

READING BETWEEN THE BARS: EVALUATING PROBATION, REMODELLING OFFENDERS, AND REDUCING RECIDIVISM

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ABSTRACT

Probation has been in existence in Singapore for more than 70 years. Given its long existence and vested interest in community-based sentencing, this paper calls for an effective measurement of probation officers training and supervision of the offenders measured against recidivism. First the paper focuses on the genesis and evolution of probation coupled with a brief description of programs conducted by probation officers since its introduction till its present iteration, along with its merits. The emphasis lies in the shift from a supervisory program to one which proactively seeks to transform behaviour, hence reaffirming remodelling character of probation. Second, it is recommended that effectiveness of training, supervision of offenders by Probation Officers be measured against the rate of recidivism. To this end, it is proposed that effectiveness of probation can only be measured against recidivism given that probation targets criminogenic needs of offenders. An evaluation of data presented on recidivism suggests that while the recidivism rate is decreasing, it does not maximize the potential role of Probation Officers. Third, training along the lines of Strategic Training Initiative in Community Supervision (STICs) program can be considered to enhance lower recidivism rates. Lastly, it is recommended that Randomized Controlled Trials (RCTs) be conducted for evidence-based policy making in criminal justice system, since RCTs can be useful in assessing the efficacy of probation as a community-based sentencing tool, particularly whether the policy orientation of probation meets the goal of reducing crime.

Keywords:

Probation, Remodelling, Recidivism, Rehabilitation, Randomized Controlled Trials, Two-Tier System, Strategic Training Initiative in Community Supervision Singapore, Evidence-Based Policy Making.

Introduction

Probation as a sentence has existed in Singapore since 1949. In the years following its introduction, Singapore transitioned from a crime-control model towards one allowing for rehabilitation and reintegration for crimes and offenders on the rehabilitative spectrum. Against this backdrop, Singapore's Probation program has undergone a gradual evolution. This paper seeks to track the developments in the area of probation with particular emphasis on the role played by probation officers within the probationary system and the actual rehabilitative programs introduced measured against recidivism. While it has generally been assumed that these programs and the improvements made to them are effective in better rehabilitating and reintegrating probationers into society, there is value in documenting and measuring the effectiveness of these programs.

To address this problem, this paper looks at the development of Probation since independence. It considers the philosophical underpinnings of the sentence and how these principles were operationalized through the years. Further, using the recidivism rate as a basis of comparison, this paper considers whether the evolution has been effective. Finally, drawing upon the experience of countries such as Canada and the United Kingdom, this paper makes two specific suggestions in relation to the training of Probation Officers. We further suggest the adoption of Randomized Controlled Test to better measure the effectiveness of our Probation program more generally.

The evolution of probation in Singapore

This segment considers the philosophical underpinnings behind a probationary sentence. It then briefly describes the programs conducted by probation officers since its introduction till its present iteration, highlighting in particular the shift from a supervisory program to one which proactively seeks to transform behaviour. This description being necessary to contextualize the discussion in Part III regarding Singapore's recidivism rate.

Singapore's sentencing philosophy

A convenient place to start would be with a general description of the philosophy which undergirds Singapore's understanding of sentencing. Consistent with most common law systems, sentencing in Singapore remains guided by the four classical principles of sentencing stated by Lawton LJ in *R v James Henry Sargeant* (1974) 60 Cr App R 74 of retribution, deterrence, prevention and rehabilitation.¹ The current Chief Justice, Sundaresh Menon (2017:25), has described these principles as being different methods of achieving the 'ultimate goal' of 'the protection of the public through the prevention of crime'.

Within this framework of the prevention of crime, the case law suggests that probation is a sentence which falls within the *rehabilitative* pillar of sentencing. As explained in *Public Prosecutor v Mohammad Al-Ansari* [2008] 1 SLR(R) 449 at [30] and [64], *rehabilitation seeks to alter* the values of the offender so that he no longer desires to commit criminal acts. This is accomplished by reducing or eliminating the factors which contributed to the offending conduct. To this end, probation is 'a form of sentence which the court can pass in expression of the principle of rehabilitation'.

The application of these principles were evident in *A Karthik v Public Prosecutor* [2018] 5 SLR 1289 at [80]-[83], where the court rejected the Appellant's request for a shorter period of probation and community service, emphasizing that probation was not "simply restrictions and inconveniences that were being imposed" as punishment. Instead, probation and its conditions "reflects society's willingness to pour valuable resources into remoulding and reconstructing the Appellant's future". Hence probation is undoubtedly now seen as a remodelling tool of the offender's character propensity to commit crimes, an essential factor to consider when assessing the effectiveness of the probation as a rehabilitative tool.

This framework is also consistent with how probation is operationalized statutorily in the Probation of Offenders Act 1985. (c 252) Singapore: Toppan.² Under s 5(2) of the POA, probation as a sentence is imposed if the court considers it 'necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences.' Thus, the focus on securing "good conduct" and preventing a "repetition" emphasizes the fact that probation is fundamentally a rehabilitative sentence.

Finally, it is worth highlighting that the current understanding of the rehabilitative nature of probation is partially consistent with the original intention behind its introduction. When first introduced in 1949, there were two principles undergirding probation. First, it was conceived as a means of providing a "rehabilitative service" for young persons who had been exposed to "various forms of physical, social and emotional deprivation" during the Second World War (Canagarayar, 1988:106, citing Veloo, 1982:5). Thus, it was described in the Legislative Council (1949: B93) as "a more progressive method of dealing with juvenile delinquents". Second, probation was also understood as being a tool which was economically beneficial by 'keeping persons in their former employment and thereby making them contribute to the economic life of the country'. This emphasis can also be seen in the Legislative Council's desire to "prevent a class of chronic law-breakers from springing up".

We highlight the different historical conception of probation during its initial introduction in 1949 for two reasons. First, the Legislative Council's initial consideration of economic benefits demonstrates that a probationary sentence was previously understood as having ancillary benefits apart from rehabilitation. This is important since, as the authors will later suggest, the current manner in which probation officers are trained can be improved to enable the

¹ For additional examples, see; *Chua Tiong Tiong v Public Prosecutor* [2001] 2 SLR(R) 515; *Public Prosecutor v Law Aik Meng* [2007] 2 SLR(R) 814; *Public Prosecutor v Koh Wen Jie Boaz* [2016] 1 SLR 334; and *Public Prosecutor v ASR* [2019] 1 SLR 941.

² Hereinafter, ("POA").

State to accomplish its additional policy objectives. Second, the assumption in cases like *A Karthik* or *Mohammad Al-Ansari* that probation is effective in promoting rehabilitation is one which has continually existed since the introduction of the scheme itself. If so, should we not then have objective data to measure effectiveness of the training programs of probationers and supervision against recidivism? Ultimately, it is indubitable that probation is rightly understood as a *rehabilitative* sentence.

Programs past and present

Before turning to consider the previous iteration of probation programs, the authors highlight the fact that little primary materials from before the 1980s exist. This would be a necessary limiting factor to any analysis which is offered below. Be that as it may, an examination of the Ministry of Social Affairs³ Annual Reports suggest that probation during the 1980s was largely supervisory in nature. For example, the Probation service used to divide Singapore into 3 zones, with its officers deployed on a “zonal basis” within these zones. The purpose of this administrative division was to house “Neighbourhood Reporting Centres” in each zone, where probationers would report to as a condition of their probation order (Ministry of Social Affairs, 1981:20).

Another example of the supervisory focus of probation during the 1980s is the absence of rehabilitative focused programs. The Probation Service’s Annual Reports suggest that prior to 1983, there were little activities organized for probationers. Further, after 1983, rehabilitative activities organized from probationers were largely limited to:

“classes on moral/religious education, talks and film shows on various topics of interest, educational tours to places of interest and sporting activities such as overnight camps and hiking were organised for them.” (Ministry of Social Affairs, 1984:21)⁴

The largely supervisory nature of probation during the 1980s can be contrasted with the current probation program, which can be described as a **conscious attempt to re-model the offender’s behaviour**. For example, this is evident through a 2016 report commissioned by the Probation and Community Rehabilitation Service (“PCRS”) of the Ministry of Social and Family Development, where the PCRS affirmed that in addition to “regular supervision sessions” targeted at addressing the “offending behaviours and criminogenic needs”, its programmes were based on the principles of “*shaping*” belief systems, “*fostering*” social responsibility, and “*cultivating*” resiliency (Ministry of Social and Family Development, 2016:6). The aforementioned demonstrates that the PCRS aims to act in a “positive” manner, thereby transforming the offender’s behaviour. Perhaps, it can even be argued that such programs of regular supervision addressing behavioural attitudes and criminogenic needs appears to reflect the Risk Need and Responsivity principle (RNR) in its incipient stage. The RNR principle is effectively used in probation programs and supervision in countries like Canada (Bonta et al., 2019). This is further elaborated in section VI.

Another example is through the programmes run by PCRS, such as the “Probation Core Programmes” which every offender participates in. These core programs include modules such as “*Motivating Offenders to Rethink Everything (MORE)*”, “*Conflict Resolution*”, and “*Decision Making and Problem Solving*”, and are clearly targeted at the offender’s intellectual processes (in the case of *MORE*), or more directly in the way which he acts (eg the *Decision Making* module) (Ministry of Social and Family Development, 2020a).

Having laid out the difference in the probation programs between the 1980s and the present, two observations can be made. First, despite the conceptualization of probation as rehabilitative since as early as 1949, this was not reflected in the actual operationalization of its programs. This suggests that there was either: (a) a different conception of what constituted rehabilitation; or (b) a different understanding of the requirements to successfully rehabilitate and reintegrate individuals. Second, the increase in the number of programs directed toward behavioural changes are likely heavily dependent on the effectiveness of the Probation Officers in remodelling the character of the offenders, since the former supervises the latter and thus has a direct impact on the offender. Thus, it is imperative to measure the effectiveness of the Probation Officer’s training, supervision and probation programs

³ Which managed the probation service during the 1980s.

⁴ See also Ministry of Social Affairs, *Annual Report 1984* (Cmd 7 of 1986) at 16; which highlights that the ministry also organized “end of year get-togethers” and a “visit to Changi Prison to make them aware of life in the penal institution.

against recidivism. Ultimately, it is submitted that the overall effectiveness of probation must be measured against recidivism since probation targets criminogenic needs of offenders.

The training provided to probation officers and their role in rehabilitating probationers

Flowing from the conclusion that the success of any probationary program is likely heavily dependent on the probation officers, this segment evaluates the training which these officers receive and the role they play in rehabilitating offenders. Success of the program in this context must mean reducing recidivism since probation is supposed to be a rehabilitative and reintegrative tool. We conclude that we should perhaps consider emulating in detail the RNR principle currently embodied in probation programs in Canada, which is effective in rehabilitating the offender and reducing recidivism (Bonta et al., 2019:400). Further, insofar as the current programs are comprehensively targeted toward the specific circumstances of the probationer, programs directly aimed at rehabilitation probationers through increasing their employability can be introduced.

As a preliminary point, it is noteworthy that Singapore has maintained a two-tier probation system since 1971, differentiating between regular probation officers and lay probation officers.⁵ As will be demonstrated below, there is a division of labour in accordance with this distinction. With that, we turn to consider the training provided to these officers, and the roles these officers play in rehabilitating probationers.

The training regular probation officers receive and their roles in practice

Prior to managing probationers,⁶ *regular probation officers* spend about two weeks in the Social Service Institute, taking courses titled: “Certified User for Child and Adolescents Needs and Strength (**CANS**)” and “Certified User for Youth Level of Services/Case Management Inventory (**YLS/CMI**)” (Social Service Institute, 2020). These compulsory courses are conducted to familiarize officers with the RNR framework, which is the risk-assessment framework employed in preparing the pre-sentence reports and determining the appropriate treatment plan for probationers (Chua et al., 2014:881-886).⁷ Apart from these courses, training is done ‘on the job’. Incoming officers generally shadow more senior officers and learn through observation sessions. Thus, regular probation officers are largely reliant on the service’s standard operating procedures.⁸ They are generally only expected to run their own cases after about two months, whilst progressively taking over stable cases from senior officers. Given limited information in the public avenue, it is not altogether clear at this juncture whether the regular probation officers upon completion of their training are indeed further supervised with regular feedback by their seniors in conduct of their sessions with offenders and second whether there are further professional development programs/activities for these officers as part of continuing professional development.

Next, we turn to consider whether the programs run by regular probation officers do, in practice, contribute to the rehabilitation of probationers. First, under the Probation of Offender Rules 1990., (c 252, r 1) Singapore: Toppan., (“**POR**”), which statutorily defines the duties of regular probation officers, probationer officers are required to prepare pre-sentence reports if directed by the court (r 18). This was described in *Praveen s/o Krishnan v Public Prosecutor* [2018] 3 SLR 1300 at [64] as “*assisting the court in mak[ing] a more informed sentencing decision*”, especially given that the report contains information about the offender’s “family and social environment, physical and mental health history, educational and employment history, and history of delinquency and crime”, and officer’s independent and professional assessment of the offender’s character and suitability for probation, and details of any supervision plan. Further, under r 21 POR, regular officers (and volunteer officers) are required to: (a) ensure that the probationer understands the effect of the probation order and the court’s power to amend the same; (b)

⁵ Lay officers are statutorily recognized under s 3(2) of the Probation of Offenders Act.

⁶ Regular Probation Officers are employed under the Probation and Community Rehabilitation Service, a unit of the MSF’s Rehabilitation and Protection Group. There are currently around 50 regular officers, a majority of whom hold degrees in Social Work or some related field. Entry level officers are typically recruited from the universities in Singapore, either through the Government’s central employment website or through job fairs within the universities itself.

⁷ When preparing pre-sentencing reports and implementing a treatment plan, probation officers focus on the following areas: (a) Antisocial cognition, (b) Past antisocial behaviour, (c) Antisocial personality patterns, (d) Antisocial associates, (e) Difficulties with substance use, (f) Family and marital relationships, (g) Education and/or employment, (h) Leisure activities.

⁸ For example, reading the accused person’s charge statement, or explaining the probation process to the accused’s family.

keep in close touch with the probationer, visit his residence from time to time, and require him to report at stated intervals; (c) where appropriate - make use of any statutory or voluntary agency which might contribute to the probationer's welfare and take advantage of any available social, recreational, religious or educational facilities suited to the probationer; and (d) where appropriate, ensure that a probationer is in suitable and regular employment.

Apart from the statutory requirements, it appears that regular officers may also engage with the probationer and his family. The 2019 PCRS annual report highlighted the introduction of "Family Functional Therapy" for youth probationers, where probation officers work with the probationer and his family in a program that spans up to 6 months in total (Ministry of Social and Family Development, 2019:10). This engagement with the Probationer's family is also evident during the Progress Accountability Court ("PAC") process, where some months after the probation sentence, the offender returns to court together with his case officer to report on his "conduct and performance" (Menon, 2017:32). The PAC is a noteworthy example given that the process requires the probationer commit to personal goals with his family members in attendance, and allows the probation officer to work with the probationer on those goals together with the same family members. Data in other jurisdictions, has demonstrated that attending to family issues has been useful in securing a lower recidivism rate (Bonta et al., 2019:411). Having considered the training provided to regular officers and the role they play in rehabilitating probationers, we turn to consider volunteer probation officers.

The training volunteer probation officers receive and their roles in practice

Turning to the training provided to *volunteer probation officers*, we first note that little public information is available. The MSF website merely states that "volunteers go through a structured in-house training programme and sponsored training by external agencies to equip them with skills in working with probationers and their families". Here, there is little clarity on what this training entails (Ministry of Social and Family Development, 2020b). However, when seen in the context of the roles which these volunteers play it is highly likely that similar to regular officers, volunteers are trained in CANS and YLS/CMI by the SSI.

First, volunteer officers typically complement regular officers in managing the 'difficult' cases, given that entry level officers are expected to run an average of 28-32 files at any given moment. Thus, they are typically involved in the following areas of engagement: (a) befriending probationers; (b) conducting physical curfew checks; (c) planning and implement community service projects for probationers; (d) acting as a school liaison, facilitating the management and supervision of schooling probationers; and (e) facilitating and organizing other group programs (Ministry of Social and Family Development, 2015:2-3). As part of the focus on physical curfew checks, it is noteworthy that the PCRS has started to incorporate the concept of behavioural economics⁹ to 'nudge' probationers to adhere with the time restrictions (Ministry of Social and Family Development, 2019:14). In this instance however, the scope of the program is unclear, with the tender documents currently not released in the public domain.

Second, volunteer officers are described as being meant to "befriend and guide young people", and to "supervise probationers" during the second reading of the Probation of Offenders (Amendment) Act 1975 by the then Minister for Social Affairs, Mr Othman Bin Wok (20th November 1975, 34, col. 1351).¹⁰ Finally, it is worth repeating that the obligations listed under r 21 of the POA similar apply to volunteer probation officers. Hence, volunteer officers are *theoretically* similarly responsible for the items listed in Part A of this section.

An evaluation of the training provided to probation officers and their effectiveness in rehabilitating probationers

We turn to consider the effectiveness of the training and whether the programs run by probation officers are

⁹ See Mullainathan, S and Thaler, R (2000) 'Behaviour Economics' National Bureau of Economic Research Working Paper 7894/2000, 3; and Low, D., (2012) 'Behavioural economics and policy design: examples from Singapore' *World Scientific*, 4. Behavioural economics is the "combination of psychology and economics that investigates what happens in markets in which some of the agents display human limitations and complications".

¹⁰ See also *Singapore Parliamentary Debates, Official Report*, 17 March 1977, 36, col, 1146 (Haji Sha'ari Bin Tadin, Member for Bedok): where Haji Sha'rai noted that volunteer probation officers have "by tradition and dedication continued without much publicity in shouldering responsibilities for rehabilitating offenders and drug addicts in our community" during the 1977 Supply Debates.

currently directed toward the rehabilitative purpose behind probation.

Two observations can be made regarding the training which probation officers receive. First, it is difficult to gauge the quality of training provided to individual officers given the context of the Social Service Institute courses being the only standardized training officers receive, and any other training being “on the job”. While the length of a course is not determinative of its quality of instruction, the two-week courses are directed at understanding the framework used to evaluate probationers rather than governing interactions with probationers. Consequently, a question arises as to whether the rehabilitative principle which undergirds probation is actually translated during the training which officers receive, and subsequently in their interactions with probationers. Secondly, and with specific reference to volunteer probation officers, a question arises as to their effectiveness in practice. This is especially since their deployment toward menial tasks like physical curfew checks may seem to suggest that the contribution of these volunteers are largely limited to instances of administrative convenience rather than being a constant ‘role-model’ in the probationer’s life.

Next, we are generally of the view that the current probation programs are directed toward rehabilitating the probationer. The criminological literature is in agreement that involving family members is beneficial toward rehabilitating a probationer (Gan et al., 2019:684-685; Springer and Roberts, 2011). However, one omission which seems to arise from an analysis of the programs provided and the roles of the officers is a lack of programs directed at helping to ensure that the probation is in “regular and suitable” employment as required under r 21(d) POA. This absence is evident through the lack of any “job-skills” programs offered either in the probationary service’s core or elective programs (Ministry of Social and Family Development, 2020c).¹¹ While a majority of probationers may be school going, these programs may serve to holistically prepare probationers for future employment - which is also a factor in reducing recidivism (Maruna and Immarigeon, 2004; Chan and Boer, 2016:43-45; Narayanana and Lian, 2016:6-7). Further, given that r 21(c) POA empowers probation officers to draw upon the resources of other statutory boards in rehabilitating probationers, the PCRS should seriously consider including employability programs as part of the rehabilitative process. Finally, the authors would highlight that not every innovation is necessarily rehabilitative in nature. For example, the implementation of behavioural insights to improve compliance with the physical curfew is not a rehabilitative measure but rather one which assists in the process of rehabilitation by ensuring that the probationer has the opportunity to remain in the program.

Perhaps given the paucity of information on the public domain on the details of these programs and its effectiveness measured against recidivism, it may be instrumental to look at jurisdictions like Canada, with training programs premised on RNR principles. Training of probation officers is important. First, Probation, for reasons mentioned above, is a rehabilitative system of offender management and therefore Probation Officers impact the offender, community and re-entry and reintegration of the offender into society. Second given the number of people under probation, there is direct impact of the Probation Officers on offenders, behaviour or otherwise. Third, the community has the expectation that offenders are effectively rehabilitated so that they are not a threat to the society. This stake of the community is further reflected with the existence of the lay Probation Officers. Lastly, for probation to be effective, it must target the criminogenic needs of the offenders. Therefore, training of Probation Officers, amongst others will dictate the manner in which offenders are rehabilitated and whether effectively so.

Two Tier probation system

Moving away from the roles and training which Probation Officers receive, we turn to consider the overall effectiveness of the volunteer Probation Officer within the probation system. This is important since the Volunteer Officers not only have the same statutory responsibilities as Regular Officers, but they are clearly heavily relied upon by the probation service. This segment concludes that the current involvement of Volunteer Officers appears to be carefully calibrated.

Preliminarily, Singapore’s two-tier probation system has its merits. In existence since 1971, it was introduced by the State department. The lay probation officers are interviewed, trained and supervised by then Ministry of Social

¹¹ For an example of such a program, see SkillsFuture Singapore, (2020), Education and Career Guidance (ECG) [online] [accessed 14 July 2020] <<https://www.skillsfuture.sg/ecg>>.

Affairs.¹² Unlike the UK probation system pre 2020 which was largely fragmented,¹³ there is a good synergy between the lay and regular probation officers in Singapore, given that both are managed by Ministry of Social and Family Development (MSF) (Smith et al., 2018; Grierson, 2018). The two-tier system here appears to have been given much thought in terms of functionality, effective management and supervision of probationers.

First, the training of the lay probation officers is managed by the MSF and rightly so, to ensure consistency in providing effective probation services at national level (Wok, 1975; Ministry of Social and Family Development, 2020d).¹⁴ Both officers undergo training albeit at different levels but the role of lay probation officers is clearly to complement the work of the regular probation officers in managing the probationers.

Second, management of the probationers extends to supervising as laid out in r 21 of the POR for both lay and regular probation officers. In addition to complementing the work of the regular probation officers, the lay probation officers also act as a guide and/or befriender and provide integral and supervisory support (Ministry of Social and Family Development, 2015).¹⁵ Their role is essential in providing the vital connect between the probationer, family and the society. Such facilitative role is essential given the need to re-integrate the offender into society upon rehabilitation. Perhaps such role is best performed by a lay probation officer as such lay individuals are often seen as peers and members of society vested with an interest to promote opportunities for reintegration for probationers.

Third, Singapore's two-tier system seems to implicitly recognize and endorse the fact that supervision of offenders in whatever capacity requires use of discretion and decision of enforcement which should legitimately be exercised by one who legitimately represents the public interest and hence the state. Probation tends to flourish in societies that recognizes that the legitimacy of the state rests partly on recognizing a substantial share of responsibility for the rehabilitation of offenders (Raynor, 2012:186). The state's demand that the citizens should obey the law derives part of its moral legitimacy from the extent to which the State accepts responsibility to promote opportunities in living a crime free life.

An evaluation of the effectiveness of probation in Singapore in reducing recidivism

Having laid out the facts behind Singapore's system of probation and the role which its probation officers play, we turn to consider whether probation has been successful in accomplishing its stated aims of "securing the offender's good conduct" and "preventing a repetition of the offence". We reiterate that since probation is supposed to target offender's criminogenic needs its effectiveness can only be measured against recidivism. This segment first lays out the recidivism rate of probation between 2008-2015 in Part A, followed by the historic recidivism (completion) rate between 1969-1976 in Part B. It concludes by arguing that notwithstanding the difficulties highlighted above, the current program is largely successful in reducing the overall recidivism rate. Before proceeding, two preliminary points are necessary. First, the authors would highlight that we are evaluating the effectiveness of probation on the basis of its ability to reduce the overall *recidivism* rate. This data point was selected given that it coheres with the POA's stated aim of securing "good conduct", where the whole objective of probation is to reform and reintegrate the individual into society. Further, this would appear to be largely consistent with how the probation service currently measures the efficacy of its program, being the data which is publicly released and referred to. Thus, while it is possible to criticise the reliance on recidivism rate as being a generally high standard, the authors are of the view

¹² Currently it comes under the Ministry of Social and Family Development.

¹³ Pre June 2020, the UK had a two-tier system whereby probation services were offered by the private, community rehabilitation companies (CRCs) and the public sector. CRCs took responsibility of low risk to medium risk offenders in the community and/or post sentence. Whereas the probation officers in public sector, National Probation Service, took care of the high-risk offenders. As the system was inherently fragmented and fraught with inconsistent provision of probation service, it was scrapped in June 2020 due to ineffective through the gate services and lack of continuity in supervisory relationships within CRCs settings.

¹⁴ It is noteworthy to mention that pre-2020, the UK had varying standards of training for the probation officers in CRCs and that of the public sector. This was another reason for the inconsistent, fragmented and perhaps ineffective supervision of probationers by the private sector/CRCs.

¹⁵ Notice the areas of engagement highlighted: befriending, operation night watch, community service volunteers, school liaison network and/or facilitation/organization of programmes.

that it remains the most realistic basis of comparison for the reasons mentioned.

Second, there is an unfortunate dearth of information. Despite the best efforts of the authors, data relating to Singapore’s historical recidivism rate prior to 2008 is largely unavailable. This absence of information is consistent with the fact that the only annual reports from between 1972-1982 of the Probation Service are in the National Archives’ collection. Further, the quality of data contained within these reports are limited, recording the completion rate rather than the recidivism rate. The absence of such data may limit the quality of the analysis about the efficacy of Singapore’s probation system historically. Be that as it may, the general trend drawn from the historic data would suggest that there has been a general improvement in the efficacy of Singapore's probation system since 1972.

The recent data from Singapore

We turn to the data regarding Singapore’s recidivism rate between 2008 and 2015. Currently, data regarding the recidivism rate is calculated on a three-year time frame. This data is publicly released by the Ministry of Social and Family development on their website, and in their annual probation reports.

	2008	2009	2010	2011	2012	2013	2014	2015
Recidivism Rate (%)	13.9	12.9	11.1	9.9	12.0	13.9	10.9	15.2

Table 1: Recidivism Rate of Probationers Aged Below 21 Years (%)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Completion Rate (%)	86	88	87	83	82	81	84	83	84	80

Table 2: Completion Rate for all Probationers

Here, an examination of the statistics in Table 1 would suggest that probation, if measured purely with reference against the three-year recidivism rate, is successful in “securing the offender’s good conduct” and “preventing a repetition of the offence” for up to 85% of youths (Ministry of Social and Family Development, 2020e).

However, this data set alone masks one key issue - being a problem with how the figures are presented.. This is since, while not explicitly stated, it would appear that the figures are calculated based on probationers who successfully complete the entire probation program, rather than those who are sentenced to probation or re-offend. This is an important distinction since as highlighted in Table 2, between 12-20% of probationers **do not complete their term of probation**. Given these figures, it would suggest that a sentence of probation may not be manifestly effective in preventing a repetition of the offence for offenders.

We can visualize this problem with reference to the 2015 cohort of probationers. In 2015, there were 637 probation orders issued by the court (Ministry of Social and Family Development, 2020f). As shown in Table 2 above, only 81% of probationers from 2015 completed their probation orders. That would mean that out of the 637 individuals who received probation orders, **only 516 successfully completed their probationary sentences**. Further, given that the 2015 cohort had a 15.2% recidivism rate, that would mean that by 2018, **only 438 out of the original 637 individuals or around 69%**, of the original cohort remained crime free following a probationary sentence. In reviewing the probation service through this lens, it becomes clear that there remains significant room for improvement. Next, we turn to consider Singapore’s historic recidivism rate.

Singapore’s previous recidivism rate

Year Cases Placed on Probation	No of Cases Placed on Probation	Year Cases Classified	Satisfactory		Unsatisfactory		Others	
			No	Percentage	No	Percentage	No	Percentage
1969	236	1972	203	86.0	31	13.2	2	0.8
1970	236	1973	188	79.7	46	19.5	2	0.8
1971	245	1974	194	79.2	50	20.4	1	0.4
1972	244	1975	183	75.0	59	24.2	2	0.8
1973	272	1976	221	81.2	50	18.4	1	0.4
1974	295	1977	231	78.3	61	20.7	3	1.0
1975	265	1978	195	73.6	69	26.0	1	0.4
1976	303	1979	230	75.9	68	22.4	5	1.7

Table 3: Completion Rate for Juvenile Probationers

Year Cases Placed on Probation	No of Cases Placed on Probation	Year Cases Classified	Satisfactory		Unsatisfactory		Others	
			No	Percentage	No	Percentage	No	Percentage
1969	234	1972	189	80.8	42	17.9	3	1.3
1970	369	1973	305	82.7	64	17.3	-	-
1971	444	1974	392	88.3	44	9.9	8	1.8
1972	443	1975	357	80.6	83	18.7	3	0.7
1973	380	1976	313	82.4	64	16.8	3	0.8
1974	189	1977	164	86.8	24	12.7	1	0.5
1975	282	1978	183	64.9	98	34.7	1	0.4
1976	287	1979	181	63.1	104	36.2	2	0.7

Table 4: Completion Rate for Adult Probationers

Turning to the historical data, it is worth repeating that there is an unfortunate dearth of information (Ministry of Social Affairs, 1980:29). As evident from Tables 3 and 4 above, the data which the Probation and Aftercare service used to publish was centred around the “completion” of probation, rather than level of recidivism amongst Probationers. This was especially since the standard employed in determining probation’s “success” rate was **‘if an offender completed his period of probation ‘satisfactorily’** (Canagarayar, 1988:111).

Notwithstanding this lack of information, the paper Probation in Singapore by the learned Mr J K Canayagar contains

clues about Singapore's historic recidivism rate. There, the author noted that in 1988, "[t]here has been only one follow up study in Singapore of juvenile offenders sent on probation", which indicates that for the 1960-1962 cohort of **probationers who completed their sentence**, only 56.9% did not have a further criminal record following a probationary sentence in 1969, which was a period of seven to nine years following their initial probationary sentence.

In addition to Canayagar's paper, the only other publicly available source detailing the recidivism rate following a probationary sentence is a 1984 speech by the then Minister for Social Affairs, Dr Ahmad Mattar during an appreciation function for Volunteer Probation Officers. There Dr Mattar noted that:

" ... If we measure success of probation by this interval of five years, the effects of probation shows that about 52 per cent of adult offenders and 49 per cent of juvenile offenders were able to keep themselves completely free from known criminal activity, secret society or drug abuse activity over the five-year follow-up period. ..." (Mattar, 1984).

Thus, this would suggest that during the 1980s, the recidivism rate for probation was generally around 50%. However, there are two additional shortcomings with this current set of data. First, both the study cited by Canayagar, and the figures cited by Dr Mattar do not have a similar base for comparison between themselves, or with the current statistics released by MSF. Canayagar's study took a seven to nine-year timeframe while Dr Mattar's statistics was based on a five-year timeframe. In contrast to both studies, MSF currently calculates the recidivism rate on a three-year timeframe (Ministry of Social and Family Development, 2020e). This is significant as the different time frames could result in different proportions of former probationers reoffending.

Secondly, the data presented by Dr Mattar and those cited in Canayagar represent, at best, a snapshot of the effectiveness of probation within that limited period of time. Canayagar's numbers would only represent the effectiveness of probation for those 3 pre-independence years. Similarly, Dr Mattar's numbers lack any sort of timeframe providing the necessary reference for evaluation. While this is to be expected given that the numbers were provided in the context of a welcome address, the lack of context makes any sort of micro-comparison extremely difficult.

Evaluating the numbers

Notwithstanding these ambiguities, there has clearly been a substantial improvement in Singapore's recidivism rates from the earliest available set of data in 1960 to the present. Unlike the **43.1%** which had a subsequent criminal record after the completion of their sentence between 1960-1969, or around **48%** in 1984, the current recidivism rates for probationers **who have completed their probationary sentence** stands at a maximum of **15.2%** (Mattar, 1984:3; Canayagar, 1988:111; Ministry of Social and Family Development, 2020e). Further, even if the recidivism rate **includes offenders who did not complete their sentence**, the rates would still be an impressive **31%** (Ministry of Social and Family Development, 2020f).

Next, the reasons for these improved numbers are likely attributable to the improvements made by the PCRS over the past couple of years. The paragraphs above extensively describe how probation programmes are largely individualised to suit the needs of the individual offender under the RNR framework, which in practice extends to "*Offence-Specific Programmes*" such as the "*Theft Intervention Programme*" or the "*Smoking Cessation Clinic*" (Ministry of Social and Family Development, 2020c). This is in direct contrast to the state of probation during the 1980s where there was a lack of "*specific programmes to match the offence and the offender*" (Canayagar, 1988:121).

That being said, it should be noted that there is an increased amount of filtering prior to the sentencing of an offender to probation. In practice, the Attorney-General's Chambers works together with the Ministry of Social and Family Development to place first-time youth offenders in "Pre-Court Diversionary Programmes", where individuals who complete the programme are "given a warning in lieu of court prosecution" (Ministry of Social and Family Development, 2020g). This would mean that currently, youths placed on probation may be less amenable to "guidance", having already had some form of intervention prior to their probationary sentence.

Ultimately, the figures listed above would suggest that the Probation service in Singapore has been largely successful in making their program more effective through the reduction of the recidivism rate.

Training of Probation Officers and supervision of offenders premised on RNR

Given the conclusions above, it is submitted that a reformulation in the manner that probation officers are trained would be beneficial in reducing Singapore's recidivism rate. To this end, we turn to consider the Canada's Strategic Training Initiative in Community supervision (STIC) program, which is a training program worthy of consideration.

Probation program has been touted to have reduced recidivism. Their Probation treatment is premised on three fundamental principles, Risk, Need and Response (Bonta et al., 2019:398-410). The first requires the treatment to be tailored according to the risk category¹⁶ of the offenders. Second treatment interventions are designed to deal with criminogenic needs of the offenders. Third, focus on cognitive behavioural interventions, meaning interventions to deal with criminal thinking. It is believed that cognitive behavioural intervention techniques are more effective in changing behaviour as cognitions are seen as a '...major explanation of behaviour and a critical target for treatment' (Butler et al., 2006; Beck, 2016). Generally STICs was more effective in targeting the criminogenic needs and applying cognitive behavioural techniques during supervision of offenders (Bonta et al., 2019:400).¹⁷ Additionally STICs officers had mandatory monthly meetings with individual feedback on supervision.

The success of STIC has been credited to two mandatory factors of the program. First that the training focused on cognitive restructuring behavioural techniques and second that STICs Probation Officers were subjected to continued professional development for skill building, including continued supervision of offender's sessions. Given the success of the STICs programs in reducing recidivism, perhaps it may be worth the while to consider such treatment interventions.

The way forward – adopting randomized controlled trials

Another theme arising from our analysis of Singapore's probation system is the lack of publicly available data, and the uncertainty as to whether the reduction in recidivism rates are occurring as a *consequence* of the programs introduced or merely an incidental externality of Singapore's economic development (Bell et al., 2018).¹⁸ To this end, this section argues for the adoption of Randomized Controlled Trials ("RCTs") to assist our policy-makers.

RCTs have been utilized by some countries for evidence-based policy making in criminal justice system. There has been a paradigm shift towards evidence-based policy making in criminal justice system, including Singapore (15th January 2019, 94; Ministry of Social and Family Development; 2019).¹⁹ Crime prevention programs are developed and implemented based on empirical evidence. Some countries have shown formal support for evidence based criminal justice policies and practices (Anderson and Hyatt, 2020:225-233).²⁰ For instance, in 2013, United Kingdom conducted a rapid evidence assessment of the empirical literature to ascertain what works in probation supervision, in particular, the effect of probation supervision on recidivism (Smith et al., 2018).²¹ RCTs can be useful in assessing the efficacy of probation as a community-based sentencing tool, particularly whether the policy orientation of probation meets the goal of reducing recidivism. As stated earlier trying to assess the efficacy of probation using data in the earlier is marred with issues. Accordingly, is there a moral imperative to conduct RCTs to assess the

¹⁶ Generally, it is either high or medium risk. To this end, there are similarities with Singapore's system in that the lay Probation Officers focus on low risk whilst the regular Probation Officers work on high risk. Such segregation is apt given the need for an experienced hand to deal with the pro-criminal attitudes of such offenders.

¹⁷ The reconviction rate for offenders supervised by STICs trained Probation Officers was 25% whereas the regular was 39.5%.

¹⁸ Since there is a general correlation between economic prosperity and Crime rates.

¹⁹ During a debate about the Misuse of Drugs Act, the Home Affairs Minister highlighted that Singapore is moving towards evidenced based policy making for drug issues. The MSF in 2019 also highlights their use of behavioural sciences to encourage greater compliance with probation conditions.

²⁰ There has been 64 RCTs conducted from 2010 to 2015, amongst 8 countries, with USA taking credit for 48 of them.

²¹ The Rapid Assessment was premised on 13 case studies originating in USA, UK, Canada and Australia published between 2006-2016.

efficacy of probation in reducing recidivism?

RCTs are useful for varying reasons. First, they may allow one to disentangle effects of the program from other factors that influence criminal behavior. There are often multiple reasons for criminal deviance. The two-tier probation system in Singapore recognizes that and hence the need to deal with both the offending behavior in terms of programs and remodeling as well as integrating with society and family. It is a comprehensive and complementary system working on offender behavior and the societal and family ties. Disentangling the effects of the program from other factors that influence criminal behavior may facilitate effective policy making and fine-tuning policies with respect to probation per se and the institutional programs for the offender.

Second, there is a need to understand the impact and effect of probation as a sentencing tool given that it is often the first line of community- based sentencing for certain offenders and offences in the rehabilitative spectrum.²² Given the increasing use of probation as a sentencing tool, it is imperative to garner sufficient knowledge base via RCTs to understand when it works and/or has a demonstrable efficacy. Such data should be made available to the Judiciary along with the pre-sentencing probation report as it may be instrumental in facilitating an informed decision. RCTs allows an impartial measurement of crime related outcomes, a necessary since probation is a means to end in that its purpose must lie in reducing recidivism.

There are practical and ethical problems with instituting RCTs. First, it is time consuming and expensive. Second, it requires continued engagement of relevant stakeholders of justice and the results may be overgeneralized, depending on whether a macro or micro perspective is adopted at the RCTs. Third, the issue of long- term collaboration. The aforesaid is further compounded by the issue of who shall conduct the RCTs? In UK and US, doctors and psychologists conduct the RCTs. Fourth, RCTs also raise a variety of ethical issues. Obtaining informed consent, protection of test subjects, maintaining confidentiality, minimizing risks, protecting privacy are just to name a few. Additionally, RCTs can be intervention type or otherwise. Since the focus of RCTs is often crime prevention or facilitating reintegration, an interventionists approach may require pharmacological or psychological treatment/s. Such interventionists approach presents its own set of ethical challenges. Hence review by an Ethics Committee and compliance with protocol would be fundamental to ensure ethical safeguard.

Finally, the issue of what constitutes supervision varies from country to country and also from the perspective of penal philosophy, government policy and wider societal factors. For instance, the Council of Europe (2017) states that supervision must be meaningful to suspects and offenders and seek to contribute to their personal and social development (Carr, 2020). UK's context of supervision varies across jurisdictions (nidirect, 2020). In Scotland, there is a stronger focus on the social work dimension of community measures and sanctions with an eye on rehabilitation and reparation. Reintegration has a lesser focus. Otherwise all others typically focus on oversight and monitoring offenders' activities in the community. There is no single and unified model of supervision. In Singapore, as stated earlier RCTs 21 POR definition of supervision is a tad specific. Notwithstanding these practical and ethical issues, RCTs are an essential tool kit for methodologically assessing two primary issues. First, the efficacy of probation with respect to offenders and offences and second whether probation meets the goal of reducing recidivism.

Conclusion

To conclude, this paper has documented the evolution of Singapore's probation system, and the training which probation officers receive. Using the recidivism rate as our basis of comparison, we highlight the fact that there is room for improvement in training probation officers to be more responsive toward the probationers under their charge. Further, we argue that the Government should begin to adopt a scientific approach toward policy making. Throughout this paper, the authors have sought to highlight the lack of data in the public domain. The consequence of this unavailability is the lack of an opportunity to test the long-held assumptions regarding the effectiveness of

²² Consider *Mohammad Al-Ansari* at [64]-[65]. See also *A Karthik* - where the Accused was sentenced to probation after his conviction of abetting, by conspiracy, a cheating; *Ahmad Syafiq bin Azmi v Public Prosecutor* [2018] 5 SLR 837- where the Accused was sentenced to probation for rioting; *Public Prosecutor v Muhammad Nur Khidzir Bin Noor Rahman* [2017] SGDC 336 - where the Accused was sentenced to probation because his offence of theft was "not so heinous or egregious that rehabilitation and reform" was impossible.

the current system. Evidence-based policy making requires evidence from the get-go. Ultimately, Singapore has made great progress in reducing its overall recidivism rate. As probation passes its 70th year as a sentencing option, its conduct should continue to evolve in order to ensure that it is a sentencing option suited to present conditions.

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Conflicts of Interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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