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MISUSE OF DRUGS ACT (CHAPTER 185)

MISUSE OF DRUGS (COMMUNITY REHABILITATION CENTRES) REGULATIONS 2014

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In exercise of the powers conferred by section 58 of the Misuse of Drugs Act, the Minister for Home Affairs hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Community Rehabilitation Centres) Regulations 2014 and shall come into operation on 28th April 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —
“centre” means a community rehabilitation centre;
“inmate” means an individual who is detained in a centre;

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- “major offence” means any conduct set out in Part II of the Schedule;
- “Manager”, in relation to a centre, means a person appointed by the Director of Prisons under section 36A(2) of the Act to be responsible for the supervision and administration of that centre;
- “member of staff”, in relation to a centre, means a member of the team of personnel running the centre, and includes the Manager of the centre;
- “minor offence” means any conduct set out in Part I of the Schedule that is not a major offence;
- “Review Committee” means a Review Committee appointed by the Minister for a centre under section 37(1) of the Act;
- “Superintendent”, in relation to a centre, means a prison officer appointed by the Director of Prisons to assist him in the charge and administration of that centre;
- “supervision officer” means an officer of the Bureau who is appointed by the Minister to be a supervision officer for the purposes of these Regulations.

PART II

MANAGEMENT OF CENTRE

Management of centre

3. The Manager of a centre —
- (a) is responsible for the supervision and administration of that centre in accordance with the Service Standards issued under regulation 4; and
 - (b) reports to the Superintendent of that centre.

Service Standards

- 4.—(1) The Director of Prisons must issue Service Standards setting out the objectives and guidelines for —

- (a) the supervision and administration of centres; and
- (b) the discipline and care of inmates.

(2) The Director of Prisons may vary or amend the Service Standards from time to time.

(3) Every Manager of a centre must comply with the Service Standards in relation to the centre.

PART III

MANAGEMENT OF INMATES

Personal effects of inmate

5.—(1) Upon admission of an inmate to a centre, the Manager of the centre must cause all personal effects found on the inmate at the time he is admitted to the centre to be —

- (a) stored in the centre in a place easily accessed by the inmate;
- (b) stored in the centre in a place that is under the Manager's control, to be returned to the inmate at such time as the Manager may specify or to be handed over as soon as possible —
 - (i) to the parent or guardian of the inmate, if the inmate is below 21 years of age; or
 - (ii) to the nominee of the inmate, if the inmate is 21 years of age or older; or
- (c) handed over to the parent, guardian or nominee of the inmate, as the case may be.

(2) The Manager of a centre must keep, or cause to be kept, a record of all the personal effects stored in the centre under paragraph (1)(b).

(3) Where any item prohibited by any code of conduct applicable to the inmates of a centre is found at any time among the personal effects of an inmate of that centre, the Manager of the centre must cause the item to be destroyed.

(4) The Superintendent of a centre may issue directions regarding the storage of personal effects in the centre, and the Manager of the centre must give effect to those directions.

Rehabilitation programme

6. The Manager of a centre must ensure that the rehabilitation programme for each inmate of the centre includes, wherever possible, counselling, education, training, social and recreational activities and any other forms of assistance for facilitating that inmate's re-integration into society.

Review Committee

7. The Review Committee of a centre must review the case of every inmate of the centre on his suitability for leave to return to his place of residence, or to reside at any other place, at such times or on such occasions as the Review Committee may recommend, and must then make its recommendations to the Superintendent of the centre accordingly.

Employment, etc., of inmate

8.—(1) The Superintendent of a centre may grant an inmate of the centre leave for either or both of the following purposes:

- (a) to be employed outside of the centre by such employer as the Superintendent may specify;
- (b) to participate (whether or not on the application of the inmate) outside the centre, as part of the treatment and rehabilitation of the inmate, in such educational programme, training programme, community service activity or other activity as the Superintendent may specify.

(2) An inmate of a centre who has been granted leave under paragraph (1) —

- (a) must not leave the centre without the approval of any member of staff of that centre;
- (b) must not be absent, without good cause, from his work with the employer specified by the Superintendent of the centre

under paragraph (1)(a), or from such programme or activity as is specified by the Superintendent under paragraph (1)(b);

- (c) must return to the centre and report to the Manager of the centre immediately after completing his work, programme or activity for the day; and
- (d) must provide a specimen of his urine for a urine test at such times as may be required by any member of staff of that centre.

(3) The Superintendent of a centre may cancel the leave granted to an inmate of the centre under paragraph (1) if —

- (a) the Superintendent reasonably suspects that the inmate has contravened or failed to comply with any of the conditions in paragraph (2); or
- (b) the Superintendent is satisfied that the inmate has for any reason ceased to be so employed under paragraph (1)(a) or to be a participant in any programme or activity under paragraph (1)(b).

Leave to return to residence

9.—(1) At any time during an inmate's detention at a centre, the Superintendent of the centre may —

- (a) on the recommendation of the Manager of the centre; or
- (b) on the recommendation of the Review Committee pursuant to a review under regulation 7,

grant that inmate leave to return to the inmate's place of residence, or to reside at any other place designated by the Superintendent, for such period or on such occasion as the Superintendent thinks fit.

(2) In granting an inmate leave under paragraph (1), the Superintendent may impose any one or more of the following conditions on that inmate:

- (a) to remain within doors at the inmate's place of residence, or at the place designated under paragraph (1), between such times as may be specified by the Superintendent of the centre;

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- (b) to wear at all times on such part of the inmate's body as specified by the Superintendent of the centre such electronic transmitting device as may be issued by the Superintendent;
 - (c) to allow the Superintendent of the centre, or any person authorised by the Superintendent, to enter at any time the inmate's place of residence or the place designated under paragraph (1), to install, inspect, maintain, repair or retrieve any electronic monitoring device;
 - (d) to allow a telephone line at the inmate's place of residence, or at the place designated under paragraph (1), to be connected to an electronic monitoring device, and to ensure that there is no call waiting or call transfer facility attached to the telephone line and that the telephone line is not connected to any cordless telephone, telephone answering machine, parallel telephone line, modulator-demodulator unit or any other equipment which may interfere with the proper functioning of the electronic monitoring device;
 - (e) not to disconnect, remove, damage, tamper with or lose the electronic transmitting device issued to the inmate under sub-paragraph (b), the electronic monitoring device installed under sub-paragraph (d) at the inmate's place of residence or at the place designated under paragraph (1), or the telephone line connected to the inmate's electronic monitoring device;
 - (f) to immediately inform the Superintendent of the centre, or any other person authorised by the Superintendent, of any malfunction, damage or loss of the electronic transmitting device or the electronic monitoring device;
 - (g) to respond promptly to any telephone call from the centre set up to monitor inmates who have been issued with the electronic transmitting device under sub-paragraph (b);
 - (h) to comply with such other conditions as the Superintendent of the centre may impose in any particular case.
- (3) If the Superintendent of a centre reasonably suspects that an inmate of the centre has contravened or failed to comply with any of the conditions imposed on the inmate under paragraph (2) or under

regulation 15 by way of punishment, the Superintendent may cancel any leave granted to the inmate under this regulation.

PART IV
REPORTS

Manager to inquire into complaint of abuse of inmate

10.—(1) Upon the receipt of a complaint of abuse of any inmate of a centre, the Manager of the centre must report the complaint to the Superintendent of the centre as soon as possible.

(2) The Manager of a centre must inquire into the complaint of abuse of any inmate of the centre and report the initial findings to the Superintendent of the centre no later than 72 hours after the receipt of the complaint.

Notification of death, etc.

11.—(1) Where an inmate of a centre dies or is seriously injured, the Manager of the centre must, as soon as possible, report the death or serious injury to the Superintendent of the centre, who must then report the death or serious injury to the police, the Director of Prisons and, if the inmate is below 21 years of age, the parent or guardian of the inmate.

(2) Where it becomes necessary for an inmate of a centre to be admitted to a hospital for medical treatment —

- (a) the Manager of the centre must, as soon as possible, inform the Superintendent of the centre of the admission; and
- (b) if the inmate is below 21 years of age, the Superintendent must also inform the parent or guardian of the inmate of the admission.

(3) Subject to paragraph (4), the Manager of a centre must ensure that no surgical treatment is carried out on an inmate of the centre —

- (a) where the inmate is below 21 years of age, without the prior consent of the inmate's parent or guardian; or

(b) where the inmate is 21 years of age or older, without the prior consent of the inmate.

(4) Consent under paragraph (3)(a) or (b) may not be required only where a medical practitioner certifies in writing that any delay in obtaining such consent would cause the inmate unnecessary suffering or endanger the inmate's life or health.

(5) Where an inmate of a centre has been absent without authority from the centre for more than 24 hours, the Manager of the centre must, as soon as possible, report the absence to the Superintendent of the centre, who must then report the absence to the police, the Director of Prisons and, if the inmate is below 21 years of age, the parent or guardian of the inmate.

(6) Where an inmate of a centre leaves, without lawful authority, the centre or the custody of a member of staff of the centre, the Manager of the centre must immediately make a report of the departure to the Superintendent of the centre, who must then report the departure to the police, the Director of Prisons and, if the inmate is below 21 years of age, the parent or guardian of the inmate.

PART V

BEHAVIOUR MANAGEMENT AND DISCIPLINE

Duties of inmates

12. An inmate of a centre must keep his bedding and personal effects in the centre, and all the surrounding areas and the toilets of his living quarters in the centre, clean and tidy.

Enforcement of discipline

13. Every member of staff of a centre must treat every inmate justly and firmly in the enforcement of discipline.

Discipline of inmates outside centre

14. Every inmate of a centre, while being taken to or from the centre or while beyond the premises of the centre pursuant to a grant of leave under regulation 8 or 9, shall be subject to the same discipline and to the same constraints as if he were within the centre.

Punishments for minor offences

15.—(1) Where an inmate of a centre fails to comply with regulation 12, or commits any minor offence, any one or more of the following punishments may be imposed on that inmate by the Manager or Superintendent of the centre:

- (a) deprivation of rewards and privileges (other than privileges relating to visits from that inmate's relatives) or deprivation of social activities for a specified period;
- (b) deprivation of privileges relating to visits from that inmate's relatives;
- (c) reduction in duration or revocation of any leave granted under regulation 9;
- (d) imposition of restrictions on that inmate by way of additional conditions for any leave granted under regulation 9;
- (e) imposition of cleaning duties in the centre;
- (f) a verbal or written warning.

(2) Any punishment imposed under this regulation may be in addition to or in lieu of any other punishment which may be imposed under the Act or any other written law.

Punishments for major offences

16.—(1) Where an inmate of a centre commits any major offence, any one or more of the following punishments may be imposed on that inmate:

- (a) a written warning, together with one or more of the other punishments for minor offences under regulation 15(1)(a) to (f);
- (b) a transfer to an approved institution for a period of time up to the remainder of the inmate's period of detention, with or without —
 - (i) deprivation of not more than 4 visits by relatives and friends of the inmate;

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- (ii) solitary confinement in a cell in an approved institution for a period not exceeding 7 days; or
 - (iii) corporal punishment not exceeding 6 strokes of the rattan.

(2) Any punishment specified in paragraph (1)(b)(i), (ii) or (iii) must be carried out in the approved institution to which an inmate is ordered to be transferred under paragraph (1)(b), and if corporal punishment is to be carried out, only in accordance with the Misuse of Drugs (Approved Institutions) (Discipline) Regulations (Rg 5) as if that punishment was that referred to in regulation 10(3) of those Regulations.

(3) Any punishment imposed under this regulation may be in addition to or in lieu of any other punishment which may be imposed under the Act or any other written law.

Director of Prisons to be informed of major offences

17.—(1) Where the Superintendent of a centre is satisfied that an inmate of the centre has committed a major offence and warrants being punished with any punishment under regulation 16, the Superintendent must notify the Director of Prisons of the facts of the case and of the Superintendent's recommended punishment.

(2) Any punishment under regulation 16 of an inmate must not be carried out until the Director of Prisons has confirmed or varied the punishment after receiving the Superintendent's notice of the inmate's case under paragraph (1).

(3) After being notified under paragraph (1), the Director of Prisons —

- (a) must confirm any punishment recommended by the Superintendent under regulation 16; or
- (b) may vary that punishment by way of enhancement, reduction, substitution or otherwise, not in excess of regulation 16, for the major offence.

Right to be heard

18. No inmate shall be punished under these Regulations until he has had an opportunity of hearing the charge and the evidence against him and of making his defence.

Records of punishments

19.—(1) Any punishment imposed on an inmate of a centre under these Regulations must be recorded in a register.

(2) The number and name of the inmate, the major offence or minor offence for which the punishment is imposed, and such other details as the Director of Prisons may require, must also be recorded in that register.

(3) In this regulation, “register” includes an electronic register.

Offences

20.—(1) Any person who, without lawful authority —

- (a) conveys, supplies or causes to be conveyed or supplied to any inmate, or hides or places for the use of any inmate, any letter, document, intoxicating liquor, tobacco, drug, money, clothing, provisions, electronic device or any other article;
- (b) brings or attempts by any means to introduce into any centre, or places or attempts to place where inmates work, any letter, document, intoxicating liquor, tobacco, drug, money, clothing, provisions, electronic device or any other article to be sold or used therein;
- (c) brings or attempts to bring out of any centre or conveys from any inmate, any letter, document or any other article;
- (d) makes any audio or visual recording in any centre; or
- (e) does any act, or omits to do any act which he is required by law to do, which he knows or ought reasonably to know is likely to have any of the following effects, and does have such effect:

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- (i) prejudicing the safe custody of inmates at any centre, the safety of any person at that centre or the security of the centre;
 - (ii) prejudicing the maintenance of good order and discipline at any centre,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Every member of staff of a centre who, without lawful authority —

- (a) knowingly permits any letter, document, intoxicating liquor, tobacco, drug, money, clothing, provisions, electronic device or any other article to be sold to or received or used by any inmate;
- (b) knowingly lends or gives to any inmate any such letter, document, intoxicating liquor, tobacco, drug, money, clothing, provisions, electronic device or other article;
- (c) knowingly permits any letter, document or other article to be brought out of any centre, or to be conveyed from any inmate;
- (d) knowingly permits the making of any audio or visual recording at the centre; or
- (e) knowingly permits any act or omission which he knows or ought reasonably to know is likely to have any of the following effects, and does have such effect:
 - (i) prejudicing the safe custody of inmates at the centre, the safety of any person at the centre or the security of the centre;
 - (ii) prejudicing the maintenance of good order and discipline at the centre,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

PART VI
MISCELLANEOUS

Supervision officers

21.—(1) The Director of the Central Narcotics Bureau or any other officer authorised by the Minister may make an order directing a person who has been discharged from a centre (referred to in this regulation as a former inmate) to report to a supervision officer for the purpose of supervision for such period, not exceeding 2 years, as the Director or officer considers necessary.

(2) Unless otherwise directed by the Minister, a former inmate in respect of whom a supervision order is made under paragraph (1) must, during the period he is subject to supervision, comply with all of the following requirements:

- (a) report to the supervision officer at such times and places as may be directed by the supervision officer;
- (b) allow the supervision officer to visit his place of residence or such other place designated by the supervision officer;
- (c) immediately notify the supervision officer of any change in his place of residence;
- (d) not to leave Singapore without the prior approval of the supervision officer;
- (e) immediately notify the supervision officer of any change in his employment, school, vocational training programme or other regular occupation, as the case may be;
- (f) present himself at such times and places to provide a specimen of his urine for urine test, or specimens of his hair for a hair test, or both, as may be required by the supervision officer;
- (g) not to be found in such place as may be specified by the supervision officer, or in the company of any person who is subject to supervision under the Act, the Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations (Rg 3) or these Regulations;

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- (h) not to have in his possession any controlled drug;
 - (i) not to smoke, administer to himself or otherwise consume any controlled drug;
 - (j) furnish to the supervision officer 2 passport size photographs of himself in accordance with any direction given by the supervision officer.

(3) The supervision officer may, in addition to the requirements under paragraph (2), impose any one or more of the following conditions upon a former inmate in respect of whom a supervision order is in force:

- (a) present himself for counselling at such times and places and to such persons as may be directed by the supervision officer;
- (b) present himself for any medication at such times and places and to such persons as may be directed by the supervision officer;
- (c) remain within doors at his place of residence or at such other place designated by the supervision officer between such hours as may be specified by the supervision officer;
- (d) wear at all times on such part of his body as specified by the supervision officer such electronic transmitting device as may be issued by the supervision officer;
- (e) allow any person authorised by the supervision officer to enter at any time his place of residence or such other place designated by the supervision officer to install, inspect, maintain, repair or retrieve any electronic monitoring device;
- (f) allow a telephone line at his place of residence or at such other place designated by the supervision officer to be connected to an electronic monitoring device and ensure that there is no call waiting or call transfer facility attached to the telephone line and that the telephone line is not connected to any cordless telephone, telephone answering machine, parallel telephone line, modulator-demodulator unit or any other equipment which may interfere with the proper functioning of the electronic monitoring device;

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- (g) not to disconnect, remove, damage, tamper with or lose the electronic transmitting device issued to him under sub-paragraph (d) or the electronic monitoring device installed under sub-paragraph (e) at his place of residence or at such other designated place or the telephone line connected to the electronic monitoring device;
 - (h) inform the supervision officer immediately of any malfunction, damage or loss of the electronic transmitting device or the electronic monitoring device;
 - (i) respond promptly to any telephone call from the centre set up to monitor persons who have been issued with the electronic transmitting device;
 - (j) comply with such other conditions as the supervision officer may impose in any particular case.

(4) Any former inmate who is subject to a supervision order under paragraph (1) must, during the period he is subject to supervision, comply with all of the requirements imposed by the supervision officer under paragraph (3).

(5) Without prejudice to the continuance of any supervision order in force against a former inmate, the former inmate subject to such an order who contravenes —

- (a) paragraph (2)(a) or (f), or a requirement imposed on him under paragraph (3)(a), (b), (c), (d) or (g), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 4 years or to both; or
- (b) paragraph (2)(b), (c), (d), (e), (g) or (j), or a requirement imposed on him under paragraph (3)(e), (f), (h), (i) or (j), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(6) Where a former inmate against whom a supervision order is in force has contravened paragraph (2)(a), (f), (h) or (i) or a requirement imposed on him under paragraph (3)(a), (b) or (c), the Director of the Central Narcotics Bureau may, if having regard to the circumstances

of the case he considers it desirable to do so, by order extend the period of supervision of that former inmate for a further period not exceeding 2 years.

THE SCHEDULE

Regulation 2

MINOR AND MAJOR OFFENCES

PART I

MINOR OFFENCES

1. An inmate of a centre commits a minor offence if he —
 - (a) fails to adhere to the standards of attire or grooming specified in any code of conduct applicable to inmates of the centre;
 - (b) shows disrespect to any member of staff of the centre;
 - (c) does any act or uses any language calculated to offend or insult any other inmate, any member of staff of the centre or other figure of authority;
 - (d) intimidates another person or coerces another person to do anything that the other person would not have done had he not been so coerced by using a position of greater strength or status, such intimidation or coercion not amounting to an act which would constitute a major offence;
 - (e) engages in any conduct described in regulation 20(1)(a), (b) or (c);
 - (f) smokes a cigarette or any other form of tobacco;
 - (g) consumes any alcohol;
 - (h) does any act calculated to cause himself harm;
 - (i) defaces or damages any surface of a wall, furniture or other property of the centre, causing damage other than serious damage;
 - (j) fails to attend any activity in the centre that he has been instructed to attend, or to attend at any place that he has been granted leave under regulation 8 or 9 to attend, without any reasonable excuse;
 - (k) fails to attend punctually any activity in the centre that he has been instructed to attend, or to attend punctually at any place that he has been granted leave under regulation 8 or 9 to attend, without any reasonable excuse;
 - (l) fails to provide the Manager of the centre with a specimen of his urine when requested to do so under regulation 8(2)(d);
 - (m) misuses the computer network at the centre;

THE SCHEDULE — *continued*

- (n) answers untruthfully any question put to him by any member of staff of the centre;
- (o) steals, or conceals without permission, the property of the centre, of a member of staff of the centre, or of another inmate;
- (p) does any act calculated to cause unnecessary alarm in the mind of any other person;
- (q) does any other act to the prejudice of good order or discipline in a centre;
- (r) abets the commission of a minor offence; or
- (s) fails to comply with any other rule on inmates' behaviour set out in any code of conduct applicable to inmates of the centre.

PART II

MAJOR OFFENCES

1. An inmate of a centre commits a major offence if he —
 - (a) commits on another inmate any act of violence, or a series of acts of violence, calculated to cause that other inmate serious injury;
 - (b) commits any act of violence on any member of staff or visitor;
 - (c) does any act in association with a secret society, including committing extortion on behalf of a secret society or recruiting members into a secret society;
 - (d) brings any weapon into the centre or is found in possession of a weapon;
 - (e) brings any controlled drug, or any other intoxicating substance, including medication, into the centre without lawful authority and for the purpose of inducing or causing in any person a state of intoxication;
 - (f) is found in possession of any controlled drug or any other intoxicating substance, including medication, without lawful authority and for the purpose of inducing or causing in any person a state of intoxication;
 - (g) consumes any controlled drug or intoxicating substance, including medication, without lawful authority and for the purpose of inducing or causing in himself a state of intoxication;
 - (h) does any act calculated to cause himself serious harm;
 - (i) wilfully destroys the property of the centre, or wilfully causes such damage to the property of the centre as is sufficient to compromise the security of that centre;

THE SCHEDULE — *continued*

- (j) leaves or remains outside the centre other than pursuant to leave granted under regulation 8 or 9;
- (k) fails to return to the centre after his leave has been cancelled under regulation 8 or 9;
- (l) breaches a condition under regulation 9(2)(a) or (e);
- (m) does any act punishable under any law while on leave granted under regulation 8 or 9;
- (n) leaves Singapore;
- (o) abets the commission of any major offence;
- (p) commits any other act of insubordination, such as threatening to commit any act of violence against a member of staff; or
- (q) commits any other act of gross misconduct, such as grossly indecent conduct.

Made this 24th day of April 2014.

TAN TEE HOW
*Permanent Secretary,
Ministry of Home Affairs,
Singapore.*

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