Sentencing can’t be led by public opinion: CJ

He also stresses need to explain sentencing policies to the public

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WHILE courts here have to heed public opinion, they cannot be led by it, says Chief Justice Chan Sek Keong.

He wants judges, given their experience and understanding of the core values of society, to guide public opinion where there is none or when public opinion is divided over sentences meted out.

CJ Chan was discussing the link between public opinion and sentencing in his foreword to a new book he launched yesterday at the Supreme Court.

The 1,388-page book, Sentencing Principles In Singapore, is a collection of sentencing principles and case law and is the first local publication of its kind.

A second unrelated book, Practitioner’s Library: Family And Juvenile Court Practice, written by judges and judicial officers of the Family and Juvenile Court, was also launched at the event.

"Sentencing cannot be fully democratised, lest it becomes populist and ruled by fashionable opinions of the most articulate members of the public," said CJ Chan.

He added that while public opinion is often unreliable as to what is a just sentence, it can be a "weather vane" when there is systemic unjust punishment.

CJ Chan said there was a need to explain sentencing policies and guidelines to the public.

"This may be a more rational way of responding to public criticism than changing current sentencing policies." This is not always easy as sentencing principles develop over numerous judgments. He pointed out that sentencing is not an exact science but a matter of discretion and judgment call.

While judges ponder over punishments to be dealt out, sentencing principles and values on punishment purposes, public interest and other issues have to remain constant.

Such sentencing principles and policies have so far never been collated and set out comprehensively in a single book for easy reference.

"Not any more," said CJ Chan, in commending the author for his monumental achievement in completing the book.

Written in user-friendly style, Sentencing Principles In Singapore is set to become a standard reference text of how and why judges punish offenders in the way they do.

CJ Chan said that with it, lawyers and deputy public prosecutors will no longer have an excuse for not addressing the court on sentencing.

The book was also lauded by Justice Choo Han Teck in a recent review in the Singapore Academy of Law’s Inter Se magazine, where he cited its “immense value”.

"It has covered all the areas one might need to know about sentencing of an offender," he said.

Mr Kow, a former district judge and father of two, took a decade – the age of his second child – to produce the book in his own time.

He said he was humbled and encouraged by the remarks made.

“I would be sincerely heartened if lawyers, deputy public prosecutors, law students not only find the information in the book useful, but actually go further to develop those sentencing principles.

“That would be an acknowledgement of what I’ve done, to see it being actively cited, used as a platform to further develop sentencing jurisprudence.”

The 41-year-old, who also lectures in criminal law at the Singapore Management University, plans to work on a second edition that may include websites relating to law reform of sentencing issues.