

# FACT SHEET

## Criminal Procedure Code

### Community-based sentences

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#### ***Background***

1. Developments in Criminal Justice System: As our society matures, relying purely on traditional punishments of fines, imprisonments or caning is no longer adequate. We should introduce more flexibility in the law and allow more graduated sentencing options for minor offences. This will lead to better outcomes for both the individual and the State. Our experience with Community-based sentencing schemes such as the Home Detention Scheme and Probation Service introduced earlier has been positive.
2. There are a number of reasons behind the need for more community-based sentences (CBSes). Firstly, a wider range of crimes is being committed, including more types of anti-social behaviour and some technical offences. Not all these offences may be adequately addressed through the traditional punishment modes of incarceration or fines.
3. Second, there is a growing recognition of mental disorders and illnesses which lead to criminal or anti-social behaviour, and the need for an enhanced ability to treat such disorders or illnesses. In some of these cases, orders compelling the offender to receive medical treatment for the illness are more appropriate and suitable than traditional punishments like imprisonment.
4. Third, there is a need to promote community involvement in the penal framework. This prevents the offender from “dropping out” of active society through incarceration, and possibly re-offending upon release from prison.
5. Courts’ efforts: Community Court: A key development was the setting up of a Community Court in 2006. The Community Court seeks to achieve the same goals as any other criminal court. It is committed to prevent and reduce the incidence of crimes and to ensure that those suspected, accused or convicted of crimes are dealt with fairly, justly and appropriately. Over the past few years, its work has emphasised the twin principles of rehabilitation and reintegration into society by meting out punishments that address the specific offending behaviour.

6. The Community Court's key target categories of cases include cases involving young offenders, offenders with mental disabilities, and relational disputes of an anti-social nature.
7. Inter-Ministry effort helmed by MHA: To support the work of the Community Court, and building on the government's positive experience with the Home Detention Scheme, Probation Service and Community Service Orders, MHA led the current initiative which started in 2006. This is a multi-agency effort to improve and strengthen current sentencing options.
8. We are mindful that there should be no erosion in the underlying philosophy of our penal regime even with the introduction of CBS options. The current round of CBS options being introduced complements the existing community-based rehabilitation options and the work of the Community Court. We are clear that there should be no erosion in the underlying philosophy of our penal regime.
9. The following CBSes will be introduced:
  - (a) Short Detention Order (SDO)
  - (b) Day Reporting Order (DRO)
  - (c) Mandatory Treatment Order (MTO)
  - (d) Community Service Order (CSO)
  - (e) Community Work Order (COMWO)

### ***Application of CBS***

10. Eligibility: The following categories of offences and offenders will be excluded:
  - (a) Offences for which the sentence is fixed by law, or where there are specified minimum punishments prescribed by law
  - (b) Offences punishable with imprisonment exceeding three years
  - (c) Offences in the 3<sup>rd</sup> Schedule of the Registration to Criminals Act (i.e. offences which cannot be 'spent')
  - (d) Offences which are punishable with fines only
  - (e) Offenders who are habitual criminals<sup>1</sup>

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<sup>1</sup> i.e. offender who has previously been sentenced to imprisonment (other than imprisonment served in default of fine), corrective training, reformatory training, or preventive detention, detained or subjected to police supervision under the Criminal Law (Temporary Provisions) Act or detained in a

- (f) An offender who is convicted for two or more offences, is sentenced at the same court proceeding, and any of the offences is an offence listed above.
11. A CBS can be meted out as a standalone sentence or in conjunction with other CBSes.
  12. A CBS passed will be in lieu of any sentence of imprisonment, caning or fine which the court may impose<sup>2</sup>.
  13. “Spent” record: In the spirit of giving the offender a second chance and encouraging him to complete the CBS, the Registration of Criminals Act will be amended to allow an offence dealt with by a CBS to be rendered “spent” once the CBS has been successfully completed.
  14. Variation or revocation of CBS: The authority implementing the CBS may apply to the court to vary a DRO, MTO, CSO or COMWO where there is a change in circumstances based on which the original order had been made or based on the conduct of the offender.
  15. Breach of CBS conditions: When an offender fails to comply with his obligations imposed under a CBS, the court may (i) issue a warning (ii) vary the order (iii) impose a fine of up to \$1,000 or (iv) revoke the order and sentence the offender for the original offence. Where the obligations relate to conditions imposed in the DRO, COMWO and CSO, the court may also detain the offender in prison for up to 14 days (similar to imposing an SDO).

### ***Features of CBS***

16. Short Detention Order (SDO) This option gives first time low-risk offenders a short detention period of up to two weeks. The SDO is less stigmatising than imprisonment and limiting the detention period will prevent first-time offenders from being influenced by hard-core criminals. More importantly, the SDO will not dislodge the offender from his family and job.
17. Day Reporting Order (DRO) This option requires an offender to report to a Reporting Centre on a regular basis for supervision and to undergo counselling and rehabilitation. An offender may also be electronically tagged, if necessary. The DRO duration will be from three to 12 months. This imposes some discipline and aids in rehabilitation as the offender’s progress is monitored closely.

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Drug Rehabilitation Centre. An exception is that the Mandatory Treatment Order can be meted out to an offender who had previously been sentenced to imprisonment.

<sup>2</sup> An exception is that a Community Work Order may be imposed in addition to, or in lieu of the sentence of fine.

18. Mandatory Treatment Order (MTO) This option allows the court to order an offender to undergo psychiatric treatment in lieu of imprisonment. The MTO targets an offender who is suffering from a psychiatric condition which can be treated and where the offender is suitable for treatment. The psychiatric condition shall also be a contributing factor for the offender committing the offence. The MTO is capped at two years.
19. Community Service Order (CSO) This existing CBS will be expanded to allow adult offenders (i.e offenders aged 16 and above) to make reparation to the community while being punished for their misdeeds. This will be tied up with Voluntary Welfare Organisations which can put the offenders' service to good use.
20. Community Work Order (COMWO) This option models after the "Corrective Work Order" for litterers, to allow for a wider range of offences and types of work to be mandated. The type of community work ordered will have some nexus to the offence committed.

**MINISTRY OF LAW  
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