

Guide to Sentencing in Singapore



An infographic

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Role of Different Stakeholders



Parliament

Makes laws, decides what behaviour to criminalise and sets range of applicable penalties.

The Attorney-General's Chambers (AGC)

Assesses evidence gathered by LEAs, decide whether to charge the alleged perpetrator and what charge may be appropriate, and conducts the prosecution in court by leading evidence to prove the charge.

The Courts

Apply the law to the facts of the case to decide if the person is guilty and if so, the appropriate sentence.

Law enforcement agencies (LEAs) *e.g. Police*

Investigate reports of crimes and, where appropriate, apprehend the alleged perpetrator. Present evidence and investigation findings to the AGC.

Defence Counsel

Represents the interests of the alleged perpetrator including pointing out mitigating factors during sentencing.

Probation and Community Rehabilitation Service

Undertakes community rehabilitation of mainly youth offenders.

Prisons Service

Enforces safe custody and rehabilitation of offenders.

2 Setting the Punishment and Sentencing

Parliament decides how an offence should be punished (e.g. setting the different types of punishment suitable for the offence and the maximum sentence).

Sentencing is the process where the Courts decide the appropriate punishment for an offender after his conviction for an offence, within the range set by the law.



2 Setting the Punishment and Sentencing

The Courts will consider the following principles and decide how much importance to place on each. These principles will guide their judgment so that they may arrive at a fair and just sentence, within the range set by the law:



Proportionate punishment

The offender should be punished according to his blameworthiness and the seriousness of the crime.

Deterrence

The sentence should deter others and the offender from engaging in similar behaviour.

Prevention

Offenders who pose a threat to public safety should serve a custodial sentence for a longer period of time to prevent them from causing further harm.

Rehabilitation

The sentence should encourage the reformation of the offender.

Ultimately, sentencing is based on the facts of each case – while the Courts may treat like cases similarly, no two cases are exactly alike.

3

Case Law on Assessing Rehabilitative Potential

Case law refers to law that has been established in prior judgments of the Courts.

Through case law, the Courts have established a **three-step approach** to determine the propensity for reform for adult offenders who commit serious offences



1

Whether the offender has demonstrated a **positive desire for change** since committing the offence.

2

Whether there are **conditions in the offender's life that are conducive to help the offender turn over a new leaf.**

3

Whether there are any **risk factors** that undermine the offender's capacity for reform.

Ultimately, the Court has to decide whether it remains appropriate to retain the emphasis on deterrence, despite the offender's extremely strong propensity for reform.

3

Case Law on Assessing Rehabilitative Potential

The Courts have stated that the social status of the offender is irrelevant because everyone is equal in the eyes of the law.



AGED 21 AND BELOW

In sentencing young offenders aged 21 and below, rehabilitation is generally the dominant consideration.

AGED ABOVE 21

For offenders above 21, rehabilitation is generally not the dominant consideration for serious offences, unless the offender demonstrates an extremely strong propensity for reform, or there are exceptional circumstances.



4

Community Based Sentences (CBS)

i CBS was introduced in 2010 to give greater flexibility in sentencing. CBS focuses on rehabilitation, and helps to achieve some of the other sentencing principles like deterrence.

1 Short Detention Order

The offender must spend up to 14 days in jail. The aim of a Short Detention Order is to deter re-offending while being less disruptive and stigmatising.

2 Day Reporting Order

The offender must regularly report to a reporting centre for supervision and to undergo counselling and rehabilitation. The offender may also be electronically monitored and placed under curfew at home.

3 Community Service Order

The offender must perform community service to make

amends to the community.

4 Community Work Order

The offender must perform community work that is associated with the offence, to take responsibility for and acknowledge the harm caused.

5 Mandatory Treatment Order

Requires an offender suffering from treatable psychiatric conditions which had contributed to the offence to undergo psychiatric treatment.

Breaches can result in a revocation of the CBS order, and the offender may be subject to a fresh sentence (e.g. a jail term). A combination of CBS orders can be imposed.

5 Probation

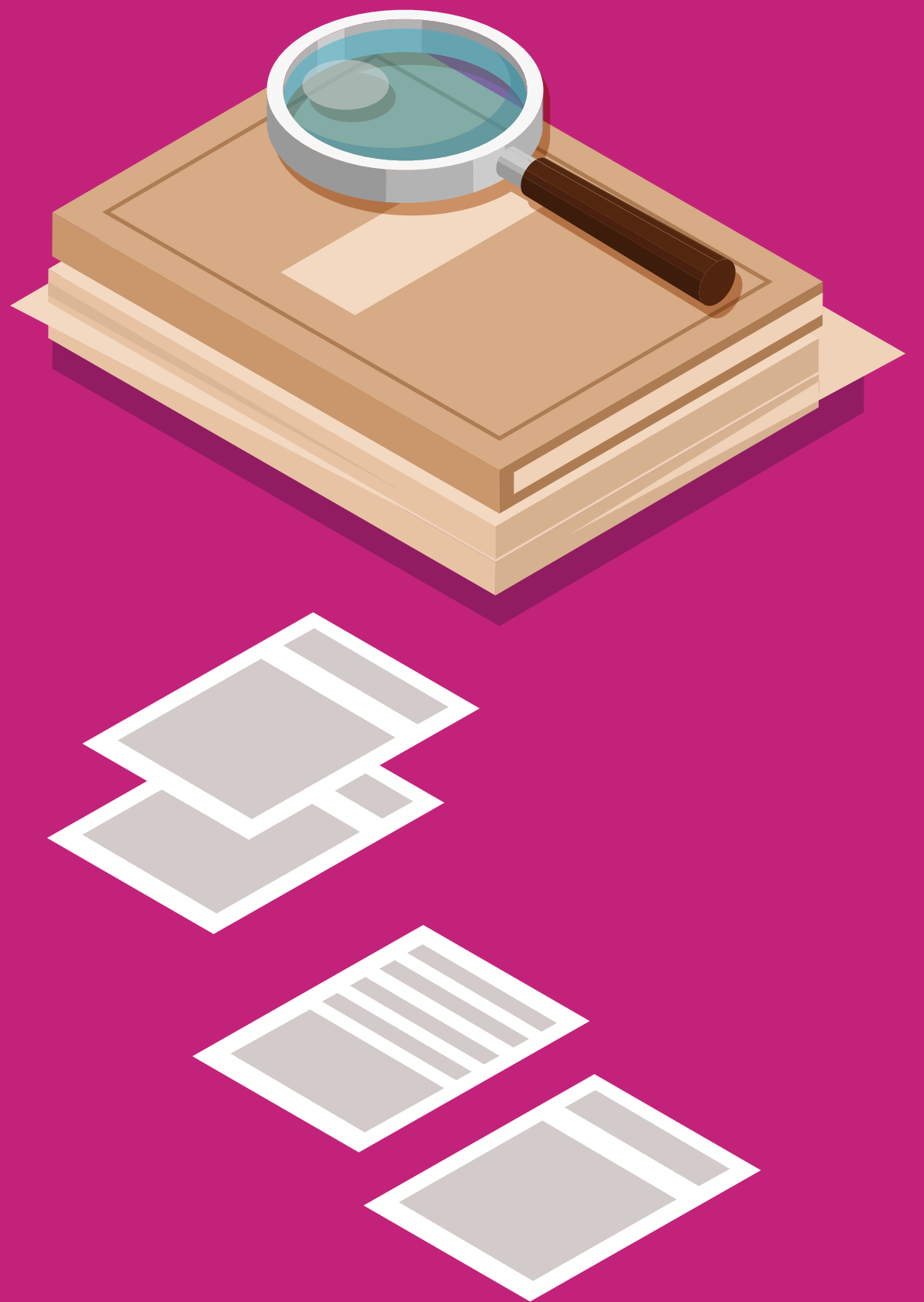
The key principle behind probation is rehabilitation. Probation is more commonly ordered for offenders 21 and below.

The Courts may call for a pre-sentence report (PSR) on an offender's suitability for probation.

The PSR is prepared by a Probation Officer who assesses the offender's risk/needs, strengths, motivation to change and ability to commit to a rehabilitation plan and conditions.

The Probation Officer will also assess the family's ability to support the changes. Psychiatric or psychological assessments may be included.

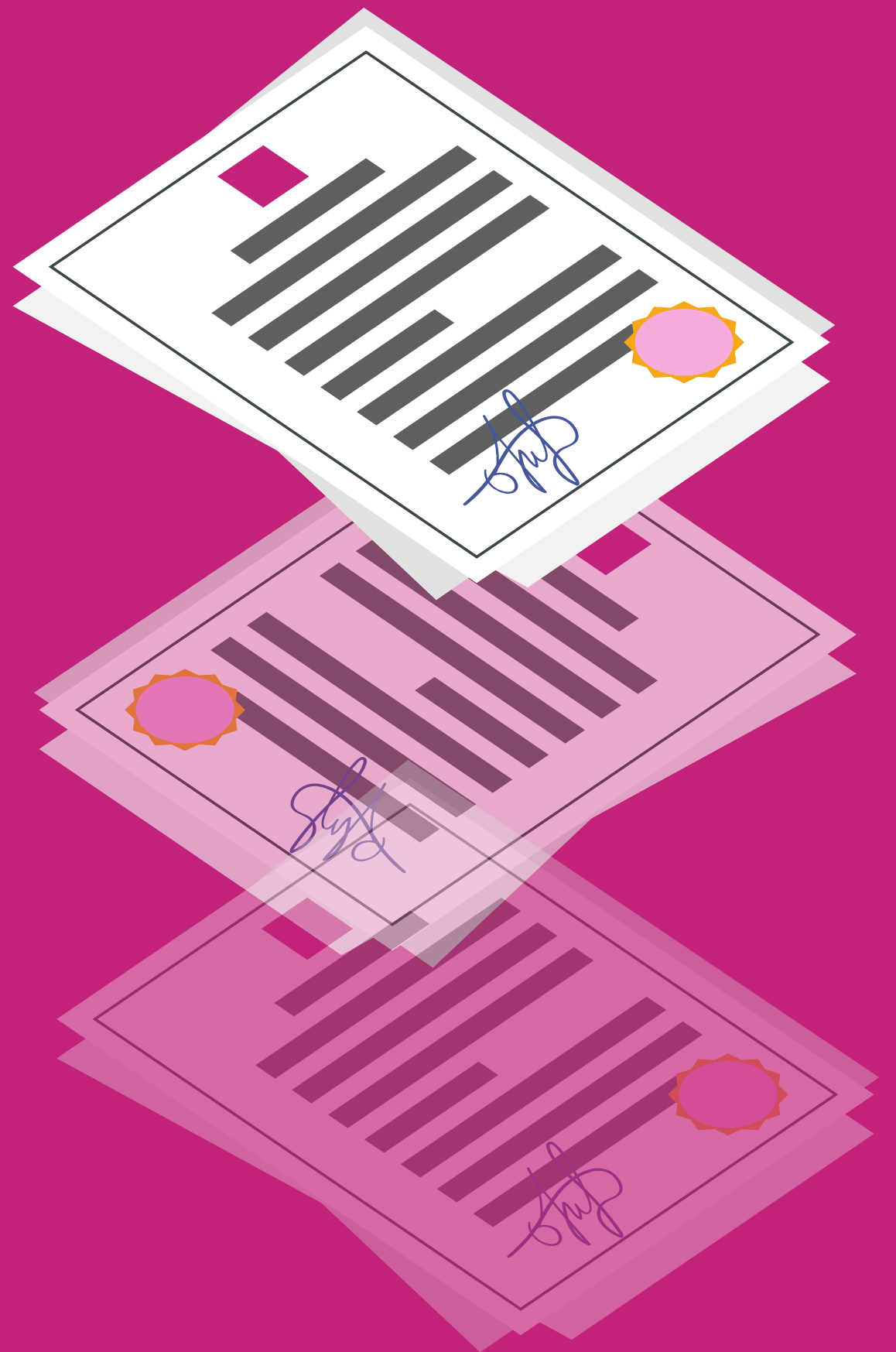
The Courts will consider the nature and severity of the offence, the offender's character and the PSR prepared by the probation officer, before deciding whether to make a probation order.



5 Probation

If a probation order is made, the offender will be supervised by a probation officer for a period between 6 months and 3 years, that is set by the Courts.

Offenders must not re-offend while on probation. They must also adhere to probation conditions, which may include attendance at rehabilitative and life-skills programmes, community service, curfews, and restricted use of electronic or camera-enabled devices.



Failure to comply with any requirement of the probation order, or a commission of any further offence, may result in a revocation of the probation order. If so, the offender will be re-sentenced for the offence for which he was placed on probation (e.g. a jail term for aged 16 and above).



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Sentencing is the process where the Courts decide the appropriate punishment for an offender after his conviction for an offence, within the range set by the law.

The Courts will consider the following **principles** and decide how much importance to place on each. These principles will **guide their judgment** so that they may arrive at a **fair and just** sentence, within the range set by Parliament:

- **Proportionate punishment:** the offender should be punished according to his blameworthiness and the seriousness of the crime.

- **Deterrence:** the sentence should deter others and the offender from engaging in similar behaviour.

- **Prevention:** offenders who pose a threat to public safety should serve a custodial sentence for a longer period of time to prevent them from causing further harm.

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Through case law, the Courts have established a **three-step approach** to determine the propensity for reform for adult offenders who commit serious offences.

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- 2 Whether there are **conditions in the offender's life that are conducive to help the offender turn over a new leaf**.
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Ultimately, the court has to decide whether it remains appropriate to retain the emphasis on deterrence, despite the offender's extremely strong propensity for reform.

The Courts have stated that the social status of the offender is irrelevant because everyone is equal in the eyes of the law.

In sentencing **young offenders aged 21 and below**, rehabilitation is generally the dominant consideration.

For **adults**, rehabilitation is generally not the dominant consideration for serious offences, unless the offender demonstrates an extremely strong propensity for reform, or there are exceptional circumstances.

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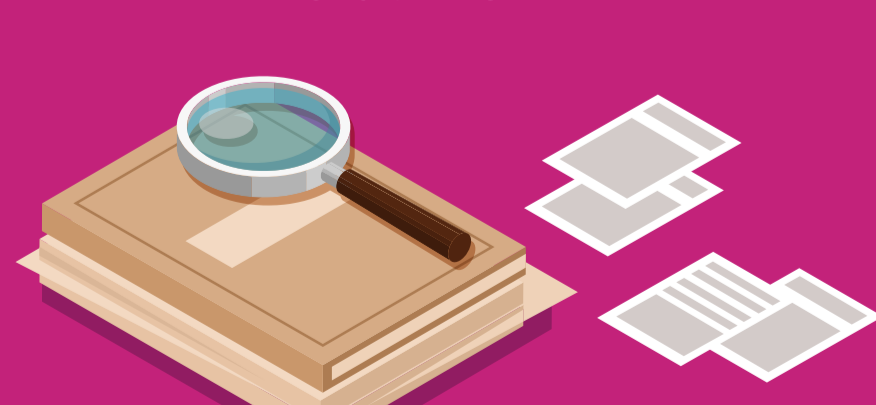
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