

INTEGRITY AND INDEPENDENCE OF PUBLIC AND LAW ENFORCEMENT OFFICIALS IN SINGAPORE

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I. INTRODUCTION

Safeguarding the integrity of criminal justice institutions, including the judiciary, prosecution service and law enforcement institutions, is essential to the preservation of the rule of law. In most countries, integrity and the rule of law are fundamental to governance and economic success, which in turn translates to better lives for the people. The term “integrity” in Article 11 of the United Nations Convention Against Corruption (UNCAC), in its application to members of the judiciary and prosecution, refers to the ability of the system or an individual member of the system to resist corruption, while fully respecting the core values of independence, impartiality, personal integrity, propriety, equality, competence and diligence.¹ According to the United Nations Office on Drugs and Crime (UNODC), police integrity refers to normative and other safeguards that keep police from misusing their powers and abusing their rights and privileges.² Indeed, integrity and the ability to resist corruption and abuse of power among the various institutions of the criminal justice system are key components for a successful country. Integrity is closely linked to Singapore’s key public governance principle of incorruptibility, which in turn safeguards the sovereignty, independence, security and prosperity of Singapore, and upholds justice and equality.

II. THE IMPORTANCE OF INTEGRITY AND INDEPENDENCE FOR PUBLIC OFFICERS³

The relatively clean and efficient country which Singaporeans live in today has not always been like this. Corruption thrived in Singapore during the early period of Singapore’s history as it was perceived that corrupt offenders were unlikely to be detected and punished. In this regard, understanding Singapore’s historical development vis-à-vis its struggle against corruption and abuse of power is essential to appreciate Singapore’s anti-corruption instruments and policies.

A. Deep-seated and Widespread Corruption in the Early Colonial Years

According to Jon S.T. Quah,⁴ corruption was criminalized as early as in 1871 with the enactment of the Penal Code of the Straits Settlements of Malacca, Penang and Singapore

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¹ See <<https://www.unodc.org/unodc/en/corruption/judicial-integrity.html>>.

² See UNODC’s Handbook on Police Accountability, Oversight and Integrity, pp iv, in <https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf>.

³ Law Enforcement Officers are considered public officers in Singapore.

⁴ See Quah J.S.T. (2007). *Combating Corruption Singapore-Style: Lessons for Other Asian Countries. Maryland Series in Contemporary Asian Studies*, Vol. No. 2 - 2007(189).

by the British colonial rulers. However, enforcement was almost non-existent, and the enactment of the Prevention of Corruption Ordinance (POCO) in December 1937 did little to address the situation. The POCO was enforced by the Singapore Police Force (SPF)'s Anti-Corruption Branch (ACB) and was also ineffective as it was limited in scope, and corruption remained a non-arrestable offence. Although corruption was made an arrestable offence in 1946, Singapore was still unable to deal with corruption and abuse of power effectively as the ACB of the SPF was unable to investigate corruption cases within the Police Force without fear or favour. In 1951, a gang of robbers in Singapore hijacked a consignment of 1,800 pounds of opium worth about S\$400,000, and it was found that police detectives and some senior police officers were among the thieves. However, the officers involved were only dismissed or forced into retirement. The British colonial government, dissatisfied with the investigation results, formed a special team to inquire into the matter. Upon the conclusion of its inquiry in September 1952, the team was retained to replace the ACB as an independent organization to look into corruption offences in Singapore. Thus, the Corrupt Practices Investigation Bureau (CPIB) was born.

B. The Birth of an Independent Agency Backed by Strong Political Will

Despite the changes, corruption, especially in its syndicated form among law enforcement officers, continued to thrive. CPIB's small number of staff and limited powers were perhaps manifestations of the colonial government's lack of political will in eradicating corruption. The turning point came in 1959 when Singapore attained self-government. When founding Prime Minister Lee Kuan Yew led his People's Action Party (PAP) to take the oath of office in June 1959, they wore the party uniforms of white-on-white to symbolize their determination to keep the Government clean and incorruptible, and this is still the same position today. Upon assuming office, Mr. Lee Kuan Yew promised to "establish a clean and effective government". Correspondingly, the PAP government retained CPIB as the only Anti-Corruption Agency in Singapore and enacted the *Prevention of Corruption Act* (PCA) in June 1960 to enhance its legal powers, budget and personnel which eliminated the deficiencies of the POCO. Under the new Act, the definition of corruption was revised to explicitly include various forms of gratification and the penalty for corrupt behaviours became more severe. In addition, CPIB officers were vested with extensive powers to carry out their investigations. These included the authority to arrest a person suspected of corruption as well as the ability to access the suspect's financial accounts or premises to search for evidence. By enacting the PCA and strengthening the CPIB, the PAP government was determined to change the public's perception that corruption is a low-risk and high-reward crime. The PAP government's deep sense of mission back in the day to establish a clean and ethical government led to the gradual diminution of the threat posed by corruption in Singapore's society.

Today, Singapore is ranked as one of the least corrupt countries in the world. The low levels of corruption in the public sector, reflected accordingly in indicators such as the Political and Economic Risk Consultancy Limited's *Report on Corruption in Asia*, Transparency International's *Corruption Perception Index*, the World Justice Project's *Rule of Law Index* and the World Economic Forum's *Global Competitiveness Index*, are also generally seen as a hallmark of Singapore's good governance by the international community. Statistically, corruption in the public sector has remained constantly low in the past few years, accounting for no more than 14 per cent of cases registered for investigation by CPIB between 2015 and 2019. This had led to an environment that is conducive to attracting businesses and investments into Singapore, as observed from former U.K. Prime Minister David Cameron's remarks when he noted that "Singapore's climb to the top end

of the global indices for anti-corruption and for ease of doing business”, which have “gone hand-in-hand with its great global economic success”.⁵

III. KEY FACTORS THAT SAFEGUARD THE INTEGRITY AND INDEPENDENCE OF PUBLIC OFFICERS

There are several factors enabling Singapore to become one of the least corrupt countries in the world and these measures build on the strong political will by the incumbent government to eradicate corruption. Strong and effective legislative provisions are embedded within the PCA with a view of maintaining the integrity and independence of public officers, including officers from Law Enforcement Agencies (LEAs). CPIB, as the sole anti-corruption agency in Singapore, is responsible for eradicating corruption and safeguarding integrity. The Singapore Public Service is guided by a Code of Conduct, which sets out the high standards of behaviour expected of public officers, including law enforcement officers, based on the principles of integrity, incorruptibility and transparency. Beyond rules and regulations, CPIB also engages in outreach and prevention efforts targeted at LEAs and frontline officers on a regular and continual basis to stress the importance of integrity.

A. Legislative Provisions to Safeguard Integrity and Independence of Public Officers

Singapore relies on two key legislations to fight corruption: the PCA, and the *Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act* (CDSA). The PCA has a wide scope which applies to persons who give or receive bribes in both the public and private sectors. The CDSA, when invoked, confiscates ill-gotten gains from corrupt offenders. Together, the two laws ensure that corruption remains a high-risk and low-reward activity.

Public officers are heavily scrutinized and are expected to abide by higher standards of integrity. When a person is convicted of a corruption offence relating to a contract or a proposal for a contract with the Government or any related public agency, he or she is liable on conviction to a fine not exceeding S\$100,000 or to imprisonment for a term not exceeding 7 years or to both. The punishment is significantly higher than the maximum of 5 years’ imprisonment for other corruption offences. Further, the Court shall also order him or her to pay as a penalty a sum which is equal to the amount of that gratification.⁶ In addition, when proven that gratification has been received by a person holding public office, or when proven that gratification is given by a person seeking to have dealings with the government under the PCA, the gratification is assumed to have been given corruptly until the contrary is proven, thus placing the burden of proof on those holding public office or those who seek to bribe a public officer. Further, disproportionate wealth which cannot be reasonably explained in the Courts may be taken to stem from criminal acts.⁷ These sections relating to presumption and disproportionate wealth are believed to have contributed to a clean and ethical government and appears to have served as an effective deterrent measure against public sector corruption. A public officer is also duty-bound to arrest a person who has offered a bribe or report the bribe offer, and failure to do so carries a punishment which may include a fine not exceeding S\$5,000 or to imprisonment for a term not exceeding 6 months or to both.

⁵ David Cameron’s speech at the Lee Kuan Yew School of Public Policy (2015).

⁶ Section 13 of the PCA.

⁷ *Ibid.*, Section 24.

Significantly, these laws apply equally to everyone including Singaporeans who commit corruption offences overseas. Senior public officials and appointment holders are similarly expected to uphold even higher standards of integrity and will be dealt with if they are found to have fallen short. In 2012, the CPIB was alerted to a possible offence under the PCA involving a technical officer of the Public Utilities Board (“PUB”), one Mohamed Sa’ad Bin Mohamed Ali (“Sa’ad”), colluding with vendors involved in PUB projects. Investigation revealed that Sa’ad had cheated his colleagues from the PUB into approving purchase orders worth approximately S\$1.9 million to business entities controlled by him. The case involved some 718 transactions that took place between 2005 to 2012. Investigation further revealed that Sa’ad had spent some S\$470,000 of these illegally obtained proceeds on a sports car, an insurance policy, a Gold Certificate, a factory unit and his mortgage loans. Through the CDSA, CPIB then proceeded to seize and disgorge the proceeds of crime from Sa’ad, and the assets seized were liquidated and returned to the PUB. In November 2018, Sa’ad was sentenced to 45 months’ imprisonment for his offences.

In 2013, the former Commissioner of the Singapore Civil Defence Force (SCDF), Peter Lim Sin Pang, was sentenced to six months’ imprisonment for corruptly obtaining sexual gratification from two female vendors and one potential female vendor to the SCDF on a total of ten occasions as an inducement for showing favour by advancing the business interest of their respective companies with the SCDF.

In July 2020, a former Deputy Group Director of the Land Transport Authority (“LTA”),⁸ Henry Foo Yung Thye, was charged in Court for obtaining and attempting to obtain some S\$1.24 million in bribes in the form of loans in return for advancing the business interest of contractors and sub-contractors of LTA. He was also charged for cheating his colleagues at LTA.

In 1986, the then Minister for National Development, Tey Cheang Wan, was alleged to have received bribes totalling S\$1 million and was thoroughly investigated by CPIB. He committed suicide before he could be charged in Court. The investigation into Tey and his eventual demise sent an important message that no individual, regardless of their power or status, can be above the law.

B. A Functionally Independent Anti-Corruption Agency with Extensive Responsibilities and Powers

The functionally independent CPIB, with its mandate to combat corruption in both the public and private sectors and armed with extensive responsibilities and powers, is a key factor in keeping corruption at bay. Notwithstanding the fact that the SPF is considered one of the cleanest police institutions in the world today, Singapore’s experience with the ACB in earlier days suggested that an independent agency should be given the anti-corruption mandate. CPIB is under the Prime Minister’s Office and reports directly to the Prime Minister, enabling CPIB to operate independently. As a safeguard to ensure that the political leadership remains clean and above-board, Article 22G of the Singapore Constitution provides for CPIB to seek the concurrence of the elected President of Singapore to proceed with investigations should the government of the day interfere or

⁸ Agency responsible for the planning, designing, building and maintenance of Singapore’s land transport infrastructure and systems.

block CPIB's investigation. Over the decades, CPIB's function has expanded to include investigation of corruption cases beyond the public sector, with approximately ninety per cent of its cases involving private sector corruption. Nonetheless, CPIB remains committed to keeping the public sector and LEAs in check despite the low incidence of public sector corruption in Singapore. Although the primary function of CPIB is to investigate corruption under the PCA, it is also empowered to investigate any other arrestable offence under any written law disclosed in the course of a corruption investigation.

In a recent case involving former Staff Sergeant Mahendran Selvarajoo, a former Investigation Officer with the Clementi Police Division, Mahendran had, in 2019, corruptly obtained sexual gratifications from women he was investigating in return for helping these women to avoid criminal prosecution for the offences they had committed. Apart from being investigated for two counts of corruption, Mahendran was also investigated by CPIB for performing unauthorized modification to the contents of a computer, as well as being in possession of obscene material in his mobile phone and USB flash drive. Additionally, Mahendran had also accessed without authority the photo gallery in a woman's mobile phone to snap three of her personal photographs. CPIB's powers to investigate other offences in the course of a corruption investigation empowered it to uncover these other heinous crimes which are not under the purview of the PCA. Mahendran was eventually sentenced to two years' imprisonment in 2020 for his offences.

The Bureau is also charged with the responsibility of checking on malpractice by public officers and reporting such cases to the appropriate government departments and public bodies for disciplinary action. In October 2018, CPIB was notified by the National Environment Agency (NEA) of a complaint it received which alleged that Environmental Health Attendants working in the Mandai Crematorium and Columbarium have been receiving red packets from employees of Funeral Services Companies in return for giving the latter preferential treatment. Upon completion of its investigation, and in consultation with the AGC, CPIB administered stern warnings to these NEA officers, and also directed NEA to take disciplinary actions against them for violating public sector rules. Two senior NEA officers, who were not part of the scheme but had failed to report these practices even though they were fully aware of it, were referred to the relevant Ministry for disciplinary action.

CPIB may, in the course of its investigations, come across cases revealing corruption-prone areas or loopholes in government departments' procedures. CPIB can conduct procedural reviews for these government agencies and make recommendations to the agencies concerned to address the procedures vulnerable to corruption. The modern-day CPIB is operationally independent and well-equipped with the necessary tools to deal with corrupt and unethical acts in all forms.

C. Government Guidelines Targeted at Maintaining Integrity in the Public Sector

The Singapore Public Service is guided by a Code of Conduct, which sets out the high standards of behaviour expected of public officers based on principles of integrity, incorruptibility and transparency. The practice of meritocracy in the public service, together with regular reviews of administrative rules and processes to improve efficiency, also reduces the opportunities for corruption.

1. Regulation on General Conduct & Discipline

In relation to prevention of fraud and corruption, the Government Instruction Manual

(IM) on Conduct & Discipline states that a Permanent Secretary has to make officers aware of the serious efforts by the Government to get rid of corrupt practices. A Permanent Secretary also has to make sure that reasonable and adequate measures to prevent fraudulent and corrupt acts are implemented. This may include improving work procedures or instituting more effective supervision.

2. Regulation on Conflict of Interest

On public duties and private interests, officers must declare any conflicts of interest. In the course of an investigation when no corruption offences are uncovered, CPIB could still refer the case to the relevant Ministries for disciplinary action if the acts by the public officer constitute an infringement of the IM, such as conflict of interest. The relevant Ministries shall keep CPIB informed on the outcome of the disciplinary actions meted out. An officer's private interests should be kept separate from his public duties. In the course of an officer's work, when decisions are taken on issues which an officer has, or may be deemed to have, a personal interest in, he must declare his interest to the Chairman at the meeting or his Permanent Secretary.

3. Regulation on Financial Embarrassment

On the issue of financial embarrassment, the IM states that public officers must not fall into financial embarrassment, which is defined as having total unsecured debts and liabilities of more than three months of the officer's pay at any time. Any officer who is financially embarrassed is liable to face disciplinary proceedings which may lead to dismissal. A Permanent Secretary must ensure that every officer in his Ministry makes a declaration of indebtedness, whether or not he is financially embarrassed when (i) he is first appointed or re-employed to the public service; (ii) before he is put on the pensionable establishment; and (iii) annually on 1 January for the preceding one year. An officer who makes a false declaration of non-indebtedness demonstrates a lack of integrity and is liable to be dismissed.

4. Regulation on Gambling and Casino Visits

The establishment and opening of the Integrated Resorts⁹ (IRs) in 2010 marked a new chapter in Singapore's tourism growth and strategy. The IRs housed, among other attractions and amenities, gambling facilities. To curb possible social ills associated with gambling, the Singapore Government rolled out a slew of initiatives such as daily and annual entry levies for Singaporeans prior to entering casino premises to deter Singaporeans from gambling. In line with expectations that public officers must adhere to higher standards of integrity, the public service responded swiftly and introduced further safeguards for public officers. Since 1 October 2013, all public officers are required to declare within seven days whenever they visit the local casinos more than four times a month or if they purchase an annual pass. For certain groups of officers, tighter rules apply. Officers who enforce operations in the local casinos, or regulate the activities of, or negotiate business arrangements with the local casino operators will be prohibited from visiting the local casinos, unless they are doing so as part of their official duties. The aim of having such regulations is to (i) prevent officers who regulate casino operators from being placed in situations of conflict of interest; (ii) reduce the incidence of officers being exploited if they are indebted; and (iii) reduce the incidence of officers being indebted and falling into financial embarrassment.

⁹ Positioned as a development with a comprehensive range of amenities, such as hotels, convention facilities, entertainment shows and facilities, theme parks, luxury retail and fine dining.

5. Regulation on Gifts and Entertainment

The IM stipulates strict regulations regarding the receipt of gifts and entertainment. A public officer may not receive any gift offered to him on account of his or her official position or his or her official work. Where there is any doubt whether or not any gift is motivated by, or is related to, an officer's official position or his or her official work, he or she must decline to accept. Where it is impractical or inappropriate to refuse the gift, the officer may accept but must immediately report it to his Permanent Secretary. When an officer receives an invitation from the public to attend a function as a representative of his Ministry because of his or her official position, he or she must also consult his Permanent Secretary. The regulations not only govern the actions between public officers and the private sector but also relations among public officers. No officer may, except when he or she retires, receive from his subordinates any gifts or token of value, whether in the form of money, goods, free passage or other personal benefits; or accept invitations to be entertained, because of his or her official status, by subordinate officers or any association comprising them.

6. Regulation on Mandatory Job Rotation and Block Leave

The Public Service Division, which sets the policy direction for shaping the Singapore Public Service, has implemented mandatory job rotations and block leaves for public officers in positions with higher risks of corruption as a fraud prevention and deterrence measure. Since 1 January 2014, job rotation and block leave have been enforced for officers holding positions which are more susceptible to being suborned and exploited if the incumbent were to remain in the same job for too long. Depending on the nature of their work, these officers are subjected to either or both measures. Under the new rules, these officers should not serve in the posts for more than five years. Some of these officers whose work is more transactional in nature¹⁰ will also be subject to block leave of at least five consecutive working days per calendar year.

D. Outreach and Prevention Efforts Stressing the Importance of Integrity

1. Public Education Talks and Training to Reinforce Anti-Corruption Messages

In order to allow public officers as well as members of the public to better understand the impact of corruption on lives and how they should do their part in flagging out corrupt practices, CPIB has been actively engaging Singaporeans and non-Singaporeans alike through informative public education talks, roadshows and other publicity materials. With regard to public education talks, CPIB has conducted some 147 of such talks to public sector agencies between 2015 and 2019, with a reach of more than 9,000 public officers. Beginning in 2017, CPIB also rolled out a series of videos targeting four groups of people, namely public officers, the general public, the private sector and students to educate them on different facets of corruption which may be applicable to the respective groups of individuals. The video for public officers, entitled "Integrity, a Key Public Service Value", was designed with the aim of reminding public officers of the importance of having integrity when executing their duties.

2. Working with the Media: Increased Publicity to Encourage Reporting

CPIB has increased its engagement with the local media through press releases and feature stories to reinforce messages such as the values of integrity and incorruptibility, as

¹⁰ They include officers whose core responsibilities relate to finance or procurement, or officers authorized to perform cash transactions or disbursement of grants on a recurring and regular basis, or officers in regulatory roles with high risk of being suborned and exploited.

well as pertinent information to include when making a corruption report. In this regard, CPIB is appreciative of the media's support in raising public awareness on corruption cases and related issues. Aside from emphasizing CPIB's tough stance against LEAs and public officers who abuse their position of authority to cause undue harm to the public and tarnish the image of the public service, it also serves to reiterate the various channels through which corruption complaints and reports can be made to the Bureau, with the hope that the increased public awareness will lead to the reporting of similar cases, which will in turn keep public officers on their toes. Media coverage of CPIB's press release relating to Mahendran's prosecution helped raise public awareness, and in turn led to CPIB receiving information relating to offences of a similar nature involving another police officer.

3. Multiple and Convenient Avenues for Everyone to Report Corruption

Additionally, public officers and members of the public are strongly encouraged to report corruption. This is especially so for public officers since failure to report corrupt acts as a public officer constitutes an offence under the PCA. Indeed, CPIB recognizes the importance of creating touch points with the public and, in this regard, has put in place an array of different avenues to report corruption. Members of the public may choose to call the toll-free 24-hour duty hotline which will be attended by a duty Investigation Officer, lodge an e-complaint via CPIB website, e-mail CPIB via the generic reporting e-mail, or fax to CPIB. Importantly, CPIB emphasises that the identity of informers will be protected under the PCA. Regardless of whether the complainant is named or anonymous, CPIB treats all reports received seriously. This is to maintain public trust and confidence in CPIB's objectivity in assessing reports based on the merits of the information received. Of the 350 corruption-related reports received in 2019, 139 (approximately 40%) were anonymous. More recently in 2017, the Corruption Reporting & Heritage Centre (CRHC) was launched in the heart of Singapore to serve as an additional touch point for members of the public to lodge complaints against corrupt individuals. The CRHC is also an ideal location for members of the public to learn more about corruption and Singapore's journey in the fight against corruption by pacing through the exhibition at the heritage area.

Given that the detection of corruption is often challenging since bribes are usually given and taken surreptitiously between willing parties with no direct victims and few witnesses, it is of paramount importance that CPIB continues to create awareness about the ills of corruption and trigger conversations about related issues. For LEAs and frontline public officers, the expectation is that they will have internalized CPIB's messages and continue to say no to corruption. Fortunately, many have stood tall when offered bribes to do acts against their duties and conscience. CPIB has been holding annual commendation ceremonies since 2015 to recognize these public officers, as well as private sector individuals, who had rejected bribes during the course of duty.

In a recent case which occurred in the midst of the Covid-19 pandemic, a patrol team from the Public Transport Security Command (PTSC) had spotted one Chen Long at the Boon Lay MRT train station with his mask pulled down. Under the Covid-19 (Temporary Measures) Act 2020, anyone caught not wearing a mask outside their ordinary place of residence faces a penalty. The patrol team approached Chen Long and subsequently interviewed him. In the midst of the interview, Chen Long opened his wallet, showed the money in his wallet to one of the PTSC officers and offered him S\$50 to let him go. The PTSC officer refused this offer and subsequently reported this matter to CPIB. Had the PTSC officer taken the bribe and had Chen Long been a Covid-19 patient, the incident could have negative knock-on effects on public health and safety in Singapore.

IV. CONCLUSION

Singapore has come a long way since its humble beginnings as a colonial outpost mired in crime and corruption to a modern nation-state with a government and criminal justice system admired for its integrity, trustworthiness and low levels of corruption. Today, the corruption situation in Singapore remains firmly under control. While the incidence of corruption among law enforcement officers and in the public service remains consistently low and the Singapore Public Service continues to be well-regarded as being clean and efficient, Singapore must not lull into a sense of complacency. The low level of corruption in Singapore today means that a new generation of Singaporeans are now less aware of the harm corruption can cause. CPIB and the public service must therefore continue to work even harder to engage Singaporeans and ensure that the attitude of zero-tolerance towards corruption remains part of the DNA of every Singaporean. That said, the efforts of the Singapore Public Service and CPIB will be futile in the absence of political will as the driving force. Notwithstanding that the CPIB is determined and committed to keep Singapore clean and corruption free, it is imperative that the government of the day continues to be that engine that drives home the message of integrity and incorruptibility.