

COMMUNITY-BASED REHABILITATION OF OFFENDERS IN SINGAPORE

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I. LEGISLATIVE PROVISIONS

In Singapore, the community based management and treatment of offenders is governed by at least two pieces of legislation. Young offenders are governed by the Children & Young Persons Act (CYPA) which 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).

Probation is governed by 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 made only when the court deems it proper to make it instead of sentencing him/her. A probation order is therefore an order requiring the offender to be under the supervision of a probation officer or a volunteer probation officer for a period to be specified in the order of not less than 6 months and not more than 3 years.

The court may make a probation order if the person:

- a) has reached 16 years old but is below 21 years at the time of his/her conviction; and
- b) has not been previously convicted of such offence.

The court can also require the offender to comply with certain conditions set by it during the whole or part of the probation period. These are conditions made by the court after considering the circumstances of the case and are conditions deemed necessary in helping the offender to have good conduct and *prevent* a repetition by him or her of the same offence or the commission of other offences. An example of such conditions are time restrictions or curfews.

The order may also provide for requirements relating to the residence of the offender. These are again made with due regard to:

- the home surroundings of the offender; and
- where the order requires the offender to reside in an approved institution, the name of the institution and the period for which he/she is so required to reside is specified in the order. The period however will not extend beyond 12 months from the date of the order. (Where the period is more than 6 months, the court will hear a report after 6 months. It will then review the probation order and consider whether or not to cancel the requirement as to residence or reduce the period, and may, if it thinks fit, amend the order accordingly.)

A pre-sentence report is a social report on an offender, put up by a Probation Officer at the request of the court, to assess whether the offender is suitable for probation. It is usually a diagnostic account of the background of the offender and the possible reasons and circumstances that led him or her to commit the offence. (about 75% of pre-sentence report cases are placed on probation.) The Pre-Sentence

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Report helps the Court to identify the offender's problems and needs and to make an appropriate order which will help him/her become a useful and law-abiding citizen.

Before making a probation order, the court will explain to the offender in ordinary language the effect of the order (including any additional requirements) and that if he or she fails to comply or commits another offence he or she will be liable to be sentenced for the original offence; and if the offender is 14 years or older, the court will not make the order unless he or she expresses his or her willingness to comply with the requirements.

Where a woman or girl is placed under the supervision of a probation officer or volunteer probation officer, the probation officer or volunteer probation officer, as the case may be, has to be a woman.

A probationer is required by law to:

- report regularly to the Probation Officer;
- abide by the conditions of the Probation Order (e.g. curfew, CSO);
- participate in the rehabilitation programmes organised or directed by the Ministry.

Where a probationer re-offends or persistently fails to comply with the conditions of his Probation Order, he or she will be brought back to Court to be dealt with for the offence(s) for which he was placed on probation. He/she or she may be sent to an institution or fined. He/she will then have a criminal record.

Under what kind of circumstances is probation usually granted?

Before placing an offender on probation, the Court usually calls for a Pre-Sentence report. This Report is prepared by a Probation Officer and entails a thorough social investigation of the offender. The Report provides information on the offender's home/family, his or her character, behaviour and the circumstances, which led him or her to commit the offence(s). For offenders below 16 years of age at the time of the guilty plea or when found guilty by the Juvenile Court, Pre-sentence Report will be called for almost always. For offenders 16 years of age and above, a pre-sentence report is only furnished when called for by the Courts.

Does granting of probation depend on the nature of the crime? Or does the family background come into play?

The Probation Officer considers the following factors in his recommendation on a suitable rehabilitation programme for the offender:

- gravity of offence(s)
- role of offender in the commission of offence(s)
- citizenship of offender e.g. a tourist who is here on a social visit and got arrested for shoplifting is not likely to be considered for probation
- character of the offender
- presence of effective/responsible parents/guardian
- education/employment status
- risk of re-offending
- availability of community-based programmes to meet risks & needs
- recommendation by school, social worker, psychiatrist etc.

A. Probation Committees

The Probation of Offenders Act provides for the Minister to appoint a probation committee(s) consisting of such persons as he or she thinks fit to review the work of probation officers and volunteer probation officers in individual cases. There are two committees – the Adult Probation Case Committee and Juvenile Probation Case Committee.

The terms of reference of the two committees are spelt out in Rule 15 of the Probation of Offenders Rules as follows:

- a) To receive and consider written and oral reports from Probation Officers and Volunteer Probation Officers on the progress of each of the cases under their supervision;
- b) To afford such help and advice to Probation Officers and Volunteer Probation Officers in performing their duties; and
- c) To direct, where necessary, any information furnished to the Committee to be given to the Court.

The APCC meets quarterly to review the progress of probation cases. Reforming and rehabilitating each offender is of paramount importance. Increasingly, there is widespread acceptance that the complexity of crime requires a multi-pronged approach and has to incorporate elements of deterrence, incapacitation and rehabilitation. A balance will have to be struck between the offender's need for rehabilitation, accountability for the offending behaviour, and risks to public safety.

B. Tiered Supervision

Probation is the conditional suspension of punishment while an offender is placed under the supervision of a Probation Officer and given guidance or treatment within the community. In Singapore, the period of probation ranges from 6 months to 3 years and there are 3 grades of probation; administrative, supervised and intensive probation. The level of service and supervision is matched to the level of risks and potential for rehabilitation. Relevant factors include criminal history, motivation for change, school progress and family situation. The conditions imposed as part of the probation order differ in terms of the level of supervision, frequency of contacts, the number of restrictions and the programmes the juvenile is mandated to attend. The probationers may also be subjected to a combination of conditions. The degree of supervision and monitoring increases progressively with each grade.

Split probation may be considered for cases which are assessed to be needing more intensive supervision or intervention only during the initial period. The system of graded probation allows for rational allocation of resources while providing Probation Officers the flexibility to match probation supervision to meet individualised needs. Details of the graded system can be found in Annex II of the "National Standards for the Probation of Offenders and their Rehabilitation in the Community."

Several measures have been taken in the last 2-3 years to enhance the effectiveness of probation and promote its credibility as an effective means of dealing with selected offenders. These include:

C. Community Service Order (CSO) as a Condition of Probation

The CSO was introduced as a condition of probation in December 1996. A CSO is an order of the court requiring an offender to perform unpaid work for a specific number of hours. It can be meted out as a condition of probation or as a stand-alone order.

The objectives of CSOs are 3-fold:

- a) As a rehabilitative measure, CSOs afford an offender a positive experience through community work and this in turn fosters the development of empathy and consideration for others. In the process, the offender gains meaningful social experiences, develops constructive social relationship skills, and regains self-esteem and confidence;
- b) As a punishment, CSOs deprive an offender of his/her leisure hours;
- c) As a form of reparation, CSOs provide the offender an opportunity to make amends for the wrongs / hurt caused by the offending behaviour through service to the community.

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An evaluation of the programme from the viewpoint of probationers and the agencies showed that the objectives of the programme were met. Benefits cited by probationers and agencies include:

- a) Acquisition of new skills
- b) Improved intra-family relationship through better communication
- c) More useful at home; more responsible
- d) More considerate and mindful of others
- e) Agencies generally found the probationers' work good or at the very least, satisfactory.

Besides using the CSO as a platform for vocational development and skills acquisition, CSO placements are also designed to give ample opportunities for offenders to be self-affirmed. In implementing the CSO programme, we strive to establish a nexus between the offence committed and the type of community service an offender is required to perform. For cyber offenders, CSO placement includes a stint of volunteering in projects which demand constructive use of IT savvy-ness for a worthwhile cause eg. developing start-up screens to warn against hacking and consequences of cyber crimes, developing parent education materials on supervising children in internet time, developing IT applications for life-long learning for the elderly or for the disabled to plug into the info-tech world.

D. Programmes

1. Core & Elective Programmes

In 1998, a structured programme was devised for probationers to augment reporting and casework. Divided into core programmes i.e. those deemed essential and beneficial to every probationer or parent, and elective programmes which target specific risks and needs depending on the offender and type of offence, the programmes were intended to provide:

- a) avenues and measures to benchmark the probationer's progress;
- b) opportunities for probationers to work through lapses of bad behaviour;
- c) avenues for constructive pursuit of leisure time; and
- d) opportunities for specific problems to be addressed.

Examples of the core programme include a group-based induction for new probationers, victim impact, parenting workshops and a pre-termination session. Elective programmes in turn seek to address a variety of risk factors or individual needs of probationers which may undermine progress on probation if left unattended. Programmes targeting alcohol dependency, anger and aggression, secret society involvement, drugs misuse, and personal development programmes like making healthy life choices, study skills etc are some examples.

2. Focused Programmes to Address Specific Risks

To minimise non-completion or re-offending for the more serious or high risk probation cases, specific programmes are put in place in collaboration with various government, non-government organisations and the corporate sector. These include programmes that especially help young offenders to quit smoking and to exercise restrained use of alcohol.

3. Probation Services in Family Service Centres

Efforts to widen probation for young offenders mean that services should be more closely linked to the schools and the community. As such, several family service centres now serve as venues for individual and groupwork for offenders and their families.

4. Employment Development Programmes

Work development programmes have been put in place to cater to out-of-school and offenders who face difficulty staying in school and cannot find a job. Income generating activities through collaborations with the disability sector eg. Bizlink Centre and Metta Welfare Association are ways in which probationers help people with special needs and the elderly to remain competitive in meeting work targets which are sometimes hard to accomplish. The probationers in turn get the opportunity to develop positive work habits and skills within a sheltered work setting.

E. The Family as the Basic Building Block of Society and Change Agent

About 75% of the probation population are below 18 years of age. Of these, about 65% are either in the school or technical education system. 15% come from single parents and about 75% are from nuclear families.

In working with offenders, we continue to hold on to the belief that the family should remain an important resource for the individual. In the case of juveniles, it can be the most important change agent and one that will ensure that any gains from rehabilitation are sustained. Probation is used as an instrument of change to re-shape attitudes, values and behaviours. We work on mending flaws within the individual and family system to empower the probationer and family to sustain changes and build up resilience.

The strengthening families framework used in community-based rehabilitation of offenders begin from the pre-sentence stage right to the end of probation. Family engagement and empowerment include:

- a) negotiated action plan where probation is recommended or for resistant cases, the plan of action is discussed with the parents;
- b) parental bond to exercise proper care and supervision;
- c) attendance at core and elective programmes for parents eg. parents induction, experiential parenting workshops, parents support groups, educational talks on gangs, substance abuse, prison visits (with their offender child);
- d) other specialised services eg. special sessions for parents of young sex offenders;
- e) progress review with the parents and providing feedback on outcome of court reviews;
- f) family conference, solution or problem-focused counselling and other sessions;
- g) pre-termination programme for both probationer and parents.

At each stage of the probation process, the roles and responsibilities of parents and what is expected of them are made clear. Disadvantaged families are given additional help to enhance their functioning. Casework in such instances may include sponsorship of a divorced or widowed parent on a computer course or back-to-work programmes.

F. The Many Helping Hands Approach to Community Rehabilitation

Laws and punishment alone are insufficient to meet the challenge of crime. Effective family support and control can help to prevent offenders from a downward spiral into a life of crime and the consequent economic and social costs to the individual, family and community. Active and caring community involvement will lend impetus to national efforts to combat crime.

Probation offers an alternative to sending a young offender to a correctional facility. However, the challenge lies in ensuring there are adequate support services and interventions at the probation programme level to lend weight to the viability of community-based orders.

Probation, as a community-based rehabilitation programme, works only if there is community support and involvement. The community's acceptance of offenders and their potential for change, understanding of the goals, principles and methods of probation, and their commitment to support reintegration efforts cannot be overly emphasised.

Thus the Probation Service has, since the 70s, and more so in recent years, actively engaged and involved the community in a variety of ways.

G. Volunteer Probation Officers: Community Probation Service

The Community Probation Service (CPS), introduced in June 1971, is now 30 years old. It has over 300 active volunteers at most times. Volunteer Probation Officers (VPOs), complement the work of Probation Officers. By befriending and guiding probationers, VPOs help to steer young people back to the straight and narrow path. For many cases that do well during probation, VPOs make a real difference in re-shaping the lives of young offenders. To put it in the words of a young offender, "I feel so lousy when I don't do my best ... how to face my VPO? She has been so good to me – she is not even paid.....even my parents don't bother as much". Today, this probationer is a well-integrated young person in one of the polytechnics.

Sustaining, supporting and providing on-going training to keep volunteers continually challenged and motivated poses a big challenge. To appeal to the diversity of interests, skills, talents and volunteer aspirations, the CPS offers a wide scope of involvement to cater to the VPOs' interests, skills and training and the various stages of their volunteer life cycle. These include:

- a) casework
- b) project work
- c) preparation of pre-sentence reports, organising of activities for probationers and parents
- d) time restriction checks
- e) Committee and volunteer coordination work
- f) Groupwork

VPOs are currently involved in formulating annual work plans relating to activities for and by volunteers, organising VPO Skills Training Seminars aimed at sharpening skills in working with today's youth, and recently, even developing a guidebook to support VPOs in rehabilitation work with young offenders.

H. National Standards for the Probation of Offenders & their Rehabilitation in the Community

To reap maximum benefits of partnerships with families and the community, it is important that the probation investigation and supervision process is made transparent to all parties including the probationer and family. Transparency and accountability are twin goals that are especially relevant in the probation context where the balance of power is clearly tilted against the offender.

In 2000, the Probation Service made a public commitment to service standards and best practice in probation work through the publishing of the "National Standards for the Probation of Offenders and their Rehabilitation in the Community". The publication, put together jointly by the Service and the Subordinate Courts is a significant milestone in the development of the probation system in Singapore. It also sets the service among the first services to make public its delivery standards.

II. CHALLENGES FOR THE FUTURE

The rapid economic restructuring needed to transform Singapore into a knowledge-intensive economy has begun to change employment patterns. Rising structural unemployment, especially among the less-educated workers will pose a serious challenge even for those who work in rehabilitation. The challenge is to ensure that rehabilitation aims to prepare the offenders to get jobs and be gainfully employed and meaningfully engaged in society.

The Service will have to continue to leverage on national policy on continuous learning and easy access to info-technology to better prepare probationers to carve job niches for themselves and reduce re-offending due to economic reasons.

Partners for collaborative research, exchange of executive programmes and other partnerships both with local partners and overseas counterparts to continue to inject dynamism in the management, implementation and evaluation of the Service both at the programme as well as the system level will remain central concerns to stay abreast of current knowledge and know-how.

RESOURCE MATERIAL SERIES No. 61

Identification of risk assessment and management tools, and data management systems that will help us to achieve better outcomes with less manpower.

Widening the use of probation would invariably mean the challenge of having to meet and deal with more complex needs of individuals and families, and more support to the many helping hands we engage in the rehabilitation of offenders. These issues have to be adequately dealt with at appropriate levels if we are to continue in our drive towards a more progressive treatment of offenders in Singapore.

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APPENDIX
Conditions and Duration of the 3 Grades of Probation

Item	Grades and period of probation		
	Administrative probation (6 months to 1 year)	Supervised probation (1 to 2 years)	Intensive probation (2 to 3 years)
Conditions	<ul style="list-style-type: none"> • To comply with time restrictions • To work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the offender for employment • To make a good faith effort towards completion of his course of study or vocational training • To participate in or comply with the treatment plan of an inpatient or outpatient rehabilitation programme specified by either the court or the probation officer • To attend an attendance centre and participate in anti-secret society talks or prison visits • To attend healthy lifestyle awareness programmes • To be involved in community projects 	<p>In addition to the conditions which may be imposed for Administrative Probation, the following may be imposed:-</p> <ul style="list-style-type: none"> • To maintain regular contact with a probation officer • To allow the probation officer to visit the offender at reasonable times at his home or workplace or any other place • Not to smoke • Not to drink alcohol • Not to associate with or be in the company of secret society members • Not to associate with or be in the company of persons who are engaged in criminal activities • Not to patronise or visit pubs, discotheques, night-clubs, karaoke lounges, billiards saloons or video game arcades • To maintain a neat and proper appearance • To remove tattoos by a medical practitioner within a specified period from the date of the probation order • To refrain from any contact, direct or indirect, with the victim or any other person • To submit to regular drug and/or alcohol tests 	<p>In addition to the conditions which may be imposed for Administrative Probation and Supervised Probation, the following may be imposed:-</p> <ul style="list-style-type: none"> • To reside for a specified period in an approved institution or home or hostel • To be electronically tagged
Recommended Hours of CSO	Not less than 40 hours	Not more than 120 hours	Between 120 to 240 hours