THE TREATMENT OF YOUNG OFFENDERS.

By The Right Hon. Sir Thomas Molony, Bt.

[*Read Wednesday, June 29th, 1927.*]

I propose to bring under your notice this evening some of the recommendations of the Departmental Committee on the treatment of young offenders and to invite your discussion as to how far they are applicable to the particular circumstances of the Irish Free State. The Committee was selected with great care by the Home Secretary from amongst those who, by their training and experience, were best qualified to deal with the many and difficult problems of juvenile delinquency. It included two members of Parliament, an Assistant Secretary of State, a Chairman of a Reformatory School, a Director of Education (Manchester), a metropolitan magistrate, a clerk to the Justice (Liverpool), the Chairman of the Prison Commission, the Director of the Borstal Association, and in addition three ladies who have given a good portion of their lives to charitable and philanthropic work. Sir Evelyn Cecil was appointed Chairman, but after the first meeting he resigned in consequence of illness, and the Home Secretary then adopted the dangerous expedient of appointing an Irishman to preside over the deliberations of an exclusively English Committee. Whether the expedient has been justified in the result it is not for me to say, but it certainly was a great pleasure to be Chairman of a Committee which approached the many and difficult problems we had to discuss with knowledge and sympathy and spared no efforts to reach a sound conclusion. There were 81 meetings of the Committee (over 80 of which I presided) and in the course of our proceedings we examined 99 witnesses representing every phase of thought, and asked over 24,000 questions.

Out of 83 recommendations we were unanimous on 82, and the 83rd was adopted by 10 votes to 3, so we may reasonably claim to have reached a degree of unanimity seldom found in the proceedings of a Government Committee on which so many and diverse interests were represented.

This unanimity was in the main due to the very full discussion which each problem received. We realised that the legislation which would probably be based on our proposals would vitally affect the rising generation, and we took care no decision was arrived at until we were in possession of all available information. In pursuit of information we visited juvenile courts and a large number of institutions in different parts of the country, and obtained the views of American and Continental experts.

We were glad to note that in recent years the reformation of the offender has become the keynote of the administration of justice, and in a historical sketch we traced the improvements which have taken place in the course of the last century. The result of improved methods in dealing with the problems of juvenile delinquency is seen in the diminution in the number and gravity of offences coming before the English juvenile courts. In 1913 the number of persons under 16 brought before these courts was 34,662. In 1917 the number rose to 51,323, due to the absence of parental control and other evils incident to the war, but from 1917 the number has steadily diminished, and in 1925 was 27,801. Very few of the cases were of a serious character. Out of the 27,801 cases 27,751 were disposed of summarily, and of the 50 not so disposed of only 15 were actually committed for trial. It is interesting to note as an illustration of modern methods how the cases dealt with summarily were disposed of, and without unduly wearying you with figures I think I may give you some interesting details.

Charge withdrawn or dismissed		3,465
Charge proved and order made without conviction for—		
Dismissal	6,715	
Recognizances	1,972	
Probation	6,357	
Industrial School	552	
Care of relative	6	
Institution for defectives, etc.	31	
	——	15,633
Convicted—		
Prison	5	
Reformatory school	578	
Whipping	452	
Fine	7,578	
Recognizances	8	
Otherwise disposed of	32	
	——	8,653
		27,751

In 1907, the year before the passing of the Children Act, no less than 507 persons under 16 were received into prison on conviction. In 1925 the number was only 8, of which 5 were convicted summarily and 3 on indictment.

Between 16 and 21 the results are not so satisfactory, as it would appear that in 1925 1,000 persons between these ages (943 lads and 57 young women) were convicted at assizes or quarter sessions, and it is estimated 91,000 cases were dealt with summarily, of which 19,000 were proceeded against after apprehension and about 72,100 on summons.

The general result we came to after examining all the figures was that while great improvements had been made in the methods of treatment of juvenile offenders, and that perhaps sufficient credit had not been given to the many philanthropic and charitable agencies at work, there were still many changes which could be carried out with beneficial results.

Juvenile Court.

As regards the Juvenile Court, we considered that the Juvenile Court is the best tribunal for dealing with all offences by young people which cannot be met by a simple warning, and there should be no reluctance to bring suitable cases before the court. It should have jurisdiction to deal with all offences (except homicide) committed by persons under 17, and the age of 16 mentioned in the Children Act should be altered accordingly. The question of maximum age was discussed in the evidence of many witnesses, and the reasons for our conclusion are so important that I think I should reproduce them for your consideration.

"Under the existing law the jurisdiction of the juvenile court does not extend beyond the age of 16. We have considered whether in any future legislation this limit should be raised, and, if so, by how many years. Some of the juvenile courts in other countries deal with young offenders up to the age of 21, but it seems to us quite illogical to bring a young man of 19 or 20, who is doing a man's work and is possibly married, with children of his own, before a court whose main function is to care for children. The recommendations made to us for the most part varied between leaving the age at 16 or raising it to 17 or 18.

"The principal object to be borne in mind is the desirability of keeping the adolescent boy and girl as long as possible from the police court, and having regard to this object we think the present limit of age for the juvenile court is too low. It may be said that any limit of age is arbitrary, but boys and girls of 16 are still immature, and there is very little difference

between them and those under 16. The experience gained since the Children Act was passed would not appear to show that any serious difficulty would arise from entrusting young persons under 17 to the jurisdiction of the juvenile court. The raising of the age, however, to 18 might have the effect of bringing before the juvenile court a number of much more serious offences than it has hitherto dealt with. This would tend to change the character of the court, and we doubt whether it would induce the right feeling of responsibility for their actions in the mind of those concerned. It is of course true that some lads and girls of 17 have a lower mental age and are less precocious than younger children, but a consideration of mental age would introduce a number of difficulties which cannot easily be overcome, and we think the only safe course is to take actual age as the dividing line. Some of the witnesses would get over the difficulty by introducing a system of concurrent jurisdiction between the ages of (say) 16 and 18. This might be based either on a statutory classification of offences or on the discretion of the court. The former alternative would present almost insuperable difficulties; the latter would place an unfair responsibility on the magistrates. The discretion, moreover, could not properly be exercised without disclosure of the alleged offender's record before the trial, and the mere fact of transfer from the juvenile court to the adult court might be regarded by the defendant as prejudicial to his case. Any proposal for concurrent jurisdiction would introduce a measure of complication and delay into the procedure of the courts without, in our opinion, producing any commensurate advantage, and we should much prefer to see a definite limit fixed between the two courts as at present. On the whole, after careful consideration, we think it would be wise to proceed with some caution in this matter, and we recommend that the age should be fixed at 17. Further experience may justify the eventual raising of the age to 18." (Report, pp. 24 and 25.)

The effect of this recommendation will be that a child is a person under 14 years of age and " a young person " between 14 and 17 years of age.

We dealt at some length with the constitution of the Juvenile Court, but this matter is scarcely open for discussion, as the District Justice is the only authority recognised here and performs the duty with satisfaction to the public. The procedure of the Court is, however, a matter of great importance. The procedure in England and Ireland is the same at present, and is based entirely on that of the adult Courts. We thought the procedure should be specially adapted for its purpose and should be made as simple as possible. With this object we

proposed the repeal of the existing procedure and the substitution for it of a simple code on the following lines :—

" (*a*) Where a child or young person is brought before a juvenile court for any offence it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

" (*b*) Where a child is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court, and it shall not be necessary to ask the parent whether he consents that the child shall be dealt with in the juvenile court.

" (*c*) Where a young person is brought before a juvenile court for an indictable offence other than homicide and the court becomes satisfied at any time during the hearing of the case that it is expedient to deal with it summarily, the court shall put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying : ' Do you wish to be tried by this court or by a jury?' And if the court thinks it desirable it may explain to the young person and to his parent or guardian the meaning of being so tried and the place where the trial would be held.

" (*d*) After explaining the substance of the alleged offence the court shall ask the child or the young person (except in cases where the young person does not wish to be tried in the juvenile court) whether he admits the offence.

" (*e*) If the child or young person does not admit the offence the court shall then hear the evidence of the witnesses in support thereof. At the close of the evidence in chief of each such witness the child or young person shall be asked if he wishes to put any questions to the witness.

" If the child or young person instead of asking questions makes a statement he shall be allowed to do so, and it shall then be the duty of the court to put to the witness such questions as appear to be necessary. For this purpose the court may put to the child or young person such questions as appear to be necessary to explain anything in the statement of the child or young person.

" (*f*) If it appears to the court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the child or young person shall be allowed to give evidence or to make any statement.

" (*g*) If the child or young person admits the offence, or the court is satisfied that it is proved, he shall then be asked what he desires to say. Before deciding how to deal with him

the court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the court may from time to time remand the child or young person on bail or to a remand home.

"(*h*) If the child or young person admits the offence, or the court is satisfied that it is proved, and the court decides that a remand is necessary for purposes of enquiry or observation, the court may cause an entry to be made in the court register that the charge is proved and that the child or young person has been remanded. The court before whom a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the court which so remanded the child or young person." (Report, pp. 33 and 34.)

Some of our other recommendations concerning juvenile courts are worthy of consideration, but time will not permit to discuss the evidence on which they are based. I may mention in particular the following:—

(1) Children under 14 (except in cases of homicide) should always be dealt with by summary procedure in the juvenile court, that is to say, the right to go for trial should in their case be abolished.

(2) The terms "conviction" and "sentence" should not be used in the juvenile court.

(3) The juvenile court should be supplied with the fullest information—including reports on the home surroundings and school and medical records—concerning those brought before it.

(4) The juvenile court should be held in premises which are not used for the holding of other courts.

(5) Proceedings in a juvenile court should be as private and as informal as possible, care being taken to limit the number of persons present.

(6) Publication of the name, address, school, photograph or anything likely to lead to identification of the young offender should be prohibited.

(7) Special consideration should be given to persons under 17 when they have to be taken to the police stations to be charged. Suitable accommodation should be provided, and a police matron or policewoman should be available for girls.

(8) When a person under 21 is charged jointly with a young person under 17 the hearing should take place in the juvenile court unless the older person objects. This procedure should not apply to certain serious offences.

Bail and Remand.

In considering questions of bail and remand we were satisfied that much better facilities are required for the examination of offenders under 21, and we recommended the establishment of three Observation Centres or Central Remand Homes in England. A Central Remand Home is probably not necessary here, but I think much more could be done in the way of special medical examination in doubtful cases. Our conclusions on this point are of general application and were arrived at after considering evidence of great weight and importance. We stated in dealing with this matter in the Report :—

"We have been much impressed by the views expressed to us as to the need of much greater facilities for the examination and observations of young offenders. To the court is entrusted the very important function of deciding the right treatment to be applied to each particular case. Once the principle is admitted that the duty of the court is not so much to punish for the offence as to readjust the offender to the community the need for accurate diagnosis of the circumstances and motives which influenced the offence becomes apparent. For instance, it is not possible for the court to determine whether release on probation or some form of institutional treatment is called for without the fullest enquiries as to the antecedents and surroundings of the offender. These enquiries can often best be pursued if there is a remand in custody. But more important still is the need for estimating the personal factors, including especially mental and physical health. There is always the possibility of mental deficiency, the discovery of which would lead to special treatment. The increase in recent years of that distressing complaint *encephalitic lethargica* has emphasised the need for careful examination. It is well known that persons who are suffering from the *sequelæ* of this disease are liable to lose their mental or moral balance and appear before the courts as offenders. It is wrong that they should be treated

as normal persons, and they ought to receive the treatment appropriate to their condition. We refer again to this question in a later section dealing with mental deficiency.

"There is also the help which psychological knowledge and training can give in estimating the mental equipment of young people who are charged with offences. Though psychology is still a comparatively new science a great deal of attention is being given to it, and many medical men constantly apply its principles in their private practice. It is well known that boys and girls whose parents are in a good position and who become delinquent at school or elsewhere are frequently taken to neurologists and other specialists and proper treatment is applied. Those who appear before the court are often suffering from the same causes, and it is not right that the mental aspect should be ignored in the treatment of their case. The real value of psychological method has been somewhat obscured in recent years by sharp controversies about particular theories. It is fortunately not our function, even if we had the knowledge, to take any part in such controversy. We only wish to make it clear that, in our opinion, all the resources of approved medical science in relation to the functions of the mind should be available under any system of observation such as we envisage." (Report, p. 43.)

Methods of Treatment.

We now come to the methods of treatment, and it is necessary to bear in mind the principle underlying this part of the Report, namely, that in dealing with juvenile delinquents the court must pay great attention to the question of their future welfare. This principle is enunciated in the clearest language and the difficulties are boldly faced. The Report says (p. 47):

"In considering the treatment of the young offender we believe there is no room for controversy as to the main object in view, namely, to restrain him from straying further into criminal habits and to restore him to normal standards of citizenship. The lesson that wrong-doing is followed by unpleasant consequences must be taught, but in the case of boys and girls the court pays more attention to the vital question of their future welfare. It appears to us that the application of this principle ought not to be restricted by a narrow limit of age. It is not always recognised that many offences committed by lads and young women between 17 and 21 are equally due to bad surroundings or defective home training, and that the remedy is to be found not so much in the punishment of the offence as in the provision of the right sort of training for the offender.

" The acceptance of this principle may sometimes involve the substitution of a longer period of detention under skilled instruction for a short term of penal discipline. ' Five years in a reformatory for stealing two shillings ' is the headline. The idea of the tariff for the offence or of making the punishment fit the crime dies hard; but it must be uprooted if reformation rather than punishment is to be, as it should be for young offenders, the guiding principle."

PROBATION.

The scheme of treatment contemplates, in the first instance, the fullest use of probation in suitable cases. In the paper I read before the Society in October, 1925, I discussed the subject at length, and the principles I then enunciated will be found embodied in the Report. Probation, however, must be made a reality and not merely, as some people think, another name for " letting off " the offender, and in this connection the Report uses language to which I hope you will assent. It says (p. 49) :

" Courts, in the administration of justice, have to consider the community as well as the individual, and must pay some regard to the feelings of the average citizen on the subject of the law-breaker. In certain cases these considerations may appear to conflict. Modern theories of punishment have discarded the idea of revenge, but the individual citizen who has suffered, or has seen his friends or relatives suffer, at the hands of an offender is apt to hold the view that the court should award a just punishment for the wrong done to him and his. He is likely to think, too, that to give such a punishment will be the best way to deter both the offender and others like him from doing similar wrongs in future. If the offender is merely placed on probation the injured citizen may feel that justice has not been done, and that such a step will weaken the healthy fear of breaking the law which ought to exist in the minds of all. These are natural feelings, and it would be a mistake to take no account of them. Moreover, there may be substance in the criticism if release on probation is merely regarded by the offender as being ' let off.' The sufferer should be satisfied and public interest should be safeguarded by taking care that probation is made a reality, and by making the offender and the public understand that it is so. Both should know that probation is strictly a period of trial, and that if the offender fails he will be deprived of his liberty, and may be deprived of it, too, for a longer period than would have been the case had he been sentenced to imprisonment in the first instance."

As has been pointed out several times, there are three elements which are essential to success in probation work:

First, it rests with the magistrates both to exercise a wise discretion in releasing on probation persons who are likely to profit by the method and also to take a sympathetic interest in supervising the work of the probation officers. Secondly, probation officers must be selected who, by their personal qualities and experience, are likely to exercise a strong influence over the probationers committed to their care; and, thirdly, the probation officers must rally to their assistance all the social and religious agencies of the neighbourhood. (See on this point Home Office circulars to Magistrates of February 13th, 1925, and April 27th, 1926.)

Suspended Sentence.

As an alternative to probation the question of a suspended sentence should be considered. This course, often adopted in Ireland, especially in recent years, is not followed in England. Experience has, however, convinced me of the value of this mode of treatment, and I was able to sweep away some technical difficulties which were supposed to interfere with its operation. In the Report of the Prison Commissioners for 1925-1926 the Governor of Preston Prison and the Chaplain of Wormwood Scrubs express the opinion that better results would be obtained in many cases from a suspended sentence rather than actual imprisonment or the use of probation.

The Governor says: "I think another alternative to binding over and probation might be given to courts, and that is the 'suspended sentence.' The offender could then be definitely sentenced for his offence, but as long as he behaved himself it would remain inoperative. If he offended again he should then be given a second sentence consecutive to the first and be made to serve both terms."

The Chaplain says: "I have always been a firm believer in probation, but I feel that the present system is most ineffective in the case of youths and young men from 18 to 25. During the last twelve months I have only come across three or four men who have come to prison after being 'bound over' between 25 and 40. But I regret to say that during the same period we have had a considerable number of the younger sort. I do not think they realise what probation or binding over means. To every man coming here I put the following questions: 'Have you been in prison before?' 'Have you been fined?' 'Have you been bound over or placed on probation?' Should he answer be 'No,' I then ask: 'Have you ever been in the hands of the police?' Often the reply is 'Yes, but I was let off.' On closer investigation I find that the individual in question has been bound over or placed on probation. I then say: 'If in-

stead of being bound over the magistrate said: "Your sentence is six months in prison, but you will not be called upon to serve that sentence unless you appear on another charge," would you be where you are to-day?' The answer invariably is: 'No, certainly not.' I would strongly urge that the 'suspended sentence' be introduced to take the place of probation or binding over, especially in the case of the younger offender (18 to 25 or 30)."

FINES.

To fine a child or young person in most cases means that the fine is paid by a parent, and at present a parent may be ordered to pay costs or damages without proceeding to a conviction (Children Act, 1908, Sec. 99 (3)), but it is recommended that there should be power to fine the parent or order him to pay costs or damages as well as to place the child or young person under probation, and this course would not be open to the objection of combining probation with punishment.

WHIPPING.

If neither probation nor fining is considered appropriate, the question of whipping arises in certain cases. The subject of corporal punishment is always one of acute controversy, and it will be observed that three members of the Committee signed a memorandum saying they were not satisfied that whipping ordered by a court of law served a useful purpose, and they could not agree with the recommendation of the Committee on this point. On the other hand, ten members (including the Chairman) joined in the recommendation, and gave reasons why whipping should be retained and in some degree extended, subject, however, to the safeguards which were specifically mentioned. The subject is so important that one may be excused for setting out the words of the Report (pp. 68 and 69) and leave it open for discussion.

"Whipping as a method of dealing with offenders has given rise to much controversy and is the subject of diverse opinions. It will, however, be generally admitted that there is a great difference between the corporal punishment of boys under 16 or 17 and that of lads approaching maturity or of adults. We propose to limit our remarks mainly to the former class. The figures published in the reports of the Children's Branch show that only a comparatively small number of the boys who appear before juvenile courts are ordered to be whipped. In 1925 the number was 452 or 1·86 per cent. of those found guilty, whereas in 1913 the percentage was 6·33. The reason for this marked decrease in the use of whipping in recent years may be due partly to the increasing use of proba-

tion and partly to the belief which was expressed by several magistrates and other witnesses that for the majority of young offenders whipping is neither effective as a deterrent nor valuable as a means of reformation. It was pointed out to us that some of the boys who came before the courts have had physical chastisement of some kind or other administered to them in their own homes, and on that ground alone the effect of a whipping ordered by a court is less than it otherwise might be.

"We deprecate strongly any indiscriminate use of whipping. To the boy who is nervously unstable or mentally unbalanced the whipping may do more harm than good. The mischievous boy, on the other hand, who has often been cuffed at home will make light of the matter and even pose as a hero to his companions. We believe that there are cases in which whipping is the most salutory method of dealing with the offender, but as so much depends on the character and home circumstances of the boy concerned, whipping should not be ordered by a court without consideration of these factors and especially without some enquiry whether corporal punishment has been applied already, and, if so, with what result. In all cases there should be a medical examination. The law provides that the parent or guardian should have a right to be present when the punishment is administered.

"If, as we recommend, whipping is retained, we see no reason why it should be limited to certain offences. Cruelty to animals or wanton acts endangering the lives of others ought not to be excluded; but the character of the individual rather than the nature of the offence must be considered. Nor do we see any adequate grounds for discriminating between boys under 14 and those between 14 and 17. Subject to the safeguards suggested above, we think it would be right to give the courts a discretion to order a whipping in respect of any serious offence committed by a boy under 17, but whipping should not be associated with any other form of treatment."

Reformatory and Industrial Schools.

We now come to the problem of institutional treatment. The differences between England and Ireland in the management, control and financing of industrial and reformatory schools are so great that it would unduly lengthen this paper to enter into them. The schools in England are very good, and some of the best of them are managed by Irishmen and Irishwomen. In Ireland, with far less financial aid from public funds, the schools have done remarkably well, but in facing the problem of after care, a problem which demands time, money and experience, they lag somewhat behind, mainly due to want

of means. Some of the recommendations of the Committee are, I think, applicable to Ireland, and the following are worthy of consideration :—

1. The distinction between reformatory and industrial schools should be abolished, and the terms " reformatory " and " industrial " should be abandoned. They should be described as schools approved by the Secretary of State, or, in the Irish Free State, the Minister of Justice.

2. The age of committal should be over 10 (subject to exception in special cases) and under 17. The schools should provide for all classes of neglected and delinquent children between these ages who require, in the opinion of the court, training in a school, and should be classified to meet the varying necessities.

3. The court should continue to select the school, and the local authority responsible should in all cases be entitled to make any recommendations.

4. The maximum period of detention should not exceed three years, except that children of school age should be kept either for three years or until school age is passed, whichever period is longer. The maximum age of detention should remain at 19.

5. The court should in every case commit for a period of not less than three years, leaving it to the school authorities and the Home Office (in the Irish Free State the Minister of Justice) to pick out those who can safely be released on licence at an early stage.

6. There should be freer use of the powers of transfer.

7. There should be supervision in all cases up to 18, but where the period of detention expires after the age of 15 there should be supervision for three years thereafter or until the age of 21, whichever is shorter. Power to recall should be retained only up to the age of 19. The period of recall should be for three months, with power in the Secretary of State, or here the Minister of Justice, to approve a further period of three months.

IMPRISONMENT.

At present imprisonment is abolished for young persons under 16 except where a certificate of unruliness or depravity is given. Such a certificate was given in only 8 cases in 1925. We propose to extend the age to 17. We were all of opinion that the imprisonment of young offenders between 17 and 21 was very undesirable, and were struck by the fact that in England some 2,000 persons between these ages were committed

each year. While unable to see how imprisonment could be avoided in all cases of persons between 17 and 21, we recommended that courts which found it necessary to pass a sentence of imprisonment on persons between these ages should give a certificate that the offender could not be properly dealt with except by this course.

The reasons for our opinion are set out at length in the Report (pp. 79-92) and should, I think, be read as a whole. Two paragraphs, however, may be quoted as showing the ground mark of our view.

"The chief reason why the ordinary prison is unsuitable for these lads and girls is because they are plastic and impressionable. They are at a stage when development is incomplete and is proceeding rapidly on the emotional side. Temperamental instability is marked. Hopes and fears, affection and anger are quickly roused by the scenes and incidents of daily experience, and will result in either social or anti-social impulses. It is the period of temperamental even more than of intellectual development, and it is all important that the objects presented should be such as to direct that development on healthy social lines. It may be that experiences at this period of life have a more permanent effect on conduct than during the earlier years when intellectual progress predominates.

"It is at this stage above all that the lad or girl should be saved from the presentation of the whole picture of prison life and its dreary procession of failures, and of the building that so soon becomes associated with their presence. Such sights produce their inevitable contamination. Contamination is a subtle thing; it does not consist only in the communication of coarse expressions or undesirable knowledge. So far as it consists in those it cannot be escaped; the daily life of the crowded street, or even of the country village, provides it, and no mere exclusion from prison will serve. But these things alone do not contaminate if the outlook is healthy and the emotional life is sound. What matters so profoundly is the communication of a wrong outlook on life, cynical, depraved, selfish or all three. That is the real contamination which changes character definitely for the worse, and this perverted attitude towards life and fellow human beings is likely to be absorbed by the impressionable lad or girl from the daily sights of the ordinary prison, even without conversation with adult prisoners, though for that also there are sometimes opportunities."

Detention in Public Cells, &c.

We discussed the question of detention at the court or in police cells or in remand homes, and I am afraid that while

the difficulties of making such detention effective in England are great, they are immeasurably greater in Ireland, and it would not be profitable for us to discuss them.

Borstal Institutions.

In Ireland we have our Borstal Institution for lads at Clonmel, but the number of girl delinquents has not been considered sufficient to justify the establishment of a similar institution for the female sex. There are in England three Borstal Institutions for lads at Borstal, Feltham and Portland, and one for girls at Aylesbury. In addition a detached block of Wormwood Scrubs Prison has been set apart as an institution for lads whose licences have been revoked. In order to qualify for Borstal treatment at present it is necessary that the person should be not less than 16 nor more than 21 years of age, and the court must be satisfied that by reason of his criminal habits or tendencies, or association with persons of bad character, it is expedient he should be subjected to detention for not less than 2 or more than 3 years, and be under such instruction and discipline as appears most conducive to his reformation and the suppression of crime. Under the Act, however, a licence can be granted any time after six months to a lad and after three months to a girl.

The training in Clonmel was very good when I had an opportunity of visiting it, and the same may be said of all the English institutions. The English system has, however, been developed on rather novel lines in the past few years, and each institution is divided into houses managed by its own staff of housemaster, assistant housemaster, two house officers and matron. The returns as regards the lads are quite good. The Borstal Association states that 65 per cent. are not reconvicted at all and some 10 per cent. are convicted only once, so they say they claim to be successful with about 75 per cent. of all the lads handled. The case of the girls presents greater difficulty, and while believing in the treatment for some girls we thought others required more individualised treatment than boys and more varied forms of appeal. The discussion on this subject was most interesting, and our conclusion was reached after a very full consideration of conflicting theories. The Report says (p. 106):

"The question then appears to be how to provide for varied forms of appeal suited to individual temperament and to a stage of development, too, which is more advanced than in the case of lads of the same age. Institutional training will continue to be suitable for some. For others we think that advantage might be taken of certain voluntary homes. There are

such homes, conducted by women of high ideals, which are doing excellent work of this kind at the present time, and it seems to us that if these homes were kept abreast of modern requirements by Government inspection and assisted by a grant from public funds they might afford a valuable means of providing certain delinquent girls with the kind of training most likely to be effective, and with that kind of appeal which is most likely to awaken a response. Detention in such homes, however, should result from a direct order of a court, and should not, as sometimes happens at present, result indirectly from a probation order. This would involve giving courts the power to make a new form of order, similar in some respects to a sentence of detention in a Borstal Institution. The qualifying conditions as regards the character and age of the offender and the nature of the offence should be the same as those required for a sentence of Borstal detention; but the detention should be limited to a maximum period of two years. The progress of the inmate in the home should be reviewed at regular intervals, and questions of discharge and disposal should be dealt with by the authorities of the home, subject to the directions of the Secretary of State. Provision should also be made for transfer from one home to another and from the Borstal institution for girls to such homes."

As regards both lads and girls we thought the time had come to modify the conditions on which Borstal training should depend, and accordingly the Report states (p. 99):

"We recommend therefore that the definition in Section (1) (b) of the Prevention of Crimes Act, 1908, and Section 10 (1) (c) of the Criminal Justice Administration Act, 1914, should be redrawn, and that in the new definition prominence should be given rather to the need of training than to the existence of formed criminal habits. Commitment should be made to depend on the decision of the court, after full consideration of the young offender's personal and social history, and his mental and physical condition, that owing to his tendency to anti-social conduct and breaches of the law he stands in need of training in the duties and responsibilities of a citizen; and, further, that for this purpose the supervision of a probation officer will not suffice, but that the offender needs training in a residential institution."

The result of our recommendation would be that lads and girls who satisfied the conditions above stated would be eligible for borstal training, that the age of admission should not be less than 17 or more than 21, that the length of a Borstal sentence should be three years in all cases, that there should be power to license three months after admission, and that every case should be considered at the expiry of that period and again

at 12 months, and thereafter every 6 months, and suitable cases should be licensed as soon as possible after each review. In addition, as regards girls, there should be power to commit to a voluntary home on the terms and subject to the limitations before mentioned.

Capital Punishment.

I do not suppose any person will quarrel with our recommendation that sentence of death should not be passed upon any person under the age of 18. It really only gives effect to the existing practice, as no person under 18 has been executed for murder in England in the last 25 years, and I cannot recall any person of such tender years having been executed in Ireland within my memory.

Neglected Children and Young Persons.

There was a considerable volume of evidence to the effect that certain neglected children could not be brought within the protection given in the Children Act, 1908, and after discussion we thought the Act should be extended by two general provisions which would ensure the protection and treatment of—

(i) Children and young persons under 17 who have no parents or guardians, or parents or guardians who are unfit to take care of them or who do not exercise proper guardianship, where the court is satisfied that the children or young persons are falling into bad associations or are exposed to moral danger, or are beyond control.

(ii) Children or young persons under 17 in respect of whom specified offences (such as cruelty or sexual offences) have been committed, or who are living in homes where such offences have been committed in respect of other children or young persons, and the court is satisfied that they require special protection.

I have now given you in broad outline some of the principal recommendations embodied in the Report. I do not bring them under your notice with any desire to proclaim that they are the best possible solution of the problems we had to face, but as the considered opinion of nine men and three women of knowledge and experience, all animated by a desire to do good to the rising generation, to prevent young persons being sent to prison until every other expedient had been tried, and to enable those who had fallen to regain their character and start afresh on the path of honesty and hard work. You will not think less of the Committee because the Chairman was an ex-President of your Society or because, as one of the members observed at the final meeting, every difficult problem had been solved by referring to Irish or Roman Law.