CRIMINAL JUSTICE POLICY: SOCIAL ORDER, RISK AND THE 'GOVERNMENTAL PROJECT'

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The task of this paper is to 'make sense' of the inter-relationships between socio-political context, criminological theory, criminal justice policy, specific institutional practices and wider strategies of social control in Singapore. Central to the analysis will be a critical grasp of the varying definitions of and discourses on the nature of 'risk', in what Garland (1994) has termed the 'governmental project': the institutional licensing of 'experts' by the State to offer authoritative knowledge on 'risk information' involving various forms of coercion (Foucault, 1977). From this starting point, certain key questions emerge: what is the relationship of crime prevention and crime control to the maintenance and transformation of social order? What is the relationship between criminological theory and criminal justice's response to the problem of crime? In tandem with the themes raised in this book, social policy on crime has been primarily conceptualised as constituting the criminal justice response to the phenomenon of crime.

I Singapore Criminal Justice System in Context

The experience of political and social upheavals in the immediate pre-independence and post-independence years effected major changes on the Singapore State, particularly on its social control apparatus. The period marked the intensification in the use of the Internal Security Act (ISA) and the Criminal Law (Temporary Provisions) Act of 1955 to ensure an orderly transition to eventual independence. While the latter primarily empowered the executive to incarcerate the common criminal indefinitely, the former, which has its roots in the Emergency Regulations of 1948 introduced by the British in Malaya and Singapore, dealt with the problem of communism, subversion, and racial and religious extremism. These regulations allowed the police to arrest anybody suspected of having acted *or being likely to act* in a way that could threaten security, without evidence or warrant, hold them incommunicado for investigation and detain them indefinitely without

the detainee ever being charged with a crime in a court of law. The chief priority of the criminal justice system then was to address *public order offences*. The use of the ISA and Criminal Law Act was primarily designed to contain the twin problems of communism and communalism, and the violence associated with Chinese secret societies in Singapore, which rose phenomenally in the immediate post-war period (Narayanan, 1995). The Maria Hertogh riots of December 1950, the 1964 communal riots between the Malays and the Chinese in Singapore sparked off during a religious procession on the birthday anniversary of the Prophet Mohammed, and the 1969 race riots in Kuala Lumpur are reminders of the traumatic origins of Singapore, underscoring the need for robust formal and informal control institutions to ensure social order in the newly formed multi-racial and multi-religious State. The national priority of economic and political stability was diffused into the ideology and practice of the criminal justice system, in the aftermath of Singapore's separation from Malaysia in 1965.

The modern criminal justice system in Singapore, as an ex-colony, is based on the British model of law and jurisprudence. Many of the functions, which the police perform, are similar to those of the British criminal justice system: prevention of crime and disorder and preservation of public peace (for community security), and protection of life, property and personal liberty (for individual security). Section 8 of the Police Force Ordinance of 1958 outlines the Singapore Police Force's role as maintaining law and order, preserving public peace, preventing and detecting crime, and apprehending offenders.

In a survey of the existing literature on comparative policing systems, Reiner (1995) suggests that two aspects make it possible to identify four ideal types of policing models, which are based upon "the respective place of societal goals and political aims in the functioning and organisation of a policing system" (Loubet del Bayle, quoted in Monjardet, 1995: 49). The four models are:

a) a 'minimal' policing model where the societal and political dynamics that influence it are equally weak,
b) an 'arbitrational' model where these two dynamics are equally strong,
c) a 'community' model where a strong societal dynamic dominates a weak political dynamic, and
d) an 'authoritarian' model where a strong political dynamic dominates a weak social dynamic (Monjardet, 1995: 49).

The Singapore model of policing is akin to the 'authoritarian' typology: its centralisation under the direct and almost exclusive authority of the executive power makes it a *State* police. As a consequence of this direct connection with the political, it is characterised, a) by an orientation dominated by an absolute priority to order maintenance in police missions, and b) immortalised by the Internal Security Department (ISD), by a function of political policing, 'high policing' in Brodeur's (1983) terms. Such a police function is institutionally and explicitly attributed to maintaining a *particular* conception of social order, and one that, proactively yet insidiously, intervenes through the observation and analysis of the domestic political arena. The Singapore State's credence in prioritising *order* over *justice*—as witnessed in the various detention orders and the perceived limited transparency that such a process offers through the work of the Criminal Law Advisory Committee, Criminal Law Review Board and the ISA Advisory Board—underscores a police role that regards order-maintenance as its primary objective.

Given the paternalistic and authoritative regime (Chan, 1996) of the Singapore State, it is extremely difficult, if not, impossible to detach crime and criminal justice data from the broader social, economic and political contexts, and sieve out the theoretical relevance of separating issues of 'crime' from 'crime control' (Beirne & Nelken, 1997). It is thus useful to contextualise any investigation into, and appreciation of, the 'crime problem' in relation to the sources and constructions of knowledge on the nature and extent of crime, as well as specific objectives of crime control in *particular* socio-historical periods. This becomes especially important in the Singapore context, as the State is the only entity that has the legitimate authority and moral mandate to collate and communicate crime data to its citizenry (Narayanan, 2005). In the absence of alternative sources of knowledge to official statistics, compounded by the paucity of literature on crime in Singapore, knowledge of the 'crime problem' and issues of 'crime control' remain primarily State-defined and ideologically circumscribed.

Yet, despite the authoritarian character of the Singapore state, it is equally important to acknowledge that its model of formal policing attests to the Anglo-Saxon model of 'community' policing based on the idea of 'policing by consent' (Reiner, 1985). This categorisation, fundamentally flows from the assumptions that policing in Singapore is:

a) high on accountability,
b) undertaken with public consent, which does not mean acquiescence but a broad tolerance, indicating a satisfaction with the helping and enforcement roles of policing; its organisational structure allows the public to express their policing wants and needs, and
c) last but not least, the Singapore Police Force's (SPF) professional culture is epitomised by the officer on the street, close to his community and patrolling his beat with the consent of the general public.

The 40% of citizen-initiated arrests in the major crimes of outraging of modesty, robbery, housebreaking, motor-vehicle theft, rape, and murder for the year 2005 (Singapore Police Force, 2006), and the apparent success of community policing (Quah & Quah, 1987; Bayley, 1989), could be attributed to the 'community' model of policing adopted by the government.

II 'Three Strikes and You're Out': The Deterrent Model of Justice

The Singapore State's credence in prioritising order over justice is best exemplified in the crime control model of justice (Packer, 1968), which drives the operation of the criminal justice process, as opposed to the ideals of due process. The crime control model operates on the assumption that the primary purpose of criminal process is to repress crime and, therefore, endorses procedures that *efficiently* screen suspects, determine guilt and secure appropriate punishment for those convicted of crime. In contrast, the organising matrix of the due process model is the proposition that the State has to prove guilt beyond reasonable doubt to a judicial tribunal, by overcoming evidential and procedural obstacles. While the crime control model favours extra-judicial and administrative procedures, that will expedite the securing of the conviction of a suspect, the due process model is concerned to minimise the possibility of investigative powers such as arrest, detention and questioning being misused, or used oppressively.

The salience of a crime control perspective is compellingly captured in the Central Narcotics Bureau's (CNB) drug enforcement policy of entrapment. Entrapment is a policy, which is often used, when enforcement agencies receive intelligence about an individual committing an offence, but against whom the securing of material evidence is difficult.

The policy came under scrutiny recently, when a medical doctor was lured into selling illicit drugs to undercover drug agents, whom he had met over a chat line (Straits Times, 9 June 2006). Arrested and prosecuted for the charge of drug possession, the doctor was eventually found guilty and sentenced to eight months in jail and eight strokes of the cane. Unlike countries such as US, Australia, Canada and Great Britain, where evidence gathered through entrapment is illegal, evidence obtained through any method of entrapment is lawful in Singapore. While both the chairman of the Law Society's Criminal Practice Committee and the president of the Association of Criminal Lawyers expressed 'discomfort' over the continued reliance of enforcement agencies on entrapment methods, they conceded that "reform in Singapore may take awhile…and in the meantime judges can indicate in their verdict their dissatisfaction with the current entrapment laws, in the hope of inspiring legislative change…as for the judiciary, their hands are tied as the law is very clear" (Straits Times, 9 June 2006).

Two other notable laws with a strong bias toward crime control are the Misuse of Drugs Act and the Prevention of Corruption Act, which operate on the basis of the presumption clause, in that a person is deemed guilty unless otherwise proven. For example, in the case of the Misuse of Drugs Act (MDA), the law does not distinguish between drug trafficking and drug possession, as any person found to have the proscribed drug in his/her possession is deemed to be involved in trafficking. In other words, the onus to prove innocence resides with the accused, while the infallibility of the prosecution process is beyond doubt. The execution of these laws invariably raises other important related considerations, such as access to legal resources during police investigation, protection of civil liberties, adherence to principles of due process, and, last but not the least, the contestation between administrative (executive) prerogatives of effectiveness and efficiency and the ideals of legal justice.

An important variant of the crime control model, which has made significant inroads into the local criminal justice policy, is seen in the police adherence to the Social Disciplinary Model of Policing (McConville & Mirsky, 1995; Choongh, 1998), where it eschews concern for both legal and factual guilt, concentrating instead on the task of subjugating certain groups, who are viewed as anti-police and can pose a potential threat to public order. From the outset, these cases are defined as *police* rather than *criminal* cases, where policing is not geared towards enforcement of the criminal law but towards the achievement of police-defined

objectives. In researching street corner gangs in Singapore, Narayanan & Lian (2002) document how the social disciplinary model is expounded in the way the police exercised authority over working-class ethnic minorities, who are disproportionately represented in street corner gangs. Street corner gangs are considered by the police as a 'problem population' of the criminal underworld and, therefore, merit particular attention in the form of stop and search practices, detention without trial, detention in police stations, 'questionings,' 'status degradation ceremonies,' extracting deference and inflicting summary punishment (Narayanan & Lian, 2002: 141).

This exposing of an alternative 'communicative' feature of the criminal justice system, one that is designed to communicate police contempt for a particular social category, and to demonstrate that the police have absolute control over those who may challenge the right of the police to define and enforce 'normality' (Choongh, 1998: 626), is also witnessed in the recent introduction of a police 'curfew' on youths below the age of 17 who hang out in public places after 11 pm (Straits Times, 17 February 2006). According to the police, "youths found in places that are isolated from busy areas or are deserted and also in crime prone areas, and youths who are tender in age and in the company of adults other than their families or legal guardians" are identified "as requiring special attention" (http://intranet.spf.gov.sg/). The police would then take the initiative to inform the youths' parents via letters about their children's activities and associates. The police initiative is meant to address the rising rate of juvenile delinquency, where youths, aged 19 and below, comprised 22% of the total number of all arrest cases in 2005, although they are only 15% of the total population.

Although from the police perspective, such a measure was necessary to arrest the rising rate of delinquency, particularly among 'high-risk' children, it might spell the widening of the 'social net' and subsequent expansion of criminalisation contrary to the ideals espoused by the Juvenile Court in dealing with (pre)delinquents. A graver concern is the manner in which police officers exercise their discretion to select individuals for questioning, as the use of police powers has historically revealed a certain pattern by which it is organised, most notably, along the lines of social class and race/ethnicity. This invariably gives rise to notions of differential and discriminatory policing (Reiner, 1985; Cashmore & McLaughlin, 1991; Banton, 1964), and such an alternative 'communicative' feature of the justice system, stands in contrast to the

ideals advocated by the due process model, which are concerned with the protection of the individual's rights.

The prevalence of the social disciplinary model of justice, which informs the process of plea-bargaining practices in the Singapore judiciary, is arguably responsible for the impressively efficient clearing of backlog cases of its lower courts. Plea-bargaining, to put it simply, is a (semi) judicial process where the prosecution 'bargains' with the defendant to enter a guilty plea, in exchange for a reduced sentence, primarily for not having wasted the time and resources of the courts, and in cases involving 'vulnerable victims', for avoiding the trauma of a trial. This system of justice was first documented by McConville & Mirsky (1995), when they observed how a New York City court extracted guilty pleas from defendants. Basically it involved "a highly coercive drama in which defendants are first shown (by being made to watch others) that they will suffer greatly increased penalties if they refuse to plead guilty, and in which they are given their 15 seconds to accept or reject the pleas and sentences offered to them by 'calendar judges'" (McConville & Mirsky, 1995). The researchers noted that the facts of the case were of little consequence to judges and lawyers, witnesses were not called to testify, and the propriety of policing and reliability of police evidence routinely went unquestioned by presiding judges. While the Singaporean court system is not as extreme as the one witnessed by McConville & Mirsky (1995), and does have sufficient safeguards to protect the rights of the defendant, Senior Minister of State of Law and Home Affairs Ho Peng Kee's revelation in Parliament, that the prosecution enjoyed a high success rate of 98%, and that defendants had admitted guilt before commencement of any judicial inquiry in 97% of all cases that had entered the court system between 2004 and 2006, must be critically appreciated in light of the deeply-institutionalised plea-bargaining process in the Singapore judiciary (Straits Times, 13 February 2006).

The current sentencing regime in Singapore courts is largely based on judicial benchmarks and is prescribed by statutory stipulations. Geared towards attaining the penal objectives of prevention (i.e. incapacitation), deterrence (i.e. of the offender and other likely offenders [general deterrence]), retribution (i.e. just desserts) and rehabilitation, the general approach of the courts is to rely on the use of incarceration as a criminal justice tool (Steering Committee on Deterring Crime and Recidivism, 2004). Governed by a punitive-based, retributive judicial

philosophy, coupled with the reliance on mandatory minimums (where presiding judges do not have the discretion to decide on sentencing options) and the lack of experimentation with alternatives to custody, the courts have significantly contributed to the growing prison population, which stood at more than 17,000, in 2003 (Steering Committee on Deterring Crime and Recidivism, 2004). Figures from the World Prison Population List, released by Britain's Home Office in 2003, revealed that Singapore has one of the highest incarceration rates in the world, where for every 100,000 people, 359 are in prison (Straits Times, 31 March 2003), and are indicative of the premium placed on deterrence as the cornerstone of Singapore's criminal justice system.

Deterrence, as a crime prevention strategy has its roots in the work of the legal theorist Cesare Beccaria (Hughes, 1998: 26). The essence of the Beccarian thesis was to develop a rational, systematic and efficient means of delivering justice, rather than understanding the nature of criminality. The assertion was that the control and prevention of crime lay in more rational, just and humane means of punishment and forms of preventive deterrence. This is a 'governmental project' as postulated by David Garland, directed at the problems of governing, by managing and regulating crime and criminals (Garland, 1994: 17–18). Although classicism offered new and humanitarian ways of addressing the issue of punishment, the Singapore criminal justice system, despite its strong affinity to the Beccarian ideas of justice, has not broken from its traditionally retributivist perspectives on crime control, best exemplified through its continued reliance on capital and corporal punishment. For example, Singapore's legal response to drug use has become increasingly punitive since 1998, with the introduction of the Misuse of Drugs (Amendment) Act (Section 33A, Cap 185). Before the Act was passed, the offender could be detained for a maximum of three years at a Drug Rehabilitation Centre (DRC), without a penal record. With the amendment, an opiate user caught for the third time since October 1992, is charged in court as a 'hardcore addict' and sentenced to long-term detention (LTD) from 5 to 7 years, and caning of 3 to 6 strokes (known as LT1). If, upon release, the offender is caught for opiate consumption again, the drug user would be incarcerated between 7 and 13 years and caned 6 to 12 strokes (known as LT2). The introduction of harsh punishment was perceived to be responsible for the decrease in the population of DRC inmates from 8,856 in 1994 to 154 in 2004 (Straits Times, 10 September 2005). The number of arrests of illicit drug users, conversely, fell from 6,165 to 955 in the same period,

with heroin users marking the most significant fall from 5,933 to 111 (Chua, 2006). Further, penal laws, such as preventive detention, which provides the (moral) mandate for the courts to punish an offender, not for his/her last committed crime, but for a *future* offence the offender is *likely* to be committing—determined primarily through actuarial risk models—is a clear violation of the Beccarian principle on punishment being 'proportionate' to the harm done.

Underpinning Beccaria's work is the doctrine of free will or the capacity of each individual to control his or her life by means of rational thought and action. Alongside this doctrine is the corresponding obligation to bear responsibility for the consequences of exercising control, including full criminal liability for illegal acts. Such a view of human nature thus prescribes that the best way to prevent crime is by deterring the individual from committing crimes. "It is better to prevent crimes than to punish them. This is the ultimate end of every good legislation" (Beccaria, 1764: 93 quoted in Hughes, 1998).

Corollary to Beccaria's perspective of the state of humanity, is the overwhelmingly Hobbesian world view held by the Singaporean political elite (Narayanan, 2005), which assumes that human beings are essentially asocial, despite being able to exercise rational thought. This provides the fundamental justification for the State to strengthen formal law, in order to achieve both general and specific deterrence (Narayanan, 2005). This Hobbesian view of the citizenry has been the rationalisation for the introduction of preventive legislation such as the Internal Security Act (ISA) and Criminal Law (Temporary Provisions) Act. Political discourses on the possibility of another 1964 race riots, which killed 13 and injured more than 100, the 1969 race riots, the 'Marxist conspiracy' of May 1987, and more recently, the arrest of the local Jehammah Islamiah (JI) cell members linked to the Al-Qaeda terrorist organisation, are cited as justifications for maintaining these laws, and the use of draconian, repressive powers. To queries raised by Nominated Member of Parliament, Chandra Mohan, former president of the Law Society, on the lack of transparency in the use of the ISA, Deputy Prime Minister and Co-ordinating Minister for Security and Defence, Tony Tan Keng Yam defended the ISA when he addressed Parliament on 20th of July 2004: "We will also not amend the Internal Security Act. It is necessary for Singapore now. Without the ISA, we would not have been able to disrupt the plot in December 2001. Seven car bombs—each of them with three tones of ammonia nitrate—would have been detonated instantly against the US, British, Australian and

other embassies, some of our military camps and MRT stations. Singapore will not recover from such an attack. So, to do away with the ISA would be an extreme act of foolishness" (Straits Times, 21 July 2004). Of late, the Criminal Law Act has also been mobilised to detain drug traffickers and loan sharks (illegal money lenders) against whom gathering testimonies and material evidence are often difficult.

These laws are thought to exemplify the ability of the State to ensure preventive deterrence, preserve social order and provide the opportunity for its citizens to take pleasure in the perceived safety and security, for which Singapore is regarded internationally. That Singapore is an orderly, regulated and highly disciplined society, relative to Western liberal democracies, provides the basis for a 'zero-tolerance' attitude towards perceived acts of non-conformity. Perhaps, it is here that the most controversial aspect of its social control machinery lies, especially in its emphasis on the criminalisation of even minor *public order offences* and *incivilities* that purportedly escalate the tendencies of *real crime*. Critics might invoke the Durkheimian perspective and suggest that what will follow from this premise is a continuing need to further escalate and expand the definition of crime (possibly invent new crimes), in order to maintain the collective conscience, by constantly enforcing its moral contours and boundaries. Criminal categories in Singapore, consonant with the 'disorder equals crime' equation, have thus ranged from major crimes like murder, robbery, theft and rape to those minor crimes and regulations affecting individual life-styles and personal etiquette, such as personal grooming (e.g. acceptable length of hair for males), flushing of public toilets and even chewing of gum. The description provided by Austin (1989: 916) is illustrative:

> Other regulations, which were necessarily imposed due to the extreme size and density of the populations, pertain to littering behaviour. Trash dropped on the sidewalk may bring a S$500 fine. Spitting on the street or walkway is likewise seen as littering as well as a health hazard nuisance. The mobility of the citizen, whether on foot or in a vehicle, is highly regulated. Jay-walking may result in a S$50 penalty… Queuing for taxis is highly organised, and in parts of the city a taxi-driver can be fined for picking up passengers at any point along the road other than at a queuing station. Further examples of community regulations are prohibitions against fruit or flower picking on any public land on the island, and a curfew against noise, generally in effect after 10 p.m… All citizens on reaching the age of 12 years are required to be finger-printed and to carry official identification. Any change of address must be reported to

> the authorities within two weeks or the violator is subject to a S$5000 fine, two years imprisonment, or both…

It is this feature of Singapore society, the image of a highly regulated and disciplined society, which is usually cited in local and international literature as contributing to a low crime rate in the city-state. Official statistics relating to crime must always be interpreted with caution, before being used as assumed 'reliable' indictors for comparative purposes (Jupp, 1989: 92–101). This is the case with Singapore, where official statistics are a product of the Police Intelligence Department (PID). Independent studies, however, do indicate that the crime rate in Singapore is far lower than in most countries in the West and elsewhere in Asia (Clutterback, 1985; Ong, 1984; Austin, 1989; Quah, 1994). Crime statistics released by PID for the year 2002 showed that the crime rate was the second lowest in 15 years after 2001, despite a 9% increase in total seizable offences (cases where the police could effect arrest without a warrant according to Schedule Criminal Procedure Code). Total recorded crime rose to 31, 971 from 29, 077 cases in 2001. Theft and related offences constituted more than half (52.9%) of the total seizable offences, with offences in this category witnessing an 8.6% increase from 15, 573 to 16, 920 cases in 2002. Juvenile crime—which has always been an area of concern for the police—saw a 55.8% increase in the number of juveniles arrested for the year 2002 (Straits Times, 30 November 2006).

III Expanding the 'Social Net': The Role of Informal Social Control

The comparatively low crime rate, which Singapore enjoys, cannot be simply attributed to its deterrent and punitive criminal justice policies, but needs to be appreciated, in terms of the State's wider strategy to have social measures implemented to tackle what it sees as the 'root causes of crime." It calls for socialisation agencies and community institutions to implement broad social policies intended to promote respect for moral values and increase community solidarity, improve police/public relations, reduce criminogenic inequalities and provide diversionary facilities for 'alienated' youth (Heal & Laycock, 1988: 238). Strengthening socialisation agencies and community institutions is also, to a large extent, about the rejuvenation and development of

informal social control networks in the prevention and control of crime. Fundamentally, the basic theoretical assumption, which social control subscribes to, is that anti-social behaviour is a product of anti-social conditions.

Here, the legacy of the Chicago school for Singapore's crime prevention and control policy is significant in three respects:

a) it provides a conceptual link between crime and socially disorganised and disadvantaged communities and suggests that the distribution of both crime and social disorganisation within communities can be influenced by social policies formulated to alter the urban condition,
b) measures against offenders should somehow seek to socialise and integrate residents, especially youths, into a shared set of norms and standards of behaviour, and
c) it maintains that ordinary members of the community, community institutions and informal social control networks comprising family and kin are effective resources to accomplish this aim.

The role of the criminal justice system, thus, is in the maintenance of social order, rather than in the direct control of crime. One popular version, the 'broken windows' model (Wilson & Kelling, 1982), suggests that it is important for the police to intervene early in the cycle to clean up the environment and reduce incivilities—the metaphor being, that unrepaired damage encourages further broken windows (Hope & Shaw, 1988: 16). The parable suggests that if disorderly behaviour, such as that of public drunkenness or rowdy youth is not controlled, the neighbourhood enters a spiral of decline, in which law abiding citizens emigrate from the area, informal social controls weaken, and crime itself begins to rise. Police involvement in 'order maintenance' facilitates, in the long run, crime control and crime prevention (Young, 1994: 99). It does so by jumpstarting the informal social control system, in areas where it has broken down and which are, *ipso facto*, high crime areas (Young, 1994: 101).

Interestingly, the concept of 'stakeholding' (Chua, 1997), which the cautionary 'broken windows' model suggests, is exemplified in the Singapore government's provision and conduct of its national public-housing programmes. The state's public-housing agency, the Housing and Development Board (HDB) which started modestly as an agency entrusted with building one and two-room rental flats for the poor in

1961 (Chua, 1997), had, by the mid-1990s, constructed more than half a million high-rise flats, housing more than 87% of the 4 million population resident in the island-nation. Offered as 99-year leasehold properties to the tenants, public housing in Singapore is also an opportunity, in which every household, as stakeholders in the property market, is able to make significant financial gains, through buying and selling of the leases on the flats. This has prompted every household to participate actively with the HDB to improve, develop and maintain basic and ancillary facilities in the housing estates, with a view to enhancing the value of their property. This, in turn, has promoted the sustenance of informal social mechanisms.

Consequently, formal policing emphasises its involvement in the activities of the community organisations. For example, Residents' Committees (RCs), which were formed in 1987 in public-housing estates, provide the vital social-infrastructure responsible for the police management of crime prevention and control (Ong, 1984). One of the most important developments in the course of this partnership was the establishment of the *Neighbourhood Watch Zones* (NWZ) described in its official brochure as "an informal arrangement among a few immediate neighbours to help each other protect themselves against robbers, thieves and molesters by looking after each other's home and well-being." Presently, there are 546 NWZs, and more than 95% of the RCs in Singapore have adopted the NWZ Scheme (National Crime Prevention Council, 2004). Since 1997, with the launch of the Community Safety and Security Programme (CSSP) by the Ministry of Home Affairs and the People's Association, the platform for mobilising and organising pro-active community self-help activities, has been considerably widened. Through the CSSP, members of the local community work together with enforcement agencies to identify local safety and security concerns and devise solutions to tackle these problems. In 2003, local communities, including 132 schools, have worked together with the various enforcement agencies to craft and implement over 800 CSSP projects (Steering Committee on Deterring Crime and Recidivism, 2004).

Youth and the Criminal Justice System

An important constituent in the criminal justice response to crime involves the youth. The pervasiveness of the problem of juvenile delinquency, since the 1970s, has helped to heighten official and media concerns over this emerging trend, although arguably, the 'visibility' of

their infractions could simply be attributed to the increased deployment of criminal justice resources, or a function of changing public attitudes towards perceived acts of non-conformity by young people. Nevertheless, in view of the particularly phenomenal increase in youth crime, which saw a rise from 983 juveniles being arrested in 1984 to 2,572 in 1995, the government responded to the problem, by way of establishing the Inter-Ministry Committee on Juvenile Delinquency in 1995, to co-ordinate and implement preventive and rehabilitative measures in the family, school, and community spheres to combat juvenile delinquency (Narayanan, 2000; Steering Committee on Deterring Crime and Recidivism, 2004). In 1998, the committee widened its target scope to include youths up to 19 years of age and was re-named Inter-Ministry Committee on Juvenile Crime (IMYC). Chaired by Ho Peng Kee Senior Minister of State (Law and Home Affairs), the IMYC, consisting of members from the Ministry of Community Development, Sports and Youth, Ministry of Education, Ministry of Home Affairs, Singapore Police Force, National Council of Social Service, National Crime Prevention Council, Singapore Prison Service and the Subordinate Courts, managed to arrest the rising trend of juvenile crimes until 2001, since when there has been an upsurge. In 2005, for example, a total number of 4,594 youths were arrested and accounted for 22% of total persons arrested, which is a slight decrease from the 26% registered in 2004, but still higher than the proportion of the youth population in Singapore (Straits Times, 30 November 2006).

The establishment of the IMYC in response to the youth problem was reminiscent of the influential Goh Report on Education in 1979, which, amongst other things, identified a 'moral crisis' caused by a perceived increase in crime, juvenile delinquency, drug abuse, abortion and divorce rates. Typically, practitioners and politicians were once again targetting their efforts at the 'decadent' Western culture (Kuo & Wong, 1979), which they perceived to be responsible for the moral crisis (Narayanan, 2000). To stem the tide of moral decadence, the IMYC introduced several programmes and initiatives, some of which include the National Mentoring Network, Honorary Volunteer Special Constabularly, Peer Mediation Programme, Project Bridge, Streetwise Programme and the Guidance Programme (Steering Committee on Deterring Crime and Recidivism, 2004). The Guidance Programme is worth mentioning in detail. Formerly called the Police Caution Case Guidance programme, the Guidance programme, which was launched in 1997, is a diversionary criminal justice tool, which aims to place

juvenile offenders, who commit petty crimes with mitigating factors, on a six-month supervision and counselling programme involving their parents. The objective of the programme is to help juvenile offenders recognise the seriousness and consequences of their actions and to acquire life skills in self-control. It also seeks to equip parents of juvenile offenders with necessary skills and knowledge in effective parenting. Upon successful completion of the programme, these juvenile offenders may be cautioned by the police in lieu of prosecution.

The problem of juvenile delinquency has led to important experimentations with the concept of restorative justice by the Singapore judiciary, which seems to signal a shift of emphasis from retribution to rehabilitation. Fundamentally, restorative justice recognises that crime is an offence against human relationships, not the State; it stresses the repairing of harm done to victims and communities. Since the early 1990s, restorative justice has made significant inroads into the juvenile justice system, where community-based options have been explored for juvenile offenders, while retaining institutionalisation only as a last resort (Steering Committee on Deterring Crime and Recidivism, 2004). Alternatives to incarceration, such as Community Service Orders (CSO), Family Care Conferencing and the Home Detention Scheme, are an important step in this direction. CSO requires the offender to perform a number of hours of community service without restitution, thus allowing the offender to make amends to the community for the (private) wrong he/she has done and to develop a sense of civic consciousness. Family care conferences require the offender to meet with his/her victim, his/her own family and peers to discuss the impact of the offence and to make resolutions for the future. This initiative was "introduced to strengthen family units, empower parents and the community to regain control of the juvenile and encourage the juvenile to take responsibility of his/her behaviour" (Steering Committee on Deterring Crime and Recidivism, 2004). A Subordinate Court study of 144 cases, which underwent family care conferencing, revealed that there was a re-offence rate of only 6% in the period between 1994 and 2004, compared to the national average recidivism rate of 12.4% for the 1999 cohort of juvenile probationers (MCDS, Study on the Conduct After Probation for Cohort of Probationers discharged in 1999, 2003). The Home Detention Scheme was introduced in May 2000 to promote the re-integration of amenable offenders into society, with the help of the community. The scheme is also meant to protect first-time offenders and minor offenders from 'contamination' by hardened criminals.

Between May 2000 and December 2003, 3,500 prisoners benefitted from the scheme, of whom 99% successfully completed the programme (Steering Committee on Deterring Crime and Recidivism, 2004).

IV The Emerging Discourse of the 'Criminogenic' Family

The renewed official concern over the problem of juvenile delinquency after 2001, has paved way for a new preventive discourse, which subsequently found expression in the 'correctionalist penal-welfare policy' (Garland, 1994: 53), leading to pro-active intervention in the lives of the 'problem population.' In the Singaporean context, such a rehabilitative ideology has a strong political appeal, as it invites a more powerful and yet benevolently paternalistic State, to intervene authoritatively in an ever-increasing number of areas of social life. One key social institution, which came under increasing scrutiny and social surveillance, was the family, in particular, families, which were deemed 'criminogenic' or 'pathological,' because they had been identified as the single cause of crime and delinquency in Singapore (Narayanan, 2002; see also Williams, 1958; Vasoo, 1973; Ngien, 1977; Miao & Kong, 1971; Woon, 1976; Kwa & Purushotam, 1974). The identification of the 'pathological' family was propelled by the individualising discourse and growing influence of the 'psy' sciences (psychiatry and psychology) (Foucault, 1977) as well as the expansion of the medico-welfare professions—such as social work—as 'preventive agencies' from the late 1970s, which sought to 'normalise' dysfunctional families through reducing risk and increasing protective factors.

Considering the importance placed on the family as 'a source of moral values' (Hill & Lian, 1995: 156) to promoting conformity, and 'bearing the responsibility for socialising the children in the virtues of the rugged society' (Kuo & Wong, 1979: 11), the family thus became an important and legitimate site of intervention, treatment and rehabilitation. The former Chief Justice's keynote address at the Subordinate Courts 7th Work plan (1998/99) was rather illustrative:

> Our own analysis of available data shows that parenting practices are critical to behaviour patterns of the young and that positive parenting leads to stronger attachment to the family, lower likelihood of associating with negative peers, higher moral values and more positive attitudes towards authority figures. These social factors appear to be closely related to juvenile delinquency.

This message was re-iterated subsequently by Abdullah Tarmugi, Minister for the then Ministry of Community Development and Sports (MCDS), when he declared that "the primary responsibility of instilling wholesome and socially responsible values must lie with the parents" (2000). Recognising the role families play as important gatekeepers in youth crime prevention, MCDS, together with Family Service Centres and Voluntary Welfare Organisations (VWOs), initiated a number of preventive, developmental and remedial initiatives targetted at 'high-risk' families. For example, the Healthy START Programme is directed at infant and pre-school children to detect and intervene early in 'at-risk' families, so as to reduce family stresses and potential family 'dysfunctionality.' In other words, intervention in families considered 'criminogenic' begins at the birth of the child. Other programmes, such as the Parents' Skill Enhancement Workshops and the Young Ones Programme, are primarily designed to equip parents with effective communication and management skills, so as to build healthy parent-child relationships. Further, persuaded by the findings of two local studies, conducted by the Singapore Prisons and Save the Children of Singapore (STCS) in 2001 and 2000 respectively, that there exists a positive correlation between having one incarcerated parent and a pre-disposition to juvenile delinquency, both organisations have introduced several programmes such as the Play and Wait Programme (PAW) for children visiting incarcerated parents as well as conducted classes in effective parenting skills for inmates, in preparation for their release.

In examining the academic discourse on crime in Singapore, Narayanan (2002, 2005) noted the salience of the social control theory in explaining the delinquency problem, which gives relative importance to the family as the causative factor: "The family is considered to be the single factor most important in exercising social control over the adolescent" (Nye, 1964: 19). One of the most celebrated pieces of empirical research, using longitudinal designs, which indicated the important influence of early family socialisation and family circumstances, was provided by the *Cambridge Study of Delinquent Development* (West, 1982). A central aspect of its findings related to the identification of five clusters of items, which had some statistical relationship to subsequent delinquency. They were:

a) low-income family,
b) large-sized family,

c) having parents considered by social workers to have performed their child rearing practices unsatisfactorily,
d) having below average intelligence, and
e) having a parent with a criminal record (West, 1982; West & Farrington, 1973, 1977).

Social policies on the family in Singapore, reflecting the academic discourse on crime, have been designed to not only curb the growth of the working class but also to restrict the size of each working-class family, as they are perceived to be related with crime. For example, this was achieved through the management of the Small Families Improvement Scheme, which was introduced primarily to "help low-income couples improve and upgrade themselves by keeping their families *small*" (Ng, 2003). This provides cash grants for women who agreed to undergo sterilisation (Hill & Lian, 1993: 153–154). This policy reflects the concerns of the political elite, who believe that every society has approximately 5% of its population, who are more than ordinarily endowed, physically and mentally, and that every care must be taken to ensure that this 'elitist group' receives the best nurturance that the State can offer (Rodan, 1996). Concomitantly, equal effort must be expended to reduce the size of the physically, intellectually and culturally anaemic population (Ng, 2003). The Small Families Improvement Scheme received further legitimation through concerns, expressed by Prime Minister Goh Chok Tong in 1993, that most drop-outs from the educational system—about 1.7% of the total cohort (Straits Times, 16 August 1993)—are from large families, living in a one or two-room Housing and Development Board (HDB) flats, and having parents who had not attended secondary school (Hill & Lian, 1995: 153). Limiting the size of the working-class family also reflects a greater concern of the government that, as mediator of moral values between the State and the family, it is the middle-class or the bourgeoisie, rather than the working-class family, that will play a more effective role (Berger & Berger, 1983: 189, quoted in Hill & Lian, 1995: 157).

The official perception and response to the problem of crime and delinquency in Singapore raises two important issues, which need to be historically and conceptually problematised. First, the emphasis on staging proactive responses and interventionist strategies, albeit within a positivist model, into the lives of the 'problem population,' call for a widening of the social net, which might lead to subsequent criminalisation of previously tolerated behaviours, practices and activities

(Cohen, 1996; Becker, 1995). The recent decision to impose a police curfew on youths found in public places after 11 p.m. is illustrative of such a concern. Further, such an imposition of values and standards are invariably linked to social class, as social and probation workers who evaluate 'problem families' tend to come predominantly from a middle-class background. The disproportionate representation of working-class children in the statistics on juvenile delinquency should be critically appreciated, in terms of the incompatibilities of class values and ideologies between the evaluator and those being evaluated, amongst other variables. Also, the response of the State and its agencies to crime operates on the basis of assumed benevolence. Although the intent (i.e. reversal of deviant behaviour and values) is so, the consequences of such a response may dictate worse consequences for the individual labeled as 'problematic' (Erickson, 1997). No statement could starkly capture such dynamics better than the words of Frank Tannenbaum in his classic work, *Crime and the Community* (1938):

> The person becomes the thing he is described as being. Nor does it seem to matter whether the valuation is made by those who would punish or by those who would reform. In either case the emphasis is upon the conduct that is disapproved of. The parents or the policeman, the older brother or the court, the probation officer or the juvenile institution . . . Their very enthusiasm defeats their aim. The harder they work to reform the evil, the greater the evil grows under their hands. The persistent suggestion, with whatever good intentions, works mischief, because it leads to bringing out the bad behaviour that it would suppress. The way out is through a refusal to dramatise the evil. The less said about it the better. The more said about something else, still better.

Second, the almost compulsive focus on the individual deviant (and his/her family) to 'locate' the cause of criminality has resulted in a marked reformulation of positivism, from a social to an individual focus. For example, the identification of the 'pathological' family propelled by the individualising discourse and growing influence of psychiatry and psychology, as well as the expansion of social work as 'preventive agencies' seeking to 'normalise' dysfunctional families, have served to deflect attention from wider structural conditions, that produce criminality and radically alter the prospects for policies based on social intervention. The most the State does—which can be vaguely considered to be 'social' in nature—is to introduce an array of programmes, that are aimed to instill 'good' values and promote the quality of parent-child relationship, particularly among families identified to be 'problematic.'

The medicalisation of social problems, which such a response denotes, has gained increasing prominence, since the late 1990s in Singapore, especially in the 'treatment' of juvenile offenders. It has also provided the material basis for the experimentation of certain criminal justice sanctions, such as corrective training and preventive detention (these will be discussed later). The 'medical' approach was most telling in the words of the Head Social Worker of Boy's Town, an institution which caters "to orphans, financially disadvantaged and 'youth at risk,'" when she stated: "We are getting more challenging cases these days—for example, those with attention deficit hyperactivity disorder and oppositional defiant disorder" (Straits Times, 25 March 2006). Such medicalisation of social problems corresponds to the orientation of the Singapore State, which, politically and ideologically, articulates itself as non-welfarist. Responding to the structural conditions of crime i.e. unemployment, income inequalities, poverty etc., requires the commitment of State funds and redistribution of tax dollars beyond what the State is prepared for, despite its commitment to reverse 'anti-social conditions.' In other words, responding to the structural problem of social inequality is far more problematic than merely tackling vandalism by technical means.

Elsewhere, historically, Steven Box (1980) excellently captured this shift in criminological thinking, when he attempted to make sense of the discovery of the disease 'hyperactivity' in children in Great Britain:

> By the end of the seventies the promise of sociological positivism was either seen as counterfeit because programmes based on it failed to reduce delinquency and youthful behaviour or totally impractical because they required social reform on a scale the dominant class was quite unprepared to contemplate. Thus, whilst, lip service was still being paid to these types of programmes, there was already a preparedness to look elsewhere for alternative solutions to the delinquency problem. One of these…was a new version of biological determinism—the conception that delinquents and pre-delinquents were essentially ill, either mentally or, as in the case of hyperactivity, physically and organically, and required treatment, especially drug therapy.[1]

Interestingly, official response to the 'crime problem' is not only individuated (Hughes, 1998), but tends to be politically articulated, in terms of the various ethnic/racial groups of Chinese, Malays and Indians. This is

[1] Box 1980: 116–117.

perhaps due to the perception, amongst the general public and political elite, that there are no distinct class differences in Singapore (Noordin, 1992; Benjamin, 1976). A particular advantage that the State has, by defining and transposing the *crime* problem as a predicament intrinsic to specific *ethnic/racial* communities, is to devolve the responsibility of searching for the (structural) causes of criminal behaviour and the best possible solutions to crime, which are reckoned to be ethnic/race specific, to the respective ethnic-based self-help organisations, namely the Chinese Development Assistance Council (CDAC), Mendaki (for Malays) and the Singapore Indians Development Association (SINDA). Further, any construction of the relationship between ethnicity and crime also makes it possible for the State to depoliticise any criminal activity, or that of a criminal group, by merely projecting the 'crime problem' as constituting a peculiar 'community' character, thus deflecting attention from the wider structural, economic and social inequalities, generated by State institutions and policies. The Malays, for instance, have historically been an important target in the State's anti-drug efforts (Abdullah, 2004), "largely due to the contention that Malay addicts have the practice of taking drugs in groups on a sharing basis" (Straits Times, 21 February 1988) and who have been variously described from being "more artistically inclined and talented" to "long-haired unwashed youth in dirty clothes" (Straits Times, 25 June 1973). For example, the formation of the Malay Working Group (MWG) to steer the Malay/Muslim community's efforts in crime prevention, and the Healthy Marriage Programme, which reaches out to Malay/Muslim teenagers and their parents to inculcate healthy values and positive views on marriage and family, allude to the fact that the problem of crime has specific 'ethnic' dimensions, which are best dealt with by the community concerned. The State, on the other hand, intervenes only when it needs to take coercive action against the 'underclass' of particular ethnic/racial communities, on behalf of all 'respectable' members of that community and that of the wider citizenry.

V Risk, Social Control and 'Dangerousness'

The emerging idea of risk in the Singapore criminal justice arena is marked by the ascendance of what Feeley & Simon (1992) have described as the 'new penality,' where the objective of the criminal justice system is 'managerial' and not necessarily 'transformative.' The

task of the criminal justice system is one of preventing the occurrence of a crime event based on risk and actuarial justice, not removing the causes of crime nor attempting to 'normalise' the motivated criminal. This section illustrates how the discourse of risk is articulated through the perspectives of the deterrence and incapacitation theses, where they have formed an important basis of the Singapore criminal justice system's response to crime.

Deterrence as a crime prevention strategy is about providing rational, self-interestedly calculating individuals with reasons and opportunities *not* to commit crime. This assumption provides the theoretical link between the Beccarian views of preventive deterrence and contemporary thinking on situational crime prevention (Young, 1994; Bottoms, 1994). Underscoring such a crime prevention policy is the notion, that the occurrence of a crime event can be prevented by structural barriers, such as through the use of CCTVs and biometrics, and greater surveillance from, for e.g. the Neighbourhood Watch Schemes. The public can prevent crime more directly and cost-effectively through 'target hardening,' which refers to the pro-active self-measures taken to ensure that one does not fall prey to victimisation.

The potential risk of crime is thus to be managed rationally, either through the manipulation of the physical and social environment in order to deter the equally rational criminal, or through devising 'risk aversion' strategies initiated at the personal level. Such a conceptualisation of risk is in line with Ulrich Beck's theory of the risk society, where there has been a shift from class society, which dealt with the problem of the distribution of wealth, to a 'new paradigm of risk society,' where the focus has become that of the distribution of negative risks (Beck, 1992: 19). In such a conceptualisation of society, "one is no longer concerned with attaining something 'good', but with rather preventing something worse", for indeed, the "utopia of the risk society is that everyone should be spared from poisoning" (Beck, 1992: 49). The prudential human is expected to make the correct and rational choice, once given the right information by experts. The primary site of intervention of risk management is thus the individual. Kemshall (2003) notes:

> Citizens who do not make the desired choice are recast as imprudent and reckless, blameworthy and responsible for their own misfortune. Disadvantage and exclusion are reframed as matters of choice and not of structural processes, crime itself becomes a matter of irrational and imprudent choices.

In his article on *Crime Prevention: Singapore Style*, Quah (1994) outlines the Singapore Police's philosophy towards crime prevention as one concerned with the "anticipation, recognition and appraisal of crime risk, and the initiation of action to remove or reduce those risks." It is therefore not uncommon for the police to sponsor slogans such as 'Crime Does Not Pay', 'Pay for YOUR Crime', 'Do Crime, Do Time', 'Crime Prevention Is YOUR Responsibility', 'Is Your Home Burglar Proof', 'Avoid Returning Home Alone', 'Don't Be An Easy Target For Criminals', 'Are Criminals Shut Out' and 'Keep Your Handbags Away From Snatch Thieves' where there is an implicit appeal to the *homo prudens* view of risk actors.

Whether the message is intended for the would-be criminal or the potential victim of crime, there is a certain element of 'responsibilisation' (Kemshall, 2003) for the crime event. Not only is crime effectively depoliticised, but the responsibility for one's security is (unequally) privatised, as each citizen is expected to assume responsibility for his safety. As Chua (2006: 42) notes:

> Singapore has traditionally advocated personal responsibility and meritocracy over welfarism, and instilling neurotic anxiety in the public instead of liberal values (Jones & Brown, 1994). Singapore's ideological orientation towards upholding 'Asian values', which stresses the citizen's obligations to moral values, family ties and discipline integrates well with that of responsibilisation in crime prevention.

Further, it absolves the State from addressing structural causes of crime, such as unemployment and poverty co-related to variables of class, race and ethnicity for the 'cause' of crime is now to be located in imprudent individuals. Although direct State coercion is reduced and individual freedom apparently espoused, micro systems of power have emerged and are exercised through the mesh of daily life: employment, family, leisure, geographical locale and the responsibilities of citizenship (Rose, 1996), where the State, paradoxically, assumes greater powers of intervention and regulation over its subjects. This is primarily achieved through the licensing of experts and technocrats to produce authoritative knowledge/discourses on the nature of criminality and how it could be best prevented. An important consequence of the modernist expert discourses of crime was the transformation in the depiction of the criminal, from a kind of folk hero preying on the powerful, to a "statistically verifiable omnipresent threat to all" (Pratt, 2000: 37). By such means,

> the social enemy was transformed into a deviant, who brought with him the multiple danger of disorder, crime and madness. The carceral network linked, through innumerable relations, the two long, multiple series of the punitive and the abnormal.[2]

Nowhere is this more evident than in the positivist discourse on crime which will be examined next.

The most influential paradigm in criminology, which also spawned a discourse of crime prevention institutionalised by the modern State, was founded by Cesare Lombroso. The centrality of the positivist discourse on crime is inextricably associated with the science of crime causation and prevention, based on the search for, and cure of, the 'criminal man' (Lombroso, quoted in Hughes, 1998: 37). The objective of the 'Lombrosian' project is chiefly that of developing a scientifically-informed regime for the prevention, treatment and elimination of criminality, untrammelled by classical concerns with formal egalitarianism (Hughes, 1998: 41). As Morrison (1995) notes,

> In ideal form positivism side-steps the issue of criminal justice…it substitutes concerns for social justice…social protection and social management…crime is only a symptom, an outward sign of *pathology*. You do not need a trial and representation by lawyers, due process is not involved: instead you require a hearing by a committee of social scientific experts.[3]

The implications of risk for the administration of the criminal justice system, which the 'Lombrosian Project' gives rise to, have been much discussed (Pratt, 2000; Rose, 2000; Sparks, 2000). In many jurisdictions, the modernist disciplinary agenda based upon penal-welfare techniques has been paralleled, if not replaced, by the emergence of a 'new penality' based on risk and actuarial justice models. For Feeley & Simon (1992; 1994), this represents a significant paradigm shift from an 'old' penology "concerned with individual, guilt, responsibility, obligation, and the diagnosis and treatment of individual offenders to a 'new' penology based upon actuarial justice and acceptance of 'deviance as normal" (Kemshall, 2003). In a rather pessimistic view of crime control, they see the role of penology as transformed from a mechanism of guilt attribution and reformation, to a merely administrative function of risk categorisation and the regulation and management of

[2] Foucault 1978: 300–301.
[3] Morrison 1995: 121; emphasis original.

'dangerous individuals.' With the demise of the liberal reformative ideal, the containment and incapacitation of these 'dangerous' individuals has come to the fore. The transition from 'old' to 'new' penality and the shift from individualism to individualisation are well captured by Garland (1985):

> There has been a move from calibrated, hierarchical structure (of fines, prison, death), into which offenders were inserted according to the severity of their offence, to an extended grid of non-equivalent and diverse dispositions, into which the offender is inscribed according to the diagnosis of his or her condition and the treatment appropriate to it.

Central to this shift is the use of the 'psy' disciplines—with the premise that criminality is an innate disorder—to assess and individuate the criminal offender, and the consequent expansion of such techniques based on risk and actuarial assessments. In Singapore, the expanding role of psychiatry in the criminal justice arena is witnessed in its contribution to identifying, explaining and even treating the 'dangerous' offender. Tham (2006), for example, notes that, up to 1974, all individuals charged with homicide were remanded under the custody of then Woodbridge Hospital for psychiatric examination. Such 'psychiatrisation of crime' (Foucault, 1978, quoted in Tham, 2006: 31) has been extended to emerging forms of 'dangerousness', especially with reference, in the 1980s, to sexual offenders, (Straits Times, 3 November 1986) who were identified as having 'chemical and neurological dysfunction' (Straits Times, 20 October 1988).

Since 2000, the use of both clinical and actuarial tools of risk assessment for criminal offenders has become the main tool employed by prison psychologists in the pre-sentencing, pre-release and other requested assessments of offenders and inmates. The main objective of using actuarial risk models, such as the LSI-R (Level of Service Inventory), is to offer a prediction of the offender's general risk, which is usually expressed in terms of statistical probability of re-offending in the next two years (Tham, 2006). The 'dangerous offender' is not only sentenced proportionate to the crime he/she has committed, but according to the perceived degree of 'dangerousness' to society identified, assessed and predicted in terms of its potential and latency. For example, Section 7 of the Pre-Sentencing Report on offenders, clearly attests to the importance placed on criminal recidivism: "LSI-R score places the offender in the moderate-high risk of criminal re-offending. The offender belongs to the group of prisoners with a 41% to 55%

chance of recidivism within one year of release based on Singapore norms" (Pre-Sentencing Report 2004, Singapore Prison Service).

As risk management is cost effective and calls for the optimal use of rehabilitative resources, the attractiveness of risk and actuarial justice models cannot be over-estimated. For example, advocating long-term imprisonment for habitual drug abusers who "refuse to change," the Minister of Home Affairs, in the Second Reading of the Misuse of Drugs (Amendment) Bill stated:

> So why do we have an amendment like this in our law? It is for these people who just simply refuse to change . . . rather than wasting our time . . . and CNB's [Central Narcotics Bureau] professional resources on such people, we have decided that the only way to treat these addicts is to imprison them for a long time.

The slant towards the use of custodial sentences has led to three notable penal practices in the Singapore criminal justice system, each exemplifying the incapacitation (i.e. removal of the offender from circulation in legitimate society) rationale for punishment:

a) corrective training,
b) preventive detention, and
c) criminal profiling.

These penal developments operate on the basis that the offender is either *incapable* of rehabilitation or *unable* to because of his/her innate criminality, and, therefore, needs to be 'warehoused.'

Corrective training as a strategy of crime management aims not to reform individual offenders but to redistribute the risks away from society to prison, a sentencing policy recently intensified by the use of selective incapacitation, aimed at high-risk offenders and targetting the small number of persistent offenders perceived to be responsible for the majority of crimes (Halliday, 2001). According to the Steering Committee's Report on Deterring Crime and Recidivism (2004), about 20% of criminals commit approximately 80% of all crimes. Preventive sentencing, including the preventive use of custody, has paralleled selective incapacitation, with sentencing driven by risk factors and not by the seriousness of the offence. In such a sentencing policy, the determination by expert witnesses (i.e. psychiatrists, probation officers, prison social workers) of the future risk posed by the offender, plays a significant role. In 2001, Judicial Commissioner Amarjeet Singh, upon

passing a 30-year sentence on a rapist added: "you are a very dangerous young man who needs to be kept out of circulation in the interest of the public for a long, long time" (Straits Times, 2 September 2000). This seems to echo Chief Justice Yong Pung How's own pronouncement of maid abuser Asha Verma as a "most dangerous person who needed to be put out of business for a long time" (Straits Times, 30 June 2000).

Criminal profiling has also expanded the use of risk factors in identifying likely offenders and likely criminal situations, resulting in 'high-crime areas' targetted for intensive policing and use of surveillance resources. This is evident in much current work on youth crime and delinquency, where the term 'pre-delinquency' is increasingly being used to identify and possibly segregate those juveniles, who exhibit certain 'problematic' symptoms, such as truancy, poor academic performance, lack of concentration in class, etc. In one of the schemes under the rubric of 'community-policing,' schools are known to provide the police with the list of 'problem children' for the latter's targetted policing and 'early' intervention. The 'scientific' basis upon which such a practice has been instituted, however, is not only methodologically problematic but raises important ethical issues concerning the legitimacy of such criminal justice intervention for the juvenile, who has *yet* to commit any violation of legal norms.

VI Conclusion

The national theme of remaining economically and politically sturdy has diffused into the ideology and practice of the modern criminal justice system in Singapore. This is particularly witnessed in the State's credence in prioritising order over justice, which is best exemplified in the use of the crime control model. Judicially, the current sentencing regime in the Singapore courts is primarily geared towards attaining the penal objectives of prevention and deterrence, where it has placed an emphasis on the use of incapacitation as a criminal justice tool. The logic of the criminal justice system is thought to exemplify the ability of the State to ensure preventive deterrence, preserve social order and provide the opportunity for its citizens to take pleasure in the perceived safety and security, which has come to characterise much of modern Singapore.

The renewed official concern over the problem of juvenile delinquency and the emergent 'criminogenic' family have paved a way for a new preventive discourse, leading to pro-active intervention in the lives of the 'problem population.' Such a rehabilitative ideology has a strong political appeal, as it invites a more powerful and yet benevolently paternalistic State to intervene authoritatively into all areas of social life. The identification of the 'pathological' family, propelled by the individualising discourse of psychiatry and psychology and the expansion of social work as 'preventive agencies' seeking to 'normalise' dysfunctional families, have not only served to deflect attention from wider structural conditions that produce criminality, but have led to a marked reformulation of positivism from a social to an individual focus. Importantly, the medicalisation of social problems, which such a shift denotes, corresponds to the orientation of the Singapore State, which politically and ideologically articulates itself as non-welfarist.

The articulation of risk in the criminal justice arena, conceived either in terms of the rational management of 'risk aversion' strategies or identification of 'dangerous' offenders through risk and actuarial assessments, serves a dual function in the Singapore criminal justice system to both individualise through responsibilisation of the individual and fragmentation from traditional social bonds, and to identify and objectify individuals through aggregation and classification. Risk thus both individuates and objectifies, a combination that has reduced the individual to little more than a collection of risk factors, a risk inventory to be managed. The role of penology is thus transformed from a mechanism of guilt attribution to a merely administrative function of risk categorisation and the management of 'dangerous people.' As the cost of changing and reforming prisoners is expensive compared to merely 'containing' them, the appeal of the 'new penology' is clearly evident.

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