to 24.

An analysis of the most serious penalty imposed on each detainee prior to the current sentence showed that 10 had been fined or suffered driving disqualification or both, and 8 had previously been released on probation. Two persons had been sentenced to periodic detention, two to detention in a detention centre, and four to borstal training. The remaining 18 had all received at least 3 months' imprisonment. It can be seen that the offence histories of the periodic detainees vary considerably, and are not the sole basis on which a decision to impose periodic detention is made.

The following case histories are examples of the sorts of offenders who are being sentenced to periodic detention, and show some of the factors taken into account in the sentencing process.

Case A is a middle-aged man convicted of theft by failing to account, the amount involved being in excess of \$1,500. During A's early childhood his father died, leaving his mother to rear a very large family. A was educated to intermediate level.

By the time of this offending A had served one period on probation and three terms of imprisonment for false pretences and obtaining credit by fraud. He had achieved some success as a skilled manual worker, and since his last imprisonment had bettered himself to the extent of obtaining a supervisory position. He was regarded highly by his employers. A's family life was stable and he was reported to provide well for them.

In recommending sentence the probation officer considered that the offender had shown himself to be quite unscrupulous and he had on several occasions resorted to serious offending. The amount of money involved in the present offence would in itself normally warrant a term of imprisonment. However, on the basis of A's settled family life, the likelihood of his finding another job fairly readily, and the possibility of extracting restitution from him if he remained in the community, the probation officer suggested that the court consider a term of periodic detention. A was sentenced to 6 months' periodic detention and a concurrent 12-month term of probation.

Case B is a young man, 21 years of age, who was convicted on 12 charges of burglary. B had received 3 years' secondary education at special-class level. After leaving school B also left home as his father's strictly imposed discipline of him led to frequent arguments between the parents. B held his first job, in semi-skilled work, for

2 years. He then changed jobs fairly frequently for a period but settled into steady employment shortly before these offences took place. The burglaries occurred when B was low in funds between pays.

B's parents commented that dishonesty had never in the past been a feature of his behaviour. At the time of the offences, however, he had been in the habit of giving over-generously to his friends, possibly to impress them and to compensate for his own backwardness. In this way he came to be in financial difficulty.

The probation officer commented that offences of this magnitude would normally call for loss of liberty, but that this was B's first appearance in the Magistrate's Court, and his work record was reasonably stable. The probation officer recommended a sentence of periodic detention with a concurrent release on probation so that B's savings could be supervised and he would have recourse to general advice and counsel. Such a sentence would also enable restitution to be made. B was sentenced to 8 months' periodic detention and 12 months' probation to be served concurrently.

Three factors are important in the decision to impose a sentence of periodic detention. Firstly, a detainee's chances of completing his sentence without reoffending are directly related to his stake in the community. If an offender is settled in a good job, or has a family to support, or has been making efforts to re-establish himself following previous offending, he is likely to be very eager to remain in the community and willing to work to this end. Secondly, the seriousness of the offences involved must be considered before periodic detention can be judged appropriate. The third factor involved is one of cost. If restitution is to be paid, it is much more likely to be paid by a man earning regular wages, than by a man in prison. Sentencing a man with a family to imprisonment involves not only the social cost of strained family relationships but also the monetary cost of the family's maintenance, which must be paid by the Social Welfare Department.

Detainees at one of the centres surveyed were asked to write their comments on the sentence of periodic detention, its fairness or unfairness, and "what it does for a person". Fifty-four detainees were involved, of whom 6 refused to comment. Almost all thought their sentence was fair—many of them had expected to receive prison sentences. Of those who viewed the sentence as unfair, most did so on the basis of the wages lost through the forfeit of paid Saturday work. They considered this amount to be far in excess of any fine that might have been imposed. For those who did not normally work a 6-day week, the loss of this leisure time was a major factor influencing their attitudes to the centre. Some thought the sentence

unfair because the time involved was greater for them as they had particularly long distances to travel to and from the centre. This situation does not arise often in the large cities, but is more likely to occur in smaller centres.

The general comments on periodic detention included remarks on the length of sentence. Several detainees considered that sentences in excess of 6 months were too long and that any positive effects tended to be overshadowed by a negative attitude after this time had been served. Other criticisms of the scheme concerned the usefulness of the work projects and that the projects should be chosen to assist the most disadvantaged sections of the community. One detainee suggested that the sentence should be reducible if a man worked well at the jobs he was given.

Most of the comments in favour of the sentence mentioned the positive effect of periodic detention, the chance it gave to remain in the community, and the experience it offered to many men of jobs they would not normally do. Many detainees expressed the view that periodic detention was much preferable to imprisonment, especially for married men and for first offenders (those who had not previously been imprisoned). These detainees considered that periodic detention did not allow an offender to forget about the outside world, as prison did. Rather, it provided him with assistance and encouragement to cope with the responsibilities of community life. Other comparisons drawn between imprisonment and periodic detention were as follows:

"It is better to come down here on Saturday for 6 months or more than do 3 months or more inside."

"In view of the overcrowded and antiquated prison system, P.D. (periodic detention) should be used as a sentence where the crime is of a non-violent nature."

"You get more results in your attitude than the penal institutions—having one person in charge creates a better relationship than having a crowd of men telling you what to do."

Some of the comments on "what periodic detention does for a person" are reproduced below:

"I think it can help a person take a more serious look at his position in life."

"Gives the person involved a chance to prove himself in the community."

"Teaches self-discipline and responsibility."

"So far I have benefited from periodic detention as I am scared to commit further offences. I hope I can continue after the sentence is finished."

"Probably teaches 'some' people a lesson."

"I think it does nothing for a person."

APPENDIX

Information on the success or failure of detainees to complete their sentences was obtained from one of the non-residential centres discussed in part II. These figures do not take account of any offending for which the detainee was fined or dealt with in any way that did not interfere with his sentence of detention at the work centre. Thus the "success" rate given here includes all who terminated periodic detention at the due date, while the "failure" rate includes all who were sentenced to an institution and were thus unable to continue reporting at the centre, and all those who absconded.

From the time the centre opened nearly 5 years ago, 410 detainees have attended it. This figure includes 42 detainees who are currently reporting, and who will therefore not be included in this summary of terminations. Another 11 detainees have, over the 5-year period, been transferred to other centres. Their success or failure is not known. A further three detainees had their sentences terminated by a court order. This can be done only in exceptional circumstances (for example, one detainee who had almost completed his sentence was offered a very attractive job overseas and his sentence was terminated to enable him to take the job). As the outcome of these 56 detainees' sentences is not known, they will be excluded from the calculation of success and failure rates.

Table 1 below shows the outcome of the sentence for the remaining 354 detainees. The detainees who were given an institutional penalty during their periodic detention sentence are divided into three categories according to the reason for a further sentence being imposed, i.e., for a breach of the work centre rules, for further offending, or for both of these. It is not known what penalties were imposed on those who terminated as absconders.

TABLE 1—Outcome of Sentence for 354 Detainees

Outcome of Sentence	Number	Percent of Total
Term. due date	246	69.5
Term. breach only	35	9.9
Term. further offence only	31	8.8
Term. breach and further offence	21	5.9
Term. absconder	21	5.9
	<u>354</u>	<u>100.0</u>

This table shows a success rate of almost 70 percent, when "success" is defined as "remaining in the community for the duration of the periodic detention sentence". As mentioned earlier, it is the man with some stake in the community who is more likely to succeed. An analysis of the marital status of the 108 men who did

not succeed showed that 66, or 61 percent were single, 7 were living in *de facto* relationships, and 35, or 32 percent, were married. The warden commented that of the 35 married men, all but 5 were either completely separated or had severe marital problems. In the total population of 410, 46 percent of the men were single, 48 percent were married, 4 percent lived in *de facto* relationships, and 2 percent were divorced. Amongst all the married men 26 percent were living apart from their wives and families.

As in other studies of reconviction of offenders, so in this sample the majority of reoffenders were in the younger age groups. Among the 108 men who did not complete the sentence, 55 were under 25 years, 32 were aged 25-29, and 21 were over 30 years of age. (It was mentioned in the main body of the report that the average age in the non-residential centres is approximately 29 years.)

These results confirm the earlier impression that older, more settled men reporting at non-residential centres have the best chance of succeeding in this form of community treatment. It should be remembered, however, that over half of the single (and presumably less settled) men were successful also. The importance of the results lies in the fact that, for 70 percent of these 354 detainees, most of whom would have incurred institutional penalties if periodic detention had not been available, society has been spared the many costs associated with imprisonment, while the men themselves have been able to make positive contributions to the community*.

*The Research Section is grateful to Mr Henderson of the Wellington non-residential centre for information supplied for the appendix.

END

BY AUTHORITY:

A. R. SHEARER, GOVERNMENT PRINTER, WELLINGTON, NEW ZEALAND—1973
27408B—73 G