

CRIMINAL LAW CONFERENCE 2016
Opening Address by Mr K Shanmugam,
Minister for Home Affairs and Minister for Law
Thursday, 14 July 2016, 9.20am
Supreme Court Auditorium

The Honourable the Chief Justice

The Honourable Mr Justice Kevin Zervos SC

The Honourable Deputy Attorney-General

And Judges of the Supreme Court

Speakers, panelists,

Friends

1. Good morning. Thank you for inviting me to speak here for this third conference.
2. From a policy maker's perspective, looking at the 21st century, we look today and at the future and ask ourselves, "What do we want?" And I would share two thoughts in these brief remarks.
3. First, from my perspective, what we want to see, and two, some of the changes we are thinking about, just vignettes, because we are thinking of broader and deeper changes but I am not in the position to go into them right now so I will just give you a perspective of some of the things we are thinking about.
4. Going to the first point, in terms of what would the Government, any elected Government, want to see, in terms of the criminal justice system and crime rates – you will want low crime and you will want a system where people are confident about the justice system.
5. Moving to the first point, in terms of crime rates, let me share a few statistics. If you look at it from 1991, over 25 years or so, our crime rate has come down, from 1,500 crimes for every 100,000 people, to something like 600 in 2015. I think that tells a very significant story, in terms of policing, in terms of the criminal justice system, in terms of the safety and security.
6. In the same year, 2015, we were ranked number one for personal safety in the Safe Cities Index, out of 50 cities. That includes Tokyo, Osaka, cities which have traditionally always been considered among the safest in the world.

7. And, if you look at the drugs situation, I have not put up a statistic on that. In the 1990s, mid-90s, we were arresting roughly about 7,000 – 7,500 people per year. Today, that has come down to something like 3,000. Now, all things are not equal because you can set up a drug factory, laboratory, in a semi-detached house in Johor Bahru, and one run into Singapore will pay for the entire capital cost and everything else is profit. And it is now a multi-national operation, financing often from China. Drugs are easily available in the Golden Triangle, and Afghanistan which has become a major producer.
8. 50 million people come through our airports and another 150 million through our land checkpoints. So, if you look at it, we are looking at 200 million people coming through Singapore and the ability to pay today is very high in Singapore.
9. So you look at all those factors, and in fact, the drug situation should be worse than it was in the 1990s. But, we made a series of changes to the laws - toughened them up, toughened the enforcement, took a very strict approach, zero tolerance.
10. As a result, you have a situation where you have about 3,000 – 3,500 people, usually young men, getting arrested. To me, that is about 4,000 lives saved per year, every year, and the multiplier effect in terms of their families, in terms of the crime rates, in terms of how many other people have been positively impacted by saving these lives every year. That is the kind of picture that we have, in terms of crime rates.
11. We move to the second point. It is one thing to have low crime rates. Second, how do people feel about it? How do people feel about crime in our society? Do they feel safe?
12. We did a Public Perception Survey and also how do they feel about the system: Do they believe it to be fair? Do they have confidence in the system? And these are important because if people do not have confidence, that is the start of a disruption of the system. And in Singapore, and these are statistically valid polls, over 90 per cent agree that they have trust and confidence in the system. They believe the system to be fair, and they believe the system to be efficient.
13. I think most cities in the world will give a lot to achieve these kinds of results, both on the crime situation as well as how people feel about it.
14. We had a Gallup Global Law and Order Report last year, in 2015 as well. That measures people's sense, their personal sense of security and confidence in the police force. That ranked Singapore number one, amongst 141 countries. So when people feel with the police force, they feel confident, they feel that they will be well-treated.

15. We have achieved all these results despite having one of the leanest police forces in the world. Again, if you look at it, we have about 170 police officers for every 100,000 people. If you look at New York, London, even Hong Kong, the figures are very different. Which is why, when you walk around in Singapore, you hardly see a police officer. A lightly-policed system works. People are confident, they have trust, and by and large, we have managed to arrive at a place where people are generally observant of the law. Because I think, most people know, when they break the law, it is likely that they would be found out. It is likely that they would be arrested, and if they are guilty, it is likely that they will be found guilty, and the punishments follow. That is a common understanding that people have, and I think our people welcome that approach. The system has to be fair, and we do our best to try and make sure that it is fair.
16. So, that is the situation we have today. Something that is precious, something that is good. So as we change, and as we look forward, we must know why we are here, what are the good parts of the system, and make sure that we do not alter them. Keep to the fundamentals, and at the same time, evolve. And, of course the two obvious factors that most people will recognise happening – one is transnational crimes which is changing the nature and face of crime.
17. Today, someone sits in some city where the police forces are a little bit more flexible, and computers target vulnerable people. Millions of dollars and crime, particularly, computer crime - crimes through the computer, targeted at computers or targeted at people through the use of online scams – is shooting up. It is not always possible for national police forces and governments to deal with it effectively because it is transnational.
18. We have one of the headquarters of Interpol here, the Interpol Global Complex for Innovation (IGCI). We work with them and take the lead in trying to create a transnational consensus. But I think most people would recognise there are limits to how much cooperation you will get from different countries. That is one area that is going to be quite significant and change the picture on crime.
19. The second area is, of course, terrorism. It is again, of a different magnitude, a different order of magnitude. It can happen anywhere. We have been saying it for a year, and a couple of weeks ago, we had attacks both in Solo in Indonesia and in Kuala Lumpur. And these are not going to be the last set of attacks.
20. In Singapore, the response has been to put in emergency troops on the ground – we call them ERTs. We will also put rapid deployment troops on motorcycles. Because the terrorists aim no longer to take hostages, and they are not going to attack well-guarded places. They are going to go for malls, theatres, concert halls, places where you get a large gathering of people.

21. We cannot lock down the entire city. You cannot turn it into a prison. People have to live and they have to move about freely, otherwise, our lives change unacceptably. So, we will do a number of things to hardcode security into the so-called softer places, but we will also have to evolve our responses, which no longer will factor in a hostage-taking situation.
22. It will be the aim of the terrorists to kill as many people as quickly as possible, and we will have to respond, and our responses will take that into account. But it cannot just be a kinetic response. The kinetic response is important but the second part to it has got to be community response.
23. The entire community has got to come together, volunteer to come in to understand the threat, become community responders. Learn what to do if you are caught in a situation where there is a shooting going on. When do you alert the police, how do you look out for suspicious activities, packages and so on. It is going to be a massive effort. We intend to go to every household and bring the message across, as to what is to be done. This will significantly alter the way we look at crime as well.
24. Now, with that, let me touch on the changes we are thinking of. We are thinking of some sustainable changes but I will not go into that right now, because we are not in a position to really go into details and we will do so when we are ready. Both my ministries are looking at that quite carefully.
25. Today I will touch on four specific ideas, as I said, vignettes.
26. The first is on bail. We have a system on bail which had been quite robust. People get bail when they ought to. When there is potential for them to abscond, or when they can interfere with witnesses, and so on, I think the courts generally deny bail. It has worked quite well.
27. But we have decided to relook at it, in the light of experiences in other countries. One example that I will share is that of Siddhartha Dhar. He was living in the UK. He was a main suspect linked to ISIS, and he was granted police bail while investigations were going on about him. Despite having been arrested six times for terrorism-related offences, he was nevertheless granted bail. While on bail, he absconded and went off to Syria to join ISIS.
28. We have not faced such situations. But in the context of the evolving threats, we have decided that we need to relook at our laws, framework relating to bail. When we are ready, we will announce details.

29. The second is something close to the heart of the Defence Bar: video-recording. We were supposed to have done a pilot this year. I have decided, after listening to feedback from various stakeholders, that perhaps we should put in place the legislative changes before we proceed. So we are now looking at that, and I will announce details when the legislation is somewhat more ready than now.
30. The third is to look at the specific practices in the court procedures and processes that we have. Some of them go back to the 19th century. If you look at the precedents from where we got them from, they may go back to the 18th century as well. So I think we need to look at that. Timely to review these processes. How many are relevant? Do they help in efficiency? And in the context of introducing video-recording, what changes do we need to make?
31. We have decided that we should have a Criminal Procedural Rules Committee to review these procedures, processes. Chief Justice announced this during the Opening of the Legal Year. This will be an expert committee, with members involved in the actual working of criminal court procedures, and they will develop the rules to help the smooth functioning of the criminal justice process.
32. The fourth point that I would like to share with you is a focus that we will put on rehabilitation.
33. In Singapore, if you look at our recidivism rate of our prisoners, we are at about 24, 25 per cent - that means you go out within a certain period of time, we measure it over some years, you come back. Our rate is at about 24, 25 per cent. Comparable cities usually are at somewhere about 44, 45 per cent. It goes up to 60 per cent in some cases.
34. The reasons are obvious. When you've been in prison, you are cut off from sources of work, sources of family support. So when you come out, you are particularly vulnerable. And the very people who got you into trouble in the first place, are the people who will come to look for you when you come out. Happens in every city, every country in the world, and then very soon you will find yourself back in prison.
35. To me, that is a life wasted. So the criminal justice system should also focus on keeping people out after they leave the prisons. We have focused on it, and that is why our recidivism rate is much lower.
36. But I think we can do more. I have put in a lot of emphasis in Home Affairs to focus on the post-release phase: hand-holding, trying to find jobs for them, working with employers, making sure for a period of two to three years there is continuous contact, trying to get the families together. We are working on plans for that, to try to get recidivism rate even lower.

37. The second aspect is to bring the same approach to drug abusers who are released. They are particularly vulnerable.
38. Third, my personal belief is that the courts can be given greater flexibility in the community-based sentencing (CBS) aspect. I think CBS has been successful so far. There are many cases.
39. One example I can share with you is about a sales manager. The guy could have gone into prison for theft. The judge decided to try and rehabilitate him. He was required to do 160 hours of community work. He did, and he continues today. He and his wife, are volunteers with a social organisation, helping society.
40. So it is possible to reform, change. You don't always have to send people to prison. You don't have to send everyone to prison.
41. We will look at how, from a policy perspective, there can be more scope for community-based sentencing and more flexibility.
42. These are some ideas. As I have said, this is not the sum total of the changes that we are looking at. We are looking at other changes as well.
43. We will work on this together, because the work on facing future challenges, the work on bettering the criminal justice system, cannot be, is not possible to be the Government's alone. We have to work in partnership with the courts and with the Bar. And that is where conferences like this are essential. They are good. It helps us to bounce ideas off each other, and ultimately put in a better framework.
44. Thank you. I hope you have a great conference, and thank you for inviting me.

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