

BOOK LAUNCH SPEECH

Good evening,

The Honourable the Chief Justice, Distinguished Guests, and Friends.

1. I'm extremely delighted to see all of you here this evening! Since the publication of *Sentencing Principles*, I have been frequently asked by friends how long it took to complete the book. Well, the project started about 10 years ago in 1999, soon after I was posted to the Subordinate Courts. After almost a decade of writing, I must say that the publication of *Sentencing Principles* comes as a **great relief** – both to myself and my family!

2. In his thought-provoking Foreword to *Sentencing Principles*, the Honourable Chief Justice touched on several issues concerning sentencing. One of these is the relationship between **public opinion and sentencing**.

3. Indeed, public opinion has an important (and yet controversial) role in sentencing.

4. Public opinion is **important** because it affects public **confidence** in the administration of criminal justice.¹

5. Public opinion on sentencing is however also **controversial** because such opinions can sometimes be **uninformed**. Overseas studies have found that most laypersons have **little accurate knowledge** of the statutory sentencing framework and sentencing policies. Another problem with public opinion in sentencing is that it is **notoriously difficult to divine**. A common method of gauging public opinion is the opinion poll. One important limitation to such polls however is that they usually pose **general questions** – such as **should we jail a person whose driving caused the death of another road user?** This kind of question not only **oversimplifies** the issue, but also ignores the fact that at the end of the day, sentencing is about **individual cases**, and not about categories of offences.

6. A legal commentator once argued that –

‘[s]entencing is a purposive social endeavour which must be guided by rational inquiry, not raw impulse. **It is sentencing experts who should be educating the public about how to punish offenders, not the other way around**’.²

¹ Studies have found that public confidence tends to rise considerably when the public are informed: <http://www.homeoffice.gov.uk/rds/bcs1.html> See also *Public confidence in the New South Wales criminal justice system*, Crime and Justice Bulletin, August 2008, NSW Bureau of Crime Statistics and Research. See also http://www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_r118chp5

² <http://www.moraldilemma.observationdeck.org/?p=40>

7. How then can we ensure that public opinion about sentencing is more informed? This is indeed a **challenging endeavour**. We all know that sentencing is incredibly difficult. My wife reminded me this morning that it is not as difficult as going through pregnancy – with twins!³ If sentencing is difficult for legal professionals like us, imagine how crime victims, accused persons and the public – who are frequently laypersons – may feel about sentencing, or for that matter, the criminal justice process.

8. In Singapore, the key justice stakeholders have made concerted efforts to educate the public on sentencing matters and the criminal justice process. The recent *'The Living Courthouse'* initiative is one such good example.

9. Another is the active leveraging of the **internet**. A layperson logging onto the websites of the Judiciary, Attorney-General's Chambers, Law Society, the Singapore Police Force, the Singapore Prisons Service, and MCYS is likely to be overwhelmed by the wealth of information on the criminal justice process. Just like the character Agent Fox Mulder in the popular X-Files TV series, the layperson knows that **the truth is out there, but where?**

10. Can we do something more for crime victims, witnesses, accused persons and the public – to show them where to start looking and how to understand the information? Perhaps, we may wish to consider the feasibility of publishing a **practical layman's guide** to our criminal justice system and sentencing. Such a publication can potentially further enhance the reach and easy assimilation of the mass of already publicly available information on this subject, thereby enhancing the **'legal knowledge capital'** of our society.

11. Each one of us can contribute to the discourse and advancement of our sentencing jurisprudence – whether through our mitigation pleas, sentencing submissions, judgements or writings. I look forward to gathering your thoughts on **how existing sentencing principles can be further refined**, and **new ones established** in a 2nd edition to the *Sentencing Principles*. Let me assure you this – you do not need to wait for another 10 years to read that book!

12. Thank you!

³ *Psychology in the Courts: International Advances in Knowledge*, Routledge, 2001 at chapter 10 (Julian V. Roberts and Michael Hough).