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POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

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In exercise of the powers conferred by section 85 of the Police Force Act, the Minister for Home Affairs makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Police Force (Special Constabulary — Detention) Regulations 2016 and come into operation on 1 April 2016.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“Board” means the Board of Visitors established under regulation 4;

“detainee” means any special police officer who is detained in a detention barrack under an order of detention made by a disciplinary officer under section 81(3)(aa) or 82(3)(a) of the Act;

“Director Manpower” means the Director, Manpower Department of the Police Force;

“Director PNSD” means the Director, Police National Service Department of the Police Force;

“guard” means a police officer or special police officer responsible for the guarding of detainees.

(2) In these Regulations, any reference to a numbered form is a reference to the form bearing the corresponding number set out in the Schedule.

PART 2
OFFICER-IN-CHARGE

Officer-in-charge

3. The Director PNSD is responsible for the management and control of detainees in a detention barrack.

PART 3
BOARD OF VISITORS

Establishment, etc., of Board of Visitors

4.—(1) There is established for all detention barracks a Board of Visitors.

(2) The Board consists of not less than 4 and not more than 12 members.

(3) Every member of the Board —

(a) is appointed by the Minister; and

(b) holds office for 3 years beginning on the date of the member's appointment or for such shorter period as the Minister may specify in any particular case.

(4) At least 2 members of the Board must be appointed from among police officers and special police officers.

(5) The Minister must appoint a chairman of the Board from among the members of the Board.

(6) Each member (including the chairman) of the Board is eligible for re-appointment.

(7) Any member (including the chairman) of the Board may at any time resign from his or her office by notice in writing to the Minister.

(8) The Minister may at any time revoke the appointment of any member (including the chairman) of the Board, or fill any vacancy in the membership of the Board.

Functions of Board of Visitors

- 5.—(1) The functions of the Board are as follows:
- (a) to inspect the cells, yards and other places within a detention barrack and to ascertain whether the living conditions of the detainees in the detention barrack are satisfactory;
 - (b) to inspect the food served to the detainees in a detention barrack and to ascertain whether the hygiene, quality and quantity of the food are satisfactory;
 - (c) to hear, record and enquire into any complaint made by a detainee relating to the detainee's detention in a detention barrack;
 - (d) to ensure that the provisions of the standing orders issued under regulation 32 are complied with;
 - (e) to call to the attention of the Director PNSD any irregularity observed by the Board in the management or operation of a detention barrack, or the treatment of any detainee in the detention barrack;
 - (f) to perform such other duties as the Minister may assign to the Board.
- (2) The Board must visit a detention barrack at least once every month.
- (3) The Board may be represented by 2 or more of its members when the Board visits a detention barrack.

Board's report

- 6.—(1) After each visit to a detention barrack, the Board must submit a report to the Director Manpower and the Director PNSD.
- (2) The report must mention any irregularity observed by the Board in the management or operation of a detention barrack, or the treatment of any detainee in the detention barrack.
- (3) The Director PNSD must —
- (a) act on every irregularity brought to the Director PNSD's attention; and

(b) report to the Director Manpower any action that has been taken by the Director PNSD.

(4) Every report of the Board must not be disclosed to any person other than a public officer who is authorised by the Minister or the Commissioner to see or comment on the report.

PART 4

ADMISSION AND CUSTODY OF DETAINEES

Place of custody

7.—(1) Any special police officer against whom an order of detention is made by a disciplinary officer under section 81(3)(aa) or 82(3)(a) of the Act must be kept in custody in a detention barrack.

(2) The disciplinary officer must issue a committal order in Form 1 authorising the custody of the special police officer in a detention barrack.

Admission to detention barracks

8.—(1) Before a person liable to serve detention under these Regulations is delivered to a detention barrack, the person must be examined by a medical officer.

(2) The medical officer must certify in Form 2 whether the person is fit to undergo detention in a detention barrack.

(3) On the admission of the person to a detention barrack, the following procedures apply:

- (a) the person must, with due regard to decency, be searched, and any article or document found on the person must, if the person is not allowed to keep it, be taken from the person and kept in safe custody;
- (b) a list of the articles or documents taken from the person must be kept and signed by the guard who took those articles or documents, and countersigned by the person;
- (c) a copy of the list must be given to the person.

(4) The person must be issued with clothing which serves as the person's attire during the person's detention.

Accommodation

9. A detainee must be kept in custody either alone in a cell, or together with 2 other detainees in a cell.

PART 5

ADMINISTRATION AND MANAGEMENT OF DETENTION BARRACKS

Permitted articles

10.—(1) Subject to paragraph (2), a detainee is not allowed to keep in the detainee's cell any article other than the clothing issued to the detainee under regulation 8(4).

(2) The Director PNSD may permit a detainee to keep any other article that the Director PNSD deems appropriate.

(3) A detainee is not allowed to wear any decoration, insignia or badge of rank on the detainee's person or clothing.

Searches

11. The Director PNSD may at any time order a search to be conducted on any detainee, the detainee's cell or the detainee's personal belongings.

Food

12. Subject to regulation 23(1)(b), a detainee must be provided with food similar to that provided to special police officers who are not in custody.

Prohibition on smoking

13. A detainee must not smoke or have in the detainee's possession any match or lighter, or any naked light for the purpose of lighting any tobacco or cigarette.

Letters

14.—(1) A detainee is allowed to write letters which must be sent through the Director PNSD.

(2) The Director PNSD, or a person authorised by the Director PNSD —

- (a) must read every letter written by or addressed to a detainee; and
- (b) must withhold any letter from the detainee if the Director PNSD or authorised person is of the opinion that the content of that letter may affect security or is undesirable in any way.

Parcels

15.—(1) A detainee is not allowed to receive any parcel or any item without the approval of the Director PNSD.

(2) Any parcel or item approved by the Director PNSD under paragraph (1) must be opened and examined by or under the authority of the Director PNSD for objectionable content.

(3) Any parcel or item not approved by the Director PNSD under paragraph (1) must be returned to the sender, retained in safekeeping by the Director PNSD, or disposed of.

Visits

16.—(1) A detainee is allowed one visit per week from members of the detainee's family.

(2) The Director PNSD may allow a detainee additional visits per week from members of the detainee's family as the Director PNSD may consider consistent with security and discipline.

(3) Every visit must be made during official visiting hours.

Mechanical restraint

17.—(1) The Director PNSD may issue an order in writing for the mechanical restraint of a detainee to prevent the detainee from inflicting injuries to the detainee or others, damaging property, creating a disturbance or escaping.

(2) The Director PNSD must not order mechanical restraint of a detainee for the purpose of punishment.

(3) A detainee may be handcuffed to another detainee in transit.

(4) An order in writing under paragraph (1) —

(a) must be in Part 1 of Form 3; and

(b) must state the type and manner of restraint that is to be applied, and the period (not exceeding 12 hours) during which the restraint is to be applied.

(5) Mechanical restraint must only be applied by means of handcuffs, except that the Director PNSD may, with the approval of and subject to such conditions as may be laid down by a medical officer, order any other means or manner of restraint if handcuffs cannot efficiently secure a detainee.

(6) Any approval of a medical officer under paragraph (5) must be in Part 2 of Form 3.

(7) Mechanical restraint may be applied to a detainee before an order in writing is issued under paragraph (1) only in a case of extreme urgency where the order cannot be obtained on time.

(8) The Director PNSD must, in a case mentioned in paragraph (7), issue the order in writing under paragraph (1) as soon as possible.

Escape from custody

18.—(1) Any person who is aware of any escape of a detainee from custody in a detention barrack, or has any knowledge which may assist in the apprehension of the detainee, must immediately report the matter to the Director PNSD.

(2) Upon receiving any report under paragraph (1), the Director PNSD must immediately make, or cause to be made, an investigation of the escape.

Temporary release

19.—(1) The Director PNSD may, on the application of a detainee or an immediate family member of a detainee and on compassionate grounds, by issuing a certificate of temporary release in Form 4, grant

the detainee temporary release for a period not exceeding 48 hours from the detention barrack in which the detainee is detained.

(2) The temporary release period under paragraph (1) does not count as part of the period of detention served by the detainee.

Release under escort

20.—(1) The Director PNSD may, on the application of a detainee or an immediate family member of a detainee and on compassionate grounds, by issuing an order for release under escort in Form 5, allow the detainee to leave the detention barrack under escort for such period as the Director PNSD may determine.

(2) The period under paragraph (1) counts as part of the period of detention served by the detainee.

PART 6

MAINTENANCE OF DISCIPLINE AND DETENTION OFFENCES

Remission

21.—(1) Subject to paragraph (3), a detainee is entitled to have part of the detainee's sentence of detention remitted in accordance with the following provisions:

- (a) if the detainee's sentence does not exceed 30 days — nil;
- (b) if the detainee's sentence exceeds 30 days but does not exceed 40 days — a period equal to the number of days by which the sentence exceeds 30 days;
- (c) if the detainee's sentence exceeds 40 days — subject to paragraph (2), a period equal to one-third of the period of the detainee's sentence.

(2) If, after deducting the period referred to paragraph (1)(c) from the period of the detainee's sentence of detention, the total period of detention is less than 30 days, the period of remission is equal to the number of days by which the detainee's sentence of detention exceeds 30 days.

(3) Any remission of sentence must be awarded upon the sentencing of a detainee.

(4) For the purposes of calculating the remission, a portion of a day is to be ignored.

(5) If a detainee misbehaves when serving the period of detention in a detention barrack, the Director PNSD may, by an order for withdrawal of remission in Form 6, withdraw the whole or any part of the remission awarded.

Minor offences

22. A detainee who is detained in a detention barrack is guilty of a minor offence if the detainee —

- (a) shows disrespect to any guard, any person working in the detention barrack, any member (including the chairman) of the Board visiting the detention barrack or any other visitor of the detention barrack;
- (b) is idle, careless or negligent;
- (c) uses any abusive, insolent, threatening or other improper language;
- (d) without the permission of the Director PNSD or a guard, communicates with any person;
- (e) without any permission of the Director PNSD or a guard, leaves the detainee's cell or any other place appointed by the Director PNSD;
- (f) commits any nuisance;
- (g) has, in the detainee's cell or possession, any unauthorised article;
- (h) gives or receives from any person any unauthorised article;
- (i) refuses without any reasonable cause to eat the food provided in the detention barrack;
- (j) omits or refuses to wear the clothing given to the detainee, or loses, discards, damages or alters any part of it;

- (k) refuses to undergo medical treatment or examination when required by a guard to do so;
- (l) does not comply with any standing orders issued under regulation 32;
- (m) does not comply with any lawful order of a guard; or
- (n) does any other act to the prejudice of good order or discipline in the detention barrack.

Punishment for minor offences

23.—(1) Any detainee who commits a minor offence under regulation 22 shall, after being given an opportunity to be heard, be liable to be punished by the Director PNSD with one or more of the following punishments:

- (a) close confinement for a period not exceeding 3 days;
 - (b) restricted diet for a period not exceeding 7 days;
 - (c) forfeiture of any privilege granted to the detainee.
- (2) A detainee under close confinement —
- (a) is not allowed to leave the cell in which the detainee is detained;
 - (b) is not allowed to communicate with any person without the permission of the Director PNSD; and
 - (c) is only allowed to read materials authorised by the Director PNSD.

Major offences

24. The following are major offences:

- (a) mutiny;
- (b) escaping or attempting to escape from custody;
- (c) causing any self-inflicted injury;
- (d) assaulting, or taking part in any assault on, any person in a detention barrack;
- (e) vandalising or damaging the property in a detention barrack;

-
-
- (f) wilfully making a false or groundless accusation or complaint against any guard or detainee;
 - (g) repeating any minor offence after having been punished on 2 separate occasions for 2 separate instances of committing the same minor offence;
 - (h) any other act of gross misconduct or insubordination;
 - (i) abetting the commission of any offence referred to in paragraphs (a) to (h).

Investigation of major offences

25. All major offences must be investigated immediately and dealt with in accordance with Divisions 2, 3 and 4 of Part VIII of the Act.

Physical force

26.—(1) Subject to paragraph (2), a guard of a detention barrack must not use physical force on any detainee of the detention barrack.

(2) A guard may use such physical force as is necessary —

- (a) to subdue an aggressive detainee; or
- (b) in self-defence or to defend another person in the detention barrack.

(3) Where a guard uses a baton or any other object on a detainee in the circumstances set out in paragraph (2), the guard must attempt to strike only the non-vital parts of the detainee's body.

(4) A medical officer must —

- (a) examine a detainee on whom physical force is used as soon as possible; and
- (b) submit a written report of the examination to the Director PNSD.

PART 7
MISCELLANEOUS

Medical observations

27. The Director PNSD must ensure that a periodic medical observation is conducted on every detainee who —

- (a) is in close confinement;
- (b) is subject to any form of mechanical restraint;
- (c) is on a restricted diet; or
- (d) is sick, or complains of sickness.

Examination for infectious diseases

28.—(1) The Director PNSD may, at any time, require any detainee to undergo a medical examination by a medical officer for the purposes of ascertaining whether the detainee is suffering from, or is a carrier of, any infectious disease.

(2) A detainee must comply with any requirement of the Director PNSD under paragraph (1).

(3) The Director PNSD may, in the case of any detainee who refuses to undergo a medical examination under paragraph (1) or refuses to provide any sample necessary for the purposes of such medical examination, direct that the detainee be detained separately until the detainee has undergone the medical examination.

(4) Where a medical officer ascertains that a detainee is suffering from, or is a carrier of, any infectious disease, the medical officer must immediately give a written report to the Director PNSD.

(5) The Director PNSD may, upon receiving the written report under paragraph (4), direct that the detainee be detained separately until a medical officer certifies that —

- (a) the detainee is free from infection; or
- (b) the risk of spreading the infectious disease to other persons has been eliminated.

(6) In this regulation, “infectious disease” has the same meaning as in section 2 of the Infectious Diseases Act (Cap. 137).

Complaints

29.—(1) A detainee who feels aggrieved about any matter concerning the detainee’s detention in a detention barrack, or the management or operation of the detention barracks, may complain to the Director PNSD.

(2) The Director PNSD must —

- (a) investigate any complaint made to the Director PNSD; and
- (b) take such steps as the Director PNSD considers necessary to address the complaint.

Detention in prison

30.—(1) The Director PNSD may, by a committal order in Form 7, order that a person on whom a sentence of detention has been passed be detained in a prison temporarily for any period not exceeding 7 days if —

- (a) it is impracticable for that person to be detained in a detention barrack; or
- (b) it is desirable for that person to be detained in a prison.

(2) A person who is temporarily detained in a prison is subject to the Prisons Act (Cap. 247) and any regulations made under that Act.

(3) Where the Director PNSD orders that a person be detained in a prison under paragraph (1), the Director PNSD must, by an order in Form 8, order the return of the person to a detention barrack on the expiration of the period in that paragraph.

Regulations to be displayed

31. A copy of these Regulations, or a sufficient abstract approved by the Director PNSD, must be displayed conspicuously in a detention barrack so that every detainee can see the copy or abstract.

Standing orders

32. The Director PNSD may, subject to the Act and these Regulations, issue standing orders in respect of detention barracks and detainees.

Discipline

33. Every detainee must comply with the standing orders issued by the Director PNSD under regulation 32.

Record of offences and punishments

34.—(1) The Director PNSD must cause to be entered in a register a record of the punishments imposed on every detainee, showing, in respect of each detainee punished —

- (a) the name of the detainee;
- (b) the nature of the offence; and
- (c) the nature and extent of the punishment.

(2) The register referred to in paragraph (1) must be open for inspection by the Board.

Medical examination

35.—(1) Before a detainee is discharged from a detention barrack, the detainee must be examined by a medical officer for any fresh marks, injuries or tattoos on any part of the detainee's body which were not previously recorded upon the detainee's admission or during the detainee's detention.

(2) The medical officer must immediately inform the Director PNSD if the medical officer finds any fresh marks, injuries or tattoos on the body of the detainee.

Date of release

36. If the date of release of a detainee falls on a Sunday or public holiday, the detainee must be released on a preceding day that is not a Sunday or public holiday.

THE SCHEDULE

Regulation 2(2)

FORM 1

Regulation 7(2)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

COMMITTAL ORDER FOR DETENTION BARRACK

To Director PNSD

On¹²
(rank, nameandunit)

was sentenced to detention for a period of³ days
by

.....⁴
(rank, nameandunit)

for the offence(s) of
.....⁵

Now, pursuant to the Police Force Act, this is to authorise and require you to
receive² into your custody and
(rank, nameandunit)

to
retain him to undergo his sentence of detention according to law and for so
doing, this is your warrant.

Dated

THE SCHEDULE — *continued*

.....
Signature, rank and name of Disciplinary Officer

¹ State date of detention order.

² Particulars of detainee.

³ State length of detention.

⁴ Particulars of disciplinary officer.

⁵ State offence(s) and relevant provisions of the Police Force Act.

THE SCHEDULE — *continued*

FORM 2

Regulation 8(2)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

MEDICAL CERTIFICATE OF FITNESS¹

I,² after
(*rank, name and appointment*)
examining

.....³ certify that
(*rank, name and unit*)
he
is/is not⁴ medically fit to be kept in custody under a sentence of detention.

I further certify that³ is
(*rank, name and unit*)

medically fit to be detained in a detention barrack subject to the following conditions:

.....
.....
.....⁵

Dated

.....
Signature of Medical Officer

¹ To be filled by a medical officer before admission of a person liable to serve detention in a detention barrack.

² Particulars of medical officer.

³ Particulars of person liable to serve detention.

⁴ Delete where inapplicable.

THE SCHEDULE — *continued*

⁵ To be filled whenever medical certificate of fitness for detention in a detention barrack is given subject to any special condition.

FORM 3

Regulation 17(4) and (6)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

ORDER FOR RESTRAINT OF PERSON IN CUSTODY

PART 1

I,¹ order

.....² to be restrained by
(*rank, name and unit*)

means of³ in the
following manner⁴

from to⁵
(*date/time*) (*date/time*)

This order is given for the following reasons:

.....
.....⁶

Dated

.....
Signature, rank and name of Director PNSD

¹ Particulars of Director PNSD.

² Particulars of detainee.

³ State instrument of restraint.

THE SCHEDULE — *continued*

⁴ State position of the hands of detainee and other particulars relating to the manner of restraint.

⁵ The period must not exceed 12 hours in the case of restraint with the hands handcuffed.

⁶ State reasons for the order.

PART 2

APPROVAL OF MEDICAL OFFICER¹

I, ,² approve the
(*rank, name and appointment*)
application of the following means and manner of restraint³

to⁴
(*rank, name and unit*)

from
(*date/time*)

to
provided that (*date/time*)⁵

Made at hours on

.....
Signature of Medical Officer

¹ To be filled by a medical officer when the instrument of restraint is not handcuffs.

² Particulars of medical officer.

³ State the instrument and manner of restraint.

⁴ Particulars of detainee.

⁵ State any condition relevant to the application of restraint.

THE SCHEDULE — *continued*

FORM 4

Regulation 19(1)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

CERTIFICATE OF TEMPORARY RELEASE FROM DETENTION

I,¹ authorise the temporary release
of the detainee,² who is
(*rank, name and unit*)
undergoing a sentence of

detention for³, for³
(*state nature of offence*)
hours

from hours on to hours on

Reason for temporary release:
.....

Dated

.....
Signature, rank and name of Director PNSD

Condition of release: This temporary release is subject to the condition that if the abovenamed detainee fails to return on the due date, the detainee is liable to be arrested as an absconder and shall be liable to receive punishment for an offence of escape from detention barrack under paragraph 17 of the Schedule to the Police Force Act, Chapter 235.

THE SCHEDULE — *continued*

I understand the conditions under which the temporary release has been granted to me and I undertake to return to the detention barrack before the expiry of the time allowed for my temporary release stated above.

.....
Signature of detainee

¹ Particulars of Director PNSD.

² Particulars of detainee.

³ The duration to be filled up in words.

THE SCHEDULE — *continued*

FORM 5

Regulation 20(1)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

ORDER FOR RELEASE UNDER ESCORT OF DETAINEE

I,¹ authorise

.....² to be released under escort for the
(rank, name and unit)
period

from to
(date/time)

.....³
(date/time)

This order for release under escort is given for the following reasons:

.....
.....
.....
.....⁴

Dated

.....
Signature, rank and name of Director PNSD

¹ Particulars of Director PNSD.

² Particulars of detainee.

THE SCHEDULE — *continued*

³ State the period of release under escort.

⁴ State the reasons for release under escort.

FORM 6

Regulation 21(5)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

ORDER FOR WITHDRAWAL OF REMISSION OF SENTENCE BY
DIRECTOR PNSD

Pursuant to the Police Force (Special Constabulary — Detention) Regulations 2016, I order the withdrawal of the whole/part¹ of the remission of the

sentence of² who
(*rank, name and unit*)

is

undergoing a sentence of³ months/days¹ of
detention on the grounds of his misbehaviour, particulars of which are set out
below:

.....
.....
.....⁴

Withdrawal of remission of days detention.

Dated

.....
Signature, rank and name of Director PNSD

¹ Delete where inapplicable.

² Particulars of detainee.

THE SCHEDULE — *continued*

³ Length of sentence.

⁴ State summary of the particulars of detainee’s misbehaviour.

FORM 7

Regulation 30(1)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

COMMITTAL ORDER FOR PRISON

To the Commissioner of Prisons

.....
(rank, name and unit)

¹

was on the² sentenced to detention for a period of days by a disciplinary officer for an offence of of the Police Force Act.

This is to authorise and require you to receive the said¹
(rank, name and unit)

into your custody and to retain the detainee for a period not exceeding 7 days from to and for so doing this is your warrant.

Dated

.....
Signature, rank and name of Director PNSD

¹ Particulars of detainee.

THE SCHEDULE — *continued*

² State date.

THE SCHEDULE — *continued*

FORM 8

Regulation 30(3)

POLICE FORCE ACT
(CHAPTER 235)

POLICE FORCE (SPECIAL CONSTABULARY — DETENTION)
REGULATIONS 2016

ORDER FOR RETURN TO DETENTION BARRACK

To the Commissioner of Prisons

Pursuant to regulation 30 of the Police Force (Special Constabulary —
Detention) Regulations 2016, this is to authorise and require you to deliver

.....
1 (rank, name and unit)

now in your custody, to the officer producing this order.

Dated

.....
Signature, rank and name of Director PNSD

1 Particulars of detainee.

Made on 15 March 2016.

LEO YIP
*Permanent Secretary,
Ministry of Home Affairs,
Singapore.*

[MHA 112/2/036; AG/LEGIS/SL/235/2015/6 Vol. 2]

(To be presented to Parliament under section 85(3) of the Police Force Act).