

**Tackling Juvenile Delinquency:  
Enhancing Restorative Justice in Singapore**

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## **Abstract**

This paper aims to analyse the policies and practices affecting youth offenders in Singapore, and to provide policy recommendations to combat juvenile delinquency and integrate youths into the community.

In the first part of our research, we analysed the problem of juvenile delinquency in Singapore, its causes and its impact. Subsequently, we embarked on a literature review of the theoretical approaches of justice in this field to gain a better jurisprudential understanding of the conceptions of justice and their utility towards tackling juvenile delinquency and offences committed by young people. In the second part of our research, we examine Singaporean law and social policies regarding juvenile delinquency and crimes committed by youths. Subsequently, the paper explores the international best practices in this field. The next part of our research involves a case study of our PAE client, Beyond Social Services Singapore, a voluntary welfare organisation which deals with delinquent youths. In particular, through analysing the programmes implemented by Beyond Social Services, we examine their approach of combating juvenile delinquency and helping youths move beyond their problems, and its public value towards juvenile justice.

Based on our case study of Beyond Social Services, as well as our survey on international best practices, we identify the gaps between the current Singaporean policy framework of juvenile justice and such good practices (adopted by Beyond Social Services or internationally). Specific policy recommendations are then provided to improve policies and measures that are currently in place.

Notably, this paper *advocates and exhorts the Singapore government to enhance restorative justice in Singapore* through addressing legislation that may impede restorative processes as well as increasing diversionary measures and community-based restorative programmes to tackle delinquency. Besides, the paper suggests long-term policy solutions such as education

that aim to raise awareness of restorative justice and mobilise the community in combating delinquency in Singapore. To this end, recommendations and strategies are also provided to our client, Beyond Social Services for their advocacy efforts in promoting restorative justice in Singapore.

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## **1. Introduction**

### **I. Aim of Policy Analytic Exercise (PAE) and Policy Question**

This paper analyses the policies and practices affecting youth offenders in Singapore, and provides policy recommendations to combat juvenile delinquency and integrate youths into the community. In so doing, the paper will first seek to understand the problem of juvenile delinquency in Singapore. Subsequently, our research will examine existing policies and practices surrounding youth offenders, and make specific policy recommendations to improve policies and measures that are currently in place. In particular, this PAE aims to focus on restorative measures of community-based rehabilitation and prevention programmes, and explores how restorative justice can be enhanced in these policies and practices.

The main questions that this paper will tackle are as follows:

- a) The problem of juvenile delinquency: What are the factors influencing juvenile delinquency in Singapore? What are the impacts of juvenile delinquency or youth crime on the Singaporean society?
- b) What are the different conceptions and approaches to juvenile justice? What is the role of restorative justice within the juvenile justice system?
- c) What is the current Singaporean approach to deal with juvenile delinquency/crimes committed by youths?
- d) What are the current international approaches and best practices in other jurisdictions to combat juvenile delinquency? What are the international best practices with regards to restorative justice?
- a) How can policies and/or practices to tackle juvenile delinquency in Singapore be improved? How could restorative justice be better implemented and/or practiced in Singapore?



## **II. PAE Client: Beyond Social Services, Singapore**

Beyond Social Services is a not-for-profit organization whose aim is to “curb delinquency among young people and their families and to move them beyond their problems. [It endeavours] to develop young people who respect the law, value education and seek to become responsible persons” (*About Us: Our Mission*, Beyond Social Services 2011).

To fulfil its aims, Beyond Social Services utilizes a strategy that focuses significantly on restorative justice, as opposed to corrective justice (the model currently in place in Singapore). Corrective (or retributive) justice refers to the imposition of punishment on the commission of a crime. It is based on the jurisprudential assertion that the perpetrator of a crime deserves to be punished according to the severity of the crime. On the other hand, punishment does *not* take a central role in restorative justice, where any crime or transgression is considered a conflict that is to be resolved by the parties concerned, and their communities.

Therefore, Beyond Social Services seeks to impact the lives of youth offenders positively by engaging the community and network of family and friends around such offenders. This is a manifestation of this organization’s fundamental value, that “people have the ability to help themselves and can successfully reach their goals despite their disadvantages” (*ibid.*).

Beyond Social Services provides youth offenders and individual ‘at risk’ access to social, educational, and community support programmes(*ibid.*), by relying on its substantial and growing network of individuals and organizations (including *inter alia* government ministries, Singapore Police, and other not-for-profit institutions). In doing so, the organization tries to ensure that the youth stay away from crime and drugs, and focus on their education that will, in time, ensure that they will grow up to be upstanding, responsible, and self-sufficient members of society. Additionally, Beyond Social Services’ overall philosophy, manifested in its various individual and community development programmes, promotes a

society and culture where individuals are empathic and helpful towards other people in their community. Consequently, the model suggests, delinquency-related problems do not arise (due to the presence of an inclusive and integrated community), and should such problems arise, they are addressed within the community before escalating in bigger issues.

## 2. The Problem: Juvenile Delinquency in Singapore

### I. Background

Juvenile delinquency and youth crime have always been serious social issues in many societies worldwide. In Singapore, this is no exception. Youth involvement in crime is one of the key areas that the Singapore Police Force is concerned about<sup>1</sup>. In 2010, the Singapore Police Force listed youth involvement in crimes as one of their three main areas of concerns (Singapore Police Force 2011). Typical crimes committed by youths include shop theft, theft and rioting, shop theft being the most common (National Crime Prevention Council). In 2005, 31% of youths arrested in Singapore committed shop theft, whilst 17% of the youths arrested committed theft, and 11% of the youths arrested committed rioting (Inter-Ministry Committee on Youth Crime 2006).

Besides, youths are also involved in crimes of violence including murder, rioting, extortion and unlawful assembly (National Crime Prevention Council). Notably, such youth violence is commonly the result of disputes between youth gangs over trivial matters and rivalry amongst these gangs which lead to fights (Singapore Police Force 2011). Although there has been much concerted efforts on the part of the government to combat youth crime and clamp down on youth gangs in Singapore, recent cases such as the Downtown East Murder (Home Team, Ministry of Home Affairs 2013)<sup>2</sup> nonetheless indicate the existence of youth gangs and their far-reaching consequences, if the issue is not tackled adequately and concertedly.

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<sup>1</sup> “Youths refer to persons aged 7-19 years. They include juveniles aged 7-15 years and young persons aged 16-19 years”:

Singapore Police Force. 2013. *SPF Media Releases, Annual Crime Brief 2001*. Accessed April 20, 2013. [http://www.spf.gov.sg/mic/2012/120207\\_crime\\_brief\\_2011.htm](http://www.spf.gov.sg/mic/2012/120207_crime_brief_2011.htm).

<sup>2</sup> “In October 2010, a 19-year-old was hacked to death with a chopper by 19 members of a youth gang at Downtown East”: Home Team, Ministry of Home Affairs. 2013. *Cracking down on youth gangs*. Accessed April 20, 2013. [http://www.hometeam.sg/article.aspx?news\\_sid=20111202qs3n91XeoakT](http://www.hometeam.sg/article.aspx?news_sid=20111202qs3n91XeoakT).

## **II. Trends and Statistics**

Juvenile delinquency and youth crime has been generally on the rise since the last three decades. The number of juveniles arrested for crime almost doubled from 1980 to 1990 (Kwek 2000) rising from 691 cases to 1205 cases (Inter-Ministry Committee of Dysfunctional Families, Juvenile Delinquency and Drug Abuse 1995, 31). The number of juveniles arrested then increased from 1205 cases in 1990 to 2102 in 1994 (Inter-Ministry Committee of Dysfunctional Families, Juvenile Delinquency and Drug Abuse 1995, 31; Choi and Lo 2004, 35). This translates to an increase of around 8.3% per year from 1980 to 1994 (Inter-Ministry Committee of Dysfunctional Families, Juvenile Delinquency and Drug Abuse 1995, 31). The increase in the number of young Singaporean arrests led the government to form the Inter-Ministry Committee on Dysfunctional Families, Juvenile Delinquency and Drug Abuse, which is now the Inter-Ministry Committee on Youth Crime to tackle youth crime in Singapore and rehabilitate young offenders (Inter-Ministry Committee on Youth Crime 2006, 3). The IMYC was successful in tackling juvenile delinquency and youth crime to some extent, with the number of juveniles and youths arrested for crime declining between 1997 and 2001. However, while the number of juveniles arrested declined between 1997 and 2001, the number of juveniles arrested increased from 1414 to 2637 in 2004 (Inter-Ministry Committee on Youth Crime 2006, 14). Similarly while the number of youths arrested declined between 1997 and 2001, youth arrests increased to 4441 cases in 2002 and to more than 5000 cases in 2004 (Inter-Ministry Committee on Youth Crime 2006, 14). The number of youth arrests has been around 4000 in the last few years, which accounts for 22% of the total crimes in Singapore (Home Team 2011). Based on recent statistics, the number of youth arrests is an overrepresentation of the youth population in Singapore (which accounts for around one-fifth of the population (Singapore Police Force 2012) (Home Team 2011), which is quite alarming (although not untypical) (Home Team 2011).

### **III. Factors influencing Juvenile Delinquency**

The problem of juvenile delinquency is a complex and multi-faceted one. As highlighted by former Senior Minister of State for Law and Home Affairs and Chairman of the Inter-Ministry Committee on youth crime Ho Peng Kee, “no single factor explains why youths turn to crime; most youth crimes are caused by a combination of factors” (Inter-Ministry Committee on Youth Crime 2006, 3). In particular, the major factors contributing to juvenile delinquency in Singapore are: dysfunctional families, weak attachment to school, negative peer influence and involvement in youth gangs (Choi and Lo 2004, 105) (Inter-Ministry Committee on Youth Crime 2006, 3). Other factors that may influence delinquency include the socio-economic status of youths (Choi and Lo 2004, 89). Notably, as depicted by these various factors, the causes and conditions for juvenile delinquency can be found at different levels of the social structure—society, social institutions, social groups and interpersonal and family relations (United Nations 2004, 193).

#### *Dysfunctional Families and Lack of Familiar Support, Supervision and Attachment*

One major factor affecting juvenile delinquency is family well-being (United Nations 2004, 195). Dysfunctional families and the lack of familiar attachment and supervision are one of the most potent factors that influence juvenile delinquency (Martin 2005, 65). As values, norms and models of behaviour arise from the family, dysfunctional families will transmit dysfunctional norms (rather than functional norms) to their children, and this in turn affect their beliefs, personality, attitudes and behaviour (e.g. cause deviant behaviour) (Martin 2005, 65). For example, children who encounter violence in their immediate family environments are more likely to exhibit the same behaviour, and thus may be more prone to becoming involved in gangs and committing violent crimes such as fighting and rioting. Healthy families on the other hand tend to transmit functional norms of behaviour to their children

(Martin 2005, 65). In Singapore, dysfunctional families are defined as “those who experience multiple or severe problems that adversely affect the well-being of the family”. (Ministry of Community, Youth and Sports (now Ministry of Family and Social Development) 2009) These families “have difficulty finding work or sustaining employment, and may experience family violence, problems with addiction, and trouble with the law” (*ibid*). In former Minister for Community Development, Youth and Sports Vivian Balakrishnan’s speech during the Committee of Supply debate in 2009, the Minister highlighted that Singapore had an estimated 7,500 of such dysfunctional families. (Ministry of Community, Youth and Sports (now Ministry of Family and Social Development) 2009). Notably, many delinquent youths in Singapore that were under the Juvenile Court’s supervision were from broken and dysfunctional families (The Subordinate Courts of Singapore 2006).

Similar to global trends, one problem amongst juvenile offenders in Singapore is the lack of parental involvement and supervision (Choi and Lo 2004, 91). In many cases involving youth offenders, parents are often unaware of their child’s behaviour and actions, and often realise the gravity of the situation only upon their children’s arrests (Choi and Lo 2004, 91). The lax parental supervision also meant that by the time parents decide to increase supervision, they would have already lost control over their child (Choi and Lo 2004, 91). Besides, a lack of communication between parents and their children may also lead the child to perceive the concerns of parents and the restrictions that parents impose as unreasonable, and thus causing the child to become defiant and rebellious (Choi and Lo 2004, 89).

Besides, another major factor contributing to juvenile development is the lack of family attachment. An empirical study by Chan and Lo showed that offenders felt a lesser sense of attachment to their families compared to non-offenders (Choi and Lo 2004, 89). Notably, like many countries worldwide, the institution of the family in Singapore has undergone many

changes<sup>3</sup>. As the number of divorces increase in Singapore, there has been an increasingly number of single-parent families in Singapore (Wee 2007). These break-ups of the family unit often results in inadequate love, care, attention being provided to children. In addition, the increased number of dual-income families and the increased hiring foreign domestic workers as caregivers may have also result in less parental involvement and supervision (Yeo 2008). While these factors do not definitely lead to juvenile delinquency, they have significant repercussions on juvenile behaviour (Yeo 2008). According to a CID study in 1994, 22% of delinquents were from single-parent families (Choi and Lo 2004, 92). Another study by Choi and Chan revealed that there was a higher number of youths offenders (compared to non-offenders) who did not live with both of their parents. The study by Chan and Lo found that offenders also felt less attachment to their families, which could be attributable to the differences in family structure and family living arrangements between youth offenders and non-offenders (e.g. more single parent families amongst delinquents and/or youths delinquents living apart from both parents) (Choi and Lo 2004, 89).

#### *Educational Experience: Weak School Performance and Attachment*

The educational experience of youths affects juvenile development, alongside familiar experiences and socio-economic status, as the school environment may affect a child's self-esteem and self-worth (Martin 2005, 67). Youths in Singapore who fell into delinquency have been found to have performed more poorly in school and have a much higher rate of having troubles in school than non-delinquents (Choi and Lo 2004, 95). This is consonant with general societal trends in other countries which show that poor academic performers and school drop-outs tend to commit delinquent acts much more than high academic achievers and graduates (Martin 2005, 67).

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<sup>3</sup> See United Nations, *World Youth Report 2003 The Global Situation of Young People* (New York: United Nations, 2004), 195 for world trends.

As noted by the Inter-Ministerial Committee on Dysfunctional Families, Juvenile Delinquency and Drug Abuse, less academically-inclined youths may “feel lost in a highly-competitive, results-oriented school environment”, which “might cause them to withdraw from the system and perform poorly” (Inter-Ministry Committee of Dysfunctional Families, Juvenile Delinquency and Drug Abuse 1995, 33-34). Their weak academic performance also decreases the youths’ self-esteem and interest in studies. Such students often have disciplinary problems in school, and some of them “might drop out of school if they feel rejected or alienated” (*ibid*). Being detached from school (major institution whereby young people’ attitudes and behaviour are “shaped by society”), such youths are consequently more likely to “pick up bad ways and habits” (*ibid*).

#### *Negative Peer Influence*

According to the empirical study by Choi and Lo, delinquents in Singapore tend to be socialised delinquents or delinquents that commit crimes or delinquent acts due to close association and attachment with peer groups that endorses antisocial conduct (Choi and Lo 2004, 88). This is opposed to characterological delinquents whose behaviours tend to stem from individual motivations and asocial personality disorientations (Choi and Lo 2004, 88). Negative peer influence is often found to be linked to the absence or lack of parental influence and familiar attachment (Choi and Lo 2004, 92). As family attachment and parental influence decrease, they are then ‘replaced by peer influence’ (*ibid*). Research has shown that youth groups and juvenile gangs ‘compensate for the imperfections of family and school’, with youths considering their gang members as family (United Nations 2004, 197).

Consonant with juvenile research worldwide, the type of friends and peers that Singaporean youths associate with is found to be significant in juvenile development. Youths in Singapore who have committed offences have significantly more negative or undesirable peer



influence—youths who have committed crimes are found to have significantly more friends who are in trouble with the law or friends who are unable to get along with their parents or teachers (Choi and Lo 2004, 92).

### *Youth Involvement in Gangs*

Youth violence in Singapore often results from disputes between youth gangs over trivial issues and rivalry amongst these gangs which lead to fights (Singapore Police Force 2011). As noted, youth involvement in gangs is strongly related to other factors such as educational experience and family well-being. Most youths who turn to gangs are usually school drop-outs or non-academically inclined students who “feel ostracized” by their classmates, teachers and parents, and they join gangs for company, friends and a sense of belonging (Home Team 2011). These street gangs in Singapore often loiter at entertainment arcades and neighbourhood malls and sport for violence over trivial issues (Home Team 2013).

### *Economic Factor: Poverty and Disadvantaged Families*

While poverty *per se* does not contribute to juvenile delinquency, it may put youths more at risk of committing delinquent acts and offences. According to the strain theory, increased income inequality also results in frustration amongst lower-class youths who are unable to achieve success as defined by the society, such as the reaching of career goals and the accumulation of wealth (Lochner and Levitt 2001). This may result in increased crimes, as these youths may choose to rebel against the current cultural goals (Lochner and Levitt 2001) (Choi and Lo 2004, 79). According to the UN, youths from low-income families “often feel excluded”, and may decide to join delinquent groups to improve their status and self-esteem (United Nations 2004, 195).

It is imperative to note that the socio-economic status of youths is often related to and intertwined with the amount and quality of support that youths receive. For example, parents from low-income families have to work long hours, and this may diminish the time spent with their children and may result in adequate and poor communication between parent and child (Choi and Lo 2004, 89). The local study by Chan and Lo found that the “most serious” delinquents tended to hail from lower-income families where parent work long hours (Choi and Lo 2004, 89).

#### **IV. Impact of Juvenile Delinquency**

##### *Community Harm and Safety*

Like any other crime, juvenile delinquency has detrimental repercussions on societal welfare and Singapore’s safety and security. For instance, in the case of shop theft and theft, harm is inflicted on the shop owners or members of society. In the case of fights and rioting, consequences are much more far-reaching. While youth gang fight incidents which lead to severe injury or deaths (e.g. Downtown East Murder and Bukit Panjang attacks) tend to be isolated (Home Team 2011), the severe harm that such violent crimes inflict on victims sends ripple effects in terms of concern over community safety (Ismail 2010) and Singapore’s crime-free reputation. This places the combatting of juvenile delinquency high on the public agenda (Ismail 2010).

##### *Increased Crime Rate and Affects Singapore’s Crime Free Reputation*

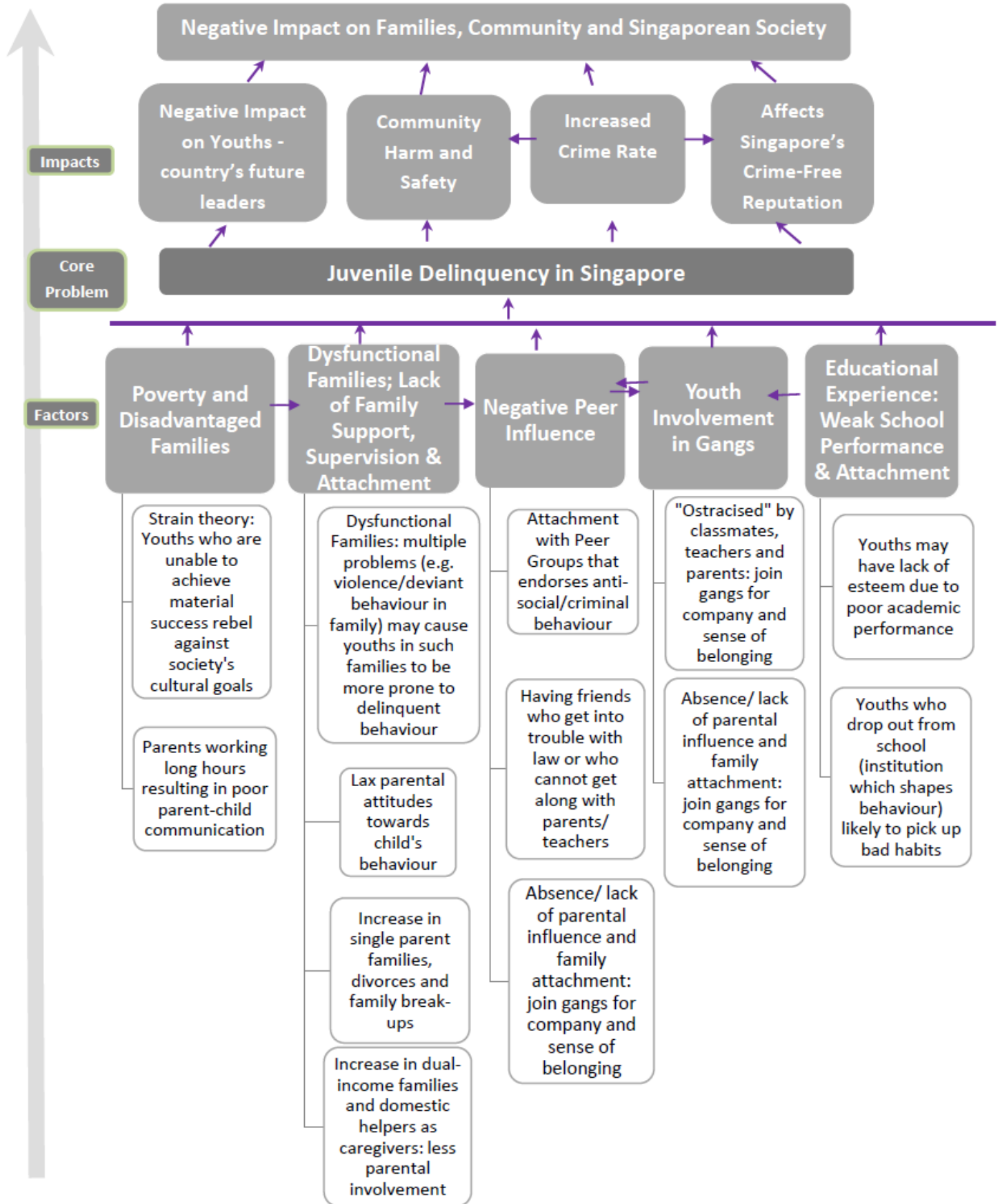
Furthermore, youths who commit delinquent acts at an early age may be more prone to committing crimes (or more severe crimes) in the future. This not perpetuates a vicious cycle of crime on the part of the individual youth, but also threatens to increase Singapore’s crime rate. As noted by Minister of State for Home Affairs and Foreign Affairs Masagos Zulkifli

highlights, “allowing youth gangs to flourish will turn members from occasional social misfits to those who are associated with organised crimes” (Home Team 2011).

#### *Impact on Youth Development, Families and Society*

Juvenile delinquency also impacts the youths who commit these acts and offences. As the consequences of crime are severe, youths and their families are likely to be severely affected by their own delinquent acts and the punishment that they may receive. While punitive measures like incarceration may increase general deterrence and individual deterrence and thus prevent young people from engaging in further delinquent acts and committing offences, “the negative effect on them can sometimes be irreversible” (Chang 2012). As youths will be Singapore’s future leaders and young people an integral part of the society, the delinquent behaviour of youths and the negative effect that harsh punishment may inflict on these youths are a cause for serious concern.

## Problem Tree Analysis



**Figure 1: Problem Tree Analysis**

### **3. Literature Review and Analytical Framework**

In this section, we provide a jurisprudential discussion of how juvenile delinquency and youth crime has been understood and addressed over the world, historically and contemporaneously. Once we appreciate how crime is understood, then we can better understand the specific measures that are undertaken by states (and specifically, Singapore) to tackle these crimes. Subsequently, we will consider juvenile criminal justice regimes in Singapore and other jurisdictions before finally submitting a case study of a Singaporean organization that provide an alternative to the Singaporean approach.

As such, we will focus of two general approaches, namely retributive justice and restorative justice. While the field of criminology and penology presents various philosophical approaches to dealing with criminal behaviour and rule of law violations, we will discuss two of these approaches, which we believe are pertinent to our current discussion. We believe this will assist our client to impress upon the government of Singapore to review its policy with respect to youth crime and juvenile justice.

#### **I. Retributive Justice**

Retributive justice is defined as the “repair of justice through unilateral imposition of punishment” (Wenzel, et al. 2008, 375). It is the predominant characteristic of Western criminal justice systems, wherein it is believed that “an offender, having violated rules or laws, deserves to be punished and, for justice to be re-established, has to be punished in proportion to the severity of the wrongdoing” (ibid.). It is a “basic, unanalysable, moral principle” (Wood 2005, 545)—principles of retributive justice can also be found in Jewish and Islamic law traditions—and “[at] the heart of retributivism is the contention that it is the wrongness of the criminal act that justifies the imposition of punishment on the offender” (Golash 1994, 72). Retributive principles have the “virtue of simplicity...and not riddled with

qualifications and exceptions” (Wood 2005, 546). It has also be seen as “annulling the wrong” (*ibid.*, 547) and repairing moral injury (Hampton 1992, 1660).

It is therefore understandable that retributive justice is at the root of most contemporary criminal law regimes. Moreover, “[the] criminal law is sometimes seen as serving both retributivist and what could be termed as ‘harm-reductive’ end, as well as the more constructive aims such as rehabilitation (of the offender), restitution (to the victim) and ‘moral education’ (of the community)” (Wood 2005, 542). It can thus be seen that retribution—just deserts—serve not only a society’s moral ends by reinforcing (in a Durkheimian context) the collective conscience of society, but is also considered to serve as a social deterrent.

## **II. Restorative Justice**

An alternative to the aforementioned can be found in the theory of restorative justice, wherein punishment does *not* take a central role, and which “emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders” (Restorative Justice Online 2013). Similarly, Wenzel *et al* (2008) assert: “The various models [of restorative justice], heterogeneous as they are, typically regard transgressions as conflicts that need to be given back to their rightful owners for them to resolve: offenders, victims, and their respective communities.... In practice, this means that the affected parties are directly involved in the justice process. In a deliberative interaction, they are given voice to vent their feelings, present their side of the story, and ideally come to an agreement about the hurt the offence has caused, the offender’s responsibility, and what can be done to restore a sense of justice.” (Wenzel, et al. 2008, 367)

As such, restorative justice relies on a “shared value-consensus in bilateral process” (*ibid.*, 375), in the event of rule-breaking. Interestingly enough, as what is considered to be a fairly recent phenomenon, restorative justice practices have been found in not only ancient Arab,

Greek and Roman civilizations, but can also be seen in religious laws of the Hindu, Buddhist and Christian traditions (Braithwaite 1999, 2-3).

Restorative justice practices appeal to almost the entire spectrum of political ideology. On one end of this political spectrum, conservatives support “its strong emphasis on victim empowerment, on empowering families (as in ‘family group conferences’), on sheeting home responsibilities, and on fiscal savings as a result of the parsimonious use of punishment” (*ibid.*, 4). On the other end, liberals see it as a less punitive system. Nevertheless, the concept of restorative justice is not without its critics. “The strongest opposition comes from lawyers, including some judges, under the influence of well-known critiques of the justice of informal processing of crime” (Braithwaite 1999, 5). There are other criticisms, that restorative justice is a “soft option” (Walgrave 2004, 577), and that it is risky and ineffective in case of serious youth offences (*ibid.*). Other academics assert that restorative justice is an incomplete model: its efficacy is suspect considering social realities on the ground. Commenting on the fundamental importance of the community in a restorative system (and especially in an American context), Takagi *et al.* opine: “...[What] does ‘community’ mean in a place ... populated with ... invisibles? ... What does community mean for those begging in front of restaurants and grocery stores, for the people searching in garbage cans, and for those working day and night filling shopping carts with recyclables? When night falls we see the homeless sleeping in the recesses of doorways of buildings. All of this is invisible, in the sense that we choose not to acknowledge their existence and thereby their humanity.” (Takagi and Shank 2004, 161)

### *Importance of Restorative Justice in Combating Juvenile and Teenage delinquency*

Comparing between the different conceptions of justice, it can be cogently argued that restorative justice is a more holistic form of ‘punishment’, especially in the case of juvenile and teenage delinquency, since it involves the offender’s family, school and informal social

support network to restore injury and loss of property. Notably, restorative justice sees crime and rule-breaking a transgression against a person and the community at large, as opposed to a crime against the state (requiring retributive sanctions). In the event of criminal activity, it asks three questions: “First, what is the nature of the harm resulting from the crime? Second, what needs to be done to ‘make it right’ or repair the harm? Third, who is responsible for the repair?” (Price 2001). By putting the onus on the offender, a restorative justice system insists that the offer ‘make things right’ by keeping in view the opinions of the victim, thereby giving offenders “the opportunity to right their wrongs and redeem themselves, in their own eyes and in the eyes of the community” (*ibid.*). This is even more important since research suggests that punitive punishment is often unsatisfying for victims of crime because retribution cannot “restore their losses, answer their questions, ... help them make sense of their tragedy or heal their wounds. And punishment cannot mend the torn fabric of the community that has been violated” (*ibid.*).

Restorative justice has other benefits as well. In an extensive cross-jurisdictional study on restorative justice practices compared to traditional criminal justice practices (CJ) in the United States the United Kingdom, Canada and Australia, it was found that restorative justice *inter alia* “substantially reduced repeat offending for some offenders but not all; doubled (or more) the offences brought to justice as diversion from CJ; reduced crime victims’ post-traumatic stress symptoms and related costs; provided both victims and offenders with more satisfaction with justice than CJ; reduced crime victims’ desire for violent revenge against their offenders; reduced the cost of criminal justice, when used as a diversion from CJ; [and] reduced recidivism *more than* prison (adults) or *as well as* prisons (youths)” (Sherman and Strang 2007, 4).

In relation to youth justice specifically, restorative justice holds even more potential. Research suggests that it is effective: “Restorative justice interventions do work and produces outcomes



more satisfying than the outcomes of punitive or purely rehabilitative interventions. They are more satisfying to victims and their communities of care, and no evidence suggests that restorative practices are less effective at achieving public safety than traditional treatment or punitive responses” (Walgrave 2004, 572). By giving an offender the opportunity to “explain himself, be confronted, and understand the consequences of the offense” (*ibid.*), restorative justice allows the offender to alleviate the harm, he did to his own self, i.e. “social exclusion and stigmatization” (*ibid.*), should the offender take this opportunity, and thus indicate his “willingness to cooperate and thereby prevent further social exclusion or stigmatization” (*ibid.*). Restorative justice also hold significant educational potential, as (i) “attention can be paid to the needs of the offender” (*ibid.*, 573) whilst protecting the interests of the victim, and (ii) it can help the “offender (and his family) to become aware of social, relational, and psychological problems” (*ibid.*), which once identified, can be addressed effectively.

Most importantly, restorative justice practices can be cogently applied to serious youth offenders. It is generally believed that restorative justice is not an adequate response to serious offences and that people/youth who commit such offences “cannot benefit from a restorative process because they respond only to punishment and deterrence” (*ibid.*, 575). However, only do victims (of serious offences) and their families continue to support restorative practices (as they are “more satisfied and at peace and feel more respected after participating in a restorative process than after being involved in a traditional penal justice procedure” (*ibid.*, 576)), there is “no principled or empirical arguments seem to justify excluding offenders and victims of serious youth crimes from restorative interventions. On the contrary, there are reasons to believe that especially serious crimes should be dealt with as much as possible in a restorative way” (*ibid.*).

#### **4. Restorative Justice: Beyond a Mere Philosophical Concept**

There is no doubt that the philosophy of restorative justice is finding increasing acceptance in the international community, which speaks to the idea that restorative justice is not simply a philosophical idea, but a legitimate way of addressing juvenile crime and delinquency. In simple terms, “three principles for the foundation for restorative justice: (1) justice requires that we work to restore those who have been injured; (2) those most directly involved and affected by crime should have the opportunity to participate fully in the response if they so wish; [and] (3) government’s role is to preserve a just public order, and the community’s is to build and maintain a just peace” (Restorative Justice Online 2013).

These principles have impacted criminal justice policy (and especially policy with respect of young offenders) throughout the world, and can be seen in programmes such as *inter alia* conferencing, restitution, community service, and victim-offender mediation, and reintegration/rehabilitations programmes. In the following sections, we will examine the different international approaches to juvenile justice around the world and in Singapore.

## **I. International Approaches to Juvenile Justice: Emergence of Restorative Justice as a Solution to Juvenile Delinquency**

In 1825, New York State established a shelter for homeless children and started to accept and accommodate the juvenile delinquents transferred from prison, which created the first community-based restorative justice practice case in the world with the feature of restoration oriented and penalty assisted approach to help juvenile delinquents (J. Hudson 1996). Since then, the juvenile justice gradually evolved to systemic and mature in the basis of national justice institution. It acknowledges the special status of juveniles in the society, meanwhile it makes breakthroughs in the traditional adult justice mechanism, which exerts profound significance to juvenile delinquency prevention and restoration.

In particular, restorative juvenile justice as an emerging mainstream form of justice is gaining momentum and widely adopted in the juvenile justice practice around the world. Dated to 1990s, the restorative juvenile justice had been applied in West European Countries, United States, Australia and New Zealand. From the practice of those cases, the restorative justice is mainly conducted through the model of victim-offender mediation of reconciliation, family group conference, victim impact panel with the measures of restitution and community service. The restorative justice model has become the tendency for juvenile justice and gaining wide popularity and application around the world (M.S. Umbreit 2002).

## **II. International Case Studies**

In this chapter, three countries that are practicing restorative justice in youth offending are selected as reference, namely New Zealand, United States and Great Britain. New Zealand is regarded as the best practice of Restorative Justice in particular in the Juvenile Delinquency area. Moreover, New Zealand as an immigration destination has developed to a multiethnic society, which shares the common ground with Singapore in this regard (Schmid 2001). Thus,

the study of restorative practice in New Zealand is of significant in projecting the possible effect of restorative justice in juvenile delinquency in Singapore. As for United States, it is the place where restorative justice concept was born and flourishing, its practice over the past twenty decades exerts great influence in the global tendency in the restorative justice in juvenile delinquency. Therefore, United States is an important case to refer to and we can draw lessons from for future Singapore application. In addition, Great Britain is a typical country practicing restorative justice in West European countries, Singapore as a Common Wealth member, follows the British judicial system, therefore, the British judicial practice of restorative justice in juvenile delinquency is worth careful study.

#### **i. New Zealand**

The major form of restorative justice in New Zealand is family group conference, which is the major form of restorative justice to juvenile delinquency except for those most serious crimes maker and recidivists. The family group conference involves both the victims and offender as well as the community affected to discuss together. Normally the conference composes juvenile delinquent, victims, family, representatives of community affected, police officers, social worker mediator and attorney to convene and discuss.<sup>4</sup>

A well-trained mediator will gather all victims and representatives from affected community to discuss the situation and ways to mitigate and restore the impact and all participants are voluntarily attending the conference. Juvenile delinquent will also present in the discussion, and first they have to admit their crimes and describe the crime committed. After that, other participants describe the influence of the crime to their lives. From the discussion and communication, the juvenile delinquents can understand the impact of their crime on the victim and family, the community as well as their own family. Victims can freely express his/her emotion and inquire on the crime and aftermath. After thorough communication, the

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<sup>4</sup> Mediator refers to the Juvenile justice assistant in government or representatives from children welfare protection organizations.

victims and community are asked for the expected result from the conference to determine the obligation of juvenile delinquent to restore the crime and make up the loss resulted by the crime. In the end of the conference, a consented agreement indicating the expectation of victims and obligation of delinquent is signed if both sides agree on the plan. The agreement will be adopted and juvenile court will sentence accordingly (Morries 2000).

## **ii. Great Britain**

The restorative justice principle is applied to juvenile justice system in Great Britain. The motivation behind is that juvenile delinquency is a comprehensive social phenomenon that has complicated social roots. All the social factors should be motivated to strain, prevent and tackle the problem. The juvenile delinquent should be restored by education of cross-sector factors (M.S. Umbreit 2002).

The White Paper for Restorative Justice in 1997 stipulates that it follow three principles, namely, i.) Restorative, the juvenile delinquent admits the crime, apologize to victims and compensates for loss; ii.) Reintegration, juvenile delinquents compensates to the community and reintegrates into community; iii.) Responsibility, juvenile delinquents and their family face up with the crime and take responsibility for stopping further crimes. Under the three principles, Great Britain forged relevant reforms to promote the restorative justice for juvenile delinquency.

In the practice, the restorative justice is dominated by the police. If the juvenile is found committing crime, the police will be the first to talk with him/her face to face. After that the juvenile will be taken to the crime site and talk with victims to let him/her know the impact and aftermath of the crime, which means to let the delinquents confess for their crime. After that, the police will gather the family and social workers of the community to discuss the plan to deal with the case. In the conference, the juvenile delinquents will be firstly required to tell the crime motivation, process and reflection on the crime in order to let him/her understand

the problem completely. Then, the crime victims will describe the impact on their lives. In the end, an agreed plan to deal with the juvenile delinquency case is realized, with which the juvenile delinquent will not be forwarded to the court for criminal sentence (M.S. Umbreit 2002).

### **iii. The United States**

The Juvenile Delinquency and Prevention Act adopted in 1974 established the community based restorative juvenile justice in United States. With decades' development, it has been mature and developed. The forms of restorative juvenile justice in United States include compensation and social service, home custody and electronic monitoring, and restorative projects.

The compensation and social service targets those with minor crimes such as theft, property damage, and minor injuries. Those juvenile delinquents need to admit their crime and apologize to the victim, compensate the loss and contribute to social service as punishment. The home custody and electronic monitoring is a sentenced punishment to juvenile delinquents, under which the juvenile is confined to stay at home in certain period. The social worker will provide tailor made restorative plan to help the juvenile reflect the problem and integrate into society when program finished. The court officers will conduct telephone or video conversation with the juvenile delinquent to understand their status and progress. In addition, there are other restorative projects available to help the juvenile delinquents. The Juvenile Delinquency Act encourages out-of-court settlement to deal with juvenile delinquency problem, which includes the compromise of delinquents and victims, compensate to victims.

Apart from that, United States has professional mechanisms to manage the restorative projects in various governmental levels, which covers the state court, state jurisdictional agency as well as private –public partnership. In those projects, the social workers involved

usually have high qualification of multi-disciplinary background such as sociology, criminology, social work and psychology to ensure the quality of restorative projects to juvenile delinquents (Schmid 2001).

### **III. Empirical Research of Effectiveness of Restorative Justice in Tackling Delinquency**

Restorative justice is perceived as a holistic philosophy as it includes the offenders, victims, community and the society as a whole in the healing process. It aims to bring the offence and conflicts to a conclusive ending that the hurt and damage to victims are repaired and the offenders recognized his/her misbehaviour and reintegrate in the community. The restorative justice as an alternative justice to the current criminal justice system has the objective of alleviating the damage to both victims and juvenile offenders caused by the criminal system to the minimum with the help and participation of community. With many years of development and practice, the restorative justice has proven effectiveness to certain extent by the empirical studies in various contexts.

The potential for reduced recidivism is one of the major findings of effectiveness. Reoffending is a major concern for policy makers in selecting restorative justice as an alternative of official criminal justice. Thus, the reduction of recidivism is a major motivation of adopting restorative justice in tackling juvenile delinquency. Many evaluations of restorative justice programs have demonstrated the notable reduction of recidivism (Bonta et al., 1998). An meta-analysis of restorative justice programming conducted by Bonta et al.(1998) found that the average reduction of recidivism of participants in the restorative justice programmes registered as 8% compared with those under the traditional criminal justice approach. Apart from that, other favourable effects also revealed such as improved cohesion of community (Luke 2002), improved volunteerism and less crime in the community (Mc Garrell 2001).

## **5. Singaporean Law and Social Policy Regarding Youth Crime and Delinquency**

### **I. Status Quo in Singapore**

This section explores Singapore's philosophy and approaches to juvenile delinquency, and highlights some of the particular areas critical to juvenile justice.

#### *Age of Criminal Liability*

It would be a gross generality to assume that Singapore adheres to a strictly corrective ideology regarding juvenile delinquency. As is the case in perhaps every country in the world, Singaporean law recognizes that "young persons are different from adults and that young offenders should be dealt with through special measures" (Chan 2010). Persons under 7 years of age are not liable for any criminal act: "nothing is an offence which is done by a child under 7 years of age" (section 82, Singapore Penal Code). Singapore's age of criminal responsibility is similar to that some other former British colonies such as India (section 82, Indian Penal Code 1860) and Pakistan (section 82, Pakistan Penal Code 1860).

#### *Jurisdiction of the Juvenile Court*

Under section 2 of the Children and Young Persons Act, a juvenile is defined as a "male or female person who is 7 years of age or above and below the age of 16 years", and the Juvenile court has jurisdiction over such persons (Chan 2010, 63).

#### *Philosophy of Juvenile Court*

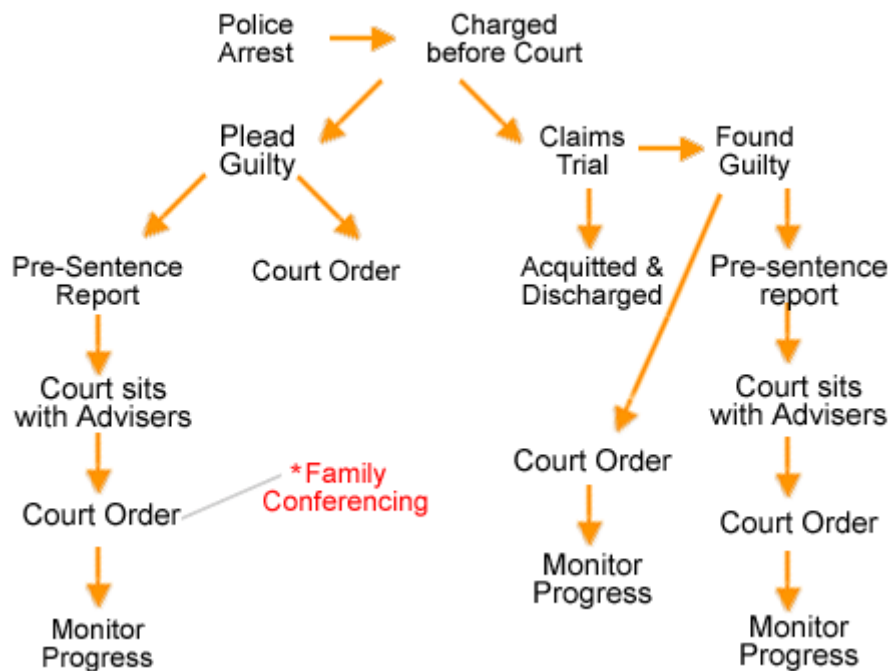
The philosophy of the Juvenile Justice Division is explicitly rooted in the restorative justice model: "In Juvenile Court, the juveniles are made accountable for their offending behaviour/misbehaviour and then will take the responsibility for the consequences of that behaviour by making reparations to society, whether by way of community work, or by way of restitution, compensation and apology. Where appropriate, the juveniles are made to



confront the offender to make them aware of the harm caused by their offending act” (The Subordinate Courts of Singapore 2010).

*Practice in Singapore for Juvenile Arrests*

Juveniles who get it trouble with the law go into one of two tracks: diversion, or court. The former refers to those who are not officially charged for having committed an offence; the latter refers to those who are and must appear in court. A flow chart of such Juvenile Arrest Cases (JAC) is provided below:



**Figure 2: Case Flow of Juvenile Arrest Cases in Singapore (The Subordinate Courts of Singapore 2010)**

i. Diversion

In diversionary measure, juveniles may be let off by the police after a warning. However, this “may be seen as an inadequate approach as there is little follow-up and underlying issues are not resolved (Chan 2010, 68). To address this issue, a number of programmes have been instituted.

*Guidance Programme:* The pre-court diversionary programme known as the Guidance Programme is a six month diversionary programme designed for first-time juvenile offenders who have committed a minor offence. If the Guidance programme is successfully completed by the juvenile, then he/she is let off with a pardon (*ibid*, 69). This initiative therefore “steers the juvenile away from the court system, recognizing the viability of providing an alternative opportunity for the juvenile to make amends and resolve against re-offending in the future” (Ministry of Social and Family Development 2012).

*Streetwise Programme:* To deal with gang activity, the StreetWise Programme has also been initiated, which is “6-month development programme that caters specifically to wayward youth who are secret society gang members. The programme helps such youths make a fresh start in life through a series of individual counselling, group work and family counselling session” (Ministry of Social and Family Development 2012). Referrals to the StreetWise programme are made by (i) juveniles themselves, (ii) police for non-offenders, and (iii) by the Juvenile Court for those placed on probation (Chan 2010, 69).

*Project HEAL:* Another diversionary programme is Project HEAL, a “special type of conference where victims and/or family members are invited to participate in a victim-offender dialogue” (Ministry of Social and Family Development 2012). Ultimately, Project HEAL allows “an avenue for crime victims to have a voice and to heal [and] a platform for offenders to make right and set the ground for treatment or rehabilitation” (*ibid.*). As with the aforementioned programmes, the Juvenile Courts works in tandem with specialist teams of the Ministry of Social and Family Development to promote and expedite these offender-victim meetings.

*Youth Family Care Programme:* Other programmes include the Youth Family Care Programme. It is designed to address the fact that many delinquent youth that come under the supervision of the Juvenile Court “come from broken and dysfunctional homes” (The

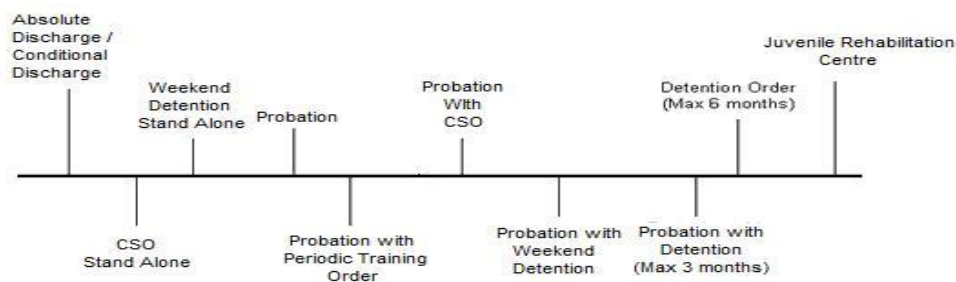
Subordinate Courts of Singapore 2013). The programme therefore provides positive family role models, volunteers and mentors in order to support juveniles placed under probation or statutory supervision (*ibid.*).

ii. Court Proceedings:

Juveniles that are arrested and charged may also be brought before the Juvenile Court, and a flowchart showing it's the path of such cases in can be seen in Figure 3. However, there are two exceptions: “(i) the juvenile is charged with an offence triable only by the High Court, such as one which carries a death penalty; and (ii) the juvenile is jointly charged with a person aged 16 years or above.” (Chan 2010, 70).

With respect to (i) above, it is important to note that a “sentence of death must not be passed or recorded against an accused convicted of an offence the court has reason to believe that, at the time the offence was committed, he was below the age of 18 years, but instead the court must sentence him to life imprisonment” (section 314, Singapore Criminal Procedure Code).

Moreover, the law also requires that “in all matters relating to the administration or application of [the Children and Young Persons Act], the welfare and best interests of the Juvenile shall be the first and paramount consideration” (section 3A, Children and Young Persons Act 2011). That being the case, the Juvenile Court has a range of alternatives under the 2011 Act. They can be seen below:



**Figure 3: Range of Alternatives open to Juvenile Court under Children and Young Persons Act (Ministry of Social and Family Development 2012)**

Despite all these available options, “in practice, about 7 in 10 juvenile offenders are placed on probation by the Juvenile Court [which] may be reinforced by concurrent orders, such as detention orders, weekend detention orders and community service orders. Probation orders may also be strengthened by imposing conditions, such as time curfews and restricted access to areas where gang activities are prevalent” (Chan 2010, 72). Moreover, the Juvenile Court may also direct the juvenile’s parents/caregivers to undergo professional counselling, in order to aid the rehabilitation of the child (*ibid.*).

#### *Other Interventions: Beyond Parental Control (BPC) Programme*

The BPC is designed primarily for children who are “below 16 years of age and who display behavioural problems in school or home” (Ministry of Social and Family Development 2012), and are thus deemed as children beyond parental control. Such children need not necessarily be offenders, “but their behaviour may be serious enough that parents might apply to the [Juvenile] Court for assistance in managing them (*ibid.*). Upon receiving such an application from a parent or a caregiver, the Court may direct the Ministry of Social and Family Development to compile a social report, and after reviewing it, may “make an order with the parents’/caregivers’ consent to place the child under statutory supervision or admit him/her into a Home gazetted under the [Children and Young Person Act] for a period not exceeding three years” (*ibid.*).

## **II Observations and Evaluations on Practice of Juvenile Justice in Singapore**

### *Age of Criminal Liability: Comparative Perspective*

In comparison to other developing and developed countries, the age of criminal liability in Singapore is very low.

In England and Wales itself, the age of criminal responsibility is 10 years of age (under section 50 of the Children and Young Persons Act 1933). However, “[critics] argue that this is too low and should be increased to at least 12 in accordance with the recommendations of the UN Committee on the Rights of the Child. However, the Government has said that it has no plans to raise the age of criminal responsibility from its current level” (Lipscomb 2012). However, the age of criminal consent is 12 years in Scotland (The Scottish Government 2009), Canada (section 13, Canadian Criminal Code) and Ireland (section 52, Children Act 2001), and Japan (article 41, Japanese Penal Code 1907).

By comparison, the age of criminal liability is even higher in many other countries. It is 14 years in Germany (section 19, German Criminal Code), 15 years in Finland (Chp 3, section 4(1), Penal Code of Finland) and Norway (section 46, General Civil Penal Code of Norway), and 18 years in Brazil (article 228, Brazil Constitution) and under article 26 of the Rome Statute of the International Criminal Court.

### *Jurisdiction of Juvenile Court*

It is noteworthy that the age of a juvenile is calculated when the hearing commences in the Juvenile Court, and not when the crime was committed. Therefore, it is possible for a person to be tried as an (albeit young) adult if the case commenced at the Juvenile court after the defendant has reached the age of 16, even if he committed the crime when the defendant was under the age of 16, even if this delay may not have been caused by the juvenile (by, say,

evading arrest). However, “[academic] and parliamentary criticism of this approach has not swayed the government to change the law” (Chan 2010, 64)

### *Ubiquitous Role of Formal Legal Institutions and Lack of Community-Based Restorative Justice Options*

The first observation is that all of the aforementioned programmes are activated at the behest or referral of the Juvenile Court, and the ubiquitous presence of the state’s role in social services. This is opposed to community-based principles of restorative justice which assert that, for the most part, these ‘problem’ are for the community itself to resolve. In community-based conception of restorative justice, the community is empowered to (i) ensure that an inclusive and understanding environment is created within the community itself so that issues related to juvenile delinquency are curtailed, and (ii) should they arise, they are addressed within the community, and by its members.

A pertinent example of the state’s ubiquitous role is depicted by the case of the Beyond Parental Control Programme, in which parents may apply to the Juvenile Court for assistance in managing their children (who may not be offenders) (*supra*). As stated above, all applications are scrutinized by the Ministry of Social and Family Development, which makes recommendations to the Juvenile Court. Thus, not all applications to the Court are accepted. Nevertheless, it indicates that parents/caregivers are oftentimes more than willing to shift their responsibility to the state, and the state is willing to accept such responsibility (under the BPC) (Ee 2013).

### *Effects on Community and Families*

The above approach (strong role of the state in family affairs and curbing delinquency) may not be beneficial to the community in certain ways. In the case of Beyond Parental Control Programme, social workers have commented on the negative effects that the BPC may have on children. Notably, if the application *is* accepted and the child is directed to Boy’s or Girl’s

Home, the child may suffer from *inter alia* anxiety and depression as the child is away from his/her family (Ee 2013). Further, although such an application is considered as a last resort “as it could severely strain or affect the relationship between [the parent/caregiver] and the child”, our interviews with social workers revealed that a BPC application is often used a threat by parents/caregivers to intimidate unruly children (Ee 2013). Some parents have also been known to make a BPC application to the court, instead of simply using it as a warning. Thus, if a BPC application is *not* accepted, then the juvenile returns home, but having to experience a severely strained relationship with his/her parents/caregivers (Ee 2013)

#### *Relationship with Restorative Justice*

Although the Singaporean government and the Juvenile court is explicitly committed to the principles of restorative justice, such principles are arguably not fully reflected in its policies and practices. Notably, restorative justice places a high degree to importance on the community, and a high degree of emphasis that the community be engaged and empowered to address, in a manner that is just, restitution-based, and perhaps even uniquely its own, problems that arise within that community (see *supra* section on Restorative Justice). By assuming these responsibilities, the state can be said to not only have enlarged its own scope of activity, but also disempowers communities and societies in the process. In this light, policies and practices which empowers community to greater extent in Singapore may be needed for restorative justice to be reflected and carried out in a more cogent manner, which we will explore in the later sections of our paper.

## **6. Case study of Beyond Social Service: Programmes and Approach towards Juvenile Justice and Tackling Delinquency Amongst Youths**

In this section, we present our findings after having conducted a case study of the programmes adopted by Beyond Social Services. In particular, we on this case examined the programmes that Beyond Social Services has in place to tackle juvenile delinquency and the public value that it adds to the service users they serve (youths and their families) through its various programmes. In studying Beyond Social Service's programmes, we found that their approach towards juvenile justice is that of restorative justice. In our analysis, we examined and analysed the utility of Beyond Social Services's programmes and how its adoption of the restorative justice approach adds public value towards combating juvenile delinquency and improving the lives of youths and their families.

### **I. Overview of Beyond Social Services's Programmes**

In light of Beyond Social Services' mission purpose of "[curbing] delinquency among disadvantaged young people and their families and [moving] them beyond their problems" (*About Us: Our Mission*, Beyond Social Services, 2011), the organization operating strategy is based on a 'continuum of services' framework.

This 'continuum of services' framework may be understood by Beyond Social Services' deliberate movement away from the "service provision model" (Ee 2013) which is seen in social services generally (*ibid.*). The service provision model, however, results in a "revolving door" (*ibid.*) situation, where professional help is sought when problems emerge, and once they are resolved, professional help and assistance ceases. Therefore, once problems *re-emerge*, professional assistance is sought once again (*ibid.*). This creates an "underclass" (*ibid.*) of individuals who are persistently in need of professional social services.



The ‘continuum of services’ framework addresses this issue, and attempt to “finish the job” (*ibid.*). This is achieved by “[de-escalating] a crisis or problem to a point where the families [of the individuals] can take charge; [providing] an environment for these families to utilise their strengths in problem-solving and finally, [finding] avenues for people [to reintegrate] into a community. This way, people remain in control of their difficulties, learn to become inter-dependant on family and friends and move beyond the need for professional support” (*About Us: Introduction, Beyond Social Services, 2011*). This increases resiliency of individuals, and reiterates the importance of the community (including family, friends and volunteers) as the fundamental support unit for the youth in their time of need.

Therefore, Beyond Social Services’ ‘continuum of services’ framework is composed of three fundamental programmes (*ibid.*):

1. Problem De-escalation;
2. Family Strengthening; and
3. Community Integration

These programmes are designed not only for juvenile and youth offenders, but also involve their families and the community at every step. Any problem or crisis that does arise, in which a juvenile youth is involved, becomes “an opportunity for community building ... and to pull people together” (Ee 2013). This view is rooted in the idea that problems within the community are “normal ... [and] not something to be feared that professionals have to come in and protect the people from” (*ibid.*). We examine each of the three programmes in detail in the subsequent section.

## **II. Problem De-escalation Programme**

The Problem De-escalation programme is designed to “provide children, youths and families with a restorative way of dealing with delinquency issues in the community rather than through the legal system” (*Programme: Problem De-escalation, Beyond Social Services, 2011*). As such, the core function of this programme is to ensure, as much as possible, that child or youth faced with a crisis does not enter the juvenile justice system. This “empowers young people to put right what they have done wrong with the support of their family, community and others who have their interest at heart” (*ibid.*).

The Problem De-escalation Programme consists of four areas, namely: (1) advocacy, (2) crisis management, (3) case management, and (4) programme work. Out of these four areas, the first two are considered to be the most important (*ibid.*).

### *Advocacy:*

One of the most important areas of the Problem De-escalation Programme involves communicating and liaising with a youth’s family and/or the pertinent government bodies when the youth has committed an offence. Whether the offence has been brought to the notice of the police (or other concerned authorities) or not, officers of Beyond Social Services liaise with the offender’s family and the victim to de-escalate the issue, and afford the opportunity to the young offender to ‘right the wrong’ to the satisfaction of the victim (and in advanced cases, the police and/or the court) in order to remain out of the juvenile justice system. As such, advocacy by Beyond Social Services at four time periods (*ibid.*):

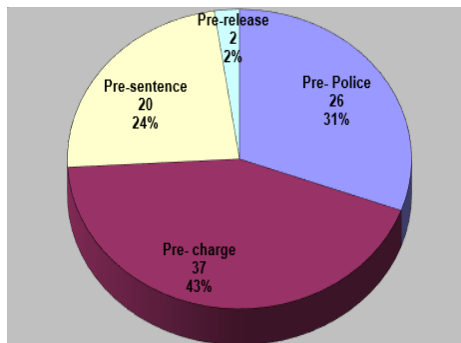
- i. Pre-police involvement, where a young person has committed an offence that has been discovered by his/her family, friends, or school, and Beyond Social Services is contacted to intervene. In such a scenario, the organization assists in resolving the issue in the manner that protects the rights of the victim, but also provide an opportunity to the offender to make amends, under the supervision, guidance and

support of his/her family and community. Therefore, “[the] objective at this stage is to empower families and communities to resolve matters so that police involvement is not needed” (*ibid.*)

- ii. Pre-charge, where a young person has committed an offence and has been arrested by the police. In such a scenario, Beyond Social Services advocates on the arrested person’s behalf, in order for the offender to be given an opportunity to make amends and avoid criminal proceedings.
- iii. Pre-sentencing/pre-order, where Beyond Social Services advocates for a youth offender (who has already been summoned to court) in order to mitigate a court order or sentence. The organization assists families and communities to submit careful plans that ensure that the youth offender remains “well cared for and supervised in the community so that institutionalization or incarceration is not necessary” (*ibid.*).
- iv. Pre-release, where Beyond Social Services advocates in favour institutionalized young persons, who have this opportunity, to be released under the adequate guidance and support of the persons’ family and community. “The objective at this stage is to expedite the young person’s discharge to supportive care-givers” (*ibid.*).

It is therefore clear that the primary aim of advocacy in problem de-escalation is to engage a young person’s family and community in order for the person to not only right any wrong that they may have committed, but also to mitigate harsh punishments, under the guidance of that person’s *natural* support network: his/her family, friends and community. As stated above, it also provides an opportunity for building resilient communities that consider problems as endogenous, and something for them to resolve on their own, as opposed to something that ought to be ‘fixed’ by the state. Finally, this exercise may also shed light on the reasons as to why a young person committed an offence, so that they may be adequately addressed by the interested parties, including the offender’s family, friends and loved ones.

The following pie chart indicates the distribution of advocacy efforts in 2010.



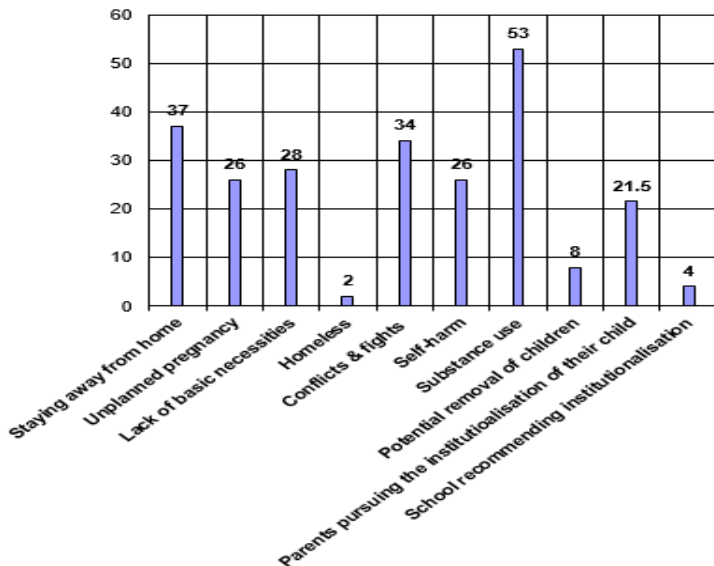
**Figure 4: Distribution of advocacy efforts of Beyond Social Services in 2010 (Beyond Social Services)**

#### *Crisis Management:*

Given the nature and wide range of meanings that may be associated with the term ‘crisis’ (including the commission of an offence which may lead to institutionalization and/or incarceration), Beyond Social Services also aids and assists in cases such as “an unplanned pregnancy, the threat of being filed for Beyond Parental Control, being caught red-handed by shopkeepers for theft, neglect, abuse, family violence” (*ibid.*). It may involve defusing and de-escalating volatile situations in a way that engenders stability for young people within the family “so that police, legal and welfare systems are not needed” (Beyond Social Services, 2010).

Crisis management may involve providing basic necessities for persons that are in acute financial distress or have been rendered homeless, involving the community to locate missing youths, providing counsel and mediation in cases of unplanned pregnancies, violence and suicide, and when absolutely necessary, involving the police “without jeopardizing the relationship with the clients” (*ibid.*).

The following graph illustrates the full range of crises (as understood by the organization) that were managed by Beyond Social Services in 2010.



**Figure 5: Range of Crises that were managed by Beyond Social Services in 2010**  
(Beyond Social Services)

*Case Management:*

Beyond Social Services is also involved in assisting individuals to solve any problem they may be facing by utilizing their own personal support networks, as well as those of the organization. This involves enabling the formal and informal support structures, and utilizing networks already in place that may be useful in alleviating an individual's (or a family's) problem. Case management may include introducing young people with potential employers so that the latter not only have an income, but also so that they are gainfully engaged and stay out of trouble. This may also include contacting (after obtaining consent) the friends and family of a person who is in need of assistance, whether it be financial or emotional. Whatever the individual case may be, Beyond Social Services acts in a manner pursuant to its mission, and engages the actual primary support network of the person in need, so the ultimate solution to any problem may be found not in professional social services, but with the support network itself.

*Programme Work:*

Beyond Social Services is also involved in two other programmes. The first, Babes is a “teenage pregnancy crisis SMS helpline that exists to guide teenagers who are experiencing an unplanned pregnancy crisis by proactively providing information, support and community resources that nurture responsible decision making and behaviours with involvement of their family group and their community” (*Programme: Problem De-escalation*, Beyond Social Services, 2011). As with other initiatives under the Problem De-escalation Programme (and the other programmes under the Beyond Social Services’ ‘continuum of services’ framework), Babes address concerns which arise out of unplanned pregnancies in young people, by involving the family and the community to provide the support that is needed in such situations.

The second programme is Juvenile Justice in the Community (JJC), and is also designed to help children and youth (including those who are at risk of committing an offence, have committed an offence, or even at risk of re-committing an offence) resolve any conflicts or problematic situations before they escalate and result in incarceration or institutionalization, by “[working] with [these children and youth] and their support network to keep them on track in the community. This is done through advocacy, intensive family work and putting in place care and supervision plans that achieve a satisfactory level of stability for the young person” (*ibid.*). Considering the nature of the JJC, it involves working in close partnership with police and other government/neighbourhood agencies.

### *The Importance of Problem De-escalation in Beyond Social Services' Framework*

It is very clear that problem de-escalation is a very important part of Beyond Social Services' continuum of services framework. This is due to a number of reasons. As a 'fire-fighting' strategy, the Problem De-escalation Programme ensures what it promises—diffusing a potentially serious problem when it arises, so that it does not escalate into something that would trigger sanctions under the juvenile justice system. As the methodology of the programme makes patently clear, community based restorative justice principles are adhered to, by involving the community in the resolution process. This helpful to the juvenile or youth offender—who may have found himself/herself on the wrong side of the law due to a moment of indiscretion or undue peer pressure—by ensuring that such an episode does not result in a trip to the police station and the Juvenile Court, and a subsequent negative report on the juvenile's profile.

It also results in a resolution that adequately considers the complaints and opinions of the victim; this being a fundamental characteristic of community-based restorative justice. This leads to a satisfactory solution from the perspective of the victim, and a reduced probability of vengeance. Finally, it also results in a lower cost for the state and the judiciary—our literature review above has indicated all this with certainty.

However, one may argue that such a programme sidesteps the law—criminal activity, as defined by the statute books, is, after all, a manifestation on the will of the people, codified into law by legislators, the representative of the people. This is an assertion that is understandably difficult to displace.

It can also be argued that community-based restorative justice principles may be less effective where the community around the offender (the fundamental trigger of restorative justice) is unable to resolve a crisis situation (due to its own lack of capacity and resources, and undue influences). Despite being *prima facie* true, but such a supposition would be far-fetched—a

healthy and empowered community is capable of resolving these aforementioned crises perfectly well, as confirmed by not only Beyond Social Services itself, but also by research cited in our literature review.

Most importantly, however, the centrality of the Problem De-escalation Programme must not be overstated. Contrary to our assumption—that this Programme is the most important element in Beyond Social Services’ *continuum of services* framework, this is not entirely the case. As confirmed in our interviews with officers of Beyond Social Services, this Programme is *not* the fundamental and defining aspect of the organization; it is, however, the most hectic and tense (which is understandable, considering the fact that the Programme involves addressing and managing potentially serious crises and problems) (Ee 2013). The bulk of Beyond Social Services’ programmes constitute family strengthening and community development (which are described in critically analysed in more detail below).



### **III. Family Strengthening**

Beyond Social Services believes in Family Strengthening as one of its key measures in curbing juvenile delinquency and positively influencing the lives of youths and their families.

As the family environment and family problems, such as the lack of family acceptance and violence, may affect youths' lives and cause them to fall into delinquency, it is salient that family strengthening would empirically play not only a significant role in delinquency prevention but also rehabilitation of youth offenders.

Within the organization, the work of family strengthening falls into three major areas: (1) working on the economic success of the family, (2) building strong family support, and (3) ensuring that families feel a sense of community (*Programme: Family Strengthening*, Beyond Social Services, 2011).

#### *Working on Family Economic Success:*

Although not only poor families experience relationship difficulties and not only poor youths experience delinquency issues, Beyond Social Services focuses on the first area in light of its mission of “[curbing] delinquency and [working] with disadvantaged youths and their families and [helping] them move beyond their problems” (*About Us: Our Mission*, Beyond Social Services, 2011). Notably, helping poor youths is likely to go a long way in preventing delinquency, as poverty may put youths more at risk of committing crimes such as theft or assault. Under this programme, Beyond Social Services organises ‘capacity inventory exercises’ to uncover the strengths, talents and interests of service users that may assist them in generating income (Beyond Social Services Annual Report, 2010).

#### *Building Strong Family Support:*

Besides ensuring the economic well-being of families, a crucial area in helping families with delinquent children and difficulties is to provide family support. In this aspect, Beyond Social Services focuses on trying to bring families together to heal relationships (conflict resolution), activating family networks to support the youths and other family members

(connecting with extended family), and facilitating cooperation among family members (cooperating with extended family) (Beyond Social Services Annual Report 2010).

One of the key enablers of Beyond Social Services in carrying out such family work would be the role of its *Family Learning Centre*. This Centre is unique as a place for families to participate in different activities organised by the organization. It consequently provides the opportunity for relationships between family members to be repaired and restored. Also, social workers discuss issues and provide guidance to these families, and work with them to expand their circle of support (*Programme: Family Strengthening*, Beyond Social Services 2011). In 2010, 38 families received intensive strengthening work under the Family Learning Centre, and the organization reports that feedback from these families were positive, since families were ‘comfortable with the pace of work’ and with the programme’s live-in experiential approach towards problem solving (Beyond Social Services Annual Report 2010).

#### *Ensuring a Sense of Community:*

In addition to the aforementioned, Beyond Social Services seeks to ensure that families feel a sense of belonging in the community and that they are not alone in their problems. Activities in this area include involving families to volunteer with Beyond Social Services’ programmes and/or neighbourhood responsibilities, as well as encouraging mutual help (Beyond Social Services Annual Report 2010).

#### *Philosophy*

Notably, the philosophy underpinning Beyond Social Services’ family strengthening programmes is the recognition that each family is unique and have different functional capacities (*ibid.*). In this regard, the role of social workers is to work in partnership with families in order to discover their inherent strengths and allow them to regain normalcy in their lives when faced with problems such as youth delinquent behaviours and relationship issues between parents and their children (*ibid.*).

*The Importance of Family Strengthening in the Continuum of Services Framework and combating Juvenile Delinquency:*

In light of the aforementioned, the Family Strengthening programme plays a very important role in the continuum of services framework that is employed by Beyond Social Services to combat delinquency, as guided by principles of restorative justice (as with all other programmes of the organization). Focusing on the programme will be useful in tackling juvenile delinquency in the following ways:

- i. Preventing Delinquency: Family Strengthening is crucial in preventing delinquency as youths tend to fall into delinquency and join gangs when they experience a lack of family support and acceptance (See Causes of Juvenile Delinquency in Singapore, *supra*). Notably, surrounding youths with as much family support is crucial in preventing youths from feeling alone or getting themselves into situations (e.g. mixing with bad company) that may increase their risks of falling into delinquency (Paul 2012). Notably, Family Strengthening “strikes at the core” of Beyond Social Services’ preventive work (i.e. prevention of “crises” from occurring or reoccurring) (Beyond Social Service 2010). For instance, Beyond Social Services works at preventing youths from getting into crisis situations like running away from home (see *supra*, Problem-De-escalation Section for list of crisis situations) that may put them at risks of getting into further problems, and prevent youths from getting into trouble with the law (Paul 2012).
- ii. During and After Crisis Situation/When a Young Person Commits a Crime: After a youth has committed an offence or has encountered a crisis, Beyond Social Services tries to intervene and de-escalate the situation (divert the youth away from formal criminal system as much as it is possible under the legal framework) and try inasmuch to ensure that a restorative solution is reached among the youth and the victims that he has hurt (explained above). However, as de-escalating the situation is only part of the solution to a problem or crisis, and as the youths may still not be stable (Paul 2012). In this regard,

Beyond Social Services' family strengthening programme seeks to provide youths with as much familiar support as possible during and after the period when they encounter a crisis to allow them to achieve a sense of stability and well-being (Beyond Social Services Annual Report 2010).

- iii. After Institutionalisation/Incarceration: Family strengthening plays a significant role in supporting youths who have been released from a Boys' Home or Girls' Home, or from prison. As relationships between youths and their families may have been broken after the youths have been institutionalised or incarcerated (as youths would not have been living with their families for a long period of time), family strengthening programmes are critical in restoring the relationship between such youths and their families when they are released (Paul 2012). They are also useful spaces and opportunities for healing the pain that the youths or their families may have experienced (*ibid*). Notably, Beyond Social Services also serves and works with youths who have been institutionalised in Children's Homes or have been incarcerated and seeks to reunite them with their families (Beyond Social Service 2010). One notable aspect of the organization's work in this field is its family strengthening work with the families of youths who have been released on supervision from the Reformatory Training Centre (Beyond Social Services Quarterly Report 2010).

As seen from the above, Beyond Social Services' work depict that families are a very important factor in the lives of youths, and the support that families provide is critical in allowing a young offender or young person who encounter crises regain normalcy and find acceptance within the community. Family support is crucial at the time of a crisis, especially in facilitating the restorative justice process and supporting the young offender in taking responsibility and repairing the wrongs he has committed towards the victim (problem de-escalation phase). Subsequently, family work remains critical, as much has to be done to ensure that the youth (whether he or she is diverted from the legal system or after

institutionalisation/incarceration) becomes integrated with his or her family and remains supported by them (family strengthening phase).

Notably, one of the peculiar aspects of family strengthening work is its intangible quality. It is also salient that a long intensive period of family strengthening work is often needed, rather than one-off efforts on the part of social workers (Paul, *Beyond Social Services' Strategy* 2013) (as may be the case in the problem de-escalation phase). The corollary of this is that it is difficult for family strengthening work to be measured by performance metrics like key performance indicators *per se*, given that the effort of social workers may not translate immediately into visible outcomes for the families and youths involved (*ibid*). In this light, it is important for the government, funding donors, public, social workers and even affected families themselves to realise that familiar efforts may take time to work, and remain patient and committed towards them.

From our interactions with social workers at Beyond Social Services, we also realise that other than the programmes or activities themselves, a key part in family social work are the principles and philosophy of an organisation and its programmes, which in turn drives the attitudes of social workers towards service-users. In the case of Beyond Social Services, one of the main principles in the area of family strengthening work is that all families are unique and functional in their own respects, and the role of the social worker is to work in partnership with the family to guide and empower the family to leverage its strength to deal with any issues it may encounter (*Programme: Family Strengthening*, Beyond Social Services 2011; Beyond Social Services Annual Report 2010). Although we have not managed to gain a first-hand observation of this process and how it is being carried out, we note that such attitudes are important in creating a respectful and learning culture between social workers and their families, and that they will be useful in facilitating the willingness of families to participate in the organisation's programmes.

#### **IV. Community Integration**

In light of the continuum of services framework of Beyond Social Services, its Community Integration programme aims to build up the sustainability of a competent community whereby its members are cognizant of each other's wellbeing (*Programme: Community Integration*, Beyond Social Services 2011). The programme is designed to coordinate and nurture the relationship between various stakeholders within the community in order to create a community that promotes the integration of young people residing therein.

As such, the targeted population in this program includes: (1) service users, their families and natural support networks, (2) individuals and organizations in the neighbourhoods where service users reside, and (3) members of the larger Singapore community who support the aims of this programme (*ibid.*). The Community Integration programme is categorized into four constituent areas, namely (1) Healthy Start Child Development Centre, (2) Learning Is Fun & Exciting (LIFE), (3) Youth United, and (4) Beautiful People. These sub-programmes are implemented with the participation of all stakeholders to reach the comprehensive goal of improving community integration by conducting long-term engagement with youth service users (*ibid.*).

Under this objective, Beyond Social Services endeavours to (1) foster a culture of learning and education in neighbourhoods where the children and youths we serve reside; (2) promote a high level of volunteerism and community participation among the children, youths and their care-givers; (3) Ensure schools that thrive on the challenge of nurturing young people with multiple challenges and are a pillar in the community for the well being of its young people; and (4) Build up neighbourhoods that adopt a restorative approach towards young offenders and families with multiple challenges (*ibid.*).

### *i. Service-users & Natural Support Networks*

The community integration programme advocates a mutual support among service users themselves, and between service users and other residents living in the community. Therefore, the activities under this programme normally explore the resources within the community. They bring all the possible strengths of community residents into full play and exert positive influence to others, in particular the service users themselves. For instance, in community-learning events, the older children volunteer in order to teach the younger ones. The children have a sense of belong to the programme and they constantly remind the younger ones of the importance of staying in school. Moreover, mother volunteers take care of neighbourhood facilities so that the community-learning programme can be held. This kind of mutual support is commonly advocated in community activities and subsequently integrated into daily lives. The service users from the Family Service Centre regularly help their neighbours with babysitting, cooking and other household chores. Family members also regularly volunteer in contributing their strengths to teaching particular skills, nurturing the children of a certain interest, or support the activities logistically.

Furthermore, teachers at schools are also involved in this process; boys/girls with challenging behaviour are temporarily separated from the rest of the class and given make-up lessons by teachers. Each boy/girl is adopted by a different teacher of the class who serves as his/her mentor. Eventually the children were reintegrated into their class, without having to suspend or punish them harshly (ibid.) Under this context, a comprehensive and multi-layers mutual support network was established among service users and other stakeholders in the community to create a learning culture, enhance volunteerism and promote restorative approach towards youth offenders. (Beyond Social Service 2012)

### *ii. The Local Community*

Communities where the children are residing in is the focus of the program, which is referred to as the Local Community. The community as the primary living environment exerts enormous influence on the children residing there. Therefore, the programme make use of resouces found within the community to realise the goal of creating a learning culture, enhancing volunterism and promoting restorative approaches in responding to youth offenders. In the past, the community committee and other relevant organization and agencies have delivered their support by contributing materials, providing events venues and participate individually in the program activites. For instance, the Leng Kee Community Centre and several Residents' Committees provided classrooms without charge for the LIFE program. Stall Holders at Bukit Merah View Market regularly engaged the pre-school children by showing them the different fruits and vegetables. In addition to the above, some resident committees invited the service-users in the programme to join the Residents Committee in order to show their committment to volunterism and influence the neighbourhoods in this regard. The programme also taps into network resouces and builds partnerships with school in the community to facilitate a partnership between a school and the Youth Guidance Outreace Services to help manage an after school drop-in service for their at-risk student. This service is an important aspect creating a restorative environment within the local community.

### *iii. Larger community*

Apart from the efforts on service users and local community network, the Community Integration programme also reaches out to other communities to explore possible resources for the programme activities. For instance, Credit Suisse, Tanglin Trust School, Bank of American Merrill Lynch, HSBC, JP Morgan, GIC, The Singapore Youth Olympics Committee and Singapore Police Office all provide support by different means. For instance,



HSBC set up study corners in the community to provide them with an appropriate place to study. JP Morgan provides funds and invites the service users to provide proposal on how to contribute to the well-being of their community and selected project to be implemented with the funds. Additionally, several police officers have worked together with Beyond Social Services to adopt a restorative approach towards the misbehaviour of youth in the neighbourhoods. With such programme activities, the concept of community integration is spread out in a larger community through the external cooperation. The support provided to the programme provides precious resources for program activities implementation, which is indeed a win-win outcome.

*The Importance of Community Integration in the Continuum of Services Framework and Combating Juvenile Delinquency:*

In view of the aforementioned, the community integration programme has played an important role in the continuum of services framework adapted by Beyond Social Services to tackling juvenile delinquency under the principles of restorative justice. During the programme periods, 2861 young people have been involved as service users and 2380 people served as caregivers, totally over 1000 families are connected with this program through our program activities (Beyond Social Service 2011). The extensive engagement of stakeholders in the community has enable a caring and helping community for youth and children in which juvenile delinquency is largely prevented and problem is restored with restorative justice. The community integration programme has revealed its effectiveness in tackling juvenile delinquency with its multi-layer approach.

i. A learning community to guard growth

Beyond Social Services endeavours to organize activities of community learning, ranging from community classes to extra-curriculum clubs. Youth and children are mobilized to

engage in these activities as both service receivers and contributors. They made progress and grow a habit of learning and at the same time find the value of themselves in contributing towards efforts to help others. Meanwhile, the local community and larger community are also engaged in this general restorative process, their awareness promoted to pay attention to these youth and children, by which a strong community is created with a culture of collective learning and mutual care. In particular, a connected community builds up the strength of guarding the growth of youths and children as a common responsibility. The collective efforts of the community at large therefore ensures a positive environment for youths to live in and grow up.

ii. Volunteerism is promoted to foster responsibility

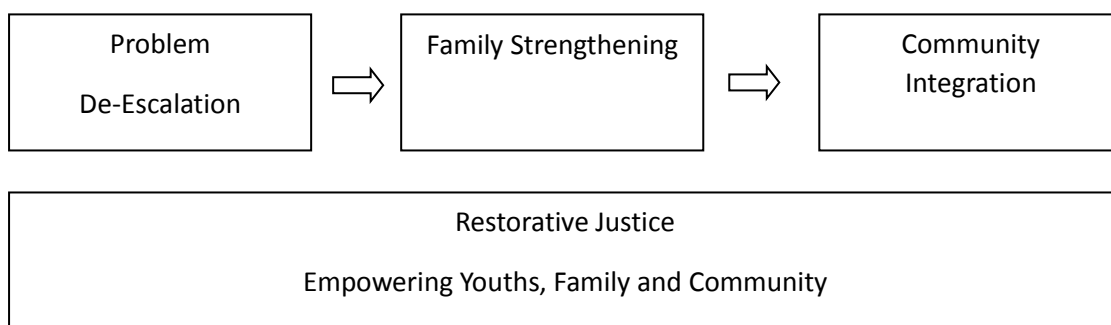
The programme encourages the service users to contribute continuously to the community. The volunteerism amongst youths is promoted through a multi-layer approach that is from the service users themselves in the local community to the larger community externally. The children and youths in this programme are encouraged to volunteer in activities, and through these activities, it is envisaged that they will find their value in contributing their efforts and helping the community, and thus become more closely connected with the community. In addition to that, the volunteerism of these children and youth helps them build up a stronger affinity with the community, and allows them to have a better sense of belonging and stronger responsibility. The sense of belonging helps build up a sound environment of growth for the children and youth, while the development of responsibility amongst youths through community programmes is an important factor in ensuring a healthy growth as it ensures that youths will not only be responsible for themselves but also their community at large.

### iii. Restorative justice awareness promoted in school, police and larger community

The programme initiates the adoption of a restorative approach in responding to the challenging behavior of students at risk in schools. The direct punitive approach is encouraged to be replaced with restorative programmes, whereby teachers grasp the principal concept and method of the restorative approach, and experience the positive results and benefits of restorative approach. In particular, policy officers who agree to experiment using restorative approaches in dealing with children and youths-at-risk will receive the opportunity to learn and experience its technique and approach of dealing with youths-at-risks and delinquent students (instead that of retributive justice and using conventional punitive approaches). Through this programme, the restorative justice concept is therefore popularised and restorative awareness promoted, which paves a way for further large-scale application of restorative justice in dealing with juvenile delinquency amongst communities in Singapore.

## V. A Restorative Justice Approach

The approach that Beyond Social Services adopts towards tackling juvenile delinquency is that of restorative justice. As seen from the Problem De-escalation programme, juveniles are diverted out of the formal legal system as much as possible so that a restorative solution may be applied to help youths learn from their mistakes and fulfil their obligations and responsibility under a nurturing family environment and a community setting. Such diversionary measures are also intended to ensure that youths are given a chance to avoid the stigma and possible contamination that incarceration and other formal legal approaches under the criminal justice system may bring. After diverting youths out of the criminal justice system or after the youths have been released from incarceration, youths are then encouraged to go through the family strengthening and community integration programmes, which will empower youths and the family and community to help youths overcome their problems and move beyond them. The approach of Beyond Social Services towards juvenile justice and combating juvenile delinquency is illustrated with the diagram below.



Source: Author

**Figure 6: Beyond Social Services Continuum Framework of Services**

## 7. Policy Recommendations

In the aforementioned sections, we have attempted to present the idea of restorative justice, and how it has been understood and applied in jurisdictions across the world. We have done this by first providing jurisprudential underpinnings of the restorative justice and contrasted it with the retributive justice model and showed the importance of the restorative justice conception and model in relation to juvenile and youth justice. Subsequently, we have presented restorative justice has more than a mere philosophical ideal, and provided examples of how restorative justice principles are understood and applied in Singapore (our jurisdictional focus) and in other countries in world, especially in relation to juvenile justice. Finally, we have presented a case study of Beyond Social Services, one of the very few (non-government) organizations that endeavours to address issues related to juvenile delinquency by adherence to principles of restorative justice. From these comparative studies, we found that restorative justice practices have been applied and have been found to be useful in tackling juvenile delinquency in other countries and in various different settings. To this end, we submit that restorative justice practices are *externally valid* across a wide variety of horizontal and vertical settings.

From our fieldwork and interaction with social workers of Beyond Social Services as well as our literature review on comparative models adopted in other countries, we make several recommendations to tackle juvenile delinquency and enhance the restorative justice framework in Singapore.

However, before we outline our recommendations, several points are noteworthy:

- 1) Firstly, and perhaps most importantly, we recognize that this paper seeks to promote restorative justice practices as a legitimate and efficient model for the Singaporean juvenile justice system. Our research suggests that the Singaporean government and the judiciary have to some extent, adopted the concept of restorative justice in dealing with

delinquency and young offenders, including adopting it in its philosophical statement, and practising restorative justice in various ways such as implementing diversionary programmes to divert young offenders away from the legal system towards restorative programmes involving the community and the family.

- 2) However, from our research and analysis of the various policies and practices, we find that some of the policies and legal provisions *run contrary* to the restorative justice ideal and restorative best practices. Besides, the strong role of the state in many of the policies and programmes with regards to youths/young offenders (e.g. Beyond Parental Control Programme) translates into the inevitable situation in which the *role of the community* (important process value of restorative justice) is *subdued and diminished*. From our comparative research, a concomitant point that we observed is that Singapore has not adopted certain best practices (legislation/policies/programmes) practised in other jurisdictions that will contribute towards a more holistic restorative justice approach in dealing with young offenders.

Thus, our recommendations are aimed at (i) highlighting policies and legal provisions that run contrary to Singapore's professed strong commitment to restorative justice, and proposing pertinent amendments (ii) convincing Singaporean policy makers about the efficiency and effectiveness of the restorative justice model as it is understood in other progressive and advanced countries, and (iii) providing communication strategies to our client (Beyond Social Services) through which it can effectively advocate for change in this area.

- 3) Thirdly, it is important for us to bring to the attention of our client a fairly obvious and concomitant point—that the Singaporean government and the judiciary have made commitments to practising restorative justice within the juvenile justice system. This indicated that, at the very least, the idea of restorative justice is *not alien, suspect, or antagonistic towards Singaporean social values*, but one that is embraced by the

Singaporean society. We believe that this point should underpin most (if not all) communication that advocates for change in the current juvenile system.

- 4) Thirdly, these recommendations are *not mutually exclusive* options, i.e. they can be promoted simultaneously. However, given the fact that reforms in the juvenile justice system require, first and foremost, a change in beliefs, values and customs, it is likely that these reforms can only occur *incrementally* over time.

We now present our recommendations, which have been categorized into three parts, for ease of exposition:

## **I. Part 1: Legal Reforms**

### **A. The age of criminal liability should be increased from 7 years of age to 12 years of age.**

Rationale: Increasing the age of criminal liability will reduce the number of juveniles entering the criminal justice system due to a strict application of the law. As such, many juveniles, especially those that are too young to understand the consequences of their actions, will be saved from the ordeals of the juvenile justice system, and will be returned to the care (and watchful eye) of their family and close community (i.e. their immediate and organic support network).

Strategy: To advocate this point most effectively, our client must contact politicians/legislators and local leaders, highlighting two fundamental facts: (i) that Singapore is a signatory to the UN Convention on the Rights of the Child, which stipulates that the age of criminal liability should be at least 12 years of age; and (ii) that compared to other countries advanced and progressive nations in the world, the age of criminal liability in Singapore is significantly low. It must be reiterated that both these facts perpetuate an image of Singapore that is extremely strict, even in the case of children as young as 7 years of age.

Moreover, Singapore's non-compliance with respect of its obligations under the UN Convention on the Rights of the Child can potentially threaten its human rights legitimacy, which is already roundly criticized in world media.

Simultaneously, the merits of increasing the age of criminal liability should also be highlighted, especially in terms of reduced cost of administering justice, and the reduction of burden on government organizations such as the police. Finally, it may also be emphasized that the deterrence envisaged under this strict legal provision is overvalued.

**B. The age of juveniles should be calculated on the day the offence/crime is committed and not when the hearing commences in the Juvenile Court**

*Rationale:* This legal reform will ensure that persons who committed an offence when they were juveniles are not tried as adults (thus bearing the full brunt of the criminal law) in situations where the hearing of their case commences when they have become legal adults. As such, this reform seeks to address a grave miscarriage of justice perpetrated under a legal provision that is against natural law, and logic/common sense.

*Strategy:* Similar to our recommended strategy above, the client must contact politicians and local leaders highlighting this issue as one of a grave miscarriage of justice. Legal practitioners, scholars, and judges themselves should be requested to provide their opinions and endorse this view. As stated in our literature review, there has been a considerable debate over this issue in the legal fraternity. This academic debate must be rekindled, and slowly but surely, brought to public attention, through platforms such as social media.



## **II. Part II: Social Policy Re-evaluation**

### **A. National social policies that seek to tackle juvenile delinquency must be re-evaluated and reformed in order to promote community-based restorative justice.**

*Rationale:* Our research indicated that although the Singaporean state and judiciary is committed to the ideals of restorative justice, certain policies and practices however suggests otherwise. This is seen clearly in the case of many social policies wherein the state (and its professional social workers) assumes the primary responsibility of juvenile delinquents and/or offenders, instead of allowing the offenders' close community to take charge and address their problems within the community (and by using the community's own informal networks) itself. Policy interventions such as the StreetWiseProgramme, and the Youth Family Care Programme should be re-formulated in a way where the Singaporean state takes more of a secondary and observational role, as opposed to being at the forefront of these initiatives. Simultaneously, the community building measure should be promoted and facilitated, so that communities are empowered to address most (if not all) issues that arise within the same.

*Strategy:* These reforms require our client and other similar interest groups to convince policy makers and legislators to distance the state from organic and community-based dispute resolution systems. Needless to this, this would be difficult (and inherently counter-intuitive) for a socially active government like that of Singapore. Moreover, these reforms may also face resistance from the general public as well, since such a move by the government would be seen as the state's attempt to distance itself from the problems faced by Singaporean citizens. Therefore, it is expected that reform process will be incremental and painstakingly slow.

It is therefore suggested that a balanced approach is used, and that the Singaporean state is not advised or recommended to remove itself *completely* from the justice process. On the other hand, we propose that calls for reform of juvenile-related social policies should still highlight a role of government bodies in the juvenile justice process, but one that emphasizes facilitation and community empowerment. Reduced cost and burden on the Ministry of Social and Family Development and other government ministries and organization should be highlighted. Most importantly, it must be highlighted that such reforms are actually in line with principles of restorative justice, an idea that the Singaporean government itself is committed to.

**B. The Beyond Parental Control Programme should be reviewed rigorously in order to be discontinued, or tightened significantly**

*Rationale:* Our research has indicated that the BPC programme is clear example of the ubiquitous presence of state-sponsored social services, which not only run contrary to principles of community-based restorative justice, but is also arguably counter-productive in dealing with juvenile delinquency. By attempting to assume the responsibility of a parent, the state (via the BPC programme) actually weakens family structures and community bonds, aspects that are fundamental to not only restorative justice, but also a healthy social life for any child. This is notwithstanding additional costs for the exchequer, increased administrative responsibilities for state machinery, and a very real threat of abuse (of this Programme) render suspect any assertions regarding the effectiveness of the BPC.

*Strategy:* An independent and detailed study/report regarding the BPC (a study that is beyond the scope of this Policy Assessment Exercise) should be conducted, at the behest of our client and other similar interest groups. The report should especially focus on the (i) costs, (ii) detriments to quality of life of the juvenile (who may or may not have committed an offence),

and (iii) risks/threat of abuse by parent, under this BPC Programme. Any negative or untoward findings should be made public through new papers and social media, and brought to the attention of relevant legislators and cabinet members (especially the Minister of Social and Family Development), so that the Programme may be reformulated accordingly.

**C. Diversionary programmes such as Project HEAL should be strengthened, and help centres should be established to promote victim-offender conferences (under Project HEAL), and family group conferences**

*Rationale:* This policy intervention is inspired by the family group conference mechanism prevalent in New Zealand, where it is considered to be the most crucial element of the juvenile justice system. In the case, of dispute, or an offence involving juveniles, referrals to group conferences should be encouraged by relevant parties, including the police and/or the Juvenile Court. Moreover, in light of Recommendations A and B (of Part II, above), the state, its officers and/or social service professionals should be discouraged from taking an active part in these conferences; their role should be focused more towards providing information prior to the conference, and facilitation of communication between the juvenile and their ‘family’ (including close friends and loved ones) and/or the victim and their family. Once the conference is concluded (preferably confidentially) and a dispute resolution arrangement is agreed in-principle between the members of the conference, social service professionals may be allowed to draft a concrete action-plan and monitor the progress of the case. Any subsequent infractions should be referred back to the conference.

*Strategy:* Family group conferences are not a new idea to the juvenile justice landscape of Singapore: Project HEAL is one Singaporean project that promotes victim-offender conferences. It is therefore recommended that calls should be made to enlarge this Project in order to include family group conferencing for at-risk youth as well. It is expected that

institutions such as the police and the judiciary would be open to this enlargement in scope as it would divert cases away from the police and court system, leading to decreased costs and administrative responsibilities. Subsequently, the client may promote a decreased role for the state's social service professional that focuses on providing information, facilitating communication, and post-conference monitoring and evaluation. This can be achieved by promoting the principles of community-based restorative justice.

This policy reformulation would also be better advocated by commissioning an independent report/study on the same, using the specific example of the New Zealand youth justice system. Moreover, since this reformulation will not require a major overhaul of the policy through legislation, it is expected that this reform may be achieved by proposing simple amendments to Project HEAL's rules and regulations, and standard operating procedures.

### **III. Part III. Education, Awareness Raising and community mobilization**

#### **A. Mobilizing and sustaining government interest and support by providing continuous education**

*Rationale:* The incorporation of participatory processes in the justice system can be easily perceived as a challenge to the status quo ( United Nations 2006). The inertia or resistance from government to push for the change is likely to face with difficulty. If restorative justice is successfully promoted in combating juvenile delinquency, it inevitably affects the professional influence and span of power and control in judiciary function. Thus, restorative measures that are meant to empower the juvenile offenders and victims are considered as a challenging factor to existing state control and involvement. In addition, the concept of forgiveness and healing may be alien to officials in judiciary branch and police may be reluctant to adopt restorative approaches due to lack of information about it. Unless such considerations and perceptions are well managed, and unless officials accept the notion of restorative justice, will the course be successful. Thus, training and education among government officials is essential in this process (*ibid.*).

*Strategy:* Officials from judiciary agencies should be educated and given specially-designed training on the principle and practice of restorative justice. The training should cover comprehensive information of restorative justice in particular in the area of responding to juvenile delinquency. The international best practices should also be studied to help gain a full picture of restorative justice and its effect on juvenile delinquency. In addition to that, education on empowering the victims and community is essential in conveying the concept of restorative justice in dealing with juvenile delinquency. The dominance of the police in process of juvenile offending and restoring goes against the notion of restorative justice and thus the technical training in adopting restorative justice practices should also be incorporated in the master training plan. Moreover, officials can be invited to participate in a restorative

process to witness and gain a better understanding of the process and effect of restorative justice.

***B. Community awareness raising and participation mobilization on the restorative approach to juvenile delinquency and risky behaviour***

*Rationale:* Community participation and community building are two of the intended overarching goals of restorative justice. ( United Nations 2006). Community is the basic unit to respond to the problem of juvenile delinquency with collective efforts of healing in the principle of the restorative approach. The community is empowered with initial span of power and control to restore the offending or challenging behaviour and heal the damage of victims at the same time. The support and participation of community is essential in the process of restorative justice approach where a favourable growing environment is built and restoring opportunities are reserved under the restorative justice concept. The community assumes to take an important role in promoting harmony, safeguarding security and preventing conflicts and crime in the residence. By adopting restorative approach to juvenile delinquency, its capacity of problem-solving and informal social control is strengthened and the harmony and cohesion of the community is also enhanced (*ibid.*).

*Strategy:* The community mobilization starts with an identification of those individuals and groups who are affected and in a positive position to participate in resolving them ( United Nations 2006). The community based restorative justice approach is adopted initially, meanwhile, other community residents are invited to contribute as volunteers or participate in certain segments. After that, a comprehensive publicity on the positive effect of restorative approach is conducted to ensure that the process, effect and other knowledge and information of the community based restorative justice approach is fully construed by community residents in order to improve the raise the awareness in this regard. However, it cannot always be assumed that the restorative approach and practice have definite positive restoring

and transformative effect, irrespective of the situation that have been beyond the span of ability and control of the community. In some instances, existing social tensions, inequities and various forms of exclusion, discrimination may be possibly be exacerbated rather than alleviated by adopting a restorative justice practice (*ibid.*). This aspect should also be taken into account in training and educating the community for awareness raising and participants' mobilization of restorative justice.

#### IV. Stakeholder Analysis

The success of legal and social reforms concerning the juvenile restorative justice in Singapore to solve the problem of juvenile delinquency in Singapore involves a great number of stakeholders from government, international organizations and private sector partner. Therefore, a comprehensive, balanced and well-targeted communication plan should be conducted to garner support from various stakeholders. The following stakeholder plan aims to provide guidance for future communications through the analysis of issues and objectives, communication channels, and the power and influence of the pertinent agencies and organisations involved.

**Table 1: Stakeholder Analysis and Communication Plan**

Stakeholder	Issues and Objectives	Communication Channel	Power and Influence
<b>Government and Government Agencies</b>			
<i>Parliament and Parliament members</i>	To solicit opinions for the strategic feasibility and policy acceptability for relevant legal and social reform in juvenile restorative justice; To get support from ministry for policy reform and enforcement.	One-to-one briefing; Inter-departmental meetings and workshops; Official memo and policy introductions; Official letter exchanges.	<b>Very High:</b> Parliament takes charge of national law amendment through approval of legal bill proposed by government; The success of legal reform of juvenile justice relies on the confidence and support of parliament.
<i>Ministry of Culture, Community and Youth</i>	To solicit opinions for the strategic feasibility and policy acceptability for relevant legal and social reform in juvenile restorative justice; To get support from ministry for policy reform and enforcement.	One-to-one briefing; Inter-departmental meetings and workshops; Official memo and policy introductions; Official letter exchanges.	<b>Very High:</b> MCCY takes charge of national youth policy making relevant bill proposal to parliament for approval and are directly responsible for juvenile policy enforcement.



<i>Ministry of Social and Family Development</i>	<p>To solicit opinions for the policy feasibility for the social and family participation in the reform of juvenile restorative justice;</p> <p>To get support from ministry for policy reform and enforcement;</p>	<p>Inter-departmental meetings and workshops;</p> <p>Program introduction workshops and seminars;</p> <p>Official letters exchanges.</p>	<b>Very High:</b> MCFD takes charge of national social and family policy and are directly responsible for the social and family strengthening aspects of restorative juvenile policy enforcement.
<i>Ministry of Home Affairs</i>	<p>To solicit opinions for the police participation in the legal reform of juvenile restorative justice;</p> <p>To get support from ministry for legal reform and enforcement;</p>	<p>Inter-departmental meetings and workshops;</p> <p>Program introduction workshops and seminars;</p> <p>Official letters exchanges.</p>	<b>Very High:</b> Ministry of Home Affairs takes charge of Singapore police force and are directly responsible for the direct response toward juvenile delinquency.
<i>The National Committee on Youth Guidance and Rehabilitation</i>	<p>To solicit opinions for the legal reform and of juvenile restorative justice, to compare with the current practice of rehabilitation;</p> <p>To get support from committee for legal reform and enforcement;</p>	<p>One-to-one briefing;</p> <p>Inter-departmental meetings and workshops;</p> <p>Official memo and policy introductions;</p> <p>Official letter exchanges.</p>	<b>Very High:</b> NCYGR takes charge of youth rehabilitation practice and policy recommendation; directly responsible for juvenile justice policy enforcement and practice.
<i>Community Development Councils</i>	<p>To solicit opinions for the policy feasibility for the community participation in the reform of juvenile restorative justice;</p> <p>To get support from council for policy practice in community level.</p>	<p>Inter-departmental meetings and workshops;</p> <p>Program introduction workshops and seminars;</p> <p>Official letters exchanges.</p>	<b>Medium:</b> The council takes responsibility to building a cohesive and harmonious community, design and organize community based program and activities; the support of CDC is significant in the new policy implementation.
<i>The People's Association</i>	<p>To solicit opinions for the policy feasibility for the social participation in the reform of juvenile restorative justice;</p> <p>To get support from the association for awareness raising and policy practice in community level.</p>	<p>Inter-departmental meetings and workshops;</p> <p>Program introduction workshops and seminars;</p> <p>Official letters exchanges.</p>	<b>Medium:</b> The association takes responsibility to promote racial harmony and social cohesion in Singapore; the support of the association is significant in the awareness raising of restorative justice and new policy implementation.

<i>National Youth Council</i>	<p>To solicit opinions for the policy feasibility for the community participation in the reform of juvenile restorative justice;</p> <p>To get support from council for policy practice in community level.</p>	<p>Inter-departmental meetings and workshops;</p> <p>Program introduction workshops and seminars;</p> <p>Official letters exchanges.</p>	<p><b>Medium:</b> The council takes responsibility to building a cohesive and harmonious community, design and organize community based program and activities; the support of CDC is significant in the new policy implementation.</p>
<i>Singapore Police Force</i>	<p>To solicit opinions for the police participation in the practice of juvenile restorative justice;</p> <p>To get support from police force for new law and policy enforcement.</p>	<p>Inter-departmental meetings and workshops;</p> <p>Program introduction workshops and seminars;</p> <p>Official letters exchanges.</p>	<p><b>High:</b> Singapore police force takes charge are directly responsible for the direct response toward juvenile delinquency; The support and participation of restorative justice toward juvenile delinquency is vital.</p>
<i>Supreme Court</i>	<p>To solicit opinions for the judiciary feasibility and legal acceptability for relevant law and social reform in juvenile restorative justice;</p> <p>To get support from court for legal and policy reform and enforcement.</p>	<p>One-to-one briefing;</p> <p>Inter-departmental meetings and workshops;</p> <p>Official memo and policy introductions;</p> <p>Official letters exchanges.</p>	<p><b>Very High:</b> Supreme Court takes charge of judiciary practice of juvenile delinquency and are responsible for juvenile restorative justice enforcement, whose position is vital in promoting the restorative justice to juvenile delinquency;</p>
<i>The Family and Juvenile Court</i>	<p>To solicit opinions for the judiciary feasibility and legal acceptability for relevant law and social reform in juvenile restorative justice;</p> <p>To get support from court for legal and policy reform and enforcement.</p>	<p>Inter-departmental meetings and workshops;</p> <p>Official memo and policy introductions;</p> <p>Official letters exchanges.</p>	<p><b>High:</b> Juvenile Court takes charge of judiciary practice of juvenile delinquency and are directly responsible for juvenile restorative justice enforcement, whose role is vital in promoting the restorative justice to juvenile delinquency;</p>
<i>Child Focused Resolution Centre</i>	<p>To solicit opinions for the judiciary feasibility and legal acceptability for relevant law and social reform in juvenile restorative justice;</p> <p>To get support from court for legal and policy reform and enforcement.</p>	<p>One-to-one briefing;</p> <p>Inter-departmental meetings and workshops;</p> <p>Official memo and policy introductions;</p> <p>Official letters exchanges.</p>	<p><b>High:</b> CFRC takes charge of judiciary resolution of juvenile delinquency and are directly responsible for juvenile restorative justice practice, whose role is vital in promoting the restorative justice to juvenile delinquency;</p>

<b>International Organizations</b>			
<i>UNICEF</i>	<p>To understand the opinion and concerns of UNICEF in this regard;</p> <p>To promote assistance cooperation from the current aid frame of UNICEF national work plan.</p>	<p>One-to-one meeting and briefing;</p> <p>Program introduction workshops and seminars;</p> <p>Official letters exchanges.</p>	<b>Low:</b> UNICEF is the largest international assistance provider for Children welfare; enjoying sound relationship with Singaporean government but has limited influence in shaping policy;
<b>Private Sector Partners</b>			
<i>Private Donors</i>	<p>To understand the opinions private donors so as to promote cooperation with them in cooperative assistance to the restorative justice to juvenile delinquency;</p> <p>To get knowledge of basic concerns.</p>	<p>One-to-one meeting and briefing;</p> <p>Program introduction workshops and seminars;</p> <p>Public publicity materials.</p>	<b>Low:</b> Private donors holds the finance initiative and the attitude to cooperative development or partnership operation is important to the result of the policy;

## **8. Conclusion**

As with other jurisdictions in the world, the phenomenon of delinquency and youth offending is a cause for concern for the Singaporean society. Youth offending not only harms community safety and security, but it also depicts the state of attitudes and behaviour amongst youths in the Singaporean society, who are tomorrow's future leaders. Even as the behaviour of the young are shaped by our social institutions such as schools, *inter alia*, changing societal and family norms in Singapore such as the increase number of single-parent households and family break-ups (like global trends) have contributed to the erosion of parental influence and family attachment amongst youths in such families, which makes them more susceptible to falling into delinquency. The complexity in the understanding of the different causes of youth crime and delinquency also means that factors such as negative peer influence, poverty and other risk factors cannot be taken lightly and must be considered in solutions and approaches to tackling juvenile delinquency (Prevention, Rehabilitation, Empowering family and community).

While the factors contributing delinquency are fairly similar worldwide, our research shows that the solutions to tackling delinquency are however far more varied across different jurisdictions. In particular, while many Western countries such as US, Britain and New

Zealand have embraced restorative justice in a comprehensive fashion in their juvenile justice system, the Singaporean model in contrast have been more reticent in adopting such practices. Given the utility of the restorative justice model as understood at the jurisprudential level (conceptual level) and empirically, as well as its external validity as seen through our empirical research (international models and in the case of Beyond Social Services), this paper have proposed that the Singaporean government adopt more measures to facilitate restorative justice processes in Singapore so as to enhance restorative justice in Singapore in the long run. This includes making legal reforms to remove legal barriers to restorative justice, increasing the participation of communities and families in restorative justice processes and their capacity to restore the harm caused by youth offending as well as mobilising different stakeholders in their different spheres and hierarchies of influence and power to facilitate changes in societal values, attitudes towards youth involvement in crime and societal conceptions of justice. Notably, such restorative justice practices are not only crucial in encouraging youths to take responsibility for their acts and be obliged to repair the harm that they caused to their victims, but they will also concomitantly strengthen family and community bonds in the modern Singaporean society, which is imperative to preventing and combating juvenile delinquency in the long run.

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