

Community Based Sentencing options

Community-Based Sentencing (CBS) options or community orders have been introduced in the Criminal Procedure Code (Cap 68, 2012 Rev Ed) to provide greater flexibility in sentencing. The Courts are given more graduated sentencing options for minor offences. In appropriate cases, imprisonment terms may also be suspended in addition to imposing community orders. The suspension of the imprisonment term will be lifted when the accused person fails to comply with the community orders or re-offends and the community orders are revoked by the court.

The State Courts are able to utilise the CBS options provided the prescribed legislative requirements are met. Every criminal court is empowered to convene a CCC and impose community orders in appropriate cases. In the event that the accused person successfully completes his/her community orders, by complying with the conditions imposed therein within the stipulated period (and has not re-offended during the interim), the criminal conviction will be rendered spent. In other words, the accused person is deemed to have no record of that conviction.

The CBS options include:

1. **Mandatory Treatment Order (MTO)** — Through the Institute of Mental Health, MTOs provide treatment for offenders suffering from psychiatric conditions that are susceptible to treatment.
2. **Community Service Order (CSO)** — CSOs can be imposed on offenders for reformation, and for them to make amends to the community by performing unpaid community service under the supervision of an authorised officer.
3. **Day Reporting Order (DRO)** — Administered by the Singapore Prison Service, DROs require an offender to report to a day reporting centre for monitoring, counseling, and to undergo rehabilitative programmes.
4. **Short Detention Order (SDO)** — An offender can be detained in prison for a period not exceeding 14 days.

Community Resources/Agencies

The community agencies and resources that provide support to the CSS include:

- > Agency for Integrated Care
- > Community Justice Centre
- > Centre for Psychotherapy
- > Family Service Centres
- > GEM New Start Centre
- > Hope House
- > Institute of Mental Health
- > Ministry of Social and Family Development
- > National Addiction Management Services
- > Prisons Family Resource Centre
- > Samaritans of Singapore
- > Singapore After-Care Association
- > Singapore Children's Society
- > We Care Community Services

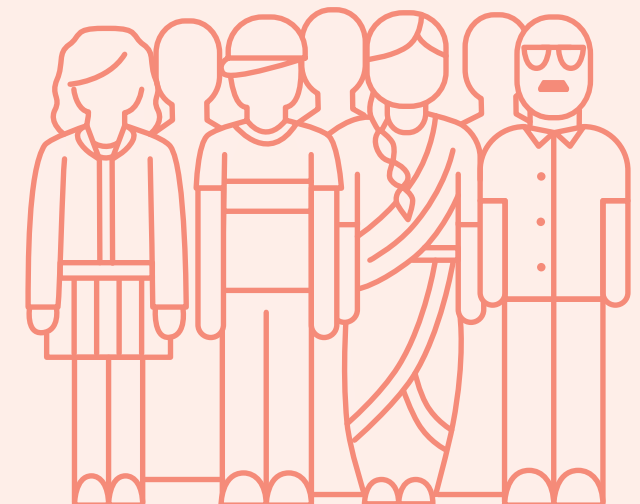
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COMMUNITY CRIMINAL COURT

"A justice system that enjoys the confidence of the public is one that pays proper heed to the needs of the community. As fundamental justice reforms have been institutionalised, the time is right for the establishment of a specialist court that is responsive to the needs of the community. A new Community Court will be established."

— The Honourable the Chief Justice Chan Sek Keong
15th Subordinate Courts Workplan, 18 May 2006

The Community Criminal Court which adopts 'a problem-solving approach that combines criminal justice and community resources for a comprehensive response' was formed on 1 June 2006. In addition to the principles of deterrence and retribution, the Community Criminal Court is committed to the dual principles of rehabilitation and prevention.

Using a non-traditional, multi-disciplinary team approach to deal with offenders, the Community Criminal Court explores sentencing alternatives and community-based sanctions with in-court assessments. This promotes a problem-solving approach to the root causes of criminality. To this end, Community Criminal Court Judges, psychologists, and social workers collaborate with community agencies to develop treatment plans for offenders and safety plans for victims in order to reduce the offenders' chances of re-offence.

Categories of Cases

The categories of cases that are heard in the Community Criminal Court are:

- > cases involving offenders aged 16 to below 21 years old;
- > selected cases involving offenders with mental disorders;
- > family violence cases;
- > abuse and cruelty to animal cases;
- > cases which impact on race relations issues;
- > selected cases involving accused persons who are 65 years old and above;
- > selected cases involving accused persons with chronic addiction problems; and
- > shop theft cases.

Community Criminal Court Conference

During a pre-trial conference, or before sentencing or post-sentencing, the Community Criminal Court Judge may call for a Community Criminal Court Conference (CCC) to be held. The CCC will involve the families of the accused persons, victims in family violence cases, and the Defence Counsel, where appropriate. The CCC serves to achieve some of the following purposes:

- > To assess the main cause for the accused person's repeat offending behaviour, for example, the accused person has a history of previous convictions for shop theft and the present charge before the Community Criminal Court is for a similar offence;
- > To explore with the accused person (and his family) the appropriate treatment plan to address the root causes of his offending behaviour in order to reduce his chances of re-offence;
- > To provide immediate follow-up, emergency safety plans, and coordination of resources with the relevant agencies, for example, the Ministry of Social and Family Development (MSF), Singapore Police Force, and family service centres for victims of family violence;

- > To make pre-sentence and/or post-sentence referrals to relevant social service agencies, MSF and/or Singapore Prison Service, to follow up on the cases to ensure that the most appropriate treatment and care plans for the accused persons are in place to avoid re-offending in future;
- > To liaise with resource agencies, namely, the Community Justice Centre (CJC), Agency for Integrated Care (AIC), Singapore After-Care Association (SACA), WE CARE Community Services (We Care), amongst others and to follow up on each case to facilitate optimal rehabilitation;
- > To provide clear information on Community Based Sentencing (CBS) options to the accused persons and their families, namely, the purposes and effects of the orders, consequences of non-compliance of the CBS (namely, revocation of orders and re-sentencing by the Court), as well as the Court's power to vary and amend such orders;
- > To provide preliminary screening of accused persons on their suitability for the Court-directed Pre-Sentence Protocol (CPSP) where the accused person attends programmes in the community for a specified period to address his/her underlying cause of re-offending, which can include chronic addiction to drugs, alcohol or gambling, before he/she is sentenced.

Centre for Specialist Services

In order to provide a high level of integrated services, the Community Criminal Court is supported by a team of psychologists, social workers and other administrative staff in the assessment, referral, management and coordination of cases. The team is known as the Centre for Specialist Services (CSS). Going beyond the traditional sentences of imprisonment, fines, and probation, the CSS engages community agencies in Singapore to provide rehabilitation services and treatment options for offenders in order to treat the root causes of the offending behaviour, and reduce their chances of re-offending. The CSS also monitors offenders' progress on court programmes and provides assistance to their family by making referral to the relevant help agencies and resources in the community.