

## Core Business: Reducing Crime

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### Wartime drop in crime: policing practices or atypical social conditions?

During the war, New Zealand's crime rate dropped. In 1914, there were 37.06 convictions per thousand persons compared to 29.82 convictions per thousand in 1918<sup>1</sup>. Police attributed this fall to the decrease in the number of convictions for drunkenness, which was one of the biggest categories for conviction. For instance, in 1915 there were in total 38,219 summary convictions, 12,962 of which related to drunkenness.<sup>2</sup> In other words, about a third of all convictions were for drunkenness offences that year. Any measures that targeted drunkenness therefore had a disproportionately benign effect on reducing the crime rate.

Statisticians of the era recognised that 'the decrease in the number of convictions for drunkenness' had brought the crime rate down after 1916.<sup>3</sup> Annual Reports by the Police Commissioners always endorsed limiting access to alcohol. Cullen had made himself a national figure long before he became Commissioner through a ruthless undercover operation against sly grogging.<sup>4</sup> Predictably, he remained convinced that heavy penalties and ruthless enforcement were the solutions to drunkenness.<sup>5</sup> O'Donovan was no less convinced or zealous. In 1917 he thoroughly endorsed the 1916 regulations made 'to prohibit treating ... and to restrict women from ... [licensed] premises after 6 o'clock'.<sup>6</sup> He declared that 'these regulations have been vigorously enforced. Police ... are almost unanimous in attributing the decrease of drunkenness ... [to] these regulations'.

If O'Donovan believed that heavy penalties 'no doubt ... acted as a deterrent', he had to admit 'the extreme difficulty' of detecting these offences, which meant that at best only a 'fair measure of compliance' was achieved. A few senior policemen publicly questioned some of the regulations. In 1918 Inspector Fouhy, in charge of the Invercargill District, declared 'there is no doubt that the anti-treating<sup>7</sup> clauses are still persistently disregarded. This is principally on account of adherence to an old custom'.<sup>8</sup> Nevertheless this was never the favoured view. Neither police nor government questioned the wisdom of anti-treating legislation increased powers of police against alcohol.

Temperance was too popular to be doubted. A referendum on prohibition had been only narrowly defeated in 1911 and many lobbyists remained active during the war. When the 1917 National Efficiency Board reported, it argued that from 'a national-efficiency point of view ... the importation,

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<sup>1</sup> Based on figures from the 1919 Official Yearbook

<sup>2</sup> New Zealand Official Yearbook 1916, ed. Statistics New Zealand. Analyses cannot be combined easily.

<sup>3</sup> The New Zealand Official Yearbook, "Chapter 8 Section V111- Law and Crime," (1919).

<sup>4</sup> M. Derby, "Czar Cullen" (Victoria University of Wellington 2007), p 32-33.

<sup>5</sup> J. Cullen, "Annual Report on the Police Force of the Dominion. Appendices to the Journals of the House of Representatives H-16," (Wellington: House of Representatives 1914), p 8.

<sup>6</sup> J. O'Donovan, "Annual Report on the Police Force of the Dominion. H - 16," (Wellington: Police Department 1917), p 7.

<sup>7</sup> i.e. buying drinks for other patrons

<sup>8</sup> AJHR 1918 H-16, "Annual Report on the Police Force of the Dominion," p 8.

manufacture, and sale of wines, beer, and spirituous liquors (including medicinal preparations containing alcohol) should be prohibited'. Immediate measures to restrict access to alcohol were recommended and introduced. They included 6 o'clock closing, banning alcohol sales on holidays and imposing penalties for the removal of liquor from licensed premises.<sup>9</sup> These gave the police new grounds for action.

Little attention was paid to the alternative, or at least additional, cause for the drop in drunkenness, and thus the crime rate overall: the absence of thousands of young men at the warfront. O'Donovan had acknowledged, as Cullen never did, that 'No doubt the departure from the Dominion of such a large number of men with the Expeditionary Forces and for other purposes connected with the war has also been a factor in the reduction of the amount of drunkenness recorded'.<sup>10</sup> Some senior police like Fouhy agreed, pointing to 'the number of men absent on active service'<sup>11</sup> as a key factor in the reduction of drunkenness. It is difficult to decide whether policing or the atypical absence of so many men overseas was the critical reason for the reducing drunkenness related offences. The fact that 1919 referendum on prohibition failed only on the postal votes of the troops still overseas does suggest that these men did want access to alcohol; presumably they had been in the habit of consuming alcohol before being sent overseas. As such, they may well have contributed to the tally of alcohol-related offences and their absence likely contributed substantially to the decline in drunkenness.

On the one hand, police had no control over the numbers of men sent overseas. That was an unprecedented event and no one had techniques for understanding the impact of such sudden demographic change on social behaviour. On the other hand, it is understandable that police argued vehemently for more restrictions on alcohol and more police powers to act. This was core police business and they understood their many and varied powers to act against alcohol. In the month of July 1916, for instance, fines or imprisonments were handed out for offences such as being drunk and disorderly, allowing underage drinking and the illegal supply or sale of alcohol. Convictions and punishments were also delivered for offences since repealed. These included breaching prohibition orders, escaping from an inebriates' home and being drunk in charge of a horse and vehicle. There were also a number of offences specifically in relation to Māori, such as supplying liquor to a native for consumption off licensed premises, introducing liquor into a Māori pā, and supplying liquor to natives. Although alcohol use is a complex issue, police, along with many other officials and lobby groups of the day all had faith in simple measures of greater police powers and increasingly restrictive regulation of alcohol.<sup>12</sup>

Notions of rehabilitation rather than punishment were only just beginning to develop as legal realities, and had little application in regard to alcohol-related offences.<sup>13</sup> The courts had little recourse to any responses other than imprisonment or fine. These punishments were administered in cases where they would obviously be ineffectual. For instance one William Blake, an 'old' offender

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<sup>9</sup> National Efficiency Board, "Report on the Liquor Question " (1917).

<sup>10</sup> AJHR 1917 H - 16, "The Annual Report on the Police Force of the Dominion."

<sup>11</sup> AJHR 1918 H-16, "Annual Report on the Police Force of the Dominion."

<sup>12</sup> See the Police Gazette court reports for July 1916

<sup>13</sup> The Probation service had started and judges began to dismiss convictions unless a defendant re-offended and appeared at court again.

with nine previous convictions, was found on the beach by the local constable, who knew he had been 'living on a mixture of methylated spirits and benzine'. Blake was charged with being idle and disorderly, rather than with a drunkenness offence. No attention was paid to the mental and physical damage his drinking would have caused; the court simply sentenced him to 3 months imprisonment with hard labour.<sup>14</sup>

When the law had so little to offer, the determination of police to restrict and prevent access to alcohol may well have been a plausible preventative strategy and a more compassionate option.

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<sup>14</sup> Northern Advocate , 27 August 1915, P 8