

SENTENCING CONFERENCE 2017
Review, Rehabilitation and Reintegration

26 October 2017

**Introductory Remarks by Justice See Kee Oon,
Presiding Judge of the State Courts of Singapore**

The Honourable the Chief Justice Sundaresh Menon,
The Right Honourable Sir Geoffrey Vos, Chancellor of the High Court of England and Wales
The Honourable Deputy Attorney-General Hri Kumar Nair SC
President, Law Society of Singapore, Mr Gregory Vijayendran
Distinguished Speakers and Guests, Ladies and Gentlemen,

1. A very good morning to all of you. It gives me great pleasure to welcome you to the Sentencing Conference 2017, jointly organised by the State Courts of Singapore and the Singapore Academy of Law. On behalf of the organising committee, I thank all of you for your keen interest and participation. In particular, I would like to extend a very warm welcome to Singapore to our speakers and participants who are joining us from overseas. We are deeply honoured and privileged to have you present with us today.

2. The inaugural Sentencing Conference was held in October 2014 and the theme was “Trends, Tools and Technology”. By all accounts, it was a hugely successful conference. We had a very positive turn out, and the breadth and depth of discussion and stimulating exchange of ideas made for a very engaging conference. This year, I am glad to say that the response has been equally encouraging and I am greatly heartened by your continued interest and strong support.

3. This year’s Conference theme is “Review, Rehabilitation and Reintegration”. The discussion topics relate primarily to the three “Rs” mentioned in the theme:

- a. Review of sentencing approaches;
- b. Rehabilitation of offenders; and
- c. Re-integration of ex-offenders.

4. On the theme of “Review”, we will engage in in-depth discussions on how the courts continually strive to ensure fairness while maintaining a measure of consistency in sentencing. Guideline judgments laying down relevant sentencing frameworks and indicative benchmarks are obviously instructive in this regard. But sentencing is often a fact-sensitive exercise which entails great care in the exercise of judicial discretion. It would be erroneous to apply benchmarks mechanically and rigidly without due regard to the circumstances of the case as well as the offender, and without a proper appreciation of the context within which the law operates and the purpose it seeks to achieve.

5. A number of topics are clustered around the theme of “Rehabilitation”. In approaching the task of sentencing, the court often has to keep in mind several sentencing objectives, which may seem at times to pull in opposite directions. Bearing in mind the underlying objective of the statute penalising the offending conduct, the court must have regard to the general objectives of deterrence, retribution, prevention and incapacitation, as well as rehabilitation.

6. The offender’s rehabilitation and subsequent reintegration into society are important considerations in sentencing. Treating or addressing the underlying cause(s) of offending may prevent the offender from ever offending again. The effective rehabilitation of offenders therefore can aid in preventing crime and reducing recidivism.

7. Rehabilitation may displace other sentencing objectives such as deterrence or retribution when the court deals with specific categories of offenders, such as mentally-ill offenders and young offenders. There are two possible justifications for this. First, by virtue of mental illness or lack of maturity, the offender has reduced self-control such that his commission of crime is assessed to be less culpable. Second, the offender could be considered less culpable because he has a reduced capacity to understand the nature of the offence or to appreciate that its commission is wrong. Consequently, the full significance of punishment may not be realised by the offender, and the sentencing objectives of deterrence and retribution may become less important. However, it cannot be over-emphasized that in every case, even those falling within these two categories, the court nevertheless has to carefully weigh all the relevant sentencing considerations as applied to the specific factual context and determine what sentence best serves the public interest.

8. The sentencing court makes its determination aided by submissions made by the parties before it. While criminal litigation remains largely an adversarial process, in the area of

sentencing in particular, the overriding focus for counsel and prosecutors alike should not be about “winning” an argument or securing a legal or tactical advantage. Sentencing precedents submitted by the parties play an important role in informing the appropriate sentence. With a full range of relevant information before the court, this goes a long way towards ensuring fair outcomes, so that like cases are treated alike, and disparate outcomes are minimised as far as possible. But this requires that information asymmetry is also minimised as far as possible. To help address these concerns, the State Courts’ Sentencing Information and Research Repository (or SIR), currently available as a LawNet service, will be enhanced progressively. We have already begun incorporating case summaries for selected offences. With the planned enhancements, we envisage that SIR V2.0 can help serve as a common resource for access to sentencing information.

9. The passing of an appropriate sentence by the court marks the conclusion of the prosecutorial process. But for the offender who must undergo incarceration, it is a stark signal of the beginning of the phase of punishment. Thereafter, we have to grapple with the question of how to best rehabilitate offenders. The challenge then, is designing and continuously improving rehabilitative programmes tailored to offenders with various differing needs and recidivism risk levels.

10. We are fortunate that our Prisons Service runs carefully-designed and well-executed rehabilitative programmes administered to those in custody. Yet life really begins anew for ex-offenders only upon release. The third Conference theme of “Re-integration” of ex-offenders upon their release is just as important. Social acceptance of ex-offenders provides them with opportunities to turn their lives around. Opportunities for employment, education, building new relationships, mending broken ties – all of these help them to regain a sense of redemption, pride and belonging. These opportunities can be crucial in the aftermath of imprisonment, to keep ex-offenders on the path of the straight and narrow.

11. Over the course of today and tomorrow, you will hear from an impressive line-up of distinguished local and international speakers and panellists. We will begin shortly with the much-anticipated Keynote Address which will be delivered by the Honourable the Chief Justice Sundaresh Menon. After the morning tea break, the Right Honourable Sir Geoffrey Vos will deliver a Special Lecture titled *“Perspectives on Open Justice: Anonymity and Confidentiality”*. The first of 5 Sessions of the Conference will then follow, incorporating panel discussions from our speakers and panellists on a range of topics. Day 2 will open with our second Keynote

Address from the Honourable Deputy Attorney-General Hri Kumar Nair SC, who will speak on *“The Prosecutor’s Role as Guardian of the Public Interest in Sentencing”*.

12. I thank all of you once again for taking time to join us for this Conference. I am confident that there will be many interesting discussions and ideas shared which will enrich our knowledge, inform our opinions and broaden our understanding of a range of sentencing issues. It leaves me now to declare the Conference open and I look forward very much to the presentations over the next two days. Thank you.