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WORLD FACTBOOK OF CRIMINAL JUSTICE SYSTEMS

SINGAPORE

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GENERAL OVERVIEW

1. Political system.

Singapore is a city/nation with a population of 2.6 million. 77% of its population are Chinese, 15%, Malays, and 6%, Indian. The four official languages of Singapore are English, Mandarin Chinese, Malay, and Tamil. (Vreeland, et.al., 1977).

The Republic of Singapore is a parliamentary government patterned after the English Westminster model. The constitution provides the structure and organization of the executive, legislative, and judicial branches of the government. (Vreeland, et.al., 1977).

2. Legal system

The legal system in Singapore is adversarial in nature. English common law was superimposed on the existing Malay customary law and Muslim law. Consequently, the legal system in Singapore can be characterized as pluralistic. While the dominant common law which shaped the Singapore legal system applies to all segments of the population, Muslim law governs the Muslim community in religious and matrimonial matters. Muslim law is administered in accordance with the Administration of Muslim Law Act, Cap.42. (Woon, 1989).

3. History of the criminal justice system.

The country was founded in 1819 by Sir Thomas Stamford Raffles for the British East India Company. At that time, it was a 263 square mile island with 150 residents. Raffles set up a police force to maintain English Law with a sergeant and 12 constables. By 1961, the force had grown to 440 men. (Vreeland, et.al., 1977; Harman, 1991).

For the first 25 years after the English East India Company acquired Singapore, legal chaos prevailed. The company's officers administered justice according to the dictates of their consciences, administering Malay and Chinese law to the locals but exerting no control over European and British subjects (Chen, undated; Leong, 1991).

In 1826 the English East India Company granted a Second Charter to serve Singapore, Penang, and Malacca. During this period, the Singapore courts modeled the English legal system. As Singapore developed into an international port, piracy problems developed. Consequently, marine patrols were introduced which are still a part of the Singapore Police Force today. The introduction of motor cars brought about additional changes in the police force. Specialized units were introduced as new problems emerged. The establishment of an internal security branch in 1919, a marine branch in 1919, and a traffic branch in 1936 attest to the flexibility of the police department in adjusting to new situations. (Harman 1991; Vreeland, et.al., 1977).

The Singapore police force was destroyed after World War II. After the war, in 1945, the British helped to rebuild the force. For the first time, Asians became officers and a women's unit was established. In 1963, Singapore joined with the Federation of Malay to form Malaysia. Singapore then gained independence in 1965. In 1969, the police force of the Republic of Singapore replaced its Khaki uniforms with blue uniforms, thus shedding its last vestiges of colonialism. (Vreeland, 1977).

Although Singapore's legal system borrowed heavily from the English law, it has, to a lesser extent, also retained legal influences from other sources. For instance, the Singapore Penal Code and Criminal Procedure Code were borrowed primarily from India in the 19th century. (Chen, undated).

1. Classification of crime.

*Legal classification. Crimes in Singapore are classified as either seizable or non-seizable offenses. For example, seizable offenses (Class I) include crimes against persons, such as murder, hurt and grievous hurt, intimidation, and outraging modesty. Class II seizable offenses include violent property crimes including attempted extortion, simple robbery, and armed robbery. (Pakiam and Lim, 1983).

Class III seizable offenses include housebreaking and related crimes such as theft of motor vehicles, theft of bicycles, theft outside dwelling, theft in dwelling, and cheating; Class IV includes theft and related crimes, such as arson; and Class V includes fraud, forgery, and related crimes, such as offenses against the currency. Class VI is divided into group A, which includes "other" seizable offenses and group B, which covers seizable offenses not treated as crimes, and group C, which covers non-seizable offenses. Seizable offenses are punishable by a minimum of 3 years in prison.

*Age of criminal responsibility. The age of criminal responsibility is 7. However, a child between 7 and 12 years old, who in the viewpoint of the judge does not have sufficient understanding of the nature and consequences of the crime, is exempt from criminal responsibility. (Singapore Penal Code, Sect. 82,83).

*Drug offenses. The Misuse of Drugs Act (MDA) enacted in 1973 is the most stringent law intended to fight the drug problem in Singapore. Drugs which are considered serious include heroin, morphine, and opium. Punishments for drug offenses include whipping, jail sentences, and long prison terms, sometimes up to 30 years. (Leong, 1990; Jayasuriya, 1984).

The MDA was amended in 1975 to allow the death penalty for drug offenses. The act allows the death penalty for the unauthorized manufacture of heroin and morphine, irrespective of the amounts involved. Further, the trafficking of more than 30 grams of morphine or more than 15 grams of heroin is also punishable by death. (Leong, 1990).

2. Crime statistics.

The following data were extracted from the International Crime Statistics compiled by Interpol. The figures represent total crimes known to police and rates per 100,000 population.

*Murder. In 1990, 44 cases of homicide/murder were reported to the police, for a rate of 1.5 per 100,000 population. (The number of homicides/murder cases recorded by police and their respective rates per 100,000 population for previous years: 70 (2.6) (1989); 54 (2.04) (1988); 50 (1.9) (1987); 66 (2.6) (1986); and 70 (2.7) (1985).) Attempts are included.

*Rape. In 1990, 111 cases of rape were reported to the police, for a rate of 3.7 per 100,000 population. (The number of rapes recorded by police and their respective rates per 100,000 population for previous years: 100 (3.7) (1989); 96 (3.63) (1988); 99 (3.8) (1987); 111 (4.3) (1986); and 85 (3.3) (1985).) Attempts are included.

*Robbery and violent theft. In 1990, 1,787 cases of robbery and violent theft were reported to the police, for a rate of 59.5 per 100,000 population. (The number of cases of robbery and violent theft recorded by police and their respective rates per 100,000 population for previous years: 1,622 (60.4) (1989); 1,674 (63.2) (1988); 1,681 (64.3) (1987); 1,676 (64.8) (1986); and 1,628 (63.6) (1985).) Attempts are included.

*Serious drug offense. Information not available.

*Crime regions. Information not available.

VICTIMS

1. Groups most victimized by crime.

Information is not available on the breakdown of victimizations. However, it is believed that victimization of tourists is a problem in Singapore. Singapore's reputation as a duty-free port attracts a large tourist population. Pocket picking is very common.

2. Victims' assistance agencies.

There exists the Family Relations Section of the State Ministry of Community Development. There are also several private victims organizations, such as Bethany, the Good Shepard Centre, the Counseling and Care Centre, the Samaritan of Singapore, and the Singapore Association of Women Lawyers.

3. Role of victim in prosecution and sentencing. Information not available.

4. Victims' rights legislation. Information not available.

POLICE

1. Administration.

The constitution of the police force is provided in section 7 of the Police Force Act (PFA), first enacted in 1857. The structure and organization of the police force in Singapore are based on the Staff and Line structure, similar to the military. The police force is an integral part of the Ministry of Home Affairs and has a service motto of Setia Ban Bakti (Loyalty and Service). (Harman, 1991).

The highest authority of the police force is the Commissioner of Police. The Commissioner draws authority from the Police Force Act, and is responsible for all police force activities and determines its policy of operation. (Harman, 1991).

The force is divided into senior and junior officers. Senior officers occupy the ranks of Commissioner, Deputy Commissioner, Senior Assistant Commissioner, Assistant Commissioner, Deputy Assistant Commissioner, Superintendent, Deputy Superintendent, Assistant Superintendent, and Inspector. Junior officers occupy the ranks of Station Inspector, Senior Staff Sergeant, Staff Sergeant, Sergeant, Corporal, and Constable. (Harman, 1991).

2. Resources.

*Expenditures. In 1990, the budget was approximately S\$330 million. (Harman, 1991).

*Number of police. In 1990, police strength stood at 7,480 officers, (Harman, 1991) with 680 senior officers and 6,800 junior officers. The first female police officer was recruited in 1948. In 1990, there were 35 female senior officers and 980 junior officers. To date, the highest rank achieved by a woman is deputy superintendent. (Harman, 1991).

3. Technology.

*Availability of police automobiles. Various modes of transportation include 414 marked and unmarked cars, 231 station wagons, 211 motorcycles, 230 scooters, and 115 heavy vehicles. Motorcycles are used for traffic enforcement,

while cars and minibuses are used primarily for anti-crime patrols and escort duties. In addition, foot and bicycle patrols are regularly deployed by Neighborhood Police Post officers. (Harman, 1991).

*Electronic equipment. Electronic equipment in use by police includes the Telebox, Fax, the Financial Administrative Control System, CPIS (Central Personnel Information System), portable transceivers, and cellular phones. The Singapore police department is also equipped with a Combined Operations Room (COR) which serves as the main command and control nerve center and has a Call Distribution System (ACD) for handling emergency calls. (Harman, 1991).

All operational centers are linked by a Message Switching System (SMS), Computer-Aided Dispatch system (ACD), and the Local Area Networks (LAN). Computers are not only used in issuing traffic tickets and monitoring traffic violations, but also for the Automatic Fingerprint Identification System which became operational in 1992. (Harman, 1991).

*Weapons. Smith & Wesson (.38 caliber) revolvers, automatic handguns, rifles, pump action guns, riot guns, submachine guns, bulletproof vests, and smoke screens are used by the police force. The Police Tactical team, called upon in armed offender incidents, is equipped with HK7 pistols and HK M5 submachine guns. (Harman, 1991).

4. Training and qualifications.

Basic training is required for all candidates and is conducted in a residential training program in the Police Academy. The training period varies for different entrants. The duration of training is 6 months for Constables, 10 months for Inspectors and Assistant Superintendents, 3 months for National Serviceman, and 9 months for Officer Cadet Trainees. (Harman, 1991).

Training includes course work in law, police procedures, government instructions, and practical training in order to equip officers with the skills, knowledge, and attitudes required for a law enforcement officer. Other programs are also available, such as pre-promotional training, vocational training to upgrade skills, and developmental training to prepare officers for higher responsibilities. (Harman, 1991).

The Police Academy provides basic training to both new and serving officers of the Singapore Police Force (SPF). Their training includes 30 course offerings for senior and junior officers. Training is also offered by Specialist Training

Units for serving officers of SPF. The programs are conducted at the Police Security Branch, Police Coast Guard, Traffic Police, Special Operations Command, Criminal Investigations Department, and the Computer Operations Command. (Vreeland, et.al., 1977; Harman 1991).

Training is also available for the management and supervisory cadre at the Civil Service Institute, Singapore Institute of Management, National Productivity Board, and other educational institutions in Singapore. About 40 SPF officers are sent overseas annually for advanced training at the FBI, Scotland Yard, and the Japan National Police Academy. (Vreeland, et.al., 1977; Harman 1991).

The minimum educational qualification for entry into the senior officer cadre is a graduate degree. Junior officers are required to have three high school credits. All candidates must have no physical impediments. (Harman, 1991).

5. Discretion.

*Use of force. The use of a baton to subdue a disorderly person after every other means has failed would be considered reasonable force. Deadly force, including firing a gun, is authorized and regulated by law. During peacetime, a firearm can be used by an officer who is in imminent danger of being killed or seriously injured. It can also be used by an officer in situations where an offender has committed rape or kidnapping/abduction, and to protect property or prevent robbery and burglary. During a state of emergency, an officer can use a weapon against persons suspected of carrying weapons and explosives to destroy property or cause injury to others.

*Stop/apprehend a suspect. A police officer may arrest a person without warrant for any seizable offense, when a complaint is received, when there is reasonable suspicion, when illegal behavior is discovered, or when suspected stolen goods are in a person's possession. According to Section 33 of the Criminal Procedure Code (CPC), an officer can make an arrest for a non-seizable offense if the accused refuses to identify himself or herself on demand. Section 16(1)(b) of the National Registration Act Cap 201 allows the police to arrest any individual not carrying an identification card who refuses to provide his or her name and address.

*Decision to arrest. An arrest is made by touching or confining the person to be arrested, unless the person submits to custody by word or

actions. An arrest can be made with or without warrants. The CPC prescribes various circumstances under which a police officer can arrest without a warrant. A private person can also arrest an individual who commits a non-bailable and seizable offense or is wanted by law enforcement and about whom notice has been given.

Generally, police do not take any action in the case of minor complaints such as domestic quarrels. If the complainant wishes, the police may refer the matter to a magistrate to file a private complaint and initiate a private prosecution. In serious cases, the police conduct investigations by working closely with the Attorney-General's Chambers.

*Search and seizure. An officer can search an arrested person without a warrant. All articles found on the person can also be seized by the officer if the officer believes these items are tools of a crime. According to Section 125 of the CPC, in the case of a seizable offense, searching any place for documents and other pieces of evidence that are necessary for the investigations and that are otherwise unlikely to be obtained is permissible.

*Confessions. The Evidence Act, Section 17, defines a confession as an admission made at any time by a person accused of an offense, stating or suggesting that he or she committed that offense. Section 24 of the Evidence Act states that a confession caused by inducement, threat or promise is inadmissible in a criminal proceeding.

6. Accountability. Information not available.

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the accused.

*Rights of the accused. The accused is presumed innocent until proven otherwise. Under the Singapore Constitution, the accused person must be notified of the grounds for arrest. The Singapore Constitution also guarantees every arrested person a right to consult and be defended by a legal practitioner of his or her choice. The amended CPC Act of 1976 has also distinguished the accused's right to remain silent in the course of a police investigation. (Constitution, Art.9(3).)

*Assistance to the accused. The Legal Aid Bureau of the government provides legal aid for civil

cases. Further, the Law Society of Singapore provides legal aid in non-capital cases. In cases of crimes carrying the death penalty, the Registrar of the Supreme Court in the government's behalf assigns a lawyer for the defense.

*Preparatory procedures for bringing a suspect to trial. In minor cases, an officer will go to the scene of a crime to investigate the offense and to arrest any alleged offenders. Officers are also authorized to have special powers to initiate investigations of serious offenses. When a police investigation discloses an offense, the Attorney General's Chambers (AG) has the discretion to initiate a criminal prosecution.

Upon completion of the investigation, the prosecutor will initiate the criminal prosecution and the case will be prepared for trial. The charge notifies the accused of the offense. The offender may be tried in a Magistrate's Court, a District Court, or High Court depending on the seriousness of the offense.

After a review of the case, the Magistrate issues a summons or a warrant of arrest to the accused. An examining magistrate then conducts an investigation to determine if the case against the accused justifies proceedings in the High Court.

Recently, a process has been instituted in Singapore courts to obtain information from the involved parties before commencement of the trial to help determine the nature of the case. The objective of this procedure is to expedite proceedings by ensuring that the parties are ready for trial.

As a general rule, all criminal cases are tried by a single judge, with the exception of capital offense trials, which are conducted by courts consisting of two High Court Judges.

*Official who conducts prosecution. All criminal proceedings for the state are represented by the public prosecutor. The Attorney General's (AG) Chamber has the sole prosecutorial discretion and is responsible for all criminal prosecutions. To ease the workload of the AG's office, deputy public prosecutors supervise specially trained police prosecutors to conduct the prosecution of lesser crimes.

*Alternatives to trial. The Attorney General, who is a Public Prosecutor, has the discretion to initiate, conduct, or discontinue any proceedings for any offense.

*Proportion of prosecuted cases going to trial. Information not available.

*Pre-trial incarceration conditions. Information not available.

*Bail Procedure. An accused may be released on bail on the condition that he or she appears before the court or police until the case is complete and that the person may not leave Singapore without permission from the court or police. An accused may be released on bail if the offense is bailable or if the accused or a surety provides bail. However, the court or police have the power to release the individual on bail without a surety.

*Proportion of pre-trial offenders incarcerated. Information not available.

QTM

JUDICIAL SYSTEM

1. Administration.

The Singapore judicial system has three tiers of courts which resemble the English system. The Judicial Committee of the Privy Council is at the top of the hierarchy, followed by the Supreme Courts, and the Subordinate courts. The judicial power is vested in the Supreme Court and in the Subordinate courts. The Judicial Committee Act determines select cases to be heard by the Privy Council, which is the ultimate Court of Appeals in the Singapore legal system. (The Europa World Year Book, 1993: 2516).

The Supreme Court of Judicature Act established the Supreme Court of Singapore, which consists of the High Court, the Court of Appeals, and the Court of Criminal Appeal. The High Court has unlimited original jurisdiction in criminal and civil cases. (The Europa World Year Book, 1993: 2516).

The Subordinate Court Act incorporated the Subordinate Courts comprising the District Claims Courts, Magistrate Courts, Juvenile Courts, Coroners' Courts, and the Small Claims Courts. There are 30 District and Magistrates Courts, one Juvenile Court, and one Coroner's Court. District and Magistrates' Courts have original criminal and civil jurisdiction. While the District Courts try cases with a maximum 10 year prison penalty, the Magistrates' Courts try offenses for which the maximum term does not exceed 3 years. Further, the Administration of Muslim Law Act established the Shariah Court. (The Europa World Year Book, 1993: 2516).

2. Special courts.

Juvenile Court. The Juvenile Court was created by

the Children and Young Person Act of 1949. This Act prescribes the method for processing juvenile delinquents between fourteen and sixteen years old. Proceedings of this court are not open to the public.

Coroner's Court. The Coroner is appointed by the President on the recommendation of the Chief Justice. The coroner may issue a warrant for persons suspected of causing a death.

3. Judges.

Number of judges. In 1992, there were 11 judges, including the Chief Justice, and 10 Judicial Commissioners in the Supreme Court. (The Europa World Year Book, 1993: 2516).

*Appointment and qualifications. Supreme Court Judges are appointed by the President, who acts on the advice of the Prime Minister and the Chief Justice. Qualifications for appointment to the Supreme Court are described in Article 96 of the Constitution.

Subordinate Judges are generally members of the Singapore Legal Service. They do not enjoy the security of tenure. District Court Judges and Magistrates are appointed by the President on the recommendation of the Chief Justice.

PENALTIES AND SENTENCING

1. Sentencing process.

*Who determines the sentence? Sentences are passed by the court. The High Court can determine the sentence authorized by the law, while the District and Magistrate's courts are restricted in the type of sentences they can impose. (Leong 1990).

*Is there a special sentencing hearing? There is no special sentencing hearing (Leong 1990).

*Which persons have input into the sentencing process? Information not available.

2. Types of penalties.

*Range of penalties. The range of penalties include fines, strokes of the cane, various other non-custodial alternatives, imprisonment, and death.

There are many alternatives to incarceration provided by the Singapore Penal Code. For

instance, non-custodial sanctions can be imposed such as fines, conditional discharge, absolute discharge, and probation orders. There are also alternatives to imprisonment at the post-sentence stage, such as a sentence remission and a work-release scheme. Prisoners sentenced to death are not eligible for these programs. (Chieng,1990)

Non-custodial sanctions for juvenile offenders include options such as acquittal or discharge, release on bond, commitment to the care of a relative, probation, and parole for offenders released from approved schools. In addition, new programs such as home detention and community service are being tried as viable non-custodial sanctions. (Hah, 1984)

*Death penalty. The Ddath penalty is prescribed for murder and the trafficking of certain controlled drugs. The method of execution is by hanging. (Jayasuriya, 1984).

PRISON

1. Description.

*Number of prisons and type. The information on the number and type of prisons are largely derived from the 1970's. This dated material states that Singapore prisons held a daily average of approximately 3,000 prisoners. Prison programs focused on rehabilitation and individualized treatment and the prisoners were segregated by sex and age. (Vreeland, et.al., 1977).

During the same time period there were 4 prisons for adult males, one female minimum security prison, and a training school for juvenile offenders between 16 and 21 years old. Juveniles below 16 years old were sent by the courts to approved homes for girls or boys.

The Queenstown Remand Prison is a minimum security prison and serves the purpose of receiving and classifying new convicts and those awaiting trial. The Changi Prison is a maximum security prison for those with a prison sentence exceeding 3 years. In addition, the Moon Crescent at Changi and the Khasa Crescent Centers serve as a medium security prison and a detention home for those awaiting trail. The prison system also includes pre-release centers to assist long term prisoners with their reentry into society. (Vreeland, et.al., 1977).

*Number of prison beds. Information not available.

*Number of annual admissions. In 1988, the incarceration rate was 183.3 per 100,000 population. Those committed to Drug Rehabilitation Centers were excluded in this figure. (Chieng 1990).

*Average daily population/number of prisoners. Information not available.

*Actual or estimated proportions of inmates incarcerated. Information not available.

2. Administration.

*Administration. The Director of Prisons is in charge of the Prisons Department, which is housed in the Ministry of Home Affairs. (Vreeland, et.al., 1977).

*Number of prison guards. Information not available.

*Training and qualifications. Information not available.

*Expenditure on prison system. Information not available.

3. Prison conditions.

*Remissions. Information not available.

*Work/education. Educational and vocational training programs are available for prisoners to assist in their rehabilitation.

*Amenities/privileges. Information not available.

EXTRADITION AND TREATIES

*Extradition. Information not available.

*Exchange and transfer of prisoners. Information not available.

*Specified conditions. Information not available.

SOURCES

Chen, H. Year, An Introduction to the Singapore Legal System. (unknown publisher, date).

- Chieng, L.K. "Use of Noncustodial Sanctions in the Treatment of Law Breakers in Singapore" Resource Material #38. U.N. Asia and Far East Institute, (Tokyo: UNAFEI), 1990.
- Gale Research, Inc., Countries of the World and Their Leaders: Singapore. Vol. 2. (Detroit: Gale Research), Inc., 1994.
- Hah, N.B., "Existing Juvenile Justice System in Singapore", Resource Material #25. U.N. Asia and Far East Institute, (Tokyo: UNAFEI), 1984.
- Harman, A. "Singapore: From Humble Beginnings, This Country's Police Force is Now the Epitome of Modern Policing", Law and Order. April: 18-22, 1991.
- Jayasuriya, D.C., "Penal Measures for Drug Offenses: Perspectives From Some Asian Countries", Bulletin on Narcotics. Vol. 38, 1984, pp. 9-15.
- Leong, Andrew Phang Boon, The Development of Singapore Law: Historical and Socio-Legal Perspectives. (Singapore: Butterworth), 1990.
- Pakiam, J.E., and E. M. Lim, "Temporal Patterns of Crime in Singapore", International Journal of Comparative and Applied Criminal Justice. Vol.7, 1983, pp. 159-194.
- The Europa World Year Book, Singapore. (London: Europa Publications), 1993.
- Vreeland, Nena, Glenn B. Dana, Geoffrey B. Hurwitz, Peter Just, and R.S. Shinn, Area Handbook for Singapore. (Washington, D.C.: U.S. Government Printing Office), 1977.
- Woon, W., The Singapore Legal System. (Singapore: Longman), 1989.

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