

English Project Part 1

Juvenile court

The Juvenile Court deals specifically with offences allegedly committed by “children” (under 14 years of age) or “young persons” (14 to 16 years of age). It covers Beyond Parental Control Cases (BPC), Juvenile Arrest Cases (JAC) and Care & Protection Order Cases (CPO).

Children and Young Persons Act Chapter 38

“An Act to provide for the welfare, care, protection and rehabilitation of children and young persons who are in need of such care, protection or rehabilitation, to regulate homes for children and young persons and to consolidate the law relating to children and young persons.”

Children and Young Persons Act Chapter 38

- Key legislation governing the administration of juvenile justice in Singapore
- Welfare of the juvenile is a guiding principle
- Juveniles in conflict with the law are not excused of responsibility or accountability for their misconduct
- Spells out clear principles for care and protection orders, social work and supervised treatment, approved home and young offender in custody
- Balances parental authority and State intervention, pursuing a fine equilibrium in the management of juvenile offenders
- Justice and restorative models are not opposing paradigms but complement each other as mutually supportive elements of the juvenile justice system

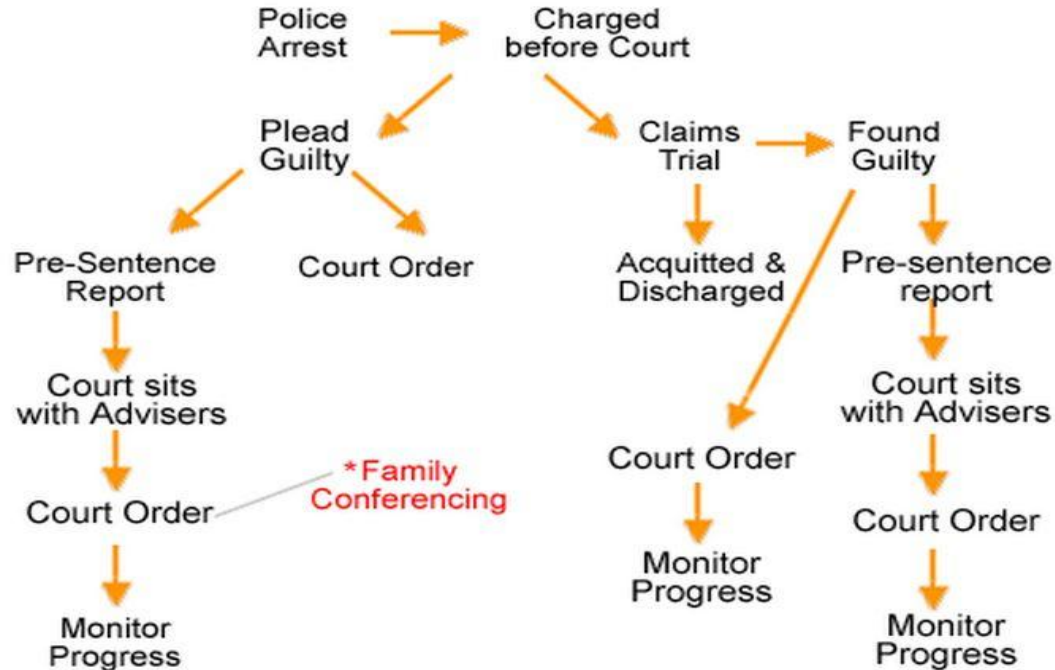
Juvenile Justice Flowchart



Juvenile Arrest Cases (JAC)

Juvenile Arrest Cases refer to cases of offenders under the legal age of adulthood (above 7 years of age but below 16). Offenders between 16 and 21 years old are considered as young adults and suitable consideration may be given to their youth in terms of sentencing by the adult criminal courts.

Juvenile Arrest Cases (JAC)



Power of the Court on JAC

The Juvenile Court takes into consideration every individual offender's strengths and limitations to make the orders

- rehabilitation and reformation of the offender
- removal of him/her from undesirable surroundings
- promoting his/her education and welfare
- compensation of victim(s) involved
- protection of public
- minimising the risk of further offending by the offender
- punishment of offender

Beyond Parental Control Cases (BPC)

- Beyond parental control or BPC refers to a child or young person who is below the age of 16 years who may be in persistent conflict with his/her parents and school or other authorities and who may be displaying at risk behaviours
- Breakdown in the relationship and communication between the child/young person and his/her parents
- May result in the inability of the parents to exercise care and control over the child/young person
- In these circumstances, the parent/s can apply to the Juvenile (Children Care) Court for a BPC order

Care and Protection Order Cases (CPO)

- Bears the responsibility to protect children from abuse and neglect
- A person “shall be guilty of an offence if, being a person who has the custody, charge or care of a child or young person, he ill-treats the child or young person or causes, procures or knowingly permits the child or young person to be ill-treated by any other person”
- Protects children from ill treatment through effective detection, incisive investigations, and rehabilitation of perpetrators
- Abused or neglected children placed under a care programme to help them through the trauma of their experience

Types of Sentences

- Discharge the offender
- Commit the offender to the care of a relative or other fit person
- Offender's Parent or Guardian to execute a bond to exercise proper care and Guardianship
- Community service order
- Probation order
- Detention at a Place of Detention
- Weekend Detention at a Place of Detention or Approved Institution
- Juvenile Rehabilitation Centre
- Reformatory Training Centre
- Payment of a fine, damages or costs

Restorative Model for Juveniles

- A type of approach to justice
 - focuses on needs of the victims and offenders
 - as well as the involved community
 - does NOT satisfy legal principles or punish the offender
- victims take an active role, offenders are encouraged to take responsibility and make up for it
- Based on the theory that justice considers crime to be a wrongdoing against an individual or community and not the state.
 - “Because crime hurts, justice should heal” -John Braithwaite

Philosophy of the Restorative Model

- Recognises the potential for change and reform in young offenders and delinquent youths
- Seeks to re-integrate the offending juvenile or delinquent youth back into their families and community and to balance the need for effective deterrence versus the need for rehabilitation and restoration
- Juveniles made accountable for their offending behaviour and will take the responsibility for the consequences of that behaviour by making reparations to society
- Parents of the offender are provided the opportunity to take responsibility for their child's behaviour and are empowered to play a greater role in the rehabilitation of the juvenile

"The complexity of juvenile crime requires a multi-prong approach. It has to incorporate elements of deterrence, incapacitation and rehabilitation. A balance will have to be struck between the need for rehabilitation and accountability for the offending behaviour. Restorative justice seeks to achieve this."

-The Honourable The Chief Justice Yong Pung How

Key Values of Restorative Programmes

1. **Encounter:** Create opportunities for victims, offenders and community members who want to do so to meet to discuss the crime and its aftermath
2. **Amends:** Expect offenders to take steps to repair the harm they have caused
3. **Reintegration:** Seek to restore victims and offenders to whole, contributing members of society
4. **Inclusion:** Provide opportunities for parties with a stake in a specific crime to participate in its resolution

Restorative Programmes

- Counselling And Psychological Services (CAPS) coordinates and brings together the formal and informal juvenile justice constituents in the rehabilitation of the juvenile offender and youths at risk
 - Works out programmes for juveniles and their families with an emphasis to re-integrate the juvenile back to his family and community in line with the Restorative Justice Model
1. Reaching out to the Juvenile (Restorative Programmes)
 2. Reaching out to the Community
 3. Reaching out to the World

Reaching out to the Juvenile

- Streetwise Program
 - Govt funded project
 - Aims at changing the behaviour of youths who have unwittingly drifted into gangs
 - Extensive 6 month structured program
 - Includes counselling, family conferencing, peer support, recreation and academic activities

Reaching out to the Juvenile

- Youth Family Care Programme
 - Large number of delinquent youths who come under the supervision of the Juvenile Court come from broken and dysfunctional families
 - Volunteer Mentor Families are matched to befriend, mentor, support and encourage young persons placed on probation or statutory supervision as well as to provide hope and modelling for healthy families that work
 - Targeted at helping juvenile offenders and children who are beyond parental control who have little family support, who are remorseful about their past misdeeds and do not have ingrained delinquent traits

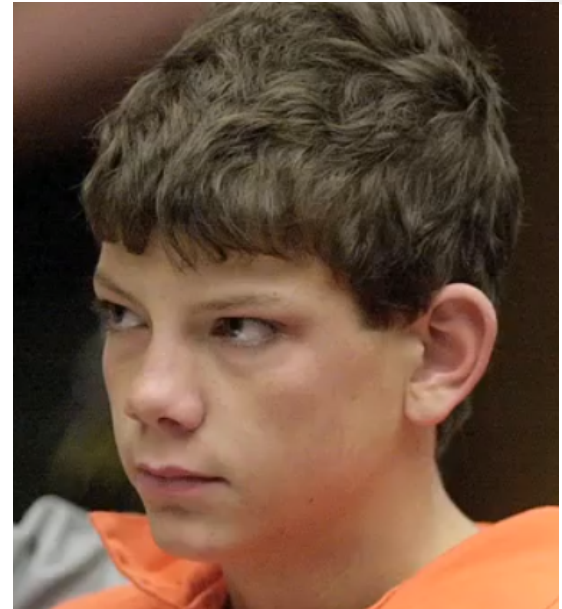
English Project Part 2

Case Study 1

Shooting at Santana High School

Case Details

- 5 March 2001
- California, USA
- Santana High School
- 1 perpetrator - Charles Andrew Williams
- Aged 15 when he committed the crime
- 15 casualties - 2 dead



Case Details

Why Murder?

- Was bullied by fellow students
- Only spent time with a group of skateboarders- who also occasionally bullied him
- Attempted to seek help from a counsellor at school, but was chased out as the office was full
- The Friday before the shooting- Drama teacher humiliated him in front of the class
- “Was tired of being bullied”

Case Details

The Shooting

- Used his father's Arminius 22 Caliber Revolver
- Monday 5 March, 2001, 9.20a.m
- Fatally shot a freshman in a boys' bathroom
- Left the bathroom, fired indiscriminately at other students, killing another
- Reloaded his revolver more than once
- Campus Security Supervisor, Peter Ruiz, who tried to stop him, was shot at 5 times
- 2 off-duty police officers in the school called for backup
- Police arrived and found Williams kneeling on the floor with the weapon in his hands
- Tried to kill himself but was unable to
- In total killed 2 and injured 15

Sentencing

Charles Andrew Williams (Juvenile perpetrator)

- On June 20 2002, he pleaded guilty to all charges against him to avoid trial
- On August 15 2002, he was sentenced to 50 years in prison as an adult
- Was ordered to serve his time in the Youth Offender Program until his 18th birthday
- On March 1 2004, he was transferred to an adult prison

Fair?

- Grass-root efforts to have Williams' sentence reduced
- Supporters argue that the judge was too harsh in sentencing Williams as an Adult and did not take into consideration Williams' age at the time of his offense
- California State Attorney General's office handled a total of six appeals filed by Williams supporters, four to the Court of Appeals and two to the California State Supreme Court
- District court denied his petition in September 2010

Case Study 2

New Delhi Gang Rape (with in-depth analysis)

Case Details

- 16 December 2012
- Munirka in New Delhi, India
- On a private bus
- 6 perpetrators - 1 juvenile (aged 16), 5 adults
- 2 casualties - male victim injured, female victim raped and killed

Case Details

- 23-year-old woman and her male friend were on their way home after a movie in South Delhi
- Boarded an off-duty charter bus at Munirka for Dwarka which was driven by joyriders at 9.30pm
- Six men, including the driver, taunted the couple, asking them why they were out at such a late hour
- The male friend tried to intervene, but was beaten and knocked unconscious with an iron rod
- The men dragged the woman to the back of the bus, where she was repeatedly beaten and raped
- Woman tried to retaliate, leaving bite marks on the accused men

Case Details

- The woman suffered several medical injuries to her abdomen, intestines and genitals
- After the beatings and rape, the men threw the victims off the moving bus
- Bus driver allegedly tried to drive the bus over the woman, but she was pulled aside by her male friend
- One of the accused tried to remove evidence from the bus, which was impounded on by the police

Sentencing - Juvenile

- Delhi Police described the juvenile as the most brutal of the six accused
- Declared as 17 years and six months old on the day of the crime
- On 28 January 2013, the Juvenile Justice Board (JJB) determined that the juvenile would not be tried as an adult
- Petition seeking the prosecution of the minor as an adult because of the extremely violent nature of his alleged crime was rejected by the JJB
- Given MAXIMUM sentence of 3 years' imprisonment in reform facility
- Inclusive of 8 months spent in remand during the trial

Sentencing - Adults

- Police filed charges against the five adult men for rape, murder, kidnapping, destruction of evidence, and the attempted murder of the woman's male companion
- 1 hanged himself in custody
- Other four men faced the death penalty, and demonstrators outside the courthouse called for the hanging of the defendants
- Sentenced on 13 September to death by hanging

Sentencing of Juvenile: Fair?

- Juvenile perpetrator revealed to be most cruel
 - Ripped out female victim's intestines with bare hands
 - Raped female victim twice
 - Suggested throwing victims off moving bus
- Many calls for perpetrator to be tried as an adult in criminal court
- Defence of infancy - invalid
 - "Children are incapable of forming the *mens rea* of an offense"
 - Intention to kill was displayed by perpetrator

Analysis (w/ Recommendations)

- Purpose of juvenile justice system (Restorative Model)
 - Rehabilitation and future reintegration rather than punishment and deterrence (criminal justice system)
 - Belief in innocence and naivety of childhood
 - Susceptible to negative influences
- Implementation of caning
 - Used in Singapore in tandem with imprisonment
 - Leaves lasting reminder (pain, scars) of atrociousness of crime
 - Only if no malicious intent is displayed

Arguments Against Punishment (+Rebuttals)

- Physical impairment
 - Juveniles are less physically developed
 - Lighter cane is used for offenders under 18
- Domestic caning vs prison/reformative caning
 - Emotion and control
 - “Instalment” system
 - “If you’re sentenced to be caned six times but you faint after accepting two, no problem, you can go home and accept the other four in the next six months”

<http://app.msf.gov.sg/Policies/ChildrenYouth/ChildrenBeyondParentalControl.aspx>

<https://app.subcourts.gov.sg/Data/Files/File/Research/rb18.pdf>

<http://singaporelawraffles.com/juvenile.html>

<http://www.restorativejustice.org/RJOB/restorative-justice-to-reintegrate-youth-at-risk-into-society>

<http://www.lawsociety.org.sg/forPublic/YoutheLaw/SingaporeCourtSystem.aspx>

<http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=DocId%3A911aba78-1d05-4341-96b7-ee334d4a06fo%20%20Status%3Ainforce%20Depth%3A0;rec=0>

http://www.restorativejustice.org/university-classroom/o2world/asia1/all/index_html/singapore