

THE ROLE OF POLICE, PROSECUTION AND THE JUDICIARY IN THE CHANGING SOCIETY - THE SINGAPORE APPROACH

*Judge Suriakumari Sidambaram**

I. INTRODUCTION

We live in a world of constant change. Trade and technology interact to accelerate the rate of change. Science and technology of today may become history tomorrow, while the knowledge and skills we acquire now may fast become obsolete. As a result, the current operations in an ever-changing environment are constantly faced with new challenges. With the arrival of the information age, complex crimes such as computer crimes, phone cloning and other high-technology crimes have emerged. White collar crimes consequently increase. Constant training and upgrading to tie in with the overall social and economic advancement is the only way to adapt to changes very quickly.

Singapore has been transformed from a poor Third World city, to a highly industrialized economy within a short thirty year span. Coupled with better education and increasing influence, Singaporeans now expect a high standard of service quality and efficiency in their daily transactions with the public service. They have clear expectations that public officers will act correctly, decisively and with confidence.

Crime prevention and rehabilitation of criminals are two problems every society, including Singapore, has to contend with. Although the nature of crimes and approach to treatment of criminals may vary from country to country, the urgency of preventing crime and effectively rehabilitating criminals are common to law enforcement

and adjudication authorities in all countries. Singapore prevents and controls crime through two essential means :

- a. a body of penal legislation which prescribes which acts (and omissions) constitute crimes, the procedure by which suspected offenders may be apprehended and brought to justice, and the forms of punishment which may be imposed on proven offenders; and
- b. criminal justice system which administers and enforces this legislation, seeking to ensure its compliance. This system includes the public prosecutor, the police (and other law enforcement agencies), the judiciary and the prisons (and other correctional apparatus).

The aim of the Singapore criminal justice system is to reduce crime and encourage respect for and compliance with the criminal law through three basic approaches, namely, individual prevention, general prevention and incapacitation.

The crime rate in Singapore fell for the ninth consecutive year in 1997. Crime statistics for the period January - December 1998 indicate a slight increase in the overall crime rate. Seizable offences, however, decreased in the fourth quarter compared to the third quarter. It has however been pointed out that the slight increase should be viewed against the steady decrease of crime rates over the last nine consecutive years and against the intensified and effective enforcement action by the Singapore Police Force (SPF) on all

* District Judge, Subordinate Courts, Singapore.

fronts. Further, this slight increase could be likely be associated with the economic crisis and increasing retrenchment and unemployment rates in Singapore. It has also been noted that the number of arrests and cases solved had also risen, and that Singapore's crime rate still continues to be among the lowest in the world. The major proportion of crime in Singapore consists of housebreaking, theft of and from motor vehicles, snatch theft, molestation and robbery. Analysis shows that the majority of these crimes are committed in a random and opportunistic way.

II. ROLE OF THE POLICE

The mission of the Singapore Police Force (SPF) is to uphold the law, maintain order and keep the peace in Singapore by working in partnership with the community to protect life and property, prevent crime and disorder, detect and apprehend offenders and preserve a sense of security in society.

In the turbulent years of the 1950s to the early 1970s, the SPF played a critical role in the quelling of labour, racial and political unrests that marked the era. The SPF has built in this sense of history of service and loyalty to Singapore in each and every individual officer. As such, in May 1996, the Hong Kong based company, Political and Economic Risk Consultancy (PERC) Limited, rated Singapore as the safest country in Asia. PERC attributed Singapore's enviable position as "one of the few cities in the world where it is possible for foreigners and locals alike to walk just about anywhere, at any time of the day or night, with little fear of being mugged by gangsters", to "a professional and well-paid police force". It attributed the political stability, high economic growth and affluence of Singapore in no small part to a competent and impartial police force which has the full confidence of the

community it serves. In the light of this trend, efforts to contain crimes have been stepped up.

The Singapore police are making great and tireless efforts to adapt to the changing society. In addition to their duties to eradicate crime in Singapore, the police also make people realize that they are co-producers of public safety. The days when the police were viewed as oppressors or persecutors are gone. Police-community relationships have been enhanced through community policing. About one-third of the arrests of major crimes are made with the assistance of members of public.

A. Community Policing

The Neighbourhood Police Posts (NPPs) in Singapore, set up in densely populated housing estates since 1983, have served round-the-clock as bases for activities of patrol policemen and as a contact point between the police and the public. The aim of the NPP system is two-fold: to improve police-community relations in Singapore, and to prevent and suppress crime through the co-operation and support from the community. These police officers at the NPP are on constant alert to handle any emergency, thereby living up to the demands and expectations of local residents.

The NPP system has been successful and well received by the public since its inception in 1983. However, under the NPP system, the complainant or victim of crime who comes to the police has to be referred from one party to another. He or she sometimes may have to repeat his or her story to 4 different groups of officers, for instance, the officers who first respond to the case; the officers who guard the scene; the officers who collate the evidence, and the investigatorial officers who conduct the investigation. The system therefore has some drawbacks in that the best use is not

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

made of the NPP officers and the strength of their local knowledge. The police have therefore come up with the revamped Neighbourhood Police Centre (NPC) system where the officers will be rotated among a wider and more challenging range of duties, with increased pro-active functions, so that the process is integrated into a single service delivery process. Each NPC will have about 100 to 150 police officers and will be in charge of 3 to 4 NPPs. Eventually, by June 2001, 32 NPCs will be set up island-wide. Each NPC will be responsible for about 10,000 residents.

With this change, the new NPC will become a one-stop total policing centre, carrying out the full range of front-line policing duties and providing quality one-stop service for the public. Among other things, officers from an NPC will man the counters at the NPPs, conduct patrols, respond to calls of distress, investigate crime, and make house visits.

The NPC system will also optimize the value contributed by police officers and places a lot of emphasis on proactive community policing. NPPOs will no longer perform mundane tasks. Instead, they will now be totally responsible for the safety and security of the neighbourhoods that they are in charge of. The NPCO is required to conduct an on-scene investigation for all cases he or she attends to. This reduces the time spent by the complainant at the scene, thus minimizing the trauma the complainant has to endure. The NPCO is competent in his/her job through comprehensive training, and many of the NPC work processes are IT-supported to provide the NPCOs with up-to-date information so as to enable them to carry out their tasks more efficiently.

Under the NPC system, the challenge is to work hand-in-hand with the grass-roots leaders and other voluntary agencies, to

mobilize the community to take on greater responsibility and leadership to ensure its own safety and security. The formation on 27 April 1997 of Neighbourhood Watch Zones (NWZs), a volunteer citizen organization formed by local residents for promoting crime prevention activities in the neighbourhood, is a big step towards this aim. It is intended that with the NWZs and the new NPC system, the community-police bond will be further strengthened.

The police and the community, including the NWZs, therefore have strived to provide total solutions to root problems by working closely in the joint planning and creation of Community Focus Plans (CFPs). The CFPs outline the joint initiatives, programmes and projects which will re-focus the police efforts to address specific safety and security needs of the community, and to nurture a strong bond between the police and the community. Grassroots liaison meetings are now characterised by open dialogue and discussion as opposed to the traditional reporting of cases. One of the steps involved in the creation of the CFPs is profiling the community's characteristics, and this is where their extensive network in the neighbourhood can be fully utilized. Being leaders, the NWZs can mobilize residents to take part in activities and programmes recommended in the CFP.

Singapore also has a Voluntary Special Constabulary (VSC) with part-time volunteer police officers who hold full-time jobs in other fields. The VSC officers often carry out patrols independently or in partnership with their counterparts in the regular and national service components. They execute their duties with a high level of professionalism, discipline and enthusiasm.

B. Juvenile Delinquency

One of the challenges facing Singapore

is the rise in juvenile delinquency. The police hold frequent talks to students in schools and to juvenile delinquents in the courts regarding crime prevention, secret society activities, drug prevention and problems of juvenile delinquency. In order to help schools counter juvenile delinquency, the latest innovative measure taken by the SPF is the appointment of selected secondary school teachers as Honorary Volunteer Special Constabulary (VSC) officers. This is a system where some of the teachers in each school are given enhanced authority in their management of student behaviour, especially with regard to serious disciplinary cases. This scheme was launched on 16 July 1997. These "Hon VSCs", trained by the police, wear police uniforms and exercise certain police powers, such as powers of arrest. The teachers, who are also the Discipline Masters/Mistresses or National Police Cadet Corp instructors of their respective schools, attend a 2-week course where they are taught elementary law and defence tactics, the way to fill out police reports, call for backup (via PR sets), make arrests and organise crime prevention talks. In addition to being advisors and liaison officers between the school and the police, they are also advisors on all police matters in the schools.

The Ministry of Education conducted a survey on the scheme after 5½ months which showed some very positive results. The presence of police authority had deterred both recalcitrant and potential offenders from committing crimes in and around the school compound. The students were aware of the presence of police authority and tended to behave better. They were also aware that any breach of the law could result in immediate action from the Hon VSCs. The Hon VSCs were competent in dealing with difficult cases, parents and unsavoury strangers. They also displayed more confidence in advising

students, parents and teachers on police matters. This has resulted in Hon VSCs commanding greater respect and thus being able to perform their disciplinary role more effectively. The Hon VSCs also received better support from the NPPs such as in increased patrols around the school after school hours. It is expected that by the year 2000, this scheme will be extended with two Hon VSCs in each of the 147 Secondary schools and 11 institutes of technical education in Singapore.

C. Social Services

The Singapore police have been providing the public with many kinds of services which are of benefit to the community in making and keeping good relationship between the public and the police. The "999" call is one of the most important facilities of the police social service. It is very useful for the detection of crime, as well as for the quick prevention of crime. The police also give the public the opportunity to see what the police are doing by organizing public exhibitions on crime prevention and distributing leaflets which give local residents very useful information on crime preventive measures and the services provided by the NPP.

The police are also engaged in social service work such as handling reports on lost and found articles, dealing with grievances and troubles of the local residents and running the Boys Club, where activities (including sports) are conducted for the youth. The police also disseminate information on crimes and seek the assistance of the public to solve these crimes through the media of the local newspapers as well as the production of a local television programme, Crime Watch. The police also provide such information via the Internet at <<http://www.spinet.gov.sg>>

The SPF also places great emphasis on

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

victims by providing necessary psychological support and care. It collaborates with voluntary welfare organizations such as the Samaritans of Singapore (SOS), Pertapis Home, Marymount Centre, Singapore Council of Women's Organizations (SCWO) and the Association of Women for Action and Research (AWARE).

1. Foreigners

Foreigners joining the Singapore workforce often arrive with little or no crime prevention knowledge, creating opportunities for crime to take place. For example, some foreign nationals working in Singapore are known to have left their front doors, grille gates and windows open at times when most Singaporeans would have had them locked. The NPP therefore decided to make its foreign worker community more aware of the need for sensible crime prevention measures, for them to work peacefully in Singapore. House visits were maintained to project police presence, convey a sense of security to the residents, deter potential criminals and also to enhance crime prevention awareness among locals and foreigners. Crime prevention talks were organized for the foreign workers and newsletters were displayed at both their factory premises and on the notice boards of their apartment blocks.

On the other hand, although the vast majority of foreign workers in Singapore try to make an honest living, there are also those who seem to think that a life of crime is more profitable. Illegal immigration also continues to pose a threat to the security and social stability of Singapore. Lured by higher wages in Singapore, and affected by the deteriorating economic conditions in the region, many foreigners will continue to enter Singapore illegally, or enter legally and subsequently overstay.

Many of the illegal workers and overstayers have also contributed to the rise in foreigner crimes. An area of concern highlighted by the police is where foreign criminals, who targeted affluent Singaporeans, would commit crimes and flee the island immediately after, frustrating police attempts to capture them. The police have also stepped up operations against illegal immigrants. Careful panning and swift action by the police have resulted in highly successful rates of arrests. Those found without valid identification papers are cuffed and brought back to the station. Those unable to prove lawful entry and stay in Singapore are appropriately punished and repatriated. Harbourers and employers of illegal immigrants and overstayers, as well as those who facilitate or encourage these immigrants to enter and unlawfully remain in Singapore, are swiftly dealt with and upon their conviction, deterrent sentences are handed down to them.

Preventive measures such as frequent patrols of our territorial waters to intercept illegal entry into Singapore and spot checks, gathering intelligence, investigating and prosecuting offenders are some of the ways these criminals could be prevented from operating. Stronger international ties and collaboration with neighbouring countries are also required in order to track down and arrest such cross-border criminals and to solve crimes committed by foreign nationals.

D. Case Management

The emphasis of the SPF has shifted from individual investigation to team-based investigation and case management. Police officers can thus look forward to a more supportive working environment, besides benefiting from the cumulative knowledge and experience of the team. A new specialist CID unit, the Rape Investigation Squad, was launched in

September 1997. As part of the Major Crime Division of CID, the formation of the Rape Investigation Squad has resulted in all rape investigations being centralized at CID. This move is aimed at providing greater convenience and better service to the public, by having better-trained officers more sensitive to the trauma of rape victims and a more conducive environment to interview rape victims. Another new specialist CID unit launched in January 1997 was the Computer Crime Branch, officially under the Commercial Crime Branch of the CID. It is responsible for initiating computer crime and major telecommunications fraud investigations. Officers of the branch are also trained to conduct computer forensic examinations, in order to retrieve evidence contained in computers, to support the prosecution of offenders in police investigations. To-date, the Computer Crime Branch has handled cases of hacking, unauthorized access/modification of computer materials, computer fraud and pager/handphone cloning.

E. Dedicated Service

The Singapore police force also has dedicated police officers who are willing to make personal sacrifices to solve crimes in Singapore. A recent example is the case of murder of a Bulgarian, Iordanka Apostolova, whose bloated body was discovered in a canal in Tanah Merah on 12 January 1998. With the full attention of a group of CID officers to the case, catching little sleep during the period, they managed to solve the case within just 36 hours of discovery of the body. The case was brought to trial and the murderers were sentenced to death on 14 August 1998. The accused appealed but the appeal was dismissed by the Court of Appeal on 11 January 1999, just a year from the day the victim was killed. On 30 January 1999, an abettor in the murder, the wife of one of the accused who helped to cause the

evidence of the murder to disappear in various ways, was swiftly brought to justice and sentenced to 6 years imprisonment.

The Singapore Police Force has proven its mettle by providing incident-free security for international events such as the WTO Conference in 1996. Regionally, the SPF has taken the lead to enhance inter-police co-operation among the ASEAN countries. Internationally, the SPF men in blue have taken part in overseas United Nations peacekeeping missions, such as policing the former killing fields of Cambodia and ensuring fair elections at Namibia. The key factors for the SPF's success are enhancing investigative and crime-solving ability, community policing and the developing of a problem-solving approach; manpower planning and development; discipline, professionalism and rigorous training to maximize the full potential of the officers.

F. Technological Improvements

With the introduction of the NPC, selected NPPs will be closed during certain hours of the day where the demand for police services are low (eg. 11 pm to 8 am). The public will however continue to receive essential services and police assistance through the use of information technology from a "Virtual Cop". By leveraging on technology, the police have developed the Emergency Communication (EC) System and Police Kiosks to ensure that no cry for help will go unheard. A console called the EC is situated in a conspicuous, brightly lit spot outside each NPP which other passers-by can clearly see. A touch of a button puts the complainant in touch with an officer in an NPC. The console allows two-way interaction so the officer can quickly advise you on what to do while the nearest patrol officers are informed of the complainant's location and problem. The officer at the other end is even able to activate flashing emergency lights around

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

the complainant (for instance where the complainant is being pursued) as well as a loud alarm to draw the attention of passers-by and to deter the pursuer from further action. The EC is easy to use, and a simple instruction panel in all four official languages of Singapore ensures that the instructions will be clear to most people. The console is designed to be vandal proof, and installed at a height to prevent misuse by young children. The NPC officer deactivates the EC when the NPP is open.

To prevent the significant reduction of the service level of the NPPs when they are closed, the police have developed the Police Kiosk. These kiosks have video conferencing capabilities and are linked to a manned service point. If the physical presence of a police officer is required, an officer from the patrol team will be dispatched to attend to the caller. Even when the NPPs are closed, members of the public will still have access to police services via the video conferencing kiosks. These police kiosks will provide facilities such as enquiry services for members of the public who wish to inquire on police-related procedures and policies. With the touch-screen capability of the kiosks, the public will be able to obtain directory services such as legal services and counselling services, locality maps to show the nearest NPP and information on operating hours. The kiosks will also provide advice and answer queries on police procedures and matters. The user will also be able to hold video conferences with the officer at the NPC if s/he needs further clarification or additional information that is not provided by the kiosk.

Besides enquiry services, the kiosks also provide reporting services. Members of the public can lodge police reports on crime, routine cases and traffic accidents without, the physical presence of a police officer. The kiosks can provide computerized lodging of

police reports and automatically generate report numbers. They can capture digital signatures, fingerprints and photographs, and store and retrieve all captured information. Above all, the system allows the user to hold a video conference with an officer at the NPC if s/he chooses to report the incident or cases, as in a "999" call.

The police have made successful use of new technology in their sophisticated Computerized Investigation Management System (CRIMES) - an electronic IP system going the way of a paperless work environment. Following the success of the pilot implementation, the system was implemented Force-wide on 1 July 1997.

The SPF introduced the Case Property System (CASPROS) which aims to replace the manual system for tracking case exhibits and found property, which is based on register books. CASPROS would be set up for the various divisional headquarters and will provide an electronic database to monitor case exhibits and found property, in order for all divisional headquarters to share this information, so that a better service can be provided to members of the public in locating their lost items.

The Automated Vehicle Screening System (AVSS) and the Optical Character Recognition (OCR) System were implemented at Singapore's Second link with West Malaysia. These two systems greatly enhance the capability of the SPF to detect vehicles wanted for HDB/URA summonses, road traffic offences, and other criminal cases.

In January 1998, the SPF commissioned the first computerized ticketing system, the Singapore On-The-Spot-Ticketing System (SPOTS) for the Traffic Police, and thereby displaced the manual issue of summonses. This greatly minimizes the data entry errors in the Traffic Computer System due

to illegible handwriting on the summons forms and also increases the efficiency of the Traffic Police Department.

The SPF Intranet launched in October 1997 provides an essential boost to the internal communications efforts of the police. Not only does the Intranet provide officers with up-to-date information and knowledge, it also serves as a depository of crucial information and best practices, making it an invaluable leaning tool.

G. Other Improvements

In 1998, SPF procured a fleet of new generation riot control vehicles comprising of two new command vehicles and seven new riot buses for the Special Operations Command. These new vehicles are improved versions of the current vehicles. Painted an aggressive red, and with their windows protected with wire mesh, these vehicles arriving at a riot scene automatically will instil awe in even the most unruly mobs, and establish a psychological edge and impress on rioters that the police mean business. In the event of an emergency, the command vehicle serves as the forward command post and highly trained officers can quickly plan riot control strategies using the staff-aid provided in the vehicle, which includes detailed sector maps of Singapore. The turret on top of the command vehicle permits trained sharpshooters to station themselves at an advantageous elevated position to neutralize any foreseeable threats. The turret gives a better view of the riot scene, which enhances tactical decision making. The turret also carries the public address system which enables the police troop to warn troublemakers to disperse before action is taken to disperse them.

The Police Coast Guard of the SPF has also been relentless in its efforts to constantly upgrade and modernize its fleet

of patrol vessels to meet new challenges and to respond to the changing circumstances. It has acquired a fleet of 18 high speed patrol boats and 2 command boats at a total cost of \$58 million to apprehend and deter sea robbers, illegal immigrants and smugglers. These patrol vessels are propelled by water jets which are well-known for their propulsion power and low noise and less prone to damage by submerged objects as compared to conventional propellers. Apart from their high speed capabilities, these boats also come equipped with the latest technology such as the Integrated Command, Control and Surveillance (C2S) System and the Navigational, Communication and computerized Engine Monitoring Control System. These new boats, which replace the PX class boats that were commissioned in the early 1980s, will enhance the Police Coast Guard's ability to fight crime in Singapore waters, as well as help greatly in search and rescue operations.

Fast Response Cars (FRCs) ensure that the police arrive on the scene of a crime quickly in urgent cases, but like all cars, their arrival can be delayed if they are caught in heavy traffic. The SPF has come up with an effective solution to that contingency - Fast Response Motorcycles (FRMs) that can weave through traffic, and in emergencies, even hop onto pavements or take short cuts through alleys and any other available routes. On 1 December 1997, this programme was launched and it was found that the response time was faster compared to the FRCs. The FRMs are intended for urgent cases only and deployed during peak periods and at certain patrol sectors where traffic flow is heavy. They will conduct patrols and attend to urgent messages in pairs. FRM officers patrol with standard equipment including bullet-proof vests, breath-analyzers, fire extinguishers and first aid boxes. They are not bogged down by bulky

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

equipment such as road block signs and shields.

**III. CORRUPT PRACTICES
INVESTIGATION BUREAU**

It is also apt to mention here the Corrupt Practices Investigation Bureau (CPIB), which is an independent body which investigates and aims to prevent corruption in the public and private sectors in Singapore. Established in 1952, it derives its powers of investigation from the Prevention of Corruption Act (Cap 241). The bureau is headed by a director who is directly responsible to the Prime Minister.

The CPIB is responsible for safeguarding the integrity of the public service and encouraging corruption-free transactions in the private sector. It is also charged with the responsibility of checking on malpractices by public officers and reporting such cases to the appropriate government departments and public bodies for disciplinary action. Although the primary function of the Bureau is to investigate corruption under the Prevention of Corruption Act, it is empowered to investigate any other seizable offence under any written law which is disclosed in the course of a corruption investigation.

Besides bringing corruption offenders to book, the Bureau carries out corruption prevention by reviewing the work methods and procedures of corruption - prone departments and public bodies to identify administrative weaknesses in the existing systems which could facilitate corruption and malpractice, and recommends remedial and preventative measure to the heads of the departments concerned. Also in this regard, officers of the bureau regularly conduct lectures and seminars to educate public officers, especially those who come into contact with the public, on

the pitfalls of and the avoidance of corruption.

**IV. CENTRAL NARCOTICS
BUREAU**

In 1971, the Central Narcotics Bureau (CNB) was formed as a result of increasing drug abuse among youths. The Misuse of Drugs Act (1973) provides executive power to detain a drug consumer for compulsory treatment and rehabilitation. In 1975, an amendment to the Misuse of Drugs Act provides the death penalty for trafficking of more than 15 grams of pure morphine. It was, however, with the mounting of Operation Ferret, on 1 April 1977, in which concerted efforts were directed against drug trafficking and consuming by the CNB, police and customs that success against the drug menace was clearly seen. Punishment meted out for drug offences are severe in Singapore.

The Singapore police are empowered to investigate into all kinds of criminal offences, and when they complete their investigation, they are required to refer the offences to public prosecutors who enjoy the exclusive right to prosecute offenders. On 12 April 1997, the Attorney General of Singapore, Mr Chan Sek Keong, during the opening of the newly renovated office of the Senior DPP Courts, paid tribute to police officers whose good investigative work had led to successful prosecution. The efficiency and effectiveness of the police in criminal trials are reflected specifically in the number of convictions obtained from guilty pleas or trials, and generally in the prevailing low crime rate.

V. ROLE OF THE PROSECUTOR

The control and direction of most criminal prosecutions and proceedings in Singapore rests with the Attorney-General as the Public Prosecutor (Section 336 of the Singapore Criminal Procedure Code). His

power, exercisable at his discretion, “to institute, conduct or discontinue proceedings for any offence”, has been given constitutional status by Article 35(8) of the Singapore Constitution. The Attorney General is independent in this role, and not subject to the control of the government. He is assisted by Deputy Public Prosecutors (DPPs) who conduct prosecutions in Subordinate and High Court trials, and Magistrate’s and Criminal Appeals, as well as appear in the Coroner’s Court and at Preliminary Inquiries. The Crime Division delegates certain matters, such as criminal trials in the Magistrate Courts, to the Police Prosecution Branch (PPB). Although not administratively part of the Crime Division, the PPB is functionally linked to the Crime Division.

The DPPs work includes prosecuting criminal matters in the courts, directing law enforcement agencies in their investigations, evaluating and giving directions on their investigation papers from the police and other enforcement agencies, replying to representations from accused persons, giving advice on criminal justice matters to other departments and agencies, and processing applications for private prosecution.

In addition, the Commercial Affairs Department (CAD) was established in 1984 under the Ministry of Finance (Revenue Division) to combat complex commercial fraud and white collar crimes in Singapore. DPPs in CAD carry out the role of the public prosecutor in respect of matters dealt with by CAD. The work of the CAD includes investigating and prosecuting commercial offences under the Securities Industry Act, the Companies Act, particularly in relation to financial institutions and providing advice on inter-agency projects, making applications for the production, confiscation and restraint orders under the Drug Trafficking

(Confiscation of Benefits) Act, and other offences disclosed in the course of investigation.

The role of the public prosecutor in crime prevention and control must therefore be viewed within the context of this criminal justice system, to be as follows:

A. The discretion to Prosecute or Not

The Constitution of the Republic of Singapore vests in the Attorney-General the “powers, exercisable at his discretion, to institute, conduct or discontinue any proceedings for any offence” [Article 35(8)]. Section 336(1) of the Criminal Procedure Code (Cap 68) states that “the Attorney-General shall be the public prosecutor and shall have the control and direction of all prosecutions and proceedings under this Code.”

B. Advising the Police

The police and other law enforcement agencies responsible for investigating crimes refer their cases whenever necessary and practicable to the public prosecutor and DPPs for their instruction as whether to charge and, if so, under which provision of the law the charge should be made. The police are also advised on matters concerning their investigation, to ensure that procedures set by the law are properly followed. Where the need arises, suitable instructions and guidelines are also issued by the DPPs to the police in regard to particular types of offences.

C. Bail Applications

The objective of bail is to secure the accused person’s attendance at court proceedings, and at the same time, to set them at liberty before the trial or appeal. It is often a difficult question whether bail should be allowed. The prosecution takes a stand in each case where the accused person applies to the court for bail, whether

before trial or pending appeal, opposing such applications or agreeing to them (subject to a suitable quantum of bail being offered), according to the facts of the particular case and to the legal provisions and principles that govern bail.

D. Trials

Prosecution in court is a crucial stage of bringing an offender to justice, for it is at the trial that the evidence relevant to the alleged offence is presented and tested, that the charge must be proved and, if proved, the sentence pronounced. Singapore adheres to the principle that every person is presumed innocent until proven guilty, and the onus is on the prosecution to prove the charge beyond a reasonable doubt.

The public prosecutor and the DPP conduct all criminal prosecutions before the High Court. The DPPs also conduct a number of criminal prosecutions before the Subordinate Courts, which includes prosecutions for offences under the Penal Code, the Prevention of Corruption Act (Cap 241) and various commercial and financial crimes. A majority of Subordinate Court prosecutions, however, are undertaken by the police and government departments. The DPP's role here is to direct and advise these prosecutors.

E. Sentencing

Before sentence is passed on a particular offender, the defence mitigates on their behalf. The prosecution, in suitable cases, also addresses the court on sentence. This occurs when, in the prosecution's opinion, a deterrent sentence is necessary; often such a deterrence is required because of the prevalence and increasing rate of the type of crime for which the offender has been found guilty.

In deciding on the charge to be preferred, the DPPs also play a role in regard to sentencing because a more serious charge

generally results in a more severe sentence, and a reduced charge in a lesser one. In the case of an offender facing multiple charges, the DPPs may also decide to proceed on only one count or a number of counts, applying to the court either to take into consideration, for the purposes of sentencing the remainder of the charges or to withdraw them. In cases where the accused person pleads guilty, the gravity of the offence (as reflected in the prosecution's statement of facts) constitutes a factor in the sentencing process.

F. Appeals

The prosecution process does not always end with the conclusion of a trial, for an appeal to a higher court may be lodged against the decision of the trial court. In Singapore, the prosecution has the right to appeal against an order of acquittal, just as the defence has the right to appeal against a conviction. Both sides may also appeal against the sentence imposed.

Appeals from decisions of the Subordinate Courts, or "Magistrate's Appeals", are heard by the High Court exercising its appellate jurisdiction. Under Section 60(1) of the Supreme Court of Judicature Act (Cap 322), where in the course of such an appeal any question of law of public interest arises, any party may apply to the court for the question to be reserved for the decision of the Court of Criminal Appeal. Where the public prosecutor so applies, such an application shall be granted. Appeals from decisions of the High Court exercising its original jurisdiction in criminal cases are heard in the Court of Criminal Appeal.

All appeals filed by the prosecution in the High Court or the Court of Criminal Appeal are argued by the DPPs. They also appear to respond to appeals lodged by the defence. To succeed in an appeal against

acquittal, the DPP bears the onerous burden of persuading the appeal court that, on the basis of the evidence presented at the trial and on principles of law, an order of conviction should be substituted. Where s/he appeals against the sentence, the DPPs must establish that the sentence was manifestly inadequate and should be enhanced.

G. Initiatives

To keep pace with the fast-changing world and the speedy progress of work processes in the SPF and in the courts, the Crime Division of the Attorney-General's Chambers has also set up a number of Specialized Committees to respond to the need for specialization in various aspects of their work. Officers in these specialist teams do in-depth research into, and serve as core personnel, in their respective areas of law. These committees also organize visits, seminars and training sessions. Among these are the CyberCrime Committee, which comprises of officers conversant with IT and serves as the in-house specialist team on Computer and Internet Crimes; the Extradition/Mutual Assistance Committee, which deals with international co-operation over crime related matters; and a Special Task Force on Immigration to deal with the increasing number of illegal immigrants.

ACES or "Advisor for Case Sentencing" was developed in 1996 with assistance from the Information Technology Institute. This system was introduced to assist DPPs in making submissions on sentences and to determine if appeals should be lodged where the sentences are inappropriate. The Formalized Accelerated System for Trial-or "FAST" - was also introduced. This scheme works by identifying cases which can be dealt with expeditiously at the earliest possible stage, placing them on the "FAST" track. Co-operation between the police and DPPs in the subordinate courts

ensures that cases on the "FAST" track are promptly resolved. This saves time and ensures more efficient case management.

A special Mentor Scheme was also introduced to ensure closer monitoring of junior officers, upkeeping the continuity and accountability for decisions taken, and to foster better rapport between junior and senior officers. All officers at Grade 16 or with 2 years or less legal service experience are now paired with a senior officer who will be responsible for ensuring their proper training, and will guide and supervise their work.

Likewise, the CAD has also used IT to enhance efficiency. The CAD has devised an on-line procedural manual or Aide Memoire. A database of relevant case law and legal resource materials was also created. Further, a computerized Case Tracking System was introduced to facilitate tracking of cases assigned to DPPs. This enabled efficient monitoring of the progress of the cases. The CAD also formed a committee to deal with matters relating to the security, storage and retrieval of critical operational information in its Department. In July 1997, the CAD had started an in-house, bi-monthly publication which contain write-ups on legal issues, investigative procedures and reports on social welfare issues.

The public prosecutor and the DPPs occupy an essential position in the criminal justice system and actively participate in every stage of the criminal prosecution process. Their vital role within the system serves the overall aim of controlling and reducing crime in society, and promoting respect for the criminal law.

VI. ROLE OF THE COURTS

The judiciary is one of the three pillars of the State. It administers the law

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

independently of the executive. The judiciary is a vital part of Singapore's legal and judicial system. In order to meet the needs of the changing demographic, social, political, economic and technological trends, the judiciary has engaged in future strategic planning for the 21st century.

In the administration of justice, the courts have focused on instituting a set of timeless values which include accessibility, expedition and timeliness; equality, fairness and integrity; independence and accountability; and public trust and confidence. These values serve as beacons for the administration of justice in Singapore. In line with their core values, the judiciary recognises the importance of obtaining feedback from the public to provide relevant performance benchmarks for the courts' strategic planning and policy development initiatives.

Recent surveys conducted by various organizations, such as the Singapore-based Forbes Research Pty Ltd (Forbes), the Hong Kong-based Political and Economic Risk Consultancy (PERC), and the Switzerland-based International Institute for Management Development (IMD), have all confirmed a high level of confidence in the Singapore judiciary by both local and international communities. The Singapore judiciary has scored top marks for the fair administration of justice and is perceived to contribute significantly to the public's sense of security, and to the competitiveness of the economy.

The main finding of a recent survey conducted by Forbes Research during May to July 1998, covering 1,519 households, showed that the Singapore public has full confidence in the fair administration of justice in Singapore. An impressive 97% of survey respondents agreed strongly that the courts administer justice fairly to all. The courts have also fared well in the public

perception of crime levels and the effectiveness of sentencing. A high 99% of respondents felt safe living in Singapore and affirmed that the judiciary has contributed much to their sense of security; while 93% felt that sentences meted by the courts are effective as a deterrent to potential offenders. The survey also affirmed that the Singapore judiciary meets the public's expectations of the effective administration of justice.

PERC is an international consulting firm specializing in strategic business information and analysis for companies doing business in East and South East Asia. In the August 1998 issue of its fortnightly newsletter, "Asian intelligence", PERC published the findings of its recent survey of over 400 senior business executives on the perceived quality of key institutions in certain countries. Singapore was rated as having the best national institutions in Asia. In the ranking of the judiciary and the police, Singapore topped again with a score of 2.87, improving from 3.07 in 1997. PERC also commented that "The Singapore courts are also efficient in dispatching both civil and criminal cases, using a legal system modeled on the British system of justice."

The core of Singapore's criminal justice system is its judicial system. The administration of justice is vested in:

- (i) The Supreme Court is a superior court of record, It consists of the the High Court; the Court of Appeal; and the Court of Criminal Appeal. The Honourable Chief Justice, the Judges of Appeals, the Judges of the High Court and the Judicial Commissioners, dispense and superintend the administration of justice in Singapore. The Supreme Court is supported by the Supreme Court Registry headed by the Registrar who, assisted by the Deputy,

RESOURCE MATERIAL SERIES No. 55

Senior Assistant and Assistant Registrars, engages in the day to day running of the Registry and perform judicial functions such as hearings of interlocutory applications as well as administrative functions. The Justices' Law Clerk, who works directly under the charge of the Chief Justice, assists the judges and judicial commissioners by carrying out research on the law, particularly for appeals before the Court of Appeal.

In criminal cases, the High Court generally tries cases where the offences are punishable with death or imprisonment for a term which exceeds 10 years. It also hears appeals from the Subordinate Courts Registrars, Magistrates and District Judges, as well as the Registrars of the Supreme Court. Proceedings in the High Court are normally heard and disposed of by a single judge. The Court of Appeal is the final appellate court in Singapore and the highest court in the land. The Court of Appeal consists of the Chief Justice and the Judges of Appeal. The Court of Appeal hears appeals from decisions of High Court in both civil and criminal matters.

- (ii) The subordinate courts consist of District Courts, Magistrates Courts, the Juvenile Court, the Coroner's Court, the Family Court and the Small Claims Tribunal. There are presently 27 criminal trial courts (including the Traffic Court) in the subordinate courts, apart from two Criminal Mentions Courts, one Centralized Sentencing Court and a Court handling Magistrates Complaints. The subordinate courts are headed by the Senior District Judge, and he is assisted by District Judges, Magistrates, Coroners, Small Claims Tribunals Referees, Registrars and

Deputy Registrars in the disposal of civil and criminal cases within the jurisdiction of the subordinate courts. In 1998, 53 District Judges and 14 Magistrates served in the subordinate courts. Some of the judicial officers concurrently hold appointments as Deputy Registrars, dealing with civil and criminal matters in chambers; Coroners and Referees of Small Claims Tribunals.

The subordinate courts introduced and formalized its four justice models in its 1997/1998 workplan, namely:

1. Criminal justice - protecting the public
2. Juvenile justice - restorative justice
3. Civil justice - effective and fair dispute resolution
4. Family justice - protecting family obligations

These justice models serve as reference points in the formulation of judicial policies.

Criminal cases make up about 70% of the cases that are dealt with in the subordinate courts. These include cases commenced by the public prosecutor, cases prosecuted by the various government agencies, and private prosecutions.

- (a) In criminal cases, the District Court has jurisdiction to hear most offences other than those which are punishable with life imprisonment or death. In general, it may impose a term of imprisonment not exceeding 7 years, a fine of up to \$10,000, caning of up to 12 strokes (for male offenders) or any lawful combination of these punishments. It may also impose probation. In cases of recalcitrant offenders, it may also impose

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

- reformatory or corrective training.
- (b) As compared with the District Court, a Magistrate's Court can try offences of a less serious nature where the maximum jail sentence does not exceed 3 years, or where only a fine can be imposed. In general, it may impose imprisonment for a term not exceeding 2 years, a fine not exceeding \$2,000, caning of up to 6 strokes (for male offenders) or any lawful combination of these punishments. It may also impose probation.
 - (c) There are currently two Criminal Mentions Courts, which respectively exercise the jurisdiction of a District Court and of a Magistrate's Court. The Criminal Mentions Courts are involved in the initial management of criminal cases and ensure the smooth running of the criminal justice system. When accused persons are first charged, their cases are mentioned in one of the Criminal Mentions Courts. The Criminal Mentions Courts deal with a wide variety of applications including applications for bail, remand and adjournments.
 - (d) If an accused person decides to plead guilty, their case will be dealt with immediately in the Criminal Mentions Courts. More serious cases will be sent to the Sentencing Courts. However, if the accused person claims trial, the Mentions Court will either fix a date for trial or for pre-trial conference. A video-conferencing facility for bail matters and remand of prisoners has been set up between the Mentions Court and the remand prison.
 - (e) The Traffic Court manages the conduct of traffic cases, except in cases where death has been caused by a road traffic accident. One significant technological innovation is the use of an Automated Traffic Offence Management System (ATOMS), which was launched on 1 November 1996 to enhance the efficiency and accessibility of the subordinate courts. This system allows first time offenders in many minor traffic offences to settle traffic tickets containing an offer of a composition fine at automated kiosks which are located throughout Singapore. In cases where the period for payment of the composition fine has expired, offenders may now plead guilty to the offence at an ATOMS kiosk, instead of having to appear in court. ATOMS is unique in that it is the first automated payment system in the world which allows the payment of court fines. It is unlike other similar systems in the United States, such as the one in the Long Beach Municipal Court which only handles payment of composition fines imposed by non-court agencies. The launch of ATOMS is the actualization of the subordinate courts' vision of a virtual courthouse. Since its launch, the service has been well received and utilized by members of the public.
 - (f) The Coroner's Court is presided over by the State Coroner. The Coroner's main duty is to ascertain the cause and circumstances under which a deceased person came to their death, in cases where there is reason to suspect that a person died in a sudden or an unnatural manner, or by violence or where the cause of death is not known. The Coroner will also determine whether any person was criminally involved in the deceased person's death.
 - (g) The criminal courts are supported by a Crime Registry which manages all criminal processes in the subordinate courts and monitors the progress of cases until final disposition (including

appeals). The Crime Registry also provides information on the status and progress of cases, crime trends and statistics.

- (h) Mediation has been introduced in private prosecutions, instituted by way of Magistrates Complaints. These cases relate mainly to neighbourhood and relational disputes, where parties are known to each other. Such cases include simple assaults and threats, nuisance and causing mischief. Many cases have been successfully concluded through mediation.
- (i) The Juvenile Court was created with the passing of the Children and Young Persons Ordinance in 1949. This court deals with all types of criminal offences by young offenders under the age of 16, and focuses not only on punishment, but also on the correction, counselling and rehabilitation of the juvenile offender. The Juvenile Court deals with three categories of cases, namely:
- juvenile offenders;
 - children and young persons beyond parental control;
 - children and young persons in need of protection.

The Juvenile Court's approach is based on a restorative model of justice. In dealing with juveniles, the Court works closely with the offender, their parents, peers, teachers and principals, and the various care giving agencies. The paramount concern of the Juvenile Court is that of rehabilitation and reformation. Essentially, this means it has to consider how best to use its powers and available programmes to rehabilitate or socially reintegrate the juvenile constructively back into society. In choosing the appropriate "instruments of reform", the Juvenile Court has to be mindful of the individual strengths and limitations of the offender who appear

before it. To this end, the Juvenile Court has introduced innovative measures which involve the active participation of the community in the justice process, such as Family Conferencing, Family Care Conferencing and Bootcamp Training.

A. Family Conferencing

Family conferencing has its underpinnings in the phenomenon of "shame" and "re-integrative shaming". The conference brings together the offender and their family, and the victim and their family, the offender's schoolteacher or employer, the prosecution, the probation officer and any other significant person. The judge is assisted by a facilitator, who, through skilled interview techniques, facilitate the session in a manner to have the offender realize the impact of their offending behaviour on those near and dear to them. The facilitator explores reasons for the negative behaviour and for the parent's lack of control. The facilitator will also formulate concrete steps, through the input of participants, which the offender can take to make good their offending act to those affected by it. After the conference, the offender and their parents appear in court for the judge to make an order on the case. The most common order following a family conference is a probation order for 12 to 36 months with or without residency.

A family conference is convened for selected offenders who have supportive and concerned parents. Furthermore, these offenders must not be hard core delinquents and must be remorseful. Since its implementation in June 1998, a total of 130 family conferences have been conducted. Only 6 out of the 130 (5%) offenders who underwent family conferencing have re-offended. This shows that the programme also helps to minimize the likelihood of juvenile re-offending. The Juvenile Court of Singapore has been referred to as the only jurisdiction in the

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

common law world that makes re-integration of the child offender an integral part of the 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. These may include instances where parents have exhausted all means of disciplining them, like seeking professional help from a social service agency, liaising with school authorities, etc. The aims of the family care conference include the need:

- To strengthen family units and empower parents and the community to regain control of the juvenile;
- To encourage the juvenile to take responsibility for the delinquent behaviour;
- To reduce the placement of such a juvenile in institutions accommodating offenders;
- 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 dysfunctional young persons placed on probation or statutory supervision. These families act as positive role models for the juvenile and their families. A volunteer family will meet the assigned young person to befriend and encourage them for as long as the probation or statutory supervision order subsists, or until the court otherwise orders. The programme is targeted at helping juvenile offenders and children beyond parental control, but who are remorseful and do not have ingrained

delinquent traits.

D. Community Service Orders

A Community Service Order ("CSO") is an order of the court compelling the offender to perform unpaid work for a specified number of hours. This is implemented as a term of the probation order. Through such an order, the offender is given an opportunity to make amends for the offending behaviour by performing services for the community or its less fortunate members. Over and above depriving the offender of leisure time, the CSO also aims to develop a sense of empathy and respect in the offender towards people and property, as well as broaden their perspective of the world around them.

A survey was conducted in August 1998 to obtain feedback on the CSO placement. On the whole, the probationers found the CSO placement a worthwhile and enriching experience, while all the parents expressed the view that the CSO scheme was beneficial for their child. The CSO has also been effective as a rehabilitative measure, as the responses showed that the CSO experience had helped the probationers to develop empathy and consideration for others, while gaining meaningful social experiences. Most probationers felt that their CSO placement had a positive impact on their relationship with their families and have helped them personally in the development of their personality and character, and that they have acquired new skills/knowledge/traits. All the agencies were also satisfied with the performance of the probationers. The CSO scheme as a condition of probation has been effective and has provided the probationer with a different perspective on life. They did not encounter any major problems when assigning work to them.

The Community Service Unit (CSU) was

set up on 7 December 1996 to implement the CSO scheme in close consultation with the subordinate courts, participating agencies on the CSO scheme, and investigating probation officers. The Juvenile Court imposed its first CSO on 17 December 1996. The first CSO for an adult probationer was imposed by a subordinate court on 22 June 1997.

E. Peer Advisors Programme

In this programme, students from selected secondary schools are given a chance to sit in court proceedings, as well as take part in discussions with a Juvenile Court judge in chambers before judgement is passed. The aims of the programme are to give the Juvenile Court a contemporary peer group perspective of the offending criminal act. The peer advisors' 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.

F. Teen Development Programme

This is a 16 week "After School Care" programme which the court can incorporate into a community-based option for certain offenders. It aims at non-hardcore offenders who have been experiencing problems at home and at school. It targets youths residing in the western part of Singapore. This is a non-residential programme aimed at providing an alternative to institutional care for teens with delinquent traits at home and at school, and who may have committed offences. The programme aims to provide an environment that is safe, structured and conducive for the development of positive and socially acceptable attitudes and behaviours like 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 their first "boot camp" in 1996. Unlike the boot camps in other jurisdictions (that are court sentences), this boot camp was deliberately conducted as a pre-sentence evaluation process. Apart from the strict physical regime of the boot camp, counselling sessions are held for the juveniles and their parents. Programmes at the boot camp are designed to bring about behaviour changes under a controlled environment, so that the supervised behavioural changes will remain with the participants once they are referred back to society.

An integral aspect of this programme is the intensive post-camp follow-up component designed to address the offending behaviour 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 personalized supervision by counsellors.

H. Streetwise Programme

The Streetwise Programme commenced in 1997. This is a government funded project and is a developmental programme aimed at changing the behaviour of youths who have unwittingly drifted into gangs. It is an intensive 6 month structured programme which incorporates 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.

I. Pre-complaint Counselling: Early Intervention

The Juvenile Court recognizes that the family unit has the primary responsibility of disciplining the child. At the same time, the Children and Young Persons Act allows

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

parents to seek the Court's intervention where their children are beyond their control. In fulfilling its restorative role of promoting parental responsibility, the Juvenile Court has successfully utilized community resources to intervene in families with children who are beyond parental control, as an intermediate step before the matter is brought into the juvenile justice system. This is to avoid the situation of having parents lodging complaints against their children in moments of desperation without first seeking the help of the extended family or the resources within the community. This also seeks to ameliorate the undesirable impact on the "pre-delinquent" child, as the latter will likely be remanded in the Boys/Girls Home, pending the social report, after the complaint is laid by their parents. This is to ensure that parents have exhausted all available avenues to help their children before they are brought into the juvenile justice system as a last resort.

Pre-complaint counselling is an initiative devised by the Juvenile Court as a diversionary measure to keep borderline 'beyond parental control cases' away from the court system. Essentially, the Court utilizes community intervention at the pre-complaint stage. The Court will refer borderline BPC cases to the Family Service Centres when the complaint is laid by their parents. The Family Service Centres will do a preliminary assessment of the case to decide if they can work with the family to help them with the child. In the meantime, the case will be adjourned. If the Family Service Centre is able to work with the family, the case will be closed in the Juvenile Court when the family returns on the adjourned date. If the Family Service Centre is unable to help the family, the matter proceeds on in the juvenile justice system.

J. Peer Mediation

On 14 April 1997, the Juvenile Court introduced the Peer Mediation programme in selected secondary schools, as part of its preventive and restorative measures. Peer mediation encourages the use of non-adversarial conflict resolution as an effective alternative to violence and other forms of anti-social behaviour, peer mediation aims to undercut disciplinary problems in schools before they start, by imputing practical skills to manage and resolve conflict before it escalates into a behaviour which requires intervention by the schools, police or the courts. In the peer mediation programme, the students receive special training to enable them to act as third party mediators between two or more of their peers in the same school who are involved in petty quarrels and want to see it resolved constructively. The results of the inaugural peer mediation scheme have been very encouraging.

K. Typology of Youth Rioters

Besides a number of preventive measures undertaken by various government and voluntary organizations to deal with this problem, the courts have also been getting tough with rioting cases. To gain further insight into the profile of juvenile delinquents, the Research and Statistics Unit conducted a study in 1998 on the profile of youth rioters. The mean age of a young rioter was 16.9 years. Studies show that in Singapore's case, the lack of positive parental guidance, sense of alienation, powerlessness and low self-esteem because of a lack of traditional support structures such as the family and school, and built up feelings of frustration and anger, and a desire to obtain support outside the traditional institutions, lack of common ground between the offenders and their parents, and negative peer influence, seem to be the risk factors for the youths' violent, delinquent behaviour. While spending time with negative peers, the

youth picks up bad habits like smoking, alcohol consumption and drugs. Case studies show that the family structure and socio-economic status of the family have little impact on the youths' moral values and delinquent behaviour. The study revealed that in general, the sentences meted out by the courts were mainly rehabilitative in nature. In most cases, youth rioters were remorseful of their offending acts. Tougher sentences had been meted out to hard core offenders. To-date, the breach rate of these youth rioters remains low.

The Juvenile Court, with its restorative justice philosophy, has made deep inroads in the management of juvenile offenders. It has been, and will continue to be, the catalyst in the development and implementation of innovative juvenile justice measures. It seeks to forge effective links with community resources to address juvenile crime and delinquent behaviour both in the present and as we move into the next millenium.

One of the objectives of the subordinate courts is the enhancement of access to justice for the public through improved court services. A large majority of the cases that come before the subordinate courts are for offences like littering in public, offences against environmental public health and minor traffic violations. For most Singaporeans, it is in the subordinate courts that they come into direct contact with the various processes of the law. For example, Night Courts were established in April 1992 to deal with the huge volume of regulatory and traffic offences. These courts function for the convenience of the working public who would otherwise have to take time off from work in order to attend court. These courts function from 6 pm to about 9 pm, Mondays to Fridays. There are two Night Courts, each with its own profile of cases. One (Court 13N) deals with

summons issued by the various government departments such as the Housing and Development Board, the Urban Redevelopment Authority, Central Provident Fund Board, the Registry of Companies and Businesses, and the Inland Revenue Authority of Singapore. The other (Court 23N) deals with road traffic offences brought by the Traffic Police and regulatory offences brought by the Land Transport Authority.

Section 137(2) of the CPC also provides that in any case relating to an offence punishable by fine only or by imprisonment not exceeding three months, and in which the presence of the accused has been required by a summons issued by a Magistrate, such an accused desiring to plead guilty to the offence and be sentenced in their absence may, by letter addressed to the court, plead guilty and submit to pay any fine which may be imposed in respect of such offences. Public awareness of this provision would result in less caseloads and unnecessary attendance.

A Multi-door Courthouse (MDC), the first such courthouse in the Commonwealth and Asia-Pacific region, was established on 2 May 1998. The MDC is a one-stop service centre for the screening and channelling of cases. Thus, it seeks to increase public awareness of dispute resolution processes, offer and co-ordinate a selection of high quality dispute resolution programmes, and assist parties in selecting the most suitable dispute resolution process. The MDC pairs a dispute within the jurisdiction of the subordinate courts, with an appropriate solution forum. It renders information to enable members of the public to make informed decisions in respect of their justice needs in the area of civil, criminal, family and juvenile law, etc. It aims to be a centralized intake and diagnostic centre to screen cases to the most appropriate type

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

of dispute resolution process. It serves to enhance a paradigm shift from the traditional adversarial adjudication of disputes to management of disputes through the use of alternative dispute resolution mechanisms.

The MDC launched the Vulnerable Witness Support Programme in August 1998. This programme provides support to vulnerable witnesses who have to testify in public prosecution of criminal cases. "Vulnerable Witness" refers to victims of crimes, such victims of rape or molestation or family violence cases, or witnesses under the age of 16 or those having intellectual capacity below the age of 16 years. Amendments have also been made to the Singapore Criminal Procedure Code (Cap 68) for the evidence of vulnerable witnesses, in certain types of offences, to be heard through video or television links. With the assistance of the Singapore Children's Society, a support group is being put into place. In each instance, a support person will help the vulnerable witness walk-through the court environment before the trial, to allow him/her to understand court procedures so as to alleviate the stress levels of such witnesses. This will cut down the anxieties of the vulnerable witness. Volunteers will not discuss any matter of the case with the witness or his/her parents or guardians. Referrals under the programme are from two sources, namely, the Attorney-General's Chambers and/or the police. Referrals to the MDC are also made by the counsellors in the Family Court of victims in family violence cases.

As part of the sentencing process, Victim Impact Statements for sexual offences have now become a feature of the criminal justice process in the courts. A victim impact statement is a statement made by the victim of a crime detailing how the crime has affected the victim physically,

emotionally and financially. This has effectively introduced into our criminal jurisprudence a balance between the rights of the accused and the victim. The statements are used judiciously, and as part of the mitigation process. The first victim impact statement was presented in court on 30 June 1997.

In order to assist the community in accessing justice easily, the subordinate courts, in collaboration with the Ministry of Law, the National Council of Social Service, People's Association and Singapore Police Force, launched the "Strengthening Community Links Project". The primary objective of the project is to institutionalize and operationalize various community-based programmes and initiatives in order to strengthen community links. This is done via the integration of the respective primary roles of the various participating agencies, and through the provision of a co-ordinated service package to members of the public to enhance their welfare, security and community bonds.

L. Problems Relating to Court Congestion and Trial Delays

Aside from improving court services, a prime objective of the courts has been to maintain a responsive justice system, as measured by the timely and effective disposition of cases. In his speech at the Singapore Legal Opening 1999, the Honourable the Chief Justice said "In 1998 alone, the subordinate courts dealt with, in round numbers, a total of 364,000 cases and other matters. Compared to the 1997 caseload, there is an increase by 28.1%... Strict case disposition and judgement timelines continued to be maintained for all cases. The subordinate courts have no backlog." His Honour also added that "The subordinate courts went further in 1998 to offer, what they called a "Hotwash"; an opportunity to members of the Bar, the public prosecutor and the other prosecuting

and enforcement agencies to have their civil or criminal cases heard before the end of the year and expedited earlier than the prescribed timelines. This invitation was initiated along with other pro-active measures as part of the subordinate courts' desire and commitment to keep ahead of the flow of cases and work, and to commence 1999 afresh and on top of things. It was also an attempt by the courts to meet the special needs of the parties."

Court congestion, trial delays, protracted hearings and rigid trial procedures are ailments which afflict most judicial systems. The resulting impression is that the machinery of justice is mismanaged and inefficiently run. Singapore is mindful of such pitfalls and solutions are constantly sought and reforms introduced to streamline the court administration to ensure continued fair and speedy trials.

In the years 1992 to 1993, the courts focused on the problems of clearing the backlog of cases awaiting hearing dates and on improving the waiting periods for the disposal of cases. In 1993 and the years following, the focus shifted from problem solving to overhauling the organizational structure and work systems of the courts to guide judicial officers in the administration of justice and the fine-tuning of the justice system. In March 1997, the Chief Justice of Singapore in his Keynote Address during the Introduction of the Subordinate Courts Sixth Workplan for 1997 and 1998 said : "... our vision should be for the subordinate courts to become world-class; among the best in the world. This vision will further strengthen public confidence in the justice system. On a broader front, it will enhance Singapore's reputation for the rule of law."

The courts have a duty to the State and all persons involved in legal proceedings to facilitate the timely and expeditious

disposition of cases. Justice delayed is justice denied. As such, the stand taken has been that the pace of litigation and case disposition must be set by the courts. Reforms have been instituted in the subordinate courts on the premise that judges have a major role to play in the timely and expeditious disposition of the cases before the courts.

Unlike in the past, where judges were expected to play a non-interventionist role, case management is now a legitimate judicial function. The challenge facing all courts is to dispose of their cases efficiently and expeditiously, without affecting the quality of justice. This is of primary importance in the area of criminal case management, where there is a constant tension between the aim of preventing an unnecessary waste of time in the hearing and determination of criminal cases and the need to keep intact the basic rights of an accused person which ensure that s/he is given a fair trial.

In April 1993, a group management of cases ("GMC") system for criminal cases was introduced in the subordinate courts. Under this system, trial courts are divided into four groups and a senior judge is appointed group manager for a number of judges, with the task of managing a court calendar for their group, to expeditiously dispose the criminal cases allotted to that group. The disposal of the assigned number of cases within specified time periods is the responsibility of the group manager and the judges in that group. At the time of its inception, its first aim was to clear the backlog of cases which had accumulated. Since then, the GMC scheme has proven to be a success in clearing the backlog of cases and making it a thing of the past. The disposition rate attained by the GMC groups has been consistently high.

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

The introduction of Pre-trial Conferences (PTCs) in 1993 coincided with the implementation of the GMC scheme and marked a paradigm shift in the philosophy of the courts towards case management. The courts now play an active role in the management of cases, by ascertaining the status of the case and defining and clarifying the contentious issues of the trial. At PTCs, parties are urged to disclose the nature and extent of their case, their lists of witnesses and physical evidence. Where parties can agree on facts which are not in dispute, the court will direct for the preparation of statements of agreed facts, so that the trial will focus only on contentious issues. Parties are encouraged to tender conditioned statements (these are statements prepared under conditions that will enable the statements to be admitted during the trial, to the same extent as oral evidence). This cuts down on the time for hearing and saves witnesses the inconvenience of attending court, when their evidence will not be disputed by the other party. Issues and areas of dispute are identified and reasonably accurate assessments, in respect of the time required for the trial, can then be made.

In May 1997, a Differentiated Case Management (DCM) Scheme has been instituted for two categories of criminal cases in the subordinate courts, to ensure effective, efficient and expeditious management and disposal of such cases. The first is for cases initiated by the CPIB, and the second relates to immigration cases involving foreign witnesses. A special court has been set up to manage each of these categories of cases. After these cases are mentioned in the Criminal Mentions Court (Court 26), where the accused claims trial in such cases, they are fixed for a PTC in their respective special court within one to two weeks from the date of first mention in Court 26. Where the accused elects to

plead guilty, these cases would be transferred immediately to the Centralized Sentencing Court (Court 24) for sentencing.

In both civil and criminal matters, a strict "no adjournment" policy is adopted. Applications for the adjournment or vacation of hearing dates are scrutinized carefully, and these applications would be refused unless there are good grounds. Strict control is exercised for even those applications for adjournments made on medical grounds. With effect from 15 February 1997, only medical certificates, which state certain prescribed details such as the diagnosis, full name and designation of the medical practitioner, and a statement that the patient is to be excused from court attendance and not merely from work attendance, are accepted. Lawyers and litigants are now aware that they will have to be prepared for the trial to proceed at the assigned hearing dates. In addition, efforts are taken to ensure that part-heard cases are kept to a minimum. The Court's policy is that cases should be heard and disposed of within the hearing periods allotted for the trial. Judges are also vigilant in ensuring that there is no misuse of the legal process through unnecessary and prolonged questioning by counsel, resulting in protracted trials.

Besides ensuring that waiting periods for trial dates are favourable, the pace of case disposition is monitored by the courts from the time a case is commenced in court. In criminal cases, the progress and disposition of a case is monitored from the time the accused is first charged in court through the mechanism of pre-trial conferences leading up to the trial. As of January 1999, the following waiting periods for trials were maintained:

RESOURCE MATERIAL SERIES No. 55

Criminal Trial Cases

District Arrest Cases	2 to 4 weeks from last Pre-trial Conference (PTC)
Magistrate's Arrest Cases	1 to 4 weeks from last mention of PTC
Police and Private Summonses	1 to 4 weeks from last mention
Traffic Cases:	
General	1 week from last PTC
Drink and Drive	2 weeks from last PTC
Coroner's Cases:	
General	8 weeks from date of death
Special	4 to 6 weeks from date of death

Crime Registry

Magistrate's Complaints	2 weeks from filing of Notice
-------------------------	-------------------------------

Juvenile Court

Juvenile Arrest Cases (Hearing)	2 weeks from last mention
Juvenile Arrest Cases (Sentence Report)	4 to 6 weeks from order of sentence report
Family Conferencing	2 weeks from submission of sentence report
Family Care Conferencing	2 weeks from submission of social report

M. Harnessing of Technology

In his keynote address at the Technology Renaissance Courts Conference on 24 September 1996, the Honourable Chief Justice of Singapore, Mr Yong Pung How, said: "As the technology revolution unfolds, there will be implications for the judicial system. Judges will have to deal with countless new ways to acquire, receive and process data, contend with old information that is being expanded by the new, and adjust to changing expectations. And as society changes, so will conflict. The judiciary must take the lead in assessing technological and scientific advancements to ensure that the law can address the legal issues of tomorrow. The judiciary must be the first to understand advancements in biotechnology, molecular biology, robotics, and artificial intelligence and assess the new legal issues which these changes will bring. The rapid rate of innovation and

diffusion of technology will also mean that judges and court administrators will have to conduct on-going technology assessments of the vast opportunities offered by technology to the administration of justice. For example, the subordinate courts are already using video conferencing technology to conduct remote bail hearings from prisons. And through a video link, vulnerable witnesses are able to give evidence away from the courtroom, thereby avoiding direct confrontation with the accused person...."

The Chief Justice also said at that conference: "Whatever changes the future brings, we must always remember that justice must be assisted, not dominated, by technology. Technology alone does not improve the system. It is people, assisted by technology, who make the justice system work. We must be careful not to blindly

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

substitute technology or become slaves of technology. Neither should technology be used to avoid human contact for what is technically feasible, may not always be desirable. Efficiency, as an objective, should never replace thoughtful consideration. Instead, improvements generated by technology should complement tested and proven methods of administering justice. Justice should never be on the "cutting-edge" of technology, for dignity and due process are too important to jeopardise through potential systems failure or malfunction."

In its efforts to enhance the efficiency of the courts and to improve standards of service to the public, the subordinate courts have attempted to harness the rapid advances of cutting-edge technology. The courts have made extensive use of technological advances to improve court services for lawyers and court users, and to enhance the efficiency of the courts. Technology will enable the subordinate courts to offer new and more convenient services to the public. Court services could progressively be made available without the public having to physically come to court. Over time, with information technology it would be possible for the operation of "virtual" courts, which would allow businesses and individuals to transact court matters from their offices and homes. The subordinate courts have certainly come a long way since the days when it struggled to put a computer on the desktop of every officer.

The courts have adapted such technological advances for use in the justice system to further enhance the court's productivity, and these have had a major impact on the justice process and work systems. For instance, the ATOMS launched by the subordinate courts in November 1996, allows the payment of fines for minor traffic offences through the

more than 100 automated teller machines located at convenient public locations. This dispenses with the need for defendants to appear personally in court to answer the charges against them.

In the Criminal Mention Courts (in Court 26), we have utilized video-link technologies to connect the courtroom to the remand prisons, so that applications for bail can be made through a Bail Video-Link without the need for the prisoner to be brought physically to the courtroom. A Witness Video-Link (in Court 16) enables vulnerable witnesses, such as child witnesses or victims of sexual offences, to give their evidence without being physically present in the courtroom to face the accused. Similarly, video conferencing has also been introduced to hear family violence cases (in Court 46). These cases can be heard with the witness testifying through video-link instead of in the courtroom. By testifying through video conferencing, the trauma of the family violence victims can be reduced.

Technological innovations have also been used to improve the work systems within the courts to assist the judicial officers. In addition to being able to carry out legal research from their personal computers, a judicial officers' database was launched in early 1998. Judicial officers are now able to access through their personal computers bench manuals and other papers in the courts database. This has enhanced the dissemination and sharing of resource materials among judicial officers.

The Technology Court was launched in 1995 in the Supreme Court. Various technologies to facilitate the presentation of evidence and other information have been installed. Within this Court, there are video conferencing facilities, an integrated audio-visual system together with a litigation support system. Evidence

is recorded digitally as computer files. This enables transcription to be done much faster than previously with audio tapes. Almost all judges and judicial commissioners have presided over hearings in the Technology Court and it has been in considerable demand. Likewise, a criminal trial court in the subordinate courts has been converted into a Technology Court. The subordinate courts also has 10 Digital Recording Courts and a Technology Chamber. In lengthy trials, the judges may use the digital recording machines to record the evidence of witnesses. All these courts are linked up by a computer network which in turn are linked to the subordinate courts network with security protection.

In August 1998, the Chief Justice and the Judges of Appeal spearheaded the transition into the age of the paperless court with the introduction of the electronic hearing of all Magistrates' Appeals and Appeals to the Court of Appeal in both civil and criminal matters. This year, it is planned for electronic hearing to be extended to trials in both civil and criminal matters also. The conduct of appeals in the electronic environment has been found to be much faster and more efficient than in a non-electronic environment, as documents referred to in the appeal hearings could be retrieved and projected over the monitor screens instantaneously and effortlessly for all present in the courtroom.

The subordinate courts are currently working on the Singapore Case Recording Information Management System (SCRIMS), a fully computerized file tracking and information management system for criminal cases. The system will house databases containing all vital information concerning criminal cases dealt with in the subordinate courts. Also in the pipeline is the Integrated Criminal Justice Information Management System

(ICJS) which essentially involves the setting up of an integrated networking between the subordinate courts and agencies such as the Attorney-General's Chambers, Prisons Department and the Police Criminal Records Office. The network will enable these organizations to share information and common operational data.

The Supreme Court Internet website is at <http://www.gov.sg/judiciary/supremect.>. All significant speeches of the Honourable Chief Justice delivered since 31 July 1996 are now posted there. The subordinate courts launched its Internet website located at <http://gov.sg/judiciary/subct.> on 1 March 1997 which accords with the subordinate courts' strategic plan to maximize the use of information technology to enhance its services to the public. A highlight of the website using "photobubble" technology, is a virtual "walk through the courts". This segment takes the viewer on a visual 360 degrees walk through of the subordinate courts.

N. Family Violence

The amendments to the Women's Charter took effect from 1 May 1997. Pursuant to the amendments, applications for Personal Protection Orders (PPO) at the Family Court can be made not only for spousal or domestic violence involving children, but also by family members such as parents, siblings and other family members as deemed fit by the court. The amendment has therefore resulted in a change in the profile of persons seeking protection from family violence at the Family Court. The scope of family violence was expanded to include causing hurt knowingly, restraining a family member against their will, placing a person in fear of hurt and continual harassment.

Further, "family violence" now includes non-physical acts of violence that amount

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

to abuse of the complainant. The powers of the Family Court have also been increased such that parties can be ordered to attend counselling. Breach of a PPO is also a criminal offence. These changes give greater protection to all members of the family.

The time taken for the issuance of a PPO is of utmost importance to a victim of family violence. Once an application for a PPO is received by the Court, the Court will take cognizance of the complaint. In cases where there is imminent danger of family violence being committed against the applicant, the Court will issue an expedited protection order immediately after the lodgement of the complaint. In other words, the victim will have the benefit of a protection order on the very day when an application for protection is made. Such a protection order is effective from the date of service and is valid for 28 days or until the hearing or mention date.

With regard to the application for a PPO, the application is fixed for mention within one week. Where parties wish to instruct counsel, the case may be fixed for further mention. PPOs may be granted on the mention date in suitable cases. Where a trial is necessary to ascertain the veracity of a complaint, the trial will be fixed within one to two weeks. In the interim, counselling sessions may be fixed in suitable cases. Unlike an expedited protection order, there is no fixed duration for a PPO which is granted on the mention date or after trial. The PPO remains valid until the order is rescinded or set aside.

Since 1 November 1997, the Family Court has set up the Family Protection Unit, which is a dedicated and specialized unit to handle applications for protection orders. Professional court counsellors are attached to the Unit. They conduct intake interviews of victims of family violence,

carry out risk evaluation (including assessment of the severity of the acts of violence), and offer support and advice to victims on safety measures. Victims of family violence who require long-term emotional support will be referred to welfare agencies or crisis shelters in the community for counselling support, shelter and other assistance. They may also refer parties requiring legal advice to the Family Court Legal Clinic, which is manned by volunteer lawyers who offer legal advice at no charge. Since December 1998, the Unit even houses a medical clinic operated by volunteer doctors working on roster from the Association of Women Doctors (Singapore) to provide free medical examination to applicants for PPOs. This service enables applicants to procure medical evidence for the hearing when applying for PPOs. Previously, such applicants were referred to designated hospitals for expeditious medical examination, after which, the medical examination form would be forwarded to the Court before the next hearing.

With the setting up of the Family Protection Unit, the Family Court also processes applications for PPOs within a shorter timeframe. In cases where there is imminent danger of family violence being committed against the applicant, the Court will issue an expedited order upon application. The expedited order is served on the same day or by the next working day. All applications for PPOs are also fixed for mention in the Court within one week. In other words, parties are brought before the Court expeditiously so that the application can be dealt with at the earliest opportunity. Thereafter, the Court will closely monitor the progress of a case to ensure that the necessary orders are made quickly. All these add up to a system whereby protection is afforded to a victim without undue delay.

VII. PLANNING FOR THE FUTURE

The Singapore court system is continually evolving to meet the needs of society. To ensure that the Supreme Court is well prepared for the challenges ahead, departmental workplans have been set out annually since 1992 and presented to all staff at the Supreme Court and Subordinate Courts Workplan Seminars, respectively. The departmental work plans set out our specific work targets, strategies for achieving these goals, and the indicators or checklist of tasks that we will use to benchmark our performance in the work year. The Seminar serves as a compass in our continuing journey towards higher levels of excellence and to guide us with greater precision and accuracy. As the workplans are conceptualized annually, they enable the courts to reset and map out immediate goals and targets against the courts' long term strategic direction and policies. These workplans are not just mandatory, but fundamental to our goal of being a world-class judiciary. In fact, in his speech at the Opening of the Legal Year 1999, the Chief Justice of Singapore remarked that "the subordinate courts have realised their vision of becoming world class."

VIII. THE JUSTICE STATEMENT

The vision of the Sixth Workplan Seminar of the Subordinate Courts 1997/1998, held on 1 March 1997, was to become world-class in the 21st Century. More emphasis was placed on enhancing Singapore's reputation for the rule of law and strengthening public confidence in the justice system. To provide a framework of values for the judges of the subordinate courts bench, it is necessary that timeless core values are established to guide the judiciary in the administration of justice. At the Seminar, the Justice Statement of the Subordinate Courts was also unveiled. It sets out the mission, objectives, core

values and principles for the discharge of judicial duties. This Justice Statement serves as a constant reminder to judicial officers of their duties, and a written commitment by the courts of their duties to the public.

"Vision without action is merely a dream. Action without vision just passes the time. Vision with action can change the world", Joel Arthur Baker. Mere target setting is not enough to inspire true passion and commitment. It is big goals and challenges, and a common purpose, that brings on excitement and the sense of fulfillment which makes life worthwhile. The core values determine the means of reaching the destination and are the soul that guide and align our actions. They are the compass by which we navigate through challenges and rapid changes, and advance towards our ultimate goal. With the core values as our faithful commandments, the courts will be serving the public good with conscience. Faithful adherence to these principles is therefore necessary for the courts to become *Dignus Honore*, or worthy of honour, of the public trust which the nation and community have bestowed upon the institution and its officers.

IX. CODE OF ETHICS FOR JUDICIAL OFFICERS

Another management challenge is the inculcation of judicial ethics in judicial officers. It is crucial to any justice system that the judicial officers are committed to honour the spirit and letter of their judicial oath. A Code of Ethics for Judicial Officers has been prepared and will provide guidance and a framework for regulating the conduct of judicial officers, and will also enhance the public accountability of the judiciary. The areas covered range from personal propriety to judicial duties, as well as extra-judicial activities. The provisions in the Code reflect the values of judicial

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

oaths of office and allegiance. The Code does not seek to govern but to guide judicial officers, and as such, it does not impinge on independence in judicial decision making.

A. The Strategic Framework

To ensure that the subordinate courts remain focused on achieving their mission of administering justice faithfully in the evolving environment of the next millennium, the courts established a strategic framework. In his Keynote Address at the Introduction of the Seventh Workplan Seminar of the Subordinate Courts 1998/1999, the Honourable Chief Justice, Mr Yong Pung How, set out the elements of such a framework to be as follows:

- (a) The public perception of the Singapore justice system must be one of confidence in and respect for Singapore courts and the rule of law.
- (b) The justice system must maintain human dignity, uphold the rule of law, and enhance access to justice;
- (c) All persons will have ready access to justice in the subordinate courts, which will provide a range of effective and expeditious means of dispute resolution, without undue cost, inconvenience or delay;
- (d) The subordinate courts will ensure independent, fair and equal application of the judicial process and administer justice in accordance with the law;
- (e) The subordinate courts will be administered in accordance with sound court governance principles which foster the efficient use of public resources and enhance performance;
- (f) Technology will be strategically employed to increase access, convenience and ease of use of court services, and to assist the courts in enhancing the quality of justice;
- (g) The impact of socio-economic and

legal forces will be closely monitored in order that the subordinate courts can effectively lead and manage change amidst a rapidly changing national and global environment;

- (h) The subordinate courts will be adequately staffed by the best judges and court personnel, who will be supported by continuing education and performance evaluations.

This framework, together with the Subordinate Courts Justice Statement, provides a reference or benchmark against which future activities should be assessed.

B. The Courts Charter

On 15 February 1997, the judiciary launched a charter for court users ("The Courts Charter") in an effort to further increase public understanding of our court system and to enhance its accessibility. Copies of the Charter are distributed free to the public at the various service counters. There is overwhelming demand for copies of it. The Charter is also available on the Supreme Court's website. The Charter sets out the mission of the courts as professionalism and excellence in the expeditious and efficient dispensing of justice in accordance with the law. It also lays out our values to be accessibility, expedition, equality, fairness and integrity, independence and accountability, and public trust and confidence. The Charter describes the range of services and the response or processing time for these services. It will serve as a useful performance indicator of the effectiveness and efficiency of the judicial system. As the Chief Justice of Singapore, Mr Yong Pung How, said at the Opening of the Legal Year 1997, "For without public trust and confidence in the justice system, the rule of law will not have any practical meaning."

The Courts Charter was also included in the Creativity 27, by the US-based "The

Creativity Annual”, a publication which records outstanding international creative works. The Charter was chosen among 77 entries from the United States and countries around the world.

X. THE JUSTICE POLICY GROUP

The Singapore judiciary recognizes that as one of the institutions in the justice system, it must remain relevant to the society which it operates within. The courts must be prepared to deal with the challenges resulting from changes in the conditions and environment within which it operates. The anticipation of future challenges, and the measures to be taken, are important components in the long-term strategic planning and direction of the courts, and the formulation of judicial policies. The courts have taken a pro-active approach in this respect. Future planning for the century ahead has commenced and a Justice Policy Group (JPG), serving as a think-tank, has been formed. The JPG will advise on and assist in the formation of judicial policies. It is also concerned with the charting of strategic directions for the subordinate courts. The JPG's chief role is to facilitate research and development in various disciplines. It also sources pertinent ideas from eminent foreign experts in this respect. The results of this research will then form a credible basis from which informed policy decisions emanate.

XI. ANNUAL REPORTS

The Supreme Court and the subordinate courts jointly issue a report annually. The annual reports set out all the developments and achievements for the past year, together with the milestones for future activities. The annual reports not only enhance the efforts of the courts towards public accountability and commitment, but also shape and mould the perception of our constituents and the public.

XII. THE CENTRE FOR JUDICIAL EDUCATION AND LEARNING (CJEL)

The Centre for Judicial Education and Learning (CJEL) was established in mid-1996. Programmes and lectures during the year focused on enhancing bench skills, professional knowledge, case management, ethics and good practice, and social context education. Some of these courses were also extended to court administrators.

The criminal justice system embodies and secures the rule of law and protects the public. The openness of our economy cannot prevent us from insulating against regional crime trends. The range of crimes is becoming increasingly broad and complex. The subordinate courts continue to anticipate the changing trends of crime. Sentences and sentencing philosophy are reviewed. Effective deterrent and severe punishments are imposed on offenders who commit crimes of particular concern to the public, as well as dangerous and chronic offenders.

The courts will adopt appropriate measures to further enhance and extend the quality and scope of their services to the public. More attention and resources will also be focused on public awareness programmes to reach out to the public. The level of public awareness of the programmes implemented by the Singapore courts is relatively high. The main sources of information for such programmes were gathered through the media of newspapers and the television. The feedback obtained will also be relevant for setting performance benchmarks for the judiciary.

XIII. CONCLUSION

In the face of news of countries where drugs, crime and violence seem commonplace, Singapore has been able through the

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

efforts of the police, the prosecutors and the courts, managed to keep its crime rates down for nine successive years. As the Chinese saying goes, "To develop a business is difficult, to keep the business going is even more difficult." Success management is therefore a challenge for our community. The police, the prosecutors and the courts can constantly survey their service quality and public perception of and confidence in their organizations. The officers in these organizations should uphold their core values, mission, goals, objectives and key priorities. Management in these organizations should be effectively engaged in strategic planning and, at the same time, work with their subordinates to discover ways to provide quality service to the public. If an organization's structure fails to serve its purpose, it needs to be changed.

The future depends on initiative. It depends on people taking action, reflecting on the consequences, and finding ways of doing it better next time. Learning fast enough to survive is becoming an essential requirement for success. This requires the police, prosecutors and the courts to be in a position to change its services and processes to reflect what is learned. Creating the future, which once lay in the hands of others, has become the responsibility of all. Therefore, the potential of all officers, be it the police, prosecutors or judges, should be developed and utilized, so that instead of being passive observers of events unfolding before them, they may be active participants in exploring and finding better ways in the future, so that the country and its people can really benefit from their energies and capabilities.

The most important task is to anticipate crisis. To wait until crisis hits is already abdication. Management in the police and public prosecutor's offices, as well as in the courts, are engaged in strategic planning

to anticipate and plan ahead for any crisis. In this respect, the subordinate courts place strategic goals and milestones into their annual workplans. As the Honourable Chief Justice, Mr Yong Pung How, said at the Asia - Pacific Courts Conference in August 1997: "As leaders, there are three errors which I think we must avoid at all cost. They are the failure to learn from the past, the failure to adapt to the present, and the failure to anticipate the future."

With fast changing technology, the nature of crime, especially in the commercial world, will become complex and sophisticated. We must be alert to harness such advances in technologies to help us in achieving better performance to benefit our society. By constantly applying and testing such advances in our work environment, we can explore the greatest value of technological advancement. Officers will therefore need to have the knowledge to deal with high-tech crime as the new century unfolds. Moreover, the nature of crime usually involves the police, prosecutors and the courts, it may be necessary to harness the knowledge of these strategic partners with the aid of modern technology.

Combating crime is not only the responsibility of the police, but the public prosecutor and the courts as well. Crime will continue to occur and evolve in more sophisticated and complex ways. Criminal minds manoeuvre within the loopholes of the law and policies, using their expertise and positions. The competency of the police, the prosecutors and the judges is vital to handle sophisticated crimes. Training is fundamental to gain the expertise and resources to be in a position to battle complex and especially, white-collar and computer crimes.

As Singapore becomes an even more global, cosmopolitan city in the 21st

century, drawing talents from around the world, the social composition and structure of the country will inevitably change. To add fuel to the engine of our economic growth, Singapore has to compete to attract foreign talents to its shores. The public will therefore no longer remain homogeneously local. Foreign professionals and workers alike will bring with them their different expectations and culture. In turn, Singaporeans might follow this new benchmark. To meet the challenges ahead, the Singapore police, prosecutors and the courts should be trained to better relate to and communicate with the public.

International ties with police forces all over the world are essential as crime goes international; a result of the growing affluence and information age. International ties could be in the form of inter-forces games, liaison meetings, training work attachments, joint operations and criminal arrests. As a result of such close ties, more exchange of intelligence, networking of liaison officers of direct contact and shared database systems can be made possible. In the same way, closer ties with other departments of the home team can also be established.

The widespread unemployment and rising prices in South East Asia will have a ripple effect on the crime situation in Singapore, with the threat of illegal immigrants entering Singapore and committing crimes. Being a mere city-state, Singapore's margin for error is extremely small and therefore there is a constant need to improve and upgrade services for its people, who are its most important asset, in whatever they do and to continue to enhance their capability to meet the challenges that lie ahead. The ability of its people to change quickly is essential.

The Singapore Prime Minister, Mr Goh Chok Tons, has said that "We, cannot afford a mindset that instinctively shuts off challenges to the existing status quo. We must always be willing to look at issues afresh. From time to time, when a particular strategy or policy has served its usefulness, we must dare to break the mould and start anew."

In today's fast changing world, yesterday's successful practices may no longer be effective today. Our organizations must not be complacent about their past successes and start to rest on its laurels. As the saying goes, "Success is a journey, and not a destination." The path is never-ending; human competitive nature to better yesterday's achievements and to reign supreme in the rat-race provides strong impetus to continually raise the standards of performance, and to reach for that pot of gold at the further end of the rainbow. Besides valuing the past, the leadership must keep challenging existing assumptions and existing ways of thinking and acting.

Scenario planning, which is not trying to predict the future but perceiving the future in the present for each organization, i.e., on what to do if a certain event takes place, may be useful to better prepare for the future. To operate in an uncertain world, we need to question the assumptions about the way the world works, so as to have a clear view of the world and how the world may impact on the police force. The end result for scenario planning is not to present an accurate picture of tomorrow, but to provide better decisions about the future and how worldwide events affect us.

The challenges ahead for the police, the prosecution and the courts as they move into the 21st century, with their impressive and successful track records so far, perhaps resonates with the broader challenge for

111TH INTERNATIONAL SEMINAR
VISITING EXPERTS' PAPERS

our government on how the three arms of justice can continue to attract the best and optimize the development of our officers as a vibrant organization. The future seems to be pointing towards the trend of global learning. Therefore, a much wider perspective than the past is required and emphasis on organizational learning and service excellence will propel us to greater heights of success and achievement. Organizational learning is where the organization continually enhances its capabilities, and through innovative thinking on different ideas and approaches, discover how to create results it truly desires for its future. In reality, learning and training are the two sides of the same coin. The purpose of training is to help someone to learn, and to learn how to learn. Learning is said to have taken place when a person acquires new skills, knowledge and behaviour. Gandhi once said “we must become the change we want to see.”

- The Singapore Judiciary Annual Reports 1997 & 1998.
- The Singapore Police Force Annual Report 1997/1998.

Therefore, as we prepare for the dawn of the new millenium, the three arms of criminal justice should be spurred by their achievements and milestones to continue their hard work and effort in the journey towards an even brighter and better tomorrow.

Sources

- Keynote Address of the Chief Justice at the Introduction of the Subordinate Courts Workplan for the years 1997/1998 and 1998/1999.
- The Chief Justice’s Speech at the Opening of the Legal Year 1997, 1998 and 1999.
- Keynote Address of the Chief Justice at the 1997 and 1998 AIJA/APIC Conference.
- Keynote Address of the Chief Justice at the Technology Renaissance Courts Conference on 24 September 1996.