

**JUVENILE JUSTICE:
A STUDY OF NATIONAL JUDICIARIES FOR THE UNITED NATIONS
ASIA AND FAR EAST INSTITUTE FOR THE PREVENTION OF CRIME AND
THE TREATMENT OF OFFENDERS**

A focus on Singapore and selected comparisons with California (USA) & Australia

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I. SINGAPORE

When Singapore is mentioned in various parts of the world, there are certain predictable responses, often focusing on Singaporean laws or the judicial system. “Oh, the place that makes chewing gum illegal!” or “The country that caned Michael Fey for spraying graffiti!” or “The nation that makes it a crime not to flush a toilet!” However, despite these sometimes amusing though derisive attributions, taking decisive action on minor infractions was subsequently popularized and advocated by James Q. Wilson and George L. Kelling in their 1982 treatise entitled, “broken windows.” Here Wilson and Kelling argued that actually tolerating broken windows will actually result in larger and more extensive crimes. A successful anti-crime strategy is to fix problems when they are still minor. New York City government used much of Wilson’s and Kelling’s theory in “cleaning up” New York streets.

Whatever the end product of “small laws,” Singapore has 12 times the population of Vancouver but just half the crime rate. It is difficult finding many recent international crime comparisons and as researchers know, comparing crime rates is filled with methodological problems. However, in general, in 1993, the juvenile delinquency rate in Singapore was rated at 538 per 100,000 persons whereas Japan was rated 1,220 per 100,000 and the USA 5,460 per 100,000. Similarly, in 1994, property crimes in the UK were 7,107 per 100,000, the USA 4,654, Japan 1,248 and Singapore 874 per 100,000. Finally, a 2004 study by the United Nations on homicide rates found that of all nations studied, Singapore had the lowest homicide rate, and a rate which has been consistently below other nations such as the United Kingdom, the USA, and most European nations.

Anecdotally, many foreign companies find Singapore not only safe but clean and a very open environment for foreign investment and business activities. Singapore is a popular tourist destination, receiving over eight million visitors a year. At just 700 sq. kilometres, and little more than 4.5 million people with no natural resources, Singapore has an annual GDP that competes with leading nations of Europe. This gives it the world’s fourth most competitive economy. The city-state also has a high standard of living, low unemployment, and a literacy rate of 98 percent.

All this despite, or perhaps due to, Singapore’s pluralistic society. In the 2000 census, the Singapore citizen population was 76.5% Chinese, 13.9% Malay, 7.9% Indian and 1.4% others. Since then, in 2007, seven years later, the demographics have changed - foreigners were estimated to be around 25% of the total population and about 30% of the total work force. From Muslims to Western technological companies, from Chinese to Malays to Indians to Japanese to Australians, Singapore is usually experienced as a welcome home to all races, cultures, and religions.

Further, Singaporeans are globally effective, successful in top universities, and the rate of suicide or severe mental disorders is low. Health services are some of the best in Asia. Corruption is rarely heard of.

To what can the “Singapore story” be attributed? One factor is its judiciary which, though maligned by

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pundits, has consistently been rated as one of the best in Asia and in the world. In 2006-2007, the Hong Kong-based Political and Economic Risk Consultancy (PERC) ranked Singapore in the top three positions for judicial systems in Asia, together with Hong Kong and Japan. In PERC's comparative risk report for 2007, Singapore retained its ranking as the overall least risky country in Asia.

The PERC report also pointed out that Singapore and Hong Kong are the only two systems in Asia that have judiciaries which are rated on par with those in developed Western societies. Singapore is also highly rated in matters of judicial independence. There are three essential elements of judicial independence: the courts and individual judges are publicly perceived to be impartial in their decisions; the judicial decisions are accepted by the contesting parties and larger public; judges are perceived to be free from undue interference from other branches of government.

Singapore was also ranked top in another report – the World Bank Worldwide Governance Indicators. This report covers six dimensions, including the rule of law. Among nine Commonwealth countries, Singapore was ranked number three, after New Zealand and Canada.

II. SOCIETAL “ANOMIE” VERSUS SHARED MORAL VALUES

It might be argued that crime deals with violations of laws, and that laws reflect prohibitions against a breach of human relationships as well. For example, assault is essentially an attack on another's physical body. In the case of protection orders, even emotional abuse of a family member can be considered grounds for a legal order. Child protection is a defence against adults neglecting or abusing a much weaker, defenseless child; divorce matters are considerations of the disintegration of marital relationships and the consequences on children and property; theft in dwelling is the unlawful entry into another's personal/professional building or living quarters for the purpose of stealing their property; rioting or unlawful assembly is the gathering of individuals with the collective intention of doing harm to someone.

In this sense, justice is not just an abstract concept, but the rectification of or recompense for interpersonal wrongs. Crime rates thus reflect not simply matters of rules and regulations, but the violation of societal norms, interpersonal values, and principles governing behaviour and the treatment of other citizens within a given nation. At one extreme, there is what this author has termed, “*anomie*,” the breakdown of moral values, the absence of interpersonal connections, the development of purely self-centered, hedonistic, developmentally immature patterns of behaviour which lead to random acts of violence and suicide. Nineteenth century French sociologist Emile Durkheim discussed “*anomie*” in relationship to suicide which reflected an absence or diminution of standards or values, a “normlessness,” alienation, purposelessness and in a moral sense, a lawlessness. Durkheim argued that societal “*anomie*” rather than negative events in an individual's life, led to suicidal behaviour. He also argued that it was religion which provided the shared moral values to counter-act *anomie*.

Contrary to *anomie*, or a society of alienation, is a society of low crime and high interpersonal care and concern. This is a society which not bred of retaliatory rules nor simply reduced to fear of legal sanctions, but steeped in the heart of the citizens - a high regard for interpersonal and familial connectivity.

Even though Singapore is a multi-cultural, multi-religious, multi-ethnic society, commonly shared high religious and cultural moral values are integrally woven into a judicial system of high standards of justice, integrity, and fairness. This is the Singapore model.

“The time has come for the Court to develop a new family and juvenile justice pathway...(taking) an integrated approach to tackling the problems of marital breakdown and poor parenting, which in turn lead to problems of juvenile delinquency, and, in a vicious circle, lead to problems of marital breakdown and poor parenting in the next generation...” The former Chief Justice of the High Court of Singapore, His Honour, Chief Justice Yong Pung Howe Jan 2002.

Reparation is not so much an execution of legal rules as rectification of human relationships gone awry and the violation of cultural, moral and religious values. This is reflected in the characteristics of court users. Somewhere, there has been a wrong against another, whether actual, perceived, or even imaginary.

Somewhere, there is usually an interpersonal conflict, often between neighbours, friends, and family members. In courts we often find:

- seemingly intractable disagreements
- acrimonious confrontations
- emotions that have gone out of control
- interpersonal traumas
- revenge, lack of forgiveness, retaliation
- dysfunctional families
- addictions
- violence
- generational cycles
- societal “*anomie*”

As the Chief Justice of the High Court of Singapore has reflected in the above quote, this requires an “integrated pathway,” one which is legal but also informed and in dialogue with the social sciences - psychology, social work, counselling, social science research, forensic science, sociology. No prison term, however restrictive or lengthy, can, in and of itself, deal with lack of forgiveness, post-traumatic stress disorder, suicidal ideation, drug addiction or chronic, impulsive violence. The rate of recidivism will always be extremely high when simple punitive approaches based on deprivation of key familial and community interpersonal relationships is seen as a solution crime which is largely interpersonal in nature.

III. REDEMPTION VERSUS RECIDIVISM

In sum, the courts of Singapore are of the belief that courts are not dealing simply with complex legal matters but with complex human relationships within an overall context of societal values based on religious and moral traditions. It is not recidivism which is the touchstone of Singaporean justice, but rather the redemption of individuals from lives which violate high norms of interpersonal behaviour.

As a relatively “new” nation, Singapore is rooted in shared values, a common sense of justice based upon the vibrant cultural, ethnic and religious values of its citizens, including a high value placed on interpersonal harmony within a diverse, multi-cultural context. Thus, a foreigner in Singapore comes quickly to learn that, Singaporeans do not allow child abuse or rape to take place despite what may have been the norm in an individual’s homeland. Further, revenge and retaliation are not high moral values in Singapore. Confucian values of families and home, of respect for the elderly and for parents, of honesty over corruption, of achievement over cronyism, of honesty over cheating, of respect for the lives of all people whether adult or children, male or female, or of a different religion, race, or culture, prevail. Foreigners are treated with dignity and people of other skin colour, religions or cultures are respected rather than denigrated.

To visitors from many other lands, this feels like “over-control.” “Doing your own thing” and “freedom of expression,” related to “indecent” actions are not permitted in Singaporean society which still exercises censorship, demands modest dress codes of all students, and respect for teachers and elders. There is an Islamic Sharia Court which operates in specific matters pertaining to Islamic families and many of the Muslims in Singapore insist on conservative values and morality. This is supported by a conservative evangelical Christian community as well.

The courts of Singapore are rooted in English law and as a former Crown Colony, Singapore’s system of law seeks to be impartial, denoting the absence of bias or prejudice in favour of, or against, particular parties or classes of parties. The courts seek to maintain an open mind in considering all issues. In this sense, the judiciary is also independent, reflecting reasoning which does not manifest discrimination, prejudice or influence through outside/social contacts.

Thus, juvenile justice within Singapore reflects not just a system of laws, but norms and values related to interpersonal connectivity, such as honesty, mutual respect, protection of weaker, more vulnerable individuals (e.g. children or women) from perpetrators of crime, restitution, restoration, respect for authority and family, yet prohibitions against interpersonal abuse or neglect, rights of advocacy, equality under the law, freedom from corruption or outside influences, integrity of action, objectivity, and as

mentioned above, judicial impartiality. The yardstick of success is not merely less recidivism but the redemption of individuals.

IV. CONVENTIONS RELATED TO JUVENILES AND CHILDREN

Within these high societal moral and legal values comes a basic regard for vulnerable citizens, in this case, children and juveniles. Presuppositions regarding children and juveniles set the stage for juvenile justice. The definitions of "child" or "juvenile" establish judicial norms.

Nowhere is the redemption of individuals more highlighted than in Singapore's juvenile justice system. In Singapore, the presupposition is that anyone who is broadly a child/juvenile/young person is not an adult and therefore requires assessment, treatment, protection, and sentencing which may be "special," meeting their particular needs and protecting them as they are especially vulnerable or developmentally less mature. This is in keeping with international conventions.

Following the Convention on the Rights of the Child (U.N., 1989), United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") adopted by General Assembly resolution 40/33 of 29 Nov 1985, children must be "dealt with for an offence in a manner which is different from an adult. Thus, the age at which an offender is considered a "child" is important.

Further, the "United Nations Rules for the Protection of Juveniles Deprived of their Liberty" adopted by General Assembly resolution 45/113 of 14 Dec 1990 reads: "*Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.*"

In examining this matter, it appears that most nations consider those under 18 to be a "child," but the application and exceptions makes this a complex matter indeed. For example, in the USA and Australia, the age range (low end of accountability for crimes committed and high end for transition to adult status) is 10-18 whereas for Singapore it is 7-16.

Some considerations include:

- At what age is a person held "criminally responsible"?
- Is there a "presumption against" criminal responsibility?
- Is the age of criminal responsibility different from international, cultural or "legal" norms of the age at which a child becomes an adult? (e.g voting, smoking, driving, enlisting in military, etc.)
- What is the person's developmental/psychological maturity (i.e. is someone who is of "low functioning" mentally to be considered an adult)?
- What is the age at which a person develops "sufficient maturity of understanding"?
- At what age does a person develop adequate "moral reasoning" or "moral accountability"?

Thus, superficially, Singapore appears to be less juvenile friendly than California. However, in Singapore, though the lower age limit is seven, rarely is a child below ten considered to be of "sufficient maturity of understanding" to be charged as a juvenile so the net effect is that the age of actual criminal responsibility is around ten. On the other hand, though California law highlights 18 as the upper age bracket for juvenile offenders, in fact, someone who is 14 can be tried as an adult for many crimes (e.g. robbery with a weapon, crimes with guns, drug crimes, escaping from detention, etc.), making California's effective upper limit 14 rather than 18 in some cases. Due to some high profile crimes, the slogan in the US became, "adult crime, adult time," and these "super-predators" who were juveniles, were tried and sentenced as adults. As will be discussed below, Singapore has formed a new court, the Community Court designed to provide more rehabilitative practices for offenders even up to age 21!

In point of fact, paradoxically to some, but actually quite predictably, according to Amnesty International, since 1990, the United States has had one of the highest rates of "executions of child offenders" in the world (along with China, Iran, Saudi Arabia and Pakistan). Thus, despite the 18 year upper limit, even young offenders are "executed" for crimes in the U.S.A. Singapore has executed no juveniles.

V. JUVENILE COURT SYSTEMS

Discussing or comparing juvenile justice systems is therefore fraught with complexities, and perhaps only broad strokes can be used. For example, an examination of the overall crime rates, incarceration rates, and recidivism would yield some comparisons. Reforms and innovative (and successful or unsuccessful) programmes and “best practices” are worthy of consideration.

For example, as California led the USA in juvenile arrests and incarceration in 1997, the severity of problems was immense. California then proceeded with a series of reforms including disposition planning processes, treatment of juveniles by multi-disciplinary teams, the provision of aftercare, reintegration through “step-down” facilities and graduated sanctions for parole violators, more mental health services, improved conditions at detention centres, risk assessment, and community-based youth crime and violence prevention programmes. In 2006 in California and across the USA in general, the rate of juvenile violent crime arrests has consistently decreased. In California, crime went down 46% from 1994 to 2005.

Yet on 26 April 2008, the *San Jose Mercury News* (California) published a scathing indictment of the juvenile justice system in California, alleging, among other things:

- Abused/neglected children not adequately dealt with
- Poor legal representation
- “Broken Families, Broken Courts”
- Lack of youth offenders programmes, inadequate mental health care, drug treatment, and limited care for teenage girls
- Public safety is at “risk”
- Poor judicial leadership
- Poor resources for youth offenders
- High caseloads and overly superficial court proceedings
- Incomprehensible language in courts.

What then causes a juvenile justice system to fail? Conversely, what are some of the attributes of successful systems?

1. National legislation governing and mandating special treatment for juveniles with specific delineation of ages at which they are criminally responsible for crimes and the upper limit at which point they are charged as adults.
2. Community-based diversionary programmes which are “upstream” and designed to deal with “at-risk youth” in lieu of having them charged in the juvenile justice court system, making the assumption that juveniles may be “adolescence-limited” offenders passing through a developmental stage of maturation.
3. Specialized courts dedicated only for children and juveniles including procedural safeguards which differentiate juvenile court processes from adult criminal processes to minimize stigma and ensure the consideration of developmental needs and restorative practices.
4. Broad-based scope of legal handling of children and juveniles involving not only juvenile arrest cases, but child abuse and protection, child victims of family violence, personal protection orders, child responses to acrimonious divorces which places them at risk, custody evaluations, and status offenders (or “beyond parental control” cases).
5. Separating juveniles who commit crimes from children who are victimized, abused, or neglected; providing special, non-stigmatizing courts and treatment for children who are abused, neglected, rejected, and who suffer the fallout of adult criminality, broken relationships, and pathology.
6. Holistic and integrated, inter-disciplinary treatment of offenders, including family therapy, treatment by psychologists, social workers, counsellors, lawyers, medical/psychiatric care for mental health matters and medication, community intervention specialists, and judicial officers. The development of and working out of “treatment plans” based upon “risk assessment instruments.”

7. Graduated dispositional orders (“sentencing” in adult terms) including various degrees of probation options in order to differentiate between offenders and ensure that juveniles are given every opportunity to reform within home and community settings rather than in custodial centres.
8. In-court programmes and specialized treatment such as restorative family conferences, risk and treatment assessments, specialized social science consultations, and counselling services.
9. Treatment options including custodial sentences but which may have a variety of potential dispositional orders such as counselling for the juvenile and parents, community service, workshops on such matters as smoking cessation or violence prevention, theft intervention, and the development of pro-social relationships.
10. Specialized detention facilities which are designed to accommodate juveniles (and not adult prisoners), providing less obviously criminogenic surroundings and exposure to hardened criminals. These facilities provide educational and vocational training opportunities, religious and moral education, restorative practices, and counselling opportunities.
11. Community-based integrated and collaborative services involving family services/counselling centers in local communities, co-operation with schools, police involvement, employment, and management of dysfunctional families in the community. The belief that “It takes a whole village to raise a child.”
12. Systems integrating the “state of the art” in terms of social science applications including forensic assessments, case planning, counselling and group work, and rehabilitative practices.

VI. SYSTEMIC VALUE SYSTEMS AFFECTING JUVENILE JUSTICE

Having visited the juvenile justice systems of Australia and Japan, having been raised in California (and with a daughter who is an Assistant District Attorney in California) and having worked in Hawaii, and finally, being a court psychologist in Singapore, has given me the ability to offer very rough comparisons between different nations. What appears to be one way of studying nations is not just examining the mechanisms of juvenile justice but the fundamental underlying values in each nation regarding crime and young people.

The following are impressionistic rather than factual, yet offered as potential comparative descriptions of national landscapes. Certainly warranting a much more in depth analysis, one might offer some of the following quick comparisons:

A. USA (California)

America, and certainly California, one of America’s most prominent and populous states, is a nation which explicitly promotes “freedom” and the “pursuit of happiness.” Divorce rates are high, people often live together without being married, juveniles often have access to lethal weapons (reflecting the “right to bear arms”), drugs/alcohol, violence and sexuality are graphically depicted in the cinema and media, racial and ethnic inequalities are deeply rooted, and poverty remains a salient problem. Reacting to high crime, gang violence, broken families, and murder as major issues in inner city California, especially amongst Hispanics and African-Americans, the juvenile justice system has often become punitive. In America, incarceration rates are high. One recent response to waves of juvenile gang crimes in California has been to maintain public safety by placing offenders under the California Youth Authority (CYA) and placed in detention centres. However, it should be noted that for every 1,000 youth cited by police only six will be placed on formal probation and one referred to CYA. Many are released without adequate rehabilitation.

B. Australia

One Australian juvenile court judge said to me recently, “We are a Commonwealth nation, much like the UK, but we are sliding towards America!” Indeed, in my visit in May 2008 to the courts of Australia, I noted that they too have a high divorce rate (one judge estimated 40%), broken families, inequalities (especially, according to judges, regarding the “aboriginal” peoples), drugs/alcohol, and family violence. However, they have much tighter gun control laws than in the USA, an absence of flagrant sexually explicit/violent drama or media, and a juvenile justice system which is rarely punitive but much more focused towards rehabilitation. The nation has very exceptional training for social workers, psychologists, and other helping professionals,

substantial insurance support for counselling, and a high judicial regard for the role of psychologists and mental health professionals within the court itself (or under the Attorney General's Office). Mental health teams, court "consultants" and case workers are actively involved in their court processes. Australia also appears not to have the same major divide between rich and poor as in America; it appears to be a strong welfare state, providing quite amply for the less fortunate.

VII. JUVENILE JUSTICE IN SINGAPORE AND "PRAGMATISM"

Singapore is known as a "pragmatic" society, governed by individuals who are less concerned with philosophy or politics than whether a policy operates in a positive and effective manner. Thus, despite international derision over "chewing gum," "no-spitting," "no-littering" laws, it saves millions of dollars annually from having to clean up public facilities from various forms of problems. The public transportation, irrigation, road pricing, educational system and retirement "schemes" are all based upon what has been effective in other nations. These policies are subsequently adapted to local needs and norms.

Similarly, the juvenile justice system is based upon what works (what we today might call, "best practices") in other similar nations. Much has been adapted from Hong Kong, Canada, the United Kingdom, Australia, and other Commonwealth nations with similar legal systems. Singaporeans are always eager to import "expert consultants" from nations whose systems are effective to "teach" the local government and equally are very quick to even instantaneously adapt the new learning. Thus, although there are many aspects to the juvenile justice system of Singapore, the following are not always "innovative" or "unique" to Singapore, but adaptations of successful systems of other nations. As a partial result of this system, crime rate is one of the lowest in Asia, indeed, in the world, violent crimes are low, murder is rare, mental health disorders and disabilities are dealt with, schools are relatively orderly and free of gangs, violence or severe bullying, and general youth in the nation are polite, decently dressed, and genuinely have "pro-social" attitudes.

VIII. SINGAPORE: MENTAL HEALTH DISABILITIES / DISORDERS AND CRIME

To make this matter concrete, let us examine a recent issue under national scrutiny: mental health disabilities and disorders. Although the overall numbers of mental disorders appear to be about 16% of the population (Changi General Hospital study, 2006), this number may be similar to the United States in which about 22% suffer from mental disorders or substance abuse disorders. If substance abuse disorders are added to the 16%, it may come up to about 20%, which is similar to US figures.

But in Singapore, the "stigma" of mental disorders is greater than in the USA. More than one in three Singaporeans believe that the mentally ill are "dangerous" and almost half the population believes that the public should be "protected" from those with mental problems (Straits Times, 29 Oct 07). This becomes increasingly problematic when psychiatric disorders are clearly related to criminal arrests. One of the seminal studies was done by Joan McCord and Cathy Spatz Widon in *Juvenile Crime, Juvenile Justice* (2001) in which they studied various research and concluded that psychiatric disorders are 3 – 5 times higher in incarcerated juveniles than in the normal population. Many juveniles naturally have conduct disorders, but members of those with depression are also high. This study did not include personality disorders. In Singapore, as well as in other nations, if we include those with developmental delays, mental disabilities such as low intelligence levels, the number of complaints, arrests, and charges (not necessarily incarceration) figures related to mental problems would be very high indeed.

How does Singapore confront the issue of mental health and juvenile crime? First, in Singapore, the problem must be identified, which has been done, statistically as well as anecdotally. Then, psychiatrists, psychologists, social workers, counsellors, were hired to deal with the problem. In the mid-1990s, the Ministry of Community Development (the main social welfare arm of the government) began the Psychological Services Unit (PSU) under the direction of a clinical psychologist, Dr. Ozawa. The unit began assessments of child abuse and especially of juvenile arrest cases brought under the purview of the Probation Services Branch. Pre-treatment assessments which helped to formulate rehabilitation programmes in the Singapore Boys/Girls Homes (the basic youth institutions for custodial sentences) were implemented.

In approximately 1999-2000, the government began a further step under Dr. Ozawa by beginning psychological services within the court system. The full integration of psychological and mental health services within the justice system is something also found to be efficacious in Canada, Hong Kong, and Australia. A team of psychologists, social workers, and counsellors were hired to deal with cases involving family law, domestic violence, child abuse/protection and juvenile arrests.

In 2005-2006, the mental health screening, assessment and referral services (as well as coordination with the government's Institute of Mental Health and Prisons Department) was been further expanded to 16-18 year old offenders under the newly formed Community Court which in various ways also now acts as a "mental health court" (a model found in United States jurisdictions as well). In 2008-2009, the age range was expanded to 16-21 years of age as this age cohort is often the genesis of subsequent criminal behaviour. New criminal laws, including a "Mandatory Treatment Order" (MTO) in which young offenders with mental disorders can be involuntarily placed for treatment (for any recommended disorder or offence) and counselling/psychotherapy/medication are under consideration. This will reduce the incarceration of such offenders, and lead to a panoply of community treatment options.

Under the "Community Court" (as it involves the collaboration with community family service centres, hospitals, and mental health treatment facilities), the courts are now focused on reducing crime even further by treating and rehabilitating youth offenders with mental disabilities and disorders in a holistic, community and family-based system. As in most issues in Singapore, the true test will be not only the reduction of recidivism rates, the longitudinal success of MTOs, and the overall reduction in youth crime but additionally whether the people of the nation are more resilient, productive, prosperous, embracing of others, even more altruistic. This requires a revolutionary re-definition of justice outcomes.

IX. SINGAPORE JUVENILE JUSTICE PRINCIPLES

A. Deterrence versus Restoration

The pendulum of juvenile justice appears to swing to and fro in various nations depending on the juvenile crime rate and the public outcry; there also appears to be "politically correct" language and theoretical concepts, often in conformity with international norms. In Singapore, the pendulum does not swing very wildly in any direction; rather the Confucian notion of "balance" is often applied.

Part of the movement of juvenile justice, in Singapore and in many Commonwealth nations, in the last decade has been in utilizing concepts such as "transformative," "therapeutic" or "restorative" justice - indicating that the judicial process is a broad process meant to rehabilitate and reform the wayward juvenile, to reconcile broken relationships and promote forgiveness, and to support the notion that much juvenile crime is "adolescence limited," behaviour linked to a developmental stage which will pass with maturity and time.

On the other hand, Singaporean juvenile justice is equally concerned with protecting the public and with dealing proportionately with "life course persistent" offenders, those who are more "incorrigible" (to use Western terminology), less prone to reform or restoration. In this sense, severity of offences, protecting the public (esp. more vulnerable youths and students), deterrence (i.e. sending messages to peers), redressing wrongs, providing restitution and compensation to victims are also salient objectives of the juvenile justice system in Singapore. It is essentially a balance.

B. Defining "Child" and "Juvenile"

The juvenile justice system of any nation is reflected in the legal definitions of "child" or "juvenile." Further, this is not only reflected in the actual legal definition but also in the practice of the law (especially in the "exceptions" to the law). A highly punitive system might prosecute children at a young age and hold them accountable as adults at an early age as well. On the other hand, a more permissive system might not prosecute children until they are adolescents and maintain more protected status for young people until they are much older.

In Singapore, a "juvenile" is defined under the Children and Young Persons Act as a male or female person who is above seven years of age and below the age of 16. As many Western jurisdictions have the base age at ten years of age and the upper limit as 18 years of age, Singapore's law would seem at first

blush to be unduly punitive of juveniles. However, the “practice” of the law is such that rarely is a child under ten ever prosecuted in Singapore due to the “presumption of insufficient maturity of understanding.” Thus, without the maturity or cognitive ability to understand right from wrong, to understand the charges or indeed the crime itself, young children are not prosecuted. Further, rarely are exceptions made so those under age 16 are rarely prosecuted as adults. Finally, Singapore has instituted a Community Court in which offenders 16-21 years of age are given special consideration in terms of treatment, rehabilitation, and sentencing. In fact, compared with say the United States where offenders as young as 14 can be prosecuted as adults and where even those who are 17 can be subsequently executed for their crimes, the Singapore system is actually considerably more restorative than the system of say, Texas.

X. SINGAPOREAN JUVENILE JUSTICE PRACTICES

A. Courts and Detention Facilities

As in most jurisdictions, Singapore has established a separate court to handle juvenile cases (Children and Young Persons Act, 1993). The Juvenile Court is housed in a separate building from adult criminal cases, surrounded with more comfortable surroundings, and has no open gallery for the public, thus protecting the confidentiality of the identities of juvenile offenders. If being brought from remand, the juvenile offenders are brought to court through corridors and passageways where their identities cannot be revealed. All matters before the Juvenile Court are held in confidentiality and the press is forbidden from using any names of juveniles in their reports.

Equally, the detention facilities, often called “correctional institutions” in many American jurisdictions, are called, “Boys Home” or “Girls Home” in Singapore, helping to reduce stigma. Further they are not “sentenced,” but have a “dispositional order” passed.

Of critical importance is that rather than having routine litigation with legal representation (though engaging legal counsel is an option for all cases), the juvenile can be represented by his/her parents. Parents are given the right to stand with their children in court, offering whatever “mitigation” or “representations” might normally be offered by a legal counsel. They are brought into Juvenile Court Conferences (see below) and are usually asked to offer their input in such Conferences regarding the proposed dispositional order. This is highlighting the importance of parental involvement in the restorative process of juveniles. This differs markedly from a nation like Australia in which parents are not routinely involved in the sentencing of juvenile offenders for in Australia, juveniles are seen as quite independent and free from parental constraints.

B. Community-Based Involvement

With a diversity of universities, many of which are related to foreign universities, a broad spectrum of trained social workers, psychiatrists, psychologists, and counsellors, with extensive multi-cultural, multi-religious, and multi-ethnic range of family service centers which provide counselling, social work, psychological and consultation services to families, and with a government which actively seeks to develop a justice framework informed by the social sciences, research, and “best practices” in medicine, psychiatry, and psychology, Singapore provides a fertile context for the growth of community-based treatment for offenders and families.

The military, police, prisons, social welfare agencies, Ministry of Education and courts all have psychological services units, and private practitioners in psychiatry and psychology can be found in every medical hospital. Every school has a counsellor and referral network to psychologists. There is an extensive department of forensic psychiatry and a developed addictions medicine department at the nation’s Institute of Mental Health.

1. Ministry of Education: Counselling Services & Restorative Counselling

Through the Psychological/Guidance Services Branch of the Ministry of Education (MOE), the schools attempt to identify at-risk cases throughout the nation. Besides obvious “at risk” behaviour, conduct disorders, and attention deficit disorders (ADHD), the MOE has a very targeted programme to deal with depression and suicidal children and youth. Teachers and school teams under the supervision and training of the Psychological/Guidance Branch can be rapidly mobilized to deal with school crises and suicidal matters.

The Psychological/Guidance Services Branch has also been instrumental in developing a nation-wide "Growing Years" programme aimed at providing education and guidance regarding teenage sexuality, thereby reducing moral danger, and risky sexual activities.

Finally, the MOE has begun a new series of family counselling initiatives based upon the Subordinate Courts' Juvenile Court Family Conferencing model. Trained by Australian psychologists, school personnel and external community agencies team up to provide "restorative justice family conferences" whereby school officials, mental health professionals, and family service counsellors meet with family members, students, and related parties to deal with infractions of school rules such as violation of dress code, truancy, theft, bullying, smoking, etc. In this manner, the school becomes the frontline for intervention and treatment of "at risk" juvenile delinquents.

2. Singapore Police Force's "Guidance Programme"

Besides the schools, the other "front line" dealing with "at risk" juvenile behaviours is the Singapore Police Force. Whereas in years past, the police issued, "cautions" or "warnings," then ended up arresting and charging youth who did not heed their "warnings," in 1997, the police joined with the Attorney General's Chambers (AGC), the Ministry of Community Development, and social service agencies, to form the "Guidance Programme" (GP) for youth offenders.

When a juvenile is first apprehended for committing a minor crime (often such as shoplifting/shop theft), the police will "divert" the juvenile into GP to provide:

- Counselling for juvenile
- Counselling for parents/families
- Group work
- Visits to juvenile's home
- Family camps
- Community service
- Training on self-control, taking responsibility, life skills, etc.

GP has been extremely successful and the re-offending rate has been reduced from 33% to 10%.

Due to this notable achievement, GP is now being expanded by:

- Extending the age of GP candidates to offenders 16-19 years of age in keeping with the new Community Court expansion;
- Extending to intellectually/mentally disabled offenders, Developing "risk assessment" evaluations in order to "tailor" programmes for different types of offenders;
- Using outdoors activities, treks, climbing, etc. for offenders' rehabilitation.

3. "Streetwise" Programme of Family Service Centres

Some family services centres which offer low cost treatment to individuals and families in various Singapore communities specialize in youth programmes. As a result, the "Streetwise" programme was started for youths who have unwittingly drifted into gang involvement. It is an intensive six months structured programme that incorporates elements of peer support, counselling, recreation and academic activities in order to "turn around" youths before they become more entrenched in anti-social gangs, violence, and theft.

4. Singapore Children's Society Diversionary Programme

Singapore Children's Society (SCS), an NGO, is one of the most active community agencies in Singapore and has a special focus on juveniles. When a juvenile is below the age of 16, they can be brought before the Juvenile Court for a "Beyond Parental Control" (BPC) application (also called "status offenders" in American jurisdictions). In Singapore, the most common behavioural manifestations of BPC are:

- Defiance towards parents
- Running away from home

- Keeping late nights
- Playing truant
- Gangsterism
- Vice, drug taking
- Moral danger

Of these, a large percentage are related to females who defy their parents, run away, and become involved in sexual activities at a young age. Due to the Internet, the number of such females “at risk” is certainly a matter of grave concern. In order to deal with these BPC cases as diversionary (in order to prevent them from coming to court), SCS has the following programmes:

(a) Beacon Works

The objective of this six month diversionary rehabilitative programme is to help the youth and families stabilize existing behavioural problems that endanger the cohesiveness of the family unit. Individual and family counselling is critical to this process. This is a programme which requires voluntary admission on the part of both the parents and child and Beacon Works is suggested before a Beyond Parental Control complaint is applied for in Juvenile Court.

(b) Round Box

Round Box is a drop-in centre targeting youth-at-risk through a variety of performing arts programmes. At this centre, youth are able to express their creative energies, learn new skills as well as make new friends through activities such as dance, drama, puppetry, mime, circus and music. The classes, conducted by professional trainers or volunteers, are offered at no charge to these youths.

XI. JUVENILE JUSTICE CONTINUITY

One of the most significant movements in the Subordinate Courts of Singapore has been the recognition that many families have multiple applications in various courts over time - such as divorce, custody, access, maintenance, family violence, juvenile arrest, and adult criminal arrest cases all in the same family. It is this “dysfunctional” family which needs to be dealt with, not in a piecemeal fashion, but “holistically,” in an “integrated” manner. This is the original intention of what in other jurisdictions has been called the “unified family court.” It is recognized that a young boy who enters the system as a child protection case can become a “beyond parental control case,” then a “juvenile arrest case,” and then an adult “criminal offender.”

Thus, besides community-based or early intervention programmes, the court deals with juvenile crime in both a preventive, “pre-emptive” manner and in a current, even “prospective crime” evaluation.

A. Children Care Court (CCC)

Recognizing that dysfunctional families affect even the youngest children, CCC was set up to deal with care and protection cases. In addition, if there are applications for Protection Orders on behalf of a child or a custody case in which child abuse emerges as a potential issue, these cases can be referred to CCC for disposition. Exploitation of children, girls in moral danger, child abuse/neglect, emotional/psychological abuse, are all dealt with in order to stop “upstream,” cases which could one day evolve into juvenile or adult criminal cases. BPC are also handled in this court as BPC children and youth are not actually charged with any criminal activities.

B. Children Care Court (CCC) Clinic

The CCC Clinic is headed by a psychologist and assists the court in its functions. The Clinic assesses cases as they arise initially in a “triage” function, then refers the cases to the social welfare ministry (MCYS) for in depth assessment, evaluation and action. Under the direction of the CCC judge, the Clinic staff also hold conferences with parents and families whose children are placed under care and protection to facilitate the eventual reintegration of the child into his/her nuclear family.

C. Family Transformation and Protection Unit

The genesis of juvenile delinquency is often through the door of extreme family violence. Such cases often come through the Family Court at the Family Transformation and Protection Unit (FTPU). These family violence cases (which are related to application for Personal Protection Orders/PPOs) can sometimes

be sent for Family Justice Team (FJT) meetings in which issues are dealt with in a holistic manner through mediation and counselling.

D. "Beyond Parental Control" (BPC) Cases

When young people finally begin to exhibit signs of pre-delinquent behaviour, it can be uncovered by the schools (in which case, the Ministry of Education takes active steps described above) or it is manifest in defiance and wayward activities at home. When the juvenile is below 16, they can be brought to Juvenile Court by his/her parents who can "lay a complaint against them." The complaints are enumerated above. If diversionary programmes are not effective, then these BPC cases are placed under the supervision of Singapore Children's Society case workers who provide not only structured supervision, but counselling and alternative programmes. The BPC child can also voluntarily be placed in a more structured environment, a religious institution, or "home" which provides 24 hour supervision and monitoring as well as rehabilitative programmes.

XII. JUVENILE ARREST CASES

The Juvenile Court is the "last stop" for recalcitrant offenders. Usually, all the above options have been exhausted. Most juveniles charged with a crime such as shop theft or rioting have probably committed such offences many times before but were not apprehended or were "given another chance" by upstream agencies eager to "divert" such wayward youths from juvenile homes (i.e. detention facilities). Yet, when juveniles victimize others, extort money from their fellow classmates by force, intimate or physically assault others (often for "just staring the wrong way"), then the juveniles are usually charged in court. These are not mild offenders, but those who flagrantly defy school authorities, show no responsiveness to supportive counselling, and consistently thumb their noses at devoted teachers and caring parents. Many are indifferent, complacent, and appear before the Juvenile Court judge with a "chip on their shoulders" and sporting dyed hair grown too long for school codes. They even stand indifferently in court.

The "wonder" of Juvenile Court is the wide array of options available to the Juvenile Court judge - from very mild orders to an order of three years in the Singapore Boys/Girls Home (i.e. custodial sentences). If of the appropriate age, they can even be sent to adult prison (to the Reformatory Training Centre, which is the institution within the adult prison for young offenders).

A. The Pre-Sentencing Report of the Probation Service

Upon being charged, the Ministry of Community, Youth and Sports (MCYS) will have a probation officer investigate the offender's background. This thorough analysis includes interviews with the offender and his/her family, school reports, psychological testing for risk and protective factors, and forensic assessments for the development of subsequent care plans. Psychiatric mental assessments are also available from the Child Guidance Clinic if needed. If the offender is found suitable for probation, he/she is then supervised for various periods of time with time restrictions, a community service order, and other measures.

Additional orders might include: parental bond to exercise proper care and guardianship (i.e. if the parents fail to participate in the rehabilitation process they can be fined); Theft Intervention Programme (TIP); Smoking Cessation Programme; Mandatory Counselling Order for the parents or family to get counselling and a bond to complete the counselling process; a visit to the Singapore Boys/Girls Home to see what a custodial sentence can be like; electronic tagging to monitor a boy's/girl's movements.

If the offender's profile and PSR indicate more severe pathology, an offender can be sent to an "open" institution where schooling can take place under a more regimented and structured "home." And finally, if the risk level appears to be high and the rehabilitative potential low, an offender can be placed in a custodial institution and older offenders can even be sent to adult District Court where they can be sentenced to the Reformatory Training Centre (RTC) in Changi adult prison for up to four years.

B. Restorative Processes through the Ministry of Community, Youth and Sports

Once an offender pleads guilty or has been found guilty, he/she is either placed on probation or sent to various approved institutions and schools depending on the dispositional order. Some may be closed institutions, other open, some related to religious education and others secular.

Within each institution there are case managers, social workers, and usually access to psychologists and psychiatrists as well. In all institutions, intakes are assessed and care plans developed. Case management might then include participation in such programmes as theft intervention programmes, anger management, “Positive Adolescent Sexuality Treatment” (PAST) for juveniles who have offended in crimes related to sexuality, moral education, and religious education in an offender’s chosen religion. In the Boys and Girls Home, there is also vocational training, education, special programmes for mental disabilities, drug and substance abuse counselling, and programmes and workshops for the parents of offenders.

XIII. JUVENILE COURT PROCESSES AND PROGRAMMES

A. The Family and Juvenile Justice Centre (FJJC)

The Family and Juvenile Justice Centre (FJJC) is the joining together of several court support arms related to the social sciences within the judicial system. Consisting of psychologists, social workers, and counsellors, the FJJC provides staff for support services for the courts including: intake and assessments of family violence applications; assessments of juvenile offenders; conducting of Juvenile Court family conferences (below); mediation and counselling of Family Court cases of divorce, custody, and access; consultations in Children Care Court cases involving child abuse and neglect; Child Care Court conferences; operation of Family and Juvenile Court programmes.

B. Juvenile Court Conferences

Under the Children’s & Young Persons Act of Singapore, the Juvenile Court Magistrate is empowered to convene “family conferences.” Not to be confused with family group counselling sessions, these special Juvenile Court Conferences are legally convened with powers which can lead to “formal cautions,” assignment/recommendation of community service, compensation for damages, mandatory counselling orders, and in most cases, recommendation to the Juvenile Court Magistrate of relevant dispositional orders. Conducted in a room adjoining Juvenile Court and in cases where a young person is held on remand, adjoining a “holding” room for juveniles brought over from remand, these meetings are usually “pre-sentencing” conferences immediately preceding open court final sentencing orders. They are formal and consist of a court representative, the social welfare officer, offender, parents, and often many others involved such as school officials, investigating officer, psychologists, and social workers. The sessions are a mixture of judicial mediation, problem-solving, advocacy and often confrontation of offender and/or parents with regard to their behaviour which may impede rehabilitation.

One variation of Juvenile Court conferences is “HEAL” conferences (“Healing, Empowering And Linking”). These are specifically dealing with cases where victims may be involved. The primary focus is NOT the offender, but rather the best interests of the victims. Reconciliation may take place, but only if it furthers the best interests in the eyes of the victim. Restitution, compensation, apologies from the offender and his/her family, are common results of HEAL conferences. If the victim chooses to do so, he/she can confront the offender. If the victim does not want a face-to-face meeting, “victim impact statements” are taken and presented. A special MCYS team prepares the victims and follows up with them to ensure that they receive maximum care and support in the process.

C. Juvenile Offender Behaviour Scale (JOB)

Developed with international consultation and using portions of assessment tools developed abroad, the Juvenile Offender Behaviour Scale (JOB) is used as a judicial tool. It is a “reference” tool and though it has numerical figures and guidelines, it is used as seen fit by the magistrate. Some magistrates use it as a general guide whilst others may ignore it entirely. Based upon risks and needs assessment and developed with local norms and input (e.g. with input from Singapore police, detention home staff, probation officers, psychologists, judges, and court advisers), the JOB provides an actuarial tool derived from the Pre-Sentencing Report (see above PSR). The JOB has been used for over five years and has been shown to be accurately predictive of breach patterns.

D. Panel of Advisers

The Panel of Advisers are nominated by the Ministry of Community Development Youth and Sports (MCYS) and appointed by the President of the Republic. They are esteemed members of the community who participate in an advisory capacity to the Magistrate of the Juvenile Court. They come from a variety of backgrounds: school principals, community leaders, psychologists, professors, and business people, etc. and

provide the Juvenile Court with a perspective which reflects the interests and values of the community at large.

E. Other Juvenile Court Related Programmes

Various other Juvenile Court programmes have been developed in collaboration with outside NGOs and agencies to enhance and complement the work of Juvenile Court. They are monitored by FJJC staff and the Juvenile Court Magistrate.

1. Youth Family Care

Youth Family Care (YFC) was formed to provide “family role models” for Juvenile Court families. As Singapore places a high premium on families in the rehabilitative processes of juveniles, it was found that many families have dysfunction and pathology for generations and despite counselling, have little knowledge of how a “functional” family operates. Volunteer families are then “matched” with Juvenile Court families for age, race, culture and religion, then trained by the Singapore Children’s Society (a local NGO) in procedures and aspects of dealing with offender families, formally appointed by the Juvenile Court Magistrate, then assigned for the period of the dispositional order to meet with and act as role models for the given offender’s family.

2. Buddy Care

The “Buddy Care” programme is rooted in the concept that juveniles often have no healthy “peers” with whom they can relate and therefore turn to peers who lead them astray or who provide negative role models for them. As group and peer attachment are critical to juveniles, volunteer “buddies” are recruited who are trained by Singapore Children’s Society, matched for background, and who then meet with and act as friends to the offenders. Always older and more mature, the “buddies” are seen as “older brothers or sisters” and provide companionship and support from youth (rather than from adults).

3. Peer Group Advisers

Peer Groups Advisers (PGA) are students from Secondary Schools in Singapore who are exposed to the workings of the Juvenile Court in order to educate students about juvenile justice, not only in concept but in practice. Many misconceptions and distortions result from often sensationalistic media reports and rumours passed from juveniles to their peers. Participating PGA schools select students to come to Juvenile Court, meet with the Juvenile Court Magistrate, and observe “real cases without actual identities” and chamber discussions. They are given the opportunity to “evaluate” cases themselves (of course, anonymously presented), provide their own reflection, input, and recommendations to each case. At points, PGA students may even have a “mock” trial in which they act as various members of the Juvenile Court and handle a “mock” case. Usually, PGA concludes with a “finale” in which the participating schools compete in an activity centered around juvenile justice issues.

XIV. THE COMMUNITY COURT

In 2006, the new Chief Justice of the Supreme Court of Singapore initiated the Community Court, which more than being a court for the “community,” was a court in which certain classes of offenders would receive differentiated treatment. Amongst the designated offenders were accused aged 16-18. In this manner, though Singapore Juvenile Court handles cases involving children under 16 years of age, the Community Court began to provide increased attention up to age 18. In May of 2008, the upper age of the Community Court was raised to 21 years of age. In a study done in 2002, the Subordinate Courts found that the 16-21 year old cohort group was particularly vulnerable to shop theft and drugs and that treatment of this cohort could conceivably reduce subsequent recidivism. In addition, other studies in the USA (SAMSHA) and in European nations found that in matters of brain development, vulnerability to alcohol and drug abuse, and maturation, those under age 21 were less mature than offenders in their 20’s and 30’s.

The Community Court thus began special probation assessments parallel to Juvenile Court assessments, provisions under the Probation of Offenders Act for fewer custodial sentences and more probationary sentences, and piloting of various assessment tools such as the YLS-CMI to examine not only risk levels, but treatment plans as well. The Community Court was also tasked to deal with mental health disorders and disabilities, providing a nexus of mental health and youth offenders. A special “Senior Case Manager” and a Senior level psychologist were assigned to the court to deal with cases and to convene special Community

Court Conferences, gathering social workers, investigating officers, attorneys (defence and prosecution), families, and other professionals (e.g. psychiatrists from the state mental hospital) together to assess cases.

In 2008-2009, the Criminal Procedure Code and the Probation of Offenders Act are being amended. Proposals regarding the Community Court will empower the Community Court to order Mandatory Treatment Orders (MTOs) for offenders, not only for probationers, but for all. In that manner, offenders aged 16-21 might be sentenced to community service orders, mandatory counselling, treatment for drug/alcohol problems, special programmes for shop theft, impulse control/violence, or sexual offending behaviours. Their differentiated sentencing will be on a continuum with juvenile offenders in the Juvenile Court.

XV. SUMMARY AND CONCLUSIONS

A relatively young nation, Singapore is a Commonwealth nation and shares much of the judicial-legal flavour of the United Kingdom. Very similar to its “Australasian” neighbour, Australia, Singapore also shares many values of its North American counterparts. Yet, with a population drawn from ancestral roots in China, Malaysia, India and other parts of Asia and Southeast Asia, and populated with religions of the region (mostly Buddhist, but also strongly Christian, Muslim, and Hindu), Singapore is also infused with Confucian values.

These values in English and Chinese are: compassion (“*ren*”); filial piety (“*xiao*”); righteousness (“*yi*”); propriety (“*li*”); loyalty (“*chung*”), and reciprocity (“*shu*”). In this schema of life, for example, “reciprocity” sees persons not so much as individuals, but as persons caught up in an intricate web of relationships. Filial piety requires fidelity to parents who in this way of life are always part of accountability and responsibility. Righteousness means acting for the greater good of society rather than for one’s own limited needs. Propriety requires harmony (balance) and reciprocal courtesy.

Thus, within this contextual blend of British legality and Confucian values, Singapore has developed into a unique hybrid of juvenile justice. Justice and propriety are paramount as is respect for the law and parental rights and responsibilities. The Western notions of the pursuit of individual rights, freedom from societal constraints, or passionate expression of contrarian views are difficult for some Singaporean Asians to comprehend.

Juvenile justice in Singapore is thus marked by reciprocal interaction between the government and community, by the active respect for familial participation at all levels, by compassion yet for the furtherance of the common good, by balance of deterrence with restoration, and by an inherent respect for marital/relational fidelity (not necessarily synonymous with monogamy). At each level, whether in school, community agencies, police, social service agencies, courts, or prisons, these “values” are inculcated and reinforced.

Finally, as was raised at the outset, Singapore has survived because it is also a pragmatic nation, quick to adapt (not to adopt wholesale) systems and technologies, borrowing juvenile justice models (such as community-based involvement, up-stream preventive measures, the use of assessment tools which are locally normed, the infusion of social scientists and professionals with expertise in human behaviour, at the same time a formalization of parental rights and responsibilities) which, in essence, work. Perhaps, the high success of Singaporean youth (in a global assessment) is reflected in quantifiable results: the low crime rate, the relatively low use of drugs, and the low rate of teen suicide. To bemused Singaporeans, this makes the “banning of chewing gum” as onerous as the “banning of eating durians (a local fruit known particularly for its offensive smell but good taste) in public places.” If it renders the society more felicitous, then why question it?

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