

OVERVIEW OF THE PROBATION SYSTEM OF SINGAPORE¹

I. INTRODUCTION TO PROBATION IN SINGAPORE

A. Historical Development of Probation

The Probation system in Singapore is a Court-ordered community-based rehabilitation programme for suitable offenders. It offers the courts with an alternative sentencing option in dealing with offenders who may otherwise be committed to a juvenile rehabilitation centre or prison. It aims to instil in offenders a strong sense of social responsibility and self-discipline so that they could lead a crime free life.

The management of offenders who are placed on probation in Singapore is overseen by the Probation Services Branch, which comes under the purview of the Rehabilitation Protection Group, Ministry of Social and Family Development (MSF).

The probation system in Singapore began in 1947 when it was formed as part of the Social Welfare Department. It was only in 1948 that an effective system began when an experienced Probation Officer from the United Kingdom was seconded to the Department to build capabilities in probation. Although probation as a method of treatment had no statutory sanction in 1948, juvenile offenders were referred to the department to establish their social and family circumstances. These investigations led to a more expeditious and efficient mode of dealing with such offenders by the courts. The Service also provided voluntary supervision of juveniles at the request of the parents or welfare agency.

Probation in Singapore initially derived its mandate from the Children and Young Persons Act, CYPA (1950). The Act provided for the constitution of the establishment of a juvenile court system and a juvenile probation service. It was only in 1951, when the Probation of Offenders' Ordinance was passed, that the probation system was extended to the other courts in the judicial system. The Probation of Offenders Act had since been revised in 1970 and 1985.

In October 2001, the CYPA was amended to provide the Juvenile Court with alternative disposition options in dealing with young offenders. The wider continuum of disposition options enabled more juveniles to be placed on community-based rehabilitation.

With the inception of the Community Court in June 2006, there was also a shift in the criminal justice paradigm to consider community-based rehabilitation options for special group of offenders, particularly youthful offenders (including repeat youth offenders) and adult offenders with mental disabilities. Unlike previously where these offenders would not

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be eligible for probation, Probation Services had been seeing more of such cases referred by the Courts.

B. Legal Basis of Probation

The management of offenders under MSF are governed by the following legislation:

- a) Probation of Offenders Act (POA)
- b) The Children and Young Persons Act (CYPA)

Probation of Offenders Act

The Probation of Offenders Act Section 5 provides for the court to make a probation order but not when the offender has committed an offence where the sentence is fixed by law. In making the order, the court takes into consideration the circumstances, including the nature of the offence and the character of the offender. A Probation Order is an Order requiring the offender to be under the supervision of a Probation Officer or a Volunteer Probation Officer for a period specified in the Order.

The Children and Young Persons Act

The Children and Young Persons Act (CYPA) is the key legislation that provides for the care, protection and rehabilitation of children and young persons. The Children and Young Persons Act (CYPA) provides that: “Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from ‘undesirable surroundings’ and for securing that proper provision is made for his education and training (section 28).”

C. Organization and Personnel

The staff establishment of the Probation Service stands at 101 personnel. Please refer to Annex A for the organisation chart.

D. Main Tasks

Probation Service is responsible for the: assessment of offenders' suitability for placement on Probation Orders and Community Service Orders; provision of community-based programmes for offenders serving these orders, and the management of Volunteer Probation Officers involved in the supervision of offenders. Probation Service also administers the pre-Court diversionary programmes for youth offenders – Guidance Programme, Streetwise Programme and Enhanced Supervision Scheme; and supervision of juvenile inhalant abusers.

The following principles inform and influence our programmes and services:

- a) Every offender has a capacity to change and grow if given the opportunity, support, and understanding;
- b) The family is the bedrock of our society which needs to be preserved and strengthened to provide care and supervision to the offender;
- c) The offender has to take ownership of his/her rehabilitation and be accountable for his/her actions;
- d) Community involvement is vital in bringing about a continuum of care and control, and in supporting offenders in the community;
- e) Institutionalization as the last resort
- f) Transparency of service and safeguarding due process in the management and rehabilitation of offenders.

E. Probation Supervision

Probation is used as an instrument of change to re-shape attitudes, values and behaviours of the offenders. Through individual and group-based work, intervention approaches aim to address the offender's offending, to sustain the positive changes made and build up his/her resilience.

The Probation Order requires the offender to be under the supervision of a Probation Officer for a period to be specified in the order and to adhere to other terms and conditions specified in the order.

- a) Duration of Probation – minimum 6 months to maximum 36 months;
- b) Grade of Probation – Based on the gravity of the offence and the offender’s risk issues, the offender could be placed on different grades of probation: administrative, supervised, intensive or split probation (combination of grades during the course of probation period). The grades of probation would correspond with the intensity of supervision provided by the Probation Officer, such as frequency of contacts, time restriction checks made, the number of hours of community service, etc. ;
- c) Conditions of Probation – The offender is required to abide by several conditions. These could include the offender observing a curfew, being electronically tagged, performing community service, being constructively engaged in school or work, residing in a hostel, amongst others. Depending on the uniqueness of each case and in the spirit of Sec 5(2) of the Probation Offenders Act, the Court could also impose special restrictive conditions for offenders to strengthen the Probation Order such as electronic monitoring, to refrain from alcohol consumption; to not own a hand phone with a picture-taking or video capturing capability; and to refrain from visiting certain areas. The probation conditions imposed are meant to be restrictive and thereby enabling the offender to exercise self –restraint and discipline. Such conditions enforced as a Court order also serve as a deterrent to the offender.

F. Hostel residency as a condition of probation

About 20% percent of offenders assessed with a higher risk of re-offending are required to reside in a hostel as part of their probation order. Hostel residency aims to provide a semi-structured environment to help these offenders to cultivate discipline and responsibility. Probation Service works closely with these approved institutions and voluntary welfare organisations which provide residential and other support services to probation cases.

G. Specific Measures and Programmes of Probation

To meet the needs of offenders, Probation Service adopts a responsive approach by being sensitive to the intrinsic nature of the offenders and at the same time, holding them responsible for their offences. Probation as a multi-prong intervention programme has a balance of rehabilitation and deterrent aspects.

Putting in place risk management structures are necessary for public safety and serve as deterrence from further offending. Yet, literature and our own experience have shown that complementing it with a strengths-based approach reaps maximum benefits in rehabilitation.

To this end, we have begun to embrace the Good Lives Model with the Risk-Need Responsivity framework as the modality in our practice.

There is also greater emphasis in using Restorative Practice to work with offenders. Enabling them to recognize the impact of their actions on others encourages accountability and creates opportunity for them to make amends. Restorative Conferencing has been used to restore relationships among offenders in hostels and in behaviour management.

Understanding that people have different needs and learn differently, we are conscious in delivering cultural specific intervention. Rather than a one-size fits all, for example, we have tweaked our programmes to be age appropriate and matched officers with the aptitude in working with the very young offenders. Seeing the lower probation outcomes for certain high risk probationers, we have started to understand the nuances of these groups and test-bed working models to better support these youth offenders and families.

As the most prevalent risks factors for offenders are the lack of pro social peers/adults and unconstructive leisure activities, we sought to integrate Arts and Sports in the offenders' rehabilitation journey. From soccer to singing, there were opportunities for them to learn new skills, adopt a hobby and forge new friendships for a pro-social lifestyle.

For more details on the list of probation programmes, please refer to

<http://app.msf.gov.sg/PSB> for the Probation Service Annual Report 2013.

II. PARTICIPATION OF THE COMMUNITY

A. Volunteer Probation Officers

Mission

Started in June 1971, as part of the effort to involve the community in the rehabilitation of offenders, the Community Probation Service was formed and interested citizens volunteered their time to mentor probationers. The scheme was renamed the Volunteer Probation Officer (VPO) Scheme in December 2012 to strengthen its representation as a volunteering scheme.

The scheme seeks to promote volunteer participation and community awareness in the rehabilitation of offenders placed on probation. Volunteer Probation Officers (VPOs) are recruited under the scheme to augment the efforts of MSF in the rehabilitation of juvenile and adult offenders.

Status

The roles and functions of VPOs are spelt out under the Probation of Offenders Act (1985). Upon their appointment, all VPOs are gazetted by having their names published in the Government Gazette and are issued with an identification card to identify them as VPOs.

VPOs are not paid for their contributions as volunteers. However, VPOs who are engaged in Operation Night Watch duties, where they make curfew checks at the homes of probationers, are reimbursed with a small stipend to cover the cost of their transportation and efforts at night.

Main Tasks, Duties, and Roles

Volunteers can choose to assist in the rehabilitation of probationers in the following areas:

a) Befrienders

Befriend the probationers and mentor them towards being socially responsible individuals. VPOs may provide academic support or engage the probationers in pro-social activities.

b) Operation Night Watch (ONW)

Conduct physical curfew checks at the probationers' homes during their curfew hours to ensure they abide by the Court-ordered time restriction in the Probation Order.

c) Community Service Volunteers (ComServ)

Guide the probationers and enhance the supervision over them when they are performing their community service; and

d) School Liaison Network (SLNP)

Serve as a primary contact person with schools to facilitate effective supervision and management of schooling probationers. Visit the designated schools once in 2 months to gather update on progress of probationers in schools. Information is then given to the Probation Officer to do the follow-up.

Appointment and Recruitment

Individuals will apply to be a VPO through the Ministry of Social and Family Development's Volunteer Portal website².

Applicants are put through a rigorous screening and assessment process before being accepted as a VPO. They go through an interview where their suitability is assessed by at least 2 senior officers..

² The URL of the MSF volunteer portal is "www.msf-volunteers.gov.sg"

Once accepted as a VPO and they have completed the necessary training, they will be gazetted and appointed as VPOs by the Director of Social Welfare, to whom Minister has delegated the authority to appoint VPOs.

An annual performance review and a biennial re-screening exercise for all VPOs are conducted to determine their suitability to continue as a volunteer and before their re-appointment for a new term.

Capacity building and training

VPOs are required to complete the Basic Foundation Training via e-learning modules and a half-day classroom training session. The e-learning modules cover an overview of PSB, the legislation governing probation in Singapore and the administration of the volunteer scheme. The classroom session focuses on skills in case management and includes role plays and case studies.

Upon completion of the compulsory training, VPOs are gazetted and appointed for a 2-year term. They are then assigned their first case as a befriender where they will be mentored by a Probation Officer as part of their on-the-job training. The Probation Officer maintains regular contact with the VPO and provides support and consultation on the case that the VPO is assigned to.

An annual Enrichment Training session is organized by PSB to provide a learning platform to impart knowledge and skills to VPOs. Smaller training sessions on specific topics are also organized for selected groups of VPOs throughout the year. Through the sessions, PSB continuously upgrades the capabilities of VPOs. Outstanding volunteers may also be selected to undergo training conducted by external agencies or sponsored to attend local and overseas seminars /conferences.

Organization of Volunteer Probation Officers

VPOs come under the purview of MSF and are overseen by the Probation Service. VPO activities and engagement are also overseen by a committee comprising of a group of VPOs who work in conjunction with MSF to plan and initiate activities for all VPOs.

Recognition of VPOs

Various awards have been developed by MSF specifically targeted at volunteers. These include the Long Service Awards, the Friend of MSF Award and the Outstanding Volunteer Award. Aside from these, an annual appreciation event is organized by MSF to show appreciation to the volunteers from the various branches in MSF for their contributions. VPOs are also recognized in other small but meaningful ways such as “Thank you” letters or cards as well as tokens of appreciation.

III. REFERENCE

For more information on the services provided by MSF, please refer to our website at <http://app.msf.gov.sg/>

IV. STATISTICS

A. Number of Offenders and types of offences

Probation Services Branch supervised a total of 2,238 probationers in 2013 of which 835 were new cases placed on probation in 2013. The majority (83%, 693 out of 835) of offenders placed on probation in 2013 were male.

The four most common offences in 2013 were: theft and related (32%, 267 out of 835), unlawful assembly (11%, 92 out of 835), voluntarily causing hurt (10%, 85 out of 835) and unlicensed money lending (8%, 64 out of 835).

B. Recidivism Rate

Probation Service has been largely successfully in rehabilitating offenders and instilling them with the necessary skills to lead a crime-free life. We measure the success of probation by the rates of successful completion of court orders by probationers and re-offending after probation. The monitoring of whether an offender remains crime free after probation spans up to 3 years after the expiry of each court order.

- a) Average Probation completion rate (2011 – 2013): 86%
- b) 3-year recidivism rate for the cohort of probationers who completed probation successfully in 2010: 11.1%

C. Number of Personnel

The staff establishment of the Probation Service stands at 101 personnel while the number of Volunteer Probation Officers is currently 229.

PROBATION SERVICES BRANCH ORGANISATION CHART

