

COMMUNITY-BASED REHABILITATION OF OFFENDERS IN SINGAPORE

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I. INTRODUCTION

Singapore adopts a graduated approach that addresses the symptoms and roots of delinquency and offending with early intervention as an important principle. Rehabilitation efforts are focused on helping offenders to successfully re-integrate into the community. This is achieved through shared responsibility with the family and the community, and balancing the best interests of the offender with public safety. For those offenders who remain unresponsive and continue to commit further offences, the sanctions escalate in terms of their severity. Imprisonment is reserved for offenders assessed to be unsuitable for community-based rehabilitation, with the objective of deterring these offenders from re-offending through the multiple goals of punishment, incapacitation, deterrence, rehabilitation, reformation and reintegration.

In the administration of the criminal justice system, Singapore is increasingly moving towards community-based rehabilitation options for suitable offenders. These community based sentencing options will enable such offenders to be adequately punished without disruption to their family life or loss of job, while being rehabilitated to minimise the risk of re-offending for public safety.

The graduated approach in the management of offenders involves multiple agencies. Some of these agencies include the Ministry of Social and Family Development, the Ministry of Home Affairs, Voluntary Welfare Organisations, etc. For community based interventions, they include pre-court Diversionary Programmes, Probation and the recently introduced Community Orders. Institutional interventions include juvenile rehabilitation centres and imprisonment.

Recognising the complexity of rehabilitation work, various inter-ministerial/agency committees were set up. The National Committee on Youth Guidance and Rehabilitation (NYGR) coordinates efforts among government agencies in monitoring and addressing youth crime. The Community Action for the Rehabilitation of Ex-Offenders (CARE) Network engages the community in rehabilitation, coordinates member agencies' activities, and develops innovative rehabilitation initiatives for reforming offenders.

This paper will briefly state developments in the criminal justice system. The main focus will be on recent developments in community-based rehabilitation programmes that come under the purview of the Ministry of Social and Family Development.

II. RECENT DEVELOPMENTS IN THE CRIMINAL JUSTICE SYSTEM

A. The Community Court

In 2006, the Community Court was established within the current State Courts. The Community Court was set up to take a non-traditional, problem solving approach in the disposition of offenders brought before the Court. Case Conferencing and tapping on community resources were initiated by the Community Court to deal with selected offenders.

With the inception of the Community Court in June 2006, there was a shift in the criminal justice paradigm to consider community-based rehabilitation options such as Probation and Community Orders for special groups of offenders, particularly youth offenders aged 16 and above (including repeat youth

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offenders), and adult offenders with mental disabilities.

B. Community-based Sentences

In 2011, the Criminal Procedure Code was amended to provide the Courts with more community-based sentencing options, known as Community Orders. The Courts may consider Community Orders for selected offenders aged 16 years and above, who commit an offence(s) punishable with a term of imprisonment not exceeding 3 years.

These Community Orders include Mandatory Treatment Order, Day Reporting Order, Short Detention Order, Community Service Order and Corrective Work Order. *Refer to Annex A for details on the Community Orders.*

III. RECENT DEVELOPMENTS IN COMMUNITY-BASED REHABILITATION OF OFFENDERS (MSF)

The **Ministry of Social and Family Development (MSF)** plays a crucial role in the rehabilitation of offenders. First, MSF provides statutory services which aim to rehabilitate juvenile delinquents, young offenders and dysfunctional families or individuals; ensures care and protection of children, young persons and families; prepares social investigation reports for children in need of care and protection, pre-sentence reports and suitability reports for probation and Community Service Order (CSO), treatment and psychological support for MSF and management of residential facilities, Juvenile Homes, Children's Homes, Crisis and Transitional Shelters and Welfare Homes.

Second, MSF together with the Youth Court, State Courts, Ministry of Home Affairs, Attorney General's Chambers and other agencies, sets the policy and service delivery framework for the management of juvenile and adult offenders on community-based rehabilitation, namely Diversionary Programmes for youth offenders, Probation and Community Service Order (under the new community-based sentences).

IV. LEGISLATION

The management of offenders under MSF is governed by the following legislation.

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

A. 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 for a period specified in the Order.

B. 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)."

V. GUIDING PRINCIPLES IN REHABILITATION

The following principles inform and influence the programmes and services:

- a) Every offender has a capacity to change and grow if given the opportunity, support, and understanding;
- b) The offender has to take ownership of his/her rehabilitation and be accountable for his/her

actions;

- c) The family needs to be preserved and strengthened to provide care and supervision to the offender;
- 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.

VI. PRE-COURT DIVERSIONARY INTERVENTIONS

Research has shown that offending by youth offenders can be time and age-limited. By diverting youth offenders away from the criminal justice system, especially those with lower risk of re-offending, they are given a chance to be rehabilitated and not face the stigma and effects of the criminal justice system at a young age. Such measures will enable such offenders to be adequately punished without causing disruption to their family life or loss of job, while being rehabilitated to minimise the risk of re-offending for public safety.

The diversionary programmes are conducted for youth for 6 months with an option to extend the period to 12 months. It is a case management programme conducted by social service agencies. It involves individual, group-based and family sessions.

The lead agencies involved are the Attorney General's Chamber, Singapore Police Force, Central Narcotics Bureau and Ministry of Social and Family Development (MSF). The Probation Services Branch in MSF oversees the administration, funding and management of agencies running the diversionary programmes.

The **Guidance Programme (GP)**, which was introduced in 1996, is a six-month programme for youth offenders who commit minor offences. GP aims to help the youth offender make the right choices to lead a crime-free lifestyle. Youth offenders could be administered with a stern warning if they complete the programme successfully in lieu of court prosecution.

In 2012, a workgroup led by the Attorney General's Chambers and involving key agencies reviewed the current framework of GP. Recognising the effectiveness of the GP, the workgroup recommended that GP be expanded to include other categories of offences, which were not deemed to be against public interest. Police referral procedures were also streamlined.

The Streetwise Programme and Enhanced Streetwise Programme is a 6-month intensive gang intervention programme. The **Streetwise Programme (SWP)**, introduced in 1997, is a voluntary programme and it targets at-risk youth who associate with gang members. Youth could be referred to the programme by schools, the Probation Service and the Secret Societies Branch of the Singapore Police Force.

The **Enhanced Streetwise Programme (ESWP)** was initiated in 2013 and the programme is for those arrested for gang-related offences but have a low level of involvement in the offence. The youth is also required to report to the police officer at the Secret Societies Branch, Criminal Investigation Department on a monthly basis. Youth in this programme are given a police warning in lieu of Court prosecution upon successful completion of the programme.

The **Youth Enhanced Supervision programme (YES)** was introduced in 2013 to complement the existing urine test regime for youth arrested for abusing drugs. This is a 6-month case management programme for youth arrested for the first time for consumption of drugs. The youth is also required to report to the Central Narcotics Bureau for regular urine test regime for a period of two years.

VII. COURT-ORDERED INTERVENTION — PROBATION

The Probation system in Singapore is a Court-ordered community-based rehabilitation programme for juvenile and adult 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.

With the shifts in juvenile and criminal justice paradigm to consider more offenders on community-based rehabilitation, there has been an increase in the proportion of higher risk offenders placed on probation in the recent years. This is evident from the increase in the proportion of offenders requiring i) intensive supervision; ii) restrictive conditions such as electronic monitoring and hostel residency; and iii) longer period on probation.

A. Considerations in Assessing Suitability for Probation

In assessing an offender's suitability for probation, the key considerations are public safety, risk of re-offending and potential for rehabilitation.

The investigation process entails detailed interviews with the offender, the family members or significant others, reports and consultations with other professionals (such as enforcement, mental health, social service, education professionals or employers) who have dealt with the offender. This ensures that the assessment is thorough and the likelihood of success maximised. The following factors are considered in assessing an offender's suitability for probation:

- a) Severity of offence;
- b) Severity of damage/harm done;
- c) Circumstances surrounding the offence(s);
- d) Offender's criminal history and antecedents;
- e) Risk and protective factors;
- f) Offender's motivation and capacity for rehabilitation;
- g) Availability of support from family and community resources to address offender's risks and needs issues.

If placed on probation, 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);
- 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.

VIII. DEVELOPMENTS IN THE PROBATION SYSTEM

The 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.

A. Serving a Safe Probation Order

a) Different grades of probation — 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.

b) Restrictive conditions — 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.

c) Time restriction — compliance to time restriction is achieved through the Time Restriction Automated Checks (TRAC) system, an automated curfew check system using voice biometric technology; and physical curfew checks by Volunteer Probation Officers.

d) Graduated sanctions — Probationers who do not comply with probation conditions are liable to have additional conditions imposed on them or have their Probation Orders revoked.

B. Risk Assessment

Following the pilot of the Youth Level of Service/Case Management Inventory (YLS/CMI), adopted from Canada, in 2003, we have established local norms for the male and female probation population below 19 years of age. Research studies have shown that this tool is robust in predictive validity in risk of re-offending for our male probation population. This tool is also used in the diversionary programmes for youth.

For offenders aged 19 years and above, we introduced the adult version of the YLS/CMI in 2012, known as Level of Service/Case Management Inventory (LSI/CMI) in 2012.

There is rigour in risk assessment from the onset and throughout the course of probation. With the use of established risk assessment tools, Probation Officers are able to state with greater confidence the offender's risk of re-offending, identify the factors that contribute to offending and target those areas accordingly.

The Ministry has embarked on research studies to ensure the validity of the tools to better understand the profiles of the probationers and to be informed on programming needs.

C. Evidence-based Intervention Approaches

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.

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 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 behavior management.

D. Meaningful Community Service Placements

Introduced in 1996, the Community Service Order (CSO) is a condition of probation requiring an offender aged 14 years and above to perform unpaid work for between 40 and 240 hours, and must be

completed within 12 months from the date of the Probation Order. The duration of the CSO is decided by the courts.

Approximately 85% of offenders on probation are required to fulfill community service as a condition of probation. The objectives of CSO are three-fold:

- a) Punishment — Deprived of leisure time
- b) Reparation — Make amends for the harm done to society
- c) Rehabilitation — Develop empathy and consideration for others while gaining meaningful social experiences, which restore the offender's self-confidence and esteem.

The nature of the community service work has evolved over the years to make the activities more meaningful and relevant to the needs of probationers and the clients at the agencies. CSO relates to the offender's interests, skills and abilities. Initially, probationers provided primarily menial work like cleaning of agency premises. Probationers are now given the opportunity to be involved in many areas such as interaction with vulnerable persons, project planning and implementation, etc. In so doing, it is intended that they take ownership of their community service and feel a sense of purpose in contributing to the community.

The CSO programme started off with 10 social service agencies in 1996. Today, there is a network of more than 130 partners, who provide community service placements to probationers. These agencies opened their doors to accept these offenders on probation, created opportunities for them to make a difference in the lives of others and the community and in so doing, redeem themselves to become socially responsible individuals.

E. Harnessing Technology

To achieve good rehabilitation outcomes for offenders on probation with the limited resources (manpower, time, costs and competing demands), innovative solutions are continually sought for efficiency and effective service delivery. Technology was harnessed as a tool to strengthen the Probation Order, work processes, productivity and professional development of staff. Some examples include:

1. Integrated Case Management System

Leveraging on technology, the Ministry developed the Integrated Case Management System (ICMS) in 2005 to enhance operational support to officers in terms of easy access to client information, effective case management and a strengthened policy response to emerging issues and challenges. It is designed to facilitate information sharing, ensure seamless and effective client management, as well as streamline work processes.

2. Electronic Monitoring

Electronic monitoring of selected offenders needing intensive supervision was introduced in 2003 to target those whose offences and/or repeated curfew violations would cause them to be sent to a juvenile rehabilitation centre or prison. Electronic monitoring as a condition of probation is usually imposed for a period of 4 to 6 months.

3. Time Restriction Automated Check (TRAC) System

The TRAC system was developed using voice biometric technology to enforce the Court-ordered time-restriction checks on offenders on probation. Instead of Probation Officers making the telephone calls to these probationers late at night (9 pm to midnight), TRAC now makes more than 500 calls each night to the offenders. Probationers and families are responsible for responding to the calls and ensuring compliance to the Probation Order. This enables Probation Officers to focus their efforts on direct intervention work with the probationers and their families.

F. Volunteer Probation Officer (VPO) Scheme

Started in 1971 with a small group of 20 volunteers, the scheme has now multiplied to 223 VPOs from all walks of life. The VPOs are a dedicated and passionate pool of individuals, who complement the work

of the Probation Officers in the rehabilitation of probationers. The scheme maximises the VPOs' contributions by tapping on their strengths, interest and working around their availability.

The VPOs serve as positive role models to the probationers. They befriend the probationers and encourage them to be meaningfully engaged and to have a positive outlook in life. VPOs, who are available in the evenings help to conduct curfew checks at the homes of the high risk probationers, while those who are available during office hours help to gather feedback and progress of probationers from schools. VPOs with training skills conduct programmes for fellow VPOs, probationers and their parents, while those with organisational skills help to supervise probationers performing their Court-ordered community service.

IX. COURT-ORDERED INTERVENTION—COMMUNITY SERVICE ORDER (COMMUNITY ORDER)

Offenders can be placed on CSO (Community Order) if the court is satisfied that it is expedient with a view to his/her reformation that he/she makes amends to the community for his/her offence.

Offenders sentenced to CSO will have to perform unpaid work for not more than 240 hours. The duration of the CSO is decided by the courts. The CSO placement takes into consideration the nexus of the offence and the skills of the offender.

X. CONCLUSION

It is imperative to anticipate the possibility of failure despite the best intentions of all concerned to rehabilitate offenders in the community. Despite the concerted effort of an extensive support network and tight supervision, there are some who would re-offend during and post-supervision. This illustrates the challenging nature of community-based rehabilitation, particularly for offenders with multiple risks and needs issues.

With more offenders with higher risk and needs considered for community-based rehabilitation, there is greater accountability that public safety is not compromised. It is thus necessary to ensure that the systems and processes are robust in terms of risk assessment and coordinated inter-agency efforts; and service delivery is responsive to achieve better outcomes. Maximizing the participation of community partners, like the community service agencies, volunteer probation officers and family members, contributes to the effective rehabilitation of offenders on community-based orders.

COMMUNITY-BASED SENTENCES

Order	Description
Mandatory Treatment Order	<ul style="list-style-type: none"> – Offender undergoes psychiatric treatment for a period not exceeding 24 months – Court to call for a report by appointed psychiatrist to assess suitability prior to making the order. Offender cannot be placed on the order if assessed to be unsuitable by the psychiatrist – Main considerations : <ul style="list-style-type: none"> i) Offender suffers from a psychiatric condition that is susceptible to treatment ii) Psychiatric condition is one of the contributing factors for commission of the offence – Administered by the Institute of Mental Health
Day Reporting Order	<ul style="list-style-type: none"> – Offender reports to a Reporting Centre for a period ranging from 3 months to 12 months – Court can impose conditions to the order such as electronic monitoring – Administered by Singapore Prisons, Ministry of Home Affairs
Short Detention Order	<ul style="list-style-type: none"> – Offender is detained in prison for a period not exceeding 14 days – Administered by Singapore Prisons, Ministry of Home Affairs
Community Service Order	<ul style="list-style-type: none"> – Offender performs community service under the supervision of a Community Service Officer – Administered by the Ministry of Social and Family Development
Community Work Order	<ul style="list-style-type: none"> – Offender performs community work that is associated with that offence