

THE JUVENILE JUSTICE SYSTEM IN SINGAPORE

A SINGAPORE PAPER

INTRODUCTION

This paper seeks to provide an overview of the jurisdiction, judicial philosophy and programmes of the Juvenile Court in Singapore.

In the course of time, the Juvenile Justice system of Singapore has evolved into a sophisticated and developed system. As the Juvenile Court occupies a pivotal position in the Juvenile Justice process, it has undertaken the role to be the prime mover of change in the implementation of many innovative measures to cope with juvenile offending and delinquency.

JURISDICTION OF THE JUVENILE COURT

The Juvenile Court is presided by a Juvenile Court Magistrate appointed by the President of the Republic. The Court is also aided, in its determination, by a panel of lay advisors. The Juvenile Court tries criminal offences committed by children (below 14 years old) or young persons (above 14 years old and below 16 years old), except where:

- The offence is triable only by the High Court; or
- The child or young person is jointly charged with another person who is above 16 years of age.

The Juvenile Court also deals with children who are beyond parental control (BPC) and those who need care and protection (CPO).

GOVERNING LEGISLATION

The primary piece of legislation that governs proceedings in the Juvenile Court is the Children And Young Persons Act (Act 1 of 1993) (CYPA). In essence, section 28 of the CYPA provides that the court when dealing with a juvenile must have regard to the welfare of the juvenile, the removal of juvenile from undesirable surroundings and to make proper provision for his education and training.

THE RESTORATIVE MODEL OF THE JUVENILE JUSTICE PROCESS

Within the Subordinate Court' Justice Statement, there are 4 Justice Models. In the arena of Juvenile Justice, a Restorative or Communitarian Model is adopted to further the welfare of the child and young person. In essence, this would entail the court making determinations to reintegrate the young person constructively back into society.

In recognising the unique role of the Juvenile Court in balancing the legislative concerns for the welfare of the juvenile and its public duty to preserve law and order, The Honourable The Chief Justice outlined the approach to be taken in his keynote address at the Subordinate Workplan 1997/8 that:

“The complexity of juvenile crime requires a multi-prong approach. It has to incorporate elements of deterrence, incapacitation and rehabilitation. A balance will have to be struck between the need for rehabilitation and accountability for the offending behaviour. Restorative justice seeks to achieve this. We realise that we can never rely alone on laws and punishment to meet the challenge of juvenile crime. Effective family support and control can help to keep our juveniles out of crimes in the first place and equip them to lead a law-abiding life. Already this is being done by the Government through the

Inter-Ministry Committee on Dysfunctional families, Juvenile delinquency and Drug abuse. Similarly, on the Court's part, there is a communitarian approach to the treatment of juvenile offender. Through family conferencing, boot camps, peer group advisors, family care conferencing, we enlist the support and assistance of the community in reforming and rehabilitating the juvenile offender. We build on this approach through a blend of measures focusing not just on the offender but the victims as well."

Innovative Measures Of The Juvenile Court

Acting under the directions of the Honourable The Chief Justice Yong Pung How, and the guidance of the Senior District Judge Richard Magnus, the Juvenile Court embarked on the development of many innovative and pro-active measures to counter the multi-faceted problems of juvenile offending and delinquency. This has resulted in the development and implementation of many restorative programmes.

The point to be made here is that the Juvenile Court has taken the initiative to assume the leading role in devising these programmes and spearheading its implementation with the aid of community resources.

Some of these restorative programmes are highlighted below:

(A) Family Conferencing

The Juvenile Justice system has been enriched with programmes like the Family Conferencing and Family Care Conferencing that are premised on notions of "re-integrative shaming" and "restorative justice". It was introduced as an on-going programme in the Juvenile Court on 18th August 1994.

The underpinning of Family Conferencing is the phenomenon of "shame" and "re-

integrative shaming”. The process of family conferencing was developed with the following objectives:

- a) to ensure that the juvenile understands the seriousness of the offending behaviour;
- b) to minimize the likelihood of juvenile re-offending;
- c) to provide the juvenile with the opportunity to accept responsibility for the offending behaviour;
- d) to address the issue of family and community accountability;
- e) to provide the victim(s), where possible, with an opportunity to contribute to the cautioning process; and
- f) to increase the likelihood of achieving reparation compensation to the victim.

Family Conferencing has been employed with different approaches and emphasis in several jurisdictions like New South Wales, South Australia and New Zealand. Unlike other jurisdictions where it is a diversionary measure i.e. outside the juvenile justice system, Family Conferencing is part of the Juvenile Court programmes.

A Family Conference is not resorted to in every case. Amongst other factors, the court has to examine the nature of the offences committed, the extent of the juvenile delinquency and the degree of family support available.

Family Conferencing enables juvenile offenders to realise the impact of their offending behaviour on the families, the schools and the victims. It also helps to minimize the likelihood of the juvenile re-offending. As at August 1998, only 6 out of the 130 (5%) offenders who underwent Family Conferencing have re-offended. We have been referred to as the first jurisdiction in the common law world to uphold restorative justice as the principle of our juvenile justice system.

(B) Family Care Conferencing

The Family Care Conference is also another integral component of the Juvenile Court

programmes. Its philosophy is similar to that of the Family Conference except that it is targeted at juveniles who are beyond parental control (BPC) i.e. they may or may not have committed criminal offences, but the police have not charged them. The aims of the Family Care Conference include the need:

- i) to strengthen family units and empower parents and the community to regain control of the juvenile;
- ii) to encourage the juvenile to take responsibility for his/her delinquent behaviour;
- iii) to reduce the placement of such a juvenile in institutions accommodating offenders;
- iv) to reduce the likelihood of the juvenile committing an offence.

(C) Youth Family Care Programme

The Juvenile Court, in liaison with TOUCH Community Services, runs the Youth Family Care programme where volunteer families are matched with young persons placed on probation or statutory supervision to act as positive role models for them and their families. A volunteer family will meet the assigned young person to befriend and encourage him for as long as the probation or statutory supervision order subsists or until the court otherwise orders.

TOUCH Community Services and the Subordinate Courts jointly identifies, trains and monitors the work of these volunteer families. The programme was implemented on 17th June 1996. The programme is targeted at helping juvenile offenders and refractory children who are remorseful and do not have in-gained delinquent traits.

A Family Conference or Family Care Conference is used as a platform to launch this programme. If the young person and his family is amenable to the match, participation in the programme is made a condition of his probation or statutory supervision order.

(D) Community Service Orders

A Community Service Order (“CSO”) is an order of Court compelling the offender to perform unpaid work for a specified number of hours. Through such an order, the offender is given an opportunity to make amends for the offending behaviour by performing services to the community or its less fortunate members. Over and above depriving the offender of leisure time, the CSO aims to develop a sense of empathy and respect in the offender towards people and property as well as broaden his perspective of the world around him. The Juvenile Court introduced CSOs as a term of probation in December 1996 and probationers have benefited immensely from this programme.

(D) Peer Advisors Programme

In this Programme, students are given a chance to sit in court proceedings as well as take part in discussions with the Juvenile Court Judge in his Chambers before judgment is passed. The aims of the programme are to give the Juvenile Court a contemporary peer group perspective of the offending criminal act. Their participation, together with the teachers, will also benefit them through a better understanding of the justice process and the consequences of involvement in criminal activities.

(E) Teen Development Programme

This is a 16 weeks “After School Care” programme which the Court can incorporate as a community based option. It is run by the Lakeside Family Service Centre and targets youths residing in the western part of Singapore. The Juvenile Court may impose as a term of the probation order to require a juvenile to participate in this programme.

This is a non-residential programme aimed at teaching perseverance, self-control, respect, trust and honesty. It also serves as a platform to counsel the juvenile and his/her family.

(G) Boot Camp

The Subordinate Courts conducted a pilot 'boot camp' from the 30 June 1996 to 10 July 1996. Unlike boot camps in other jurisdictions that are court pronouncements, this boot camp was deliberately conducted as a pre-sentence evaluation process. Programmes at the boot camp were designed to bring about attitude changes under a controlled environment so that supervised behavioural changes will remain with the participants once they are released back to society .

An integral aspect of this programme is the post-camp follow-up component designed to address the offending behavior of the participants and to prevent them from committing offences in the future. This aftercare component also aims to develop self-esteem, responsibility, discipline and good work ethics in participants and to increase their academic and job related skills through personalised supervision by counsellors.

After the conclusion of the intensive one year follow-up, a review of the cases showed that of the 27 boys who went through the boot camp, 13 of them were breached for poor conduct whilst on probation and only two re-offended. It is worth noting that the probationers who underwent the boot camp were those who would not have been placed on probation and would be institutionalised as a consequence.

(H) Streetwise Programme

The Streetwise Programme (SWP) is a Government funded project initiated by the Inter-Ministry Committee on Juvenile Delinquency (IMJD) and co-ordinated by the National Youth Council (NYC). There are 5 youth agencies, which work in collaboration with the NYC, in conducting the SWP. These are Bethesda Community Service, Youth Guidance Outreach Service, Teen Challenge, Lakeside Family Service Centre and Bukit Ho Swee Family Service Centre. The programme was formally commenced on 1 November 1997. The Juvenile Court refers offenders to this programme as a condition of their probation especially those who are involved in gang-related offences.

SWP is a developmental programme aimed at changing the behaviour of youths that have unwittingly drifted into gangs. It is an intensive 6-months structured programme which incorporate elements of counselling, family conferencing, peer support, recreation and academic activities. The programme aims to help these youths “turn around” and gain a fresh start in life. The 5 youth agencies are given a free hand to design their own approaches and programmes to meet the basic requirements of the SWP.

The SWP is significant as a community based rehabilitation programme because it is accessible to youth gang members who are either offenders or non-offenders as well as youths who may not be affiliated to gangs but have committed secret-society related offences. This allows for different entry points into the programme so that these youths can be rehabilitated at different stages of their involvement.

(I) Pre-Complaint Counselling

On the concern of promoting parental responsibility, the Juvenile Court has also successfully explored the possibility of utilising community resources in intervening between families with children who are beyond parental control (BPC).

The Pre-Complaint Counselling is an initiative devised by the Juvenile Court as a diversionary measure to keep borderline BPC cases away from the court system. These cases are referred to the Family Service Centres (FSCs) located within the community of the parents when the complaint is laid before the Juvenile Court. The (FSCs) will then do a preliminary assessment of the case to decide if they can work with the family to assist them to regain control over the delinquent child without court intervention. This is to ensure that parents explore all avenues to help their children in the community before their children are brought into the Juvenile Justice system as a BPC case.

(J) Peer Mediation

Mediation in general has worked successfully in many categories of cases in the Subordinate Courts. In 1997, the Peer Mediation programme (PM) was introduced in selected secondary schools as part of the preventive and restorative measures to meet the challenge of juvenile crime.

The philosophy behind Peer Mediation in schools is that it would encourage the use of non-adversarial conflict resolution. This would also act as an effective alternative to violence and other forms of anti-social behaviour. Peer Mediation also aims to restore the relationship of the contenders and this would reduce the need for school, police or court intervention. This would in turn lead to a more conducive climate within the school and community while preparing the students to live in a society where law and order is paramount.

In the Peer Mediation programme, the students receive special training to enable them to act as third party mediators between 2 or more of their peers in the same school who are involved in petty quarrels and want to see it resolved constructively.

Peer Mediation aims to undercut disciplinary problems in schools before they start by imparting practical skills to manage and resolve conflicts before it escalates into a behaviour which requires intervention by the schools, police or the courts. Peer Mediation aims to equip students with interpersonal skills to manage and resolve conflict, to empower students to assume responsibility for resolving conflict in school and to encourage a higher awareness and acceptance of mediation as alternative to the traditional methods of conflict resolution.

The pilot schools that have participated in the programme have all provided very positive feedback. Also, the results of the inaugural Peer Mediation scheme have been very encouraging. To date, 61 Secondary schools have been trained in this programme.

Developing Effective Links With The Community

From the overview of the innovative measures described above, it is quite clear that the Juvenile Court works very closely with community resources in the implementation of these communitarian and restorative programmes.

We recognise that we can never rely on laws and punishment alone to deal with the modern challenges of juvenile crime. In adopting a communitarian approach to the treatment of juvenile offenders, we are enlisting the assistance of the community in reforming and rehabilitating the juvenile offender through the use of innovative programmes together with court determinations. This is to enable the Juvenile Court to be more effective as it can better adopt individualized and graduated sanctions to address problems that led to the crime in the first place.

The successful core programmes like the Streetwise Programme (SWP), Teen Development Programme (TDP), Youth Family Care Programmes, Peer Advisers, Peer Mediation and the Pre-Complaint Counselling could not have been implemented had it not been for the effective partnerships forged by the Juvenile Court with community resources.

The Juvenile Court will continue to take the lead to source for and to place an array of community resources and community service programmes for the rehabilitative needs of the young people in the Juvenile Justice system. It is also necessary to note that the blend of measures adopted in the restoration process does not just focus on the offender but on the victim and the community as well.

Forging Strategic Alliances With Key Players In The Juvenile Justice Process

As noted by the Honourable Chief Justice, the factors leading to modern juvenile offending and delinquency is complex and multi-faceted. The Juvenile Court recognises that its powers and punishment sanctioned under the statute books can never adequately cope with the issues of juvenile offending. As such, the Juvenile Court is aware of the

necessity to be part of a network which could be in a position to co-ordinate the many policies and programmes among the agencies involved with youths. In such circumstances, the Juvenile Court has taken the initiative to forge strategic alliances with various key players in the Juvenile Justice process. Such key constituents of the Juvenile Justice process would include the schools, youth organisations, police, social service agencies etc.

The Roundtable Committee On Juvenile Justice is chaired by a senior Judge of the Subordinate Courts and comprise members from the police, the Ministry of Community Development, the Ministry of Education, the National University of Singapore and the National Youth Council. Among its proposed plan of action are the following highlighted concerns:

- To sustain the various juvenile restorative juvenile programmes;
- To adapt the various restorative programmes;
- To improve the Police Cautioning system as a viable pre-court diversionary measure;
- To find new forms of rehabilitation and punishment;
- To put in place an array of community resources and community service programmes which may be utilised in the treatment of juvenile delinquents; and
- To stimulate new resources to be provided by the community to the treatment of juvenile delinquents.

This Roundtable Committee has also invited various experts as resource persons such that their experience and expertise on matters relating to juvenile offending and delinquency, particularly on the pro-active or remedial measures can be tapped.

In addition, the Juvenile Court judge also sits as a resource person in the Inter-Ministry Committee on Youth Delinquency, a high level Inter-Ministry Work Group which aim to co-ordinate efforts to keep youths from crime and to rehabilitate young offenders.

Pro-Active Stance In Environmental Scanning, Planning and Implementation

The Juvenile Court is not content to just mete out “knee-jerk” determinations to deal with the young offenders brought into the juvenile justice system by the prosecuting agencies or by parents who are unable to control their wayward children.

The Juvenile Court adopts a pro-active stance in environmental scanning for inputs in devising innovative measures to deal with these challenges. In its scanning, it found in several studies that the root cause driving the young to crime is the lack of quality parental guidance or supervision. The available data also shows that parenting practices are critical to behaviour patterns of the young and the presence of positive parenting would lead to the stronger attachment to the family, lower likelihood of associating with negative peers, higher moral values and more positive values towards authority figures.

The causal factors mentioned above were found to have a strong correlation to juvenile delinquency. Although these factors are clearly beyond the domain of the Courts, nevertheless, the Juvenile Court recognises that it has a part to play and must continue to play its role creatively, despite increasing its workload.

An example of the pro-active stance taken by the Juvenile Court can be seen in the Peer Mediation programme (mentioned above) which has been implemented in selected secondary schools. In essence, this is a preventive programme initiated, devised and implemented by the Juvenile Courts in collaboration with the Ministry of Education. It aims to undercut disciplinary problems before they start by getting specially trained student mediators to manage and resolve conflict before it escalates into behaviour which requires intervention by the schools, police or the courts.

The success of the Peer Mediation programme would of course divert potential young offenders out of the juvenile justice system as an early pre-court diversionary strategy.

Prime Mover For Amendments To Juvenile Justice Legislation

The Juvenile Court has also been integrally involved in committees that have been instrumental in proposing amendments to existing Juvenile Justice legislation.

The Committee To Review the Children And Young Persons Act (1993) was established in 1995 pursuant to the concern of the Honourable The Chief Justice. This was in connection with the increasing number of young offenders and the need to pay closer attention to the treatment of young offenders in view of the constantly changing social and economic conditions of living in Singapore.

The 1995 CYPA Review Committee concentrated its efforts on preventive measures to reduce the incidence of juvenile delinquency. It also focussed its efforts in examining whether the current modes of determinations were adequate. Arising from its study, the 1995 CYPA Review Committee made recommendations for a wider range of sentencing options for offenders who enter the juvenile justice system. Most of the recommendations were accepted and legislative amendments are likely to materialise very soon.

The Juvenile Court was recently tasked to be part of the 1998 CYPA Review Committee to deal with serious juvenile offenders. The report of this Committee has been completed and is currently before policy makers for consideration.

The point to be emphasised here is the pivotal role accorded to the Juvenile Court in our system extends to it being instrumental in initiating legislative changes.

CONCLUSION

The Juvenile Justice system in Singapore has indeed made deep inroads in the management of juvenile offenders. Through time, it has evolved into a developed and sophisticated model that believes in forging strategic alliances with key agencies in the youth justice arena in developing more constructive and creative programmes. The Juvenile Court will continue to take a pro-active stance in devising and dispensing its

blend of innovative measures. The Juvenile Court is also integrally involved in areas that are not traditionally regarded as the domain of the justice process. This pro-active stance is imperative so as to enable it to address not only the rising concern of juvenile crime and delinquent behaviour but also the causal factors related to these in the present and for the next millenium.

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