



# “Doing Their Jobs”: Legal Regulation of Policing and Suicide Risk of Justice-Involved Persons in Singapore

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## Abstract

Using the island nation-state of Singapore as a case study, this article conceptualizes the legal regulation of policing as a risk factor for suicide among justice-involved persons. Through the lens of legal epidemiology, it discusses public health research and criminal procedure jurisprudence to theorize the unintended consequences of the police “doing their job” in accordance with a legal framework that prioritizes crime control and order maintenance. It examines how two aspects of policing—the power of arrest and the interrogation process—may influence the mental health and suicide risk of justice-involved persons. This article thus calls attention to the role of law in shaping policing practices and their effects and lends support to calls for stronger due process protections from a public health perspective.

**Keywords:** Police law; due process; suicide risk; mental health; legal epidemiology; Singapore.

## Introduction

In 2016, a 14-year-old student died by suicide less than two hours after he was questioned by the police for allegedly touching an 11-year-old girl in a lift. Earlier that day, the Singapore police had presented at his school in unmarked cars and taken him to a police station. There, he was interrogated alone, without an accompanying adult, for around three and a half hours. According to the State Coroner, his suicide was likely caused by the stress of being under criminal investigation, among other factors (Siau, 2016). In response to the public disquiet over the teenager’s death, the Appropriate Adult Scheme (AAS)—which provides suspects with mental and intellectual disabilities with an appropriate adult during police interviews—was expanded to young suspects under the age of 16 (Koh & Ng, 2017).

Subsequently, in 2021, a 17-year-old teenager died by suicide after he was charged for drug trafficking, which carries severe criminal penalties up to the death penalty. In an open letter published by his mother after his death, she described how the boy had become a different person after his arrest. While his mother acknowledged that the police officers were “doing their jobs”, she emphasized that “the stress of the oppressive police entrapment, interrogation [and] a legal process meant for adult offenders ... [had] broke[n] him and killed him” (Ow, 2021). His death would eventually lead to the further expansion of the AAS to include suspects aged 16 and 17 (Mohan, 2022).

That the AAS is only available to specific groups in Singapore on the basis of their age or disability speaks to the state’s understanding of vulnerability as an *innate* characteristic of those groups. This contrasts with the broader conception of situational vulnerability, which is based on the circumstances in which a person finds themselves (Brown, 2017). In this regard, “all suspects are vulnerable” (Dehaghani, 2021, p. 258) due to “the ways in which wider structural issues and the various



mechanisms of legal procedure and process can reduce or deplete the resilience of the individual (in this case, the suspect)” (Dehaghani, 2021, p. 266). Building on Dehaghani’s insight, this article examines how the regulation of policing may affect the mental health and suicide risk of justice-involved persons (JIP). The concept of resilience has also emerged in public health scholarship as a protective factor against suicide (Sher, 2019). Using the framework of legal epidemiology (Burris et al., 2016, p. 139), this article thus approaches the legal regulation of policing as a determinant of mental health. It examines how the police may inadvertently cause harm to JIP by, in the words of the mother of the 17-year-old teenager, “doing their jobs”.

Conceptually, this article discusses two distinct strands of criminal justice scholarship. It considers firstly, from a procedural perspective, the balance between the crime control and due process models (Packer, 1964), and secondly, the relationship between criminal justice and mental health (Perlin, 2013; Steele, 2020). In this regard, it makes several novel contributions. First, existing public health research has shown that adverse mental health effects may result from contact with the criminal process (Sugie & Turney, 2017) and the experience of arrest (Ahuja et al., 2021). This article addresses how the impact of policing on the mental health and suicide risk of JIP is shaped by legislative and judicial choices. Second, existing critiques of criminal procedure in Singapore that favor stronger due process protections of the accused have largely focused on the danger of wrongful convictions (Chen, 2012; Chen & Chua, 2010; Chen & Khng, 2012; Ho, 2014, 2019; Hor, 2013). Given the Singapore government’s recent emphasis on mental health as a national priority (Goh, 2024), this article strengthens the case for reforms to the Singaporean criminal legal system from a public health perspective.

Comparatively, this article’s discussion on the legal regulation of policing contributes to the emerging fields of comparative policing and comparative criminology. These fields have hitherto largely focused on the role of the “Asian values” discourse and Confucian ethics (Yu & Liu, 2024). Recent scholarship on policing in island studies (Wallace & Neptune-Figaro, 2023; Watson et al., 2023) indicates Singapore is a compelling case study, given the “Singapore paradox”, which distinguishes the country’s advanced socioeconomic development from other small island states (Peebles & Wilson, 2004). At the same time, Singapore’s “islandness”—a concept concerned with the characteristics of island geographies—manifests in its fixation with its own smallness and vulnerability (Kelman, 2020; Tan, 2017). This has resulted in the country’s strong emphasis on crime control and the maintenance of social order and stability (Chan, 1996; Thirumaran, 2019).

The rest of this article proceeds as follows. The next section outlines existing research on the effect of policing on the mental well-being of JIP and suicide risk. It then turns to the Singapore context, where the relationship between policing and suicide has been limited to the police role in suicide prevention. Inverting this relationship, the article then examines how the development of the law on policing in Singapore may have exacerbated the adverse mental health outcomes from policing and increased the suicide risk among JIP. The article concludes with policy reform proposals informed by its findings and suggests future research directions through the lens of legal epidemiology.

## The Impact of Policing on Mental Health

Violence has increasingly been recognized as a public health issue because addressing violence as “purely a sociologic matter, or one of law enforcement, has led to unmitigated failure” (Koop & Lundberg, 1992, p. 3076). Notably, a 2002 World Health Organization report on violence and health has observed that “law enforcement officials are also among the perpetrators of violence” (World Health Organization, 2002, p. 19). In this regard, some scholars have approached the problem of police violence—particularly in the United States—through the lens of public health which:

draw[s] attention to the health impacts of state-sanctioned police violence ... [and] allows us to shift the focus from the individual actions of police and citizens to a more holistic assessment of how certain policy preferences put police in the position to not treat certain civilians’ lives as carefully as they should. (Obasogie & Newman, 2017, p. 280)

As a matter of definition, police violence is commonly understood to refer to the use of *excessive* force. However, what amounts to excessive force is subjective and dependent on the specific social, political and cultural contexts. This article thus adopts a broad definition of police violence which does not distinguish between legitimate and illegitimate uses of force (DeVylder et al., 2022). Instead, it proceeds from the premise that law, policing and violence are inextricably intertwined. As Austin Sarat articulated, “law without violence is unthinkable ... [and] occurs with all the normal abnormality of bureaucratic abstraction” (Sarat, 2002, p. 3).

While police violence can sometimes be fatal, its adverse effects on public health extend beyond mortality and can also affect a person’s physical and mental health (DeVylder et al., 2022). The negative effects of police on mental health are well documented. As DeVylder et al. (2022, p. 535) noted, “police violence is significantly associated with most mental health outcomes ... any type of police violence assessed seems to be associated with worse mental health across a variety of types of

symptoms and behaviors". In this context, "mental health" includes both psychiatric conditions as well as adverse mental health outcomes that may not amount to a formal diagnosis. For example, those who were recently exposed to police violence were found to be more likely to report psychological distress, suicidal behavior and psychotic experiences (DeVylder et al., 2018).

In relation to suicide, public health research has demonstrated a "highly concerning" relationship between police violence and suicide attempts:

[E]xposure to police violence may contribute to so-called acquired capacity (i.e., the ability to engage in suicidal behavior, attained through life experiences), the last step in the progression between ideation and attempts in leading theories of suicide (Hagan et al., 2016; Klonsky & May, 2015) ... [and] the physical and psychological effects of police violence, coupled with the lack of available recourse (i.e., hopelessness), may reduce barriers that might otherwise prevent a person from acting on suicidal thoughts. (DeVylder et al., 2022, p. 536)

The excerpt above points to one of the key mediating mechanisms between police violence and suicide: hopelessness. This state of negative expectations has been found to be a better predictor of suicide than depression (Minkoff et al., 1973; Weishaar & Beck, 1992). Other factors in the policing context include acute stress, which increases during police encounters (Alang et al., 2021), and thwarted belonging, which refers to feelings of loneliness or social isolation (Brooks & Greenberg, 2021; Carbonaro, 2022).

Studies have also found troubling associations between recent arrest status and suicide (Cook, 2013). One study found that those who had been recently arrested had a higher risk of suicide attempt than those with parole, probation or no criminal justice involvement at all (Bryson et al., 2021). In contrast, there have been fewer empirical studies on the effect of police interrogations on the mental well-being of JIP. This can be attributed to the fact that interrogations are "conducted in secret, and verification of the details by neutral observers is rarely available" (Putnam, 2013, p. 156). There remain difficult questions as to when a coercive interrogation technique crosses the threshold of torture (Barela et al., 2020; Peres-Sales, 2017). However, the serious effects of such practices on a suspect's emotional and cognitive function are well documented (O'Mara, 2015, 2018).

Informed by these findings, this article analyzes the effects of policing on mental health and suicide through the lens of legal epidemiology (Burris, 2011; Burris et al., 2016). Doing so highlights how policing practices and their impact on individuals and communities are influenced by the specific legal rules that regulate them. Such an approach moves away from the popular conception of police violence as the result of individual bias or "bad apples" in the police force. Rather, it is considered as a systemic issue by which the law "creates the conditions for the very violence that it is supposed to prevent" (Obasogie, 2020, p. 774; Bains, 2018).

## **Policing in Singapore**

An island state in Southeast Asia, Singapore is a former British colony that became an independent nation in 1965. The Police Force Act 2004 (Singapore), or the PFA, sets out the functions of the Singapore Police Force (SPF). The maintenance of law and order and the preservation of public peace are presented first, followed by the prevention and detection of crime and the apprehension of offenders, and finally any other function conferred on the SPF by law. In the first few decades, the police focused on the threat that secret societies and communism posed (Hickling, 1979; Wai et al., 1989) before adopting a more democratic form of policing carried out by community volunteers as well as male conscripts (Tan, 2023). Concerns over excessive force or inappropriate conduct by the police are rare and the government takes a strict position against police officers who abuse their powers (Quah, 2014).

Singapore's international reputation for safety and low crime rates has been attributed to its adoption of the social disciplinary model of policing. This model grants expansive powers to the police who enjoy "absolute control over those who may challenge the right of the police to define and enforce 'normality'" (Ganapathy, 2008, p. 252). This is consistent with the influence of Herbert Packer's (1964) crime control model on the general development of Singapore's criminal process, which focuses on achieving a "high rate of conviction of the factually guilty accused" (Chan, 1996, p. 442). More recently, aspects of criminal procedure have cautiously adopted Packer's (1964) alternative due process model. This is conceived as "an obstacle course" made up of legal rules that the prosecution must overcome before a person may be convicted of a crime (Thirumaran, 2019, p. 1045).

The role of the police in suicide is largely conceived as preventive rather than causative. After attempted suicide was decriminalized in 2019, the PFA was amended to insert new provisions to allow the police to intervene in cases of attempted

suicide. The SPF thus continues to respond to suicide cases and, depending on the specific circumstances of the case, may involve the Singapore Civil Defense Force (SCDF) and the Institute of Mental Health (IMH) (Ministry of Health, 2023, p. 16).

Because there are no official statistics on suicide by JIP, the prevalence of such cases remains unclear. There is also a dearth of research on the impact of policing on the mental well-being of JIP in Singapore. Apart from the two cases discussed earlier, there have been a few other cases reported in the media. For example, in 2013, an American expatriate attempted suicide a day before he was due in court for commercial sex with a minor (Chong, 2013). After he was acquitted, he told reporters that the entire episode had caused him to suffer a “severe loss of mental faculty” (Hoe, 2014). In 2017, a woman facing multiple charges of theft died after she jumped off an apartment building a day before a pre-trial conference (Seow & Ng, 2017). More recently, in February 2021, a Bangladeshi migrant worker died after jumping in front of a train a day before his sentencing hearing. The coroner noted “the prospect of a sentence of imprisonment, coupled with his loneliness, and that he was homesick were too overwhelming” (Tang, 2022). In February 2022, a 27-year-old died by suicide two hours before his sentencing hearing for rape (Lum, 2022).

None of the above cases precipitated any significant public debate or policy reform. In contrast, as noted in the introduction, the public uproar in response to the deaths of the two youths engendered the expansion of the AAS to young suspects. This limited policy response is premised on the notion that young suspects deserve additional protection because of their youth. In contrast, the expectation is for adult suspects to deal with any adverse effects arising from police contact. In this regard, the Minister for Law and Home Affairs K Shanmugam responded to a parliamentary question on the mental health support available to accused persons before and after conviction. The Minister emphasized that “the police and other investigative agencies’ primary task is to deter crime, investigate, and deal with crime. They are not deeply trained in mental health issues” (2022).

Similar to the “bad apple” framing of police officers who use excessive force, this article suggests that suicide by JIP is understood through the framing of the inverted “eggshell” victim. Developed in tort law, the eggshell rule states that a defendant is held responsible for all the harm suffered by a victim even if the victim was particularly vulnerable or susceptible (Kohutis & McCall, 2020). In the present context, the rule is reversed; a JIP who dies by suicide is held responsible for their own death because of their own circumstances. In this regard, Shanmugam (2022) justified why the government does not collect statistics on suicides by JIP who are not in official custody: “Usually multiple factors, including social and environmental factors that are unrelated to investigations and convictions, that may drive a person to commit suicide”.

## The Legal Regulation of Policing

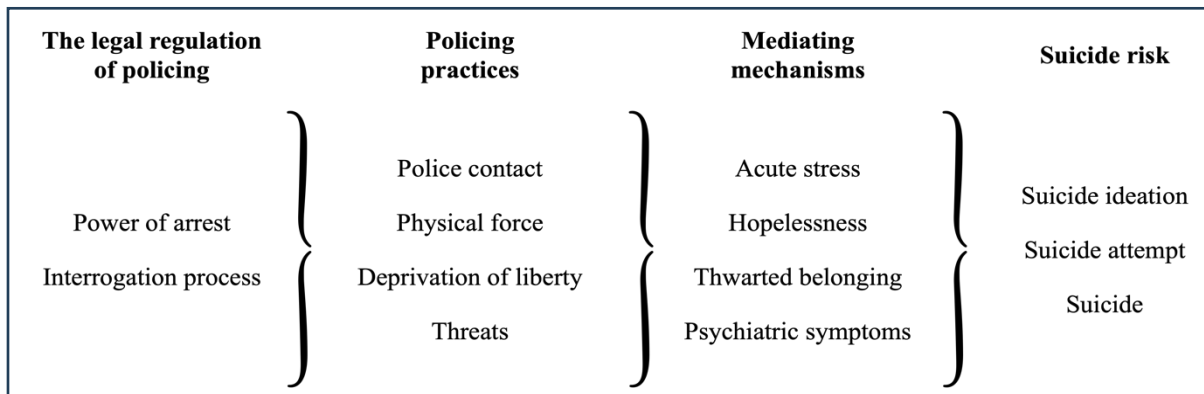
Guided by the insight that “all suspects are vulnerable” (Dehaghani, 2021, p. 258), this section employs a legal epidemiology approach to challenge the individualization of responsibility on JIP. It calls attention to the role of the law in influencing how policing is carried out on the ground and, in doing so, shifts the spotlight from the individual to the institution of policing.

Singapore presents a compelling case study to examine how the legal regulation on policing may increase suicide risk for two reasons. First, the police in Singapore are conferred expansive powers by law to carry out the functions of crime control and order maintenance. The Singapore courts have also adopted a deferential approach towards the police. For example, in *Chee Siok Chin v Minister for Home Affairs (2006)*, the High Court observed that “a wide assortment of factors and imponderables is called into play when the police exercise their powers” such that the court will be “slow to question the *bona fide* exercise of an executive discretion by the police” (at [97]). Second, Singapore is a useful case study to explore the effect of the police “doing their jobs” within the bounds of the law because there is strong public confidence in its police (Gallup, 2022). Allegations of misconduct and corruption power in Singapore are rare, and are dealt with seriously (Holmes, 2021). This reduces the risk that the effects of policing on the mental well-being of JIP may be confounded by the abuse of power or illegitimate conduct by individual police officers.

Informed by the biopsychosocial model of suicide risk (Turecki et al., 2019), this section examines how law influences policing which, in turn, affects the mental health and suicide risk of JIP. This process is illustrated in Figure 1. The section then examines how two specific areas of law—the power of arrest and the interrogation process—influence the way that policing is carried out in Singapore. In doing so, it demonstrates how legislative and judicial choices can affect the degree to which policing adversely impacts the mental health of JIP.

**Figure 1**

*A Theoretical Framework on how the Legal Regulation of Policing affects the Suicide Risk of JIP*



***The Power of Arrest***

The criminal process often begins with an arrest—the act of apprehending, restraining or depriving a person’s liberty, whether by force or the threat of force. The Singapore courts have held that an arrest occurs in two circumstances. First, a police officer “states in terms that he is arresting or when he uses force to restrain the individual concerned”. Second, “by words or conduct he makes it clear that he will, if necessary, use force” (*Chee Siok Chin v Minister for Home Affairs (2006)* at [100]).

***Source of Power***

Under the Criminal Procedure Code 2010 (Singapore), or the CPC, the default position is that an arrest warrant is required before the police may arrest a person unless an exception applies. In those cases, the police may arrest without a warrant. For example, Section 64(1) of the CPC provides that the police may arrest without a warrant a person who has been or is reasonably suspected to have been involved in an arrestable offence. Whether an offence is arrestable or not is set out in Schedule 1 of the CPC. Offence-creating legislations may also confer on the police the power to arrest without a warrant.

The Mental Health (Care and Treatment) Act 2008 (Singapore), or the MHCTA, imposes a duty on police officers to apprehend a person to prevent them from causing danger to themselves or others where such danger is attributable to a “mental disorder”<sup>1</sup>. Upon apprehension, the police must deliver the person to a medical practitioner for examination and treatment. From a rights perspective, an apprehension under the MHCTA amounts to an arrest since an apprehended person is deprived of their liberty upon such apprehension by the police. Notably, such apprehension and any subsequent detention and treatment of the apprehended person under the MHCTA also amount to forced institutionalization and treatment. These are controversially disavowed under Article 14 of the United Nations Convention on the Rights of Persons with Disabilities (Wilson, 2022), which Singapore ratified in July 2013.

***Legal Threshold and Limits***

There are three main ways by which the law regulates the exercise of the arrest power. These are 1) how an arrest is to be carried out, 2) when an arrest may be performed, and 3) the constitutional requirement to produce an arrested person who is not released after 48 hours before a magistrate.

First, how an arrest is to be carried out is set out under Section 75(1) of the Criminal Procedure Code 2010 (CPC). This provides that a police officer must “touch or confine the body of the person to be arrested unless he or she submits to arrest by word or action”. Section 75(2) further provides that a police officer may “use all reasonable means necessary to make the arrest” if the person to be arrested resists or tries to evade arrest. Section 76 further provides that the person arrested must not be restrained more than is necessary to prevent their escape.

In *Simon Suppiah Sunmugam v Chua Geok Teck (2012)*, the plaintiff sought damages for assault and wrongful arrest against an auxiliary police officer (APO). However, he failed in the action because the court was not convinced by his account of events. In particular, the court held that the use of force by the APO was “reasonable and justifiable on account of the plaintiff’s resistance and struggle” (at [84]). Accordingly, there was no wrongful arrest or unlawful force used, since the injury the plaintiff

suffered “occurred in the course of effecting the lawful arrest in a lawful manner” (*Simon Suppiah Sunmugan v Chua Geok Teck* (2012) at [84]).

Second, as noted earlier, Section 64(1) of the CPC allows a police officer to arrest without warrant a person who “has been concerned in an arrestable offence or is reasonably suspected of having been involved in one”. While the court maintains oversight of the police’s exercise of this discretionary power, it has emphasized the need to strike a “balance between the liberty of a person and the need to uphold law and order” (*Chee Siok Chin v Minister for Home Affairs* (2006)). Accordingly, the court would intervene only to ensure that the arrest power is not arbitrarily exercised (*Chee Siok Chin v Minister for Home Affairs* (2006)). However, there is no independent ombudsman in Singapore to whom an arrested person can file a complaint. As such, an aggrieved person must commence civil proceedings against the arresting officer under the tort of false imprisonment, also known as the tort of wrongful arrest (*Yan Jun v AG* (2014)). The court’s oversight is therefore reactive, not proactive.

There has not yet been a successful claim of false imprisonment against a police officer exercising the arrest power under Section 64(1) of the CPC. However, a man recently succeeded in his claim against a police officer for false imprisonment after he was apprehended under the MHCTA. In *Mah Kiat Seng v AG* (2023), the High Court found that the police officer did not have a reasonable belief that Mah was a danger to other persons by reason of a “mental disorder”. This finding was supported by body camera footage taken during the material time which did not corroborate the police officer’s account of his behavior.

The court also clarified the legal standards for a police officer to exercise the power of apprehension under the MHCTA. First, the danger which the apprehended person poses must be “likely to occur within a short time”; that is, in a matter of hours rather than days (*Mah Kiat Seng v AG* (2023)). Second, it is not sufficient that the apprehended person poses a danger to property; the danger posed must be to persons (*Mah Kiat Seng v AG* (2023)). However, shortly after the judgment was issued, the MHCTA was amended by the government to overrule the court’s interpretation of the law. The threshold for a person to be apprehended under the MHCTA was reduced from actual and imminent danger to the reasonable likelihood of danger with no temporal element. According to the government press release, these amendments were intended to “ensure that the Police are able to apprehend mentally disordered persons in a timely fashion, and prevent harm to the person, themselves, and others” (Ministry of Home Affairs, 2024s).

In *Mah Kiat Seng v AG* (2023), the court emphasized that the MHCTA characterizes the police’s apprehension of such persons as a “duty” rather than a “power”, which “underlines the legislative concern with public safety, and enjoins a court to give considerable latitude to the police officer’s consideration of reasonable grounds” (*Mah Kiat Seng v AG* (2023) at [45]). Police officers thus have no discretion and are obliged to apprehend anyone who meets either of the following criteria: (i) a person who may *possibly* endanger their own life or personal safety or (ii) a person who may *possibly* endanger the life or personal safety of others and whose conduct is reasonably suspected to be attributable to a “mental disorder”. In response to the amendments, some legislators and mental health advocates expressed concern that the reduced threshold may result in the over-policing of persons with psychosocial disabilities. They noted that persons experiencing a mental health crisis should be afforded mental health care instead of involuntary restraint and detention (Ong et al., 2024). Indeed, a recent study found that the Crisis Response Team (CRT) could mitigate suicide risk (Chan et al., 2023). This interprofessional collaboration between the SPF and the IMH focuses on providing emergency mental health care to persons in need.

Finally, the *Constitution of the Republic of Singapore*, or the Singapore Constitution, imposes several requirements after a person has been arrested for a criminal offence. First, Article 9(3) states that the arrested person must be informed “as soon as may be” of the grounds of his arrest. In the context of the MHCTA, the court has interpreted this to mean “as soon as reasonably practicable”, based on the circumstances of the case, rather than “immediately” at the point of arrest (*Mah Kiat Seng v AG* (2023) at [36] – [37s]). Second, Article 9(4) states that, where a person has been arrested and not released within 48 hours, he must be produced before a magistrate and may not be further detained in custody without the magistrate’s authority. However, a person who is released within the first 48 hours of the arrest need not be produced before a magistrate (*Yan Jun v AG* (2015)).

### *Impact on Suicide Risk of JIP*

The foregoing discussion demonstrates that the threshold for exercising the power of arrest is relatively low. It also establishes that there is limited judicial oversight over criminal arrests and apprehensions under the MHCTA by the police, both from a procedural and substantive perspective. Procedurally, an aggrieved person who was subjected to such arrest or apprehension must take the initiative to commence civil proceedings against the police under the tort of false imprisonment. This can be a very expensive and time-consuming exercise. Substantively, the court is deferential to the police’s exercise of its executive discretion and would only intervene if the police has acted arbitrarily or in bad faith.

Taken together, the legal framework may result in increased police contact and the use of force or restraint in situations where a person resists or refuses to be arrested or apprehended. The stressful and traumatic experience of arrest may increase a person's risk of suicide, since acute stress is a demonstrated risk factor for suicide (Gradus et al., 2010; O'Connor et al., 2020). Studies have also identified an association between increased police contact (that did not necessarily amount to excessive violence) and adverse physical and mental health outcomes (Baćak & Apel, 2020; McFarland et al., 2019).

Other relevant mediating mechanisms that may result in an increased risk of suicide include hopelessness and thwarted belonging. First, the potential lack of recourse available to persons aggrieved about their arrest experiences may cause feelings of hopelessness. Second, thwarted belonging may increase due to a distrust in the police and other public institutions. Here, the case of Yan Jun who commenced civil proceedings against the police for wrongful arrest is instructive. After his unsuccessful legal action, Yan started to carry out protests against the Singapore government and the judiciary for alleged corruption and various conspiracies. In October 2023, he was convicted for the 11<sup>th</sup> time for staging an illegal protest in front of the US embassy (Ong, 2023).

Notably, for persons with existing mental health conditions, the low threshold for their apprehension under the MHCTA exposes them to a higher risk of police contact and further trauma. As many individuals with mental health conditions have past experiences of trauma, the police's use of restraints in apprehending a person may result in a "violent and vicious cycle" that replicates the "unconscious dynamics of past abuse" (Sethi et al., 2018, p. 140). The risk of such re-traumatization could be reduced if the law imposed a higher threshold for the police to only exercise the power of apprehension where there is a real risk of danger.

### ***The Interrogation Process***

In Singapore, the SPF employs the FAIR (Familiarization, Approach, Inquiry and Review plus Closure) model of investigative interviewing, which is adapted from the United Kingdom (UK) PEACE interviewing model (Chin et al., 2022, pp. 2–3). While the FAIR model is an information-gathering approach to police interrogations (Bull, 2019), techniques usually associated with the accusatorial approach remain available at the police officer's disposal. As emphasized in *Muhammad bin Kadar v PP (2011)*, police officers are afforded "great freedom and latitude to exercise their comprehensive and potent powers of interrogation in the course of investigations". This may include the use of such tactics as coercion, deception and deprivation (O'Mara, 2018).

### ***Source of Power***

Section 23 of the CPC governs the recording of what is known as a "cautioned statement". This is taken after a person has been charged with an offence or informed that they may be prosecuted for an offence. Such statements are taken after an accused is informed of the charge against them and a written notice is served on, and read to, them informing them that an adverse inference may be drawn if the accused remains quiet.

### ***Legal Threshold and Limits***

Generally, there are three ways by which the police's conduct may be legally regulated in the interrogation process.

First, an accused may exercise their right to counsel so that their defense counsel can ensure that the police act in accordance with the law. Article 9(3) of the Singapore Constitution states that where a person is arrested, he shall be "allowed to consult and be defended by a legal practitioner of his choice". However, this does not confer on an arrested person an *immediate* right to counsel; the police are required only to grant the arrested person access to counsel within a "reasonable time" (*Jasbir Singh v PP (1994)* at [49]). This interpretation is informed by what the court considered to be a "a balance between the arrested person's right to legal advice and the duty of the police to protect the public by carrying out effective investigations" (*Jasbir Singh v PP (1994)* at [46], cited with approval in *James Raj s/o Arokiasamy v PP (2014)* at [31]). For example, in *James Raj s/o Arokiasamy v PP (2014)*, the accused was granted access to counsel 29 days after he was arrested. While the High Court acknowledged that the investigations against the accused were complex, it held that the prosecution bore the burden of proving that permitting the accused access to counsel would jeopardize its investigations. As the prosecution failed to do so, the court held that, in the absence of evidence, it would not have hindered investigations even if the accused was granted counsel on the date that his lawyer had first requested such access.

Second, the accused may refuse to answer any incriminating questions. However, there is no constitutional right to silence in Singapore. Instead, accused persons only enjoy a privilege against self-incrimination, which is enshrined in Section 22(2) of the CPC. This states that the person examined by the police "need not say anything that might expose the person to a criminal charge, penalty or forfeiture". To remain silent is a privilege, not a right, because the court is entitled to draw an adverse

inference from the accused's silence in accordance with Section 261 of the CPC. The interviewing officer is required to serve on, and read to, the accused the written notice containing information on the privilege against self-incrimination before taking a cautioned statement. However, the failure to do so does not render the cautioned statement inadmissible unless there was flagrant non-compliance with the procedural requirements (*Muhammad bin Kadar v PP (2011)*; see also *PP v Dahalan bin Ladaewa (1995)*). The police are not required to expressly inform the accused that he has such a privilege against self-incrimination and the failure to do so is not a breach of the accused's constitutional rights (*PP v Mazlan bin Maidun (1992)*).

Finally, the court may exclude confessions or statements which were made involuntarily or under oppressive circumstances, as set out in Section 258(3) of the CPC. The two reasons for this are to ensure the reliability of a confession and to discourage misconduct or other improprieties by police officers. Such actions may undermine the rule of law and the integrity of the judicial process (*Sulaiman bin Jumari v PP (2021)*). However, statements taken in breach of procedural requirements are not rendered inadmissible solely because of such breaches (*Muhammad bin Kadar v PP (2011)*).

The legal test for excluding an accused's statement has been construed narrowly in Singapore and accused persons have rarely succeeded in excluding their own statements at trial. According to the Court of Appeal, such a high threshold is required because "some discomfort has to be expected" in the interrogation process (*Yeo See How v PP (1996)* at [40]). Furthermore, the court reasoned that "the police work in difficult circumstances" such that "[i]f they were required to remove all doubt of influence or fear, they would never be able to achieve anything" (*Panya Martmontree v PP (1995)* at [29]).

### *Impact on Suicide Risk of JIP*

The wide latitude afforded under Singapore law to the police to employ coercive interrogation techniques exposes an accused person to high levels of stress and anxiety. These techniques may include the extended deprivation of sustenance and sleep, the use of verbal threats and physical violence, and deception. This stress and anxiety may result in a temporary abnormal mental state or more permanent psychiatric conditions (Gudjonsson, 1994, pp. 242–243; Putnam, 2013). These adverse mental health effects are known risk factors for suicide (Gradus et al., 2010; Stanley, 2021). Thus, the limited legal restraints against what the police may do to a suspect during an interrogation may increase the suicide risk of those subjected to such coercive interrogation techniques.

The court's deference to the police in determining when a suspect may be granted access to counsel or their loved ones also means that a suspect may be held in isolation for extended periods. This can increase feelings of hopelessness and thwarted belonging, which are also known risk factors for suicide. On one hand, feelings of thwarted belonging necessarily increase. The suspect is surrounded by police officers who would probably be unfriendly or even hostile towards them and they are effectively isolated from their community until the police allow them to contact others. On the other hand, the suspect may feel hopeless from the lack of information and support. The coercive techniques employed by the police are also intended to specifically "exert control over the suspect and to instill a sense of hopelessness" (Meissner et al., p. 226).

Finally, a suspect's feelings of hopelessness may also increase after they have been granted access to their defense counsel. Specifically, the suspect would likely have already given multiple statements to the police before they speak with their defense counsel. During interrogation, they may have incriminated themselves or made statements (whether true or false) that they otherwise would not have if they had the opportunity to consult their counsel beforehand. A suspect in such a situation may therefore feel guilty and resigned. Notably, if a suspect has given a false confession, they may not be able to retract that confession or have that statement excluded, given the restrictive legal rules on the admissibility of such statements.

## **Conclusion**

This article has demonstrated how the law can affect the suicide risk of JIP. In doing so, it presents a new dimension to the call for stronger due process protections under Singapore law beyond the prevention of wrongful conviction. A balance must be struck to ensure that the police can carry out their duties effectively. Nonetheless, the introduction of a public health perspective demands that we ask whether the current legal framework needs to be recalibrated in favor of stricter legal regulation of police powers and more searching judicial scrutiny. A legal epidemiology approach thus invites judges, policymakers and criminal practitioners to reflect on how the police "doing their jobs" can inadvertently cause harm to JIP and push them towards suicide. In terms of policy reforms, the police should minimally collect statistics on suicide and suicide attempts by JIP beyond those who are already in police custody. JIP should be offered mental health support services after they have been arrested, even if the police do not take any further action against them. Currently, only convicted persons who are serving an imprisonment sentence receive mental health assessments and psychiatric treatment administered by the Singapore Prison Service (Shanmugam, 2022).



In terms of future research directions, more data collection will help to empirically confirm the relationship between the law on policing and suicide risk of JIP. For example, a potential study could analyze whether individuals who have been interrogated without counsel present report poorer mental health and higher rates of suicide ideation and attempt than those who were interrogated with their counsel present. Theoretically, the legal epidemiological approach should also be extended to the analysis of other areas of law which touch on matters of public health or violence. Examples include the role of criminal law and procedure in addressing sexual violence and the role of family law in addressing domestic violence.

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<sup>1</sup> The terms “mentally disordered” and “mental disorder” are placed in quotation marks because, although they are terms that appear in the MHCTA, they are no longer appropriate language. Instead, this article uses the terms “person with a mental health condition” and “mental health condition” where the MHCTA is not directly quoted.

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