

SENTENCING
ADVISORY
PANEL

SINGAPORE

Guidelines on Reduction in Sentences for Guilty Pleas



Effective from: 1 October 2023

I. USE OF SAP GUIDELINES

1. These guidelines are established by the Sentencing Advisory Panel (“SAP”) of Singapore.¹ SAP guidelines are meant to:
 - (a) Guide judges in passing sentences in criminal cases. The court may have regard to any relevant guidelines.
 - (b) Guide the prosecution and defence in their sentencing submissions. The prosecution and the defence may have regard to any relevant guidelines in submitting on sentence.
 - (c) Assist accused persons in making decisions in criminal proceedings, and defence counsel in advising their clients.
2. SAP guidelines, unlike judicial guidelines, are not binding on any court. The court may decide whether to adopt the guidelines in a given case, and if so, how the guidelines should be applied. If the prosecution or the defence in any case intends to invite the court not to apply a relevant SAP guideline or any part thereof, the party should inform the court, and the other party, of this at the earliest available opportunity. Should the court decide not to apply a relevant guideline, the judge is encouraged to provide reasons for not doing so.

¹ www.sentencingpanel.gov.sg.

II. KEY PRINCIPLES AND RECOMMENDED APPROACH

3. The objective of these guidelines is to encourage accused persons who are going to plead guilty to do so as early in the court process as possible, and to promote consistency in sentencing. The guidelines do not apply where an accused person is convicted pursuant to a trial.
4. An early plea of guilt can have clear benefits in terms of:
 - (a) **The impact on victims and witnesses.** An early plea of guilt allows victims to find closure early, and spares victims and other witnesses the need to prepare for a trial, and to testify in court.
 - (b) **Public resources.** An early plea of guilt saves public resources on the part of the law enforcement agency, prosecution and judiciary.
5. These guidelines are not meant to encourage accused persons to plead guilty. It is the right of every accused person to assert his innocence and claim trial. Even before the introduction of these guidelines, accused persons can, in appropriate cases, receive a reduction in sentence if they plead guilty.
6. These guidelines aim to set out clearly the reduction in sentence a court ought to consider based on when an accused person pleads guilty. The earlier the accused person indicates that he will plead guilty, the greater the benefits as stated in paragraph 4, and hence the larger the reduction in sentence ought to be. If the accused person pleads guilty at the earliest possible stage, the reduction in sentence ought to be significant.
7. These guidelines do not apply to sentences other than imprisonment. When considering whether to impose a sentence other than imprisonment, as well as the quantum or terms of the relevant sentence, the court may consider the mitigating weight to be given to the accused person's plea of guilt, with reference to case law.

8. The recommended approach for determining a sentence where an accused person pleads guilty is outlined below:

Table 1

Step 1 **The court first determines the sentence that it would have imposed if the accused person had been convicted after trial.** This should be done for every charge the accused person has been convicted on after pleading guilty.

If the accused person has demonstrated remorse in other ways, apart from pleading guilty, the court may consider this as a mitigating factor in Step 1, if appropriate.²

Factors which relate to the accused person's plea of guilt (such as the victim having been spared from having to testify) **should not** be considered at Step 1.

Step 2 **The court determines the applicable stage of proceedings,** according to Part III of these guidelines.

Step 3 **The court applies an appropriate reduction to the sentence that was determined in Step 1,** for each charge. The reduction should generally **not exceed** the maximum reduction for the applicable Stage as set out in Part III of these guidelines. Where there are multiple charges, the total sentence is then determined based on prevailing sentencing principles.

Where there are co-accused persons, the final sentence may be calibrated based on considerations of parity, taking into account whether the other co-accused persons have also elected to plead guilty and, if so, the relative stage of proceedings at which they did so.

The strength of the evidence against the accused person **should not** be taken into account when determining the level of reduction in sentence, subject to the public interest exception set out in [paragraph 13\(b\)](#) below.

If the law provides for a mandatory minimum sentence, the sentence **cannot** be reduced below the mandatory minimum sentence.

² Such evidence of remorse may include: voluntary restitution or compensation to the victim, voluntary surrender of the accused person's gains from his criminal conduct, and voluntary surrender to the authorities.

III. THE REDUCTION IN SENTENCE TO BE APPLIED

9. The following table sets out the maximum reductions in sentence that the court ought to consider, according to the stage of court proceedings when the accused person pleads guilty to a charge, and subject to [paragraph 13](#) below:

Table 2

Stage	Description	Reduction in sentence to be considered
1	<p>From the first mention³ until 12 weeks after the hearing when the prosecution informs the court and the accused person that the case is ready for the plea to be taken.</p> <ul style="list-style-type: none">- If the accused person wishes to seek legal advice on whether or not to plead guilty, he should do so during Stage 1.- Nevertheless, the court may consider the reasons for any delay in obtaining legal advice on whether or not to plead guilty (e.g. whether the delay was due to matters outside the accused person's control, or whether the accused person had taken timely steps to obtain legal advice), in deciding whether the maximum reduction in sentence of 30% should still be available.	Up to a maximum of 30%
2	<p>After Stage 1, until either of the following:</p> <ul style="list-style-type: none">- <u>For cases subject to Criminal Case Disclosure ("CCD") procedures</u>, when the court first gives directions for the filing of the Case for the Prosecution ("CFP") in relation to the charge.- <u>For cases not subject to CCD procedures</u>, when the court first fixes trial dates for the charge.	Up to a maximum of 20%
3	<p>After Stage 2, until before the first day of the trial.</p>	Up to a maximum of 10%
4	<p>On or after the first day of the trial.</p>	Up to a maximum of 5%

³ The first mention is the first time that the accused person appears in court in relation to the relevant charges.

10. Where the final sentence after the reduction is applied is at variance with existing judicial guidelines or precedents for the offence in question, the court should apply its mind as to whether to adopt the existing judicial guidelines or precedents or to give full effect to the relevant reductions in sentence under Table 2. For avoidance of doubt, the relevant reductions in sentence under Table 2 are not intended to apply *over and above* the existing sentencing guidelines or precedents in cases where the offender has pleaded guilty.

Illustrations

Scenario 1 The accused person pleads guilty before the District Court. The District Court assesses that the final sentence for the offence would be an imprisonment term of 4 months if full effect is given to the relevant reductions in sentence under Table 2. However, this sentence would be at variance with a binding judicial guideline,⁴ which indicates that the appropriate sentence for the offence, taking into account all the circumstances including the fact that the offender pleaded guilty, is an imprisonment term of at least 6 months. The District Court should ensure that the final sentence does not conflict with the binding judicial guideline (i.e. the final sentence is an imprisonment term of at least 6 months).

11. The maximum reduction in sentence of 30% in Stage 1 will apply as long as the accused person **indicates** during Stage 1 that he intends to plead guilty, without the need for the guilty plea to be taken during Stage 1. This is because in many instances, the court and the parties may require time to fix and prepare for a plead-guilty hearing. However, the 30% maximum reduction in sentence will only operate if the accused person later follows through by pleading guilty without resiling from his initial indication of plea. The court may also apply a lower reduction in sentence if it assesses that the accused person had unreasonably delayed his guilty plea after his initial indication during Stage 1 that he would plead guilty. For all the other Stages, the corresponding maximum reduction in sentence will only apply if the accused person pleads guilty during the relevant Stage.

⁴ This may be a judicial guideline by the General Division of the High Court or the Court of Appeal.

Illustrations

- Scenario 2 The accused person informs the court during Stage 1 that he intends to plead guilty, but later pleads not guilty, or qualifies his guilty plea,⁵ at the plead-guilty hearing. He eventually pleads guilty only during Stage 3, i.e. after the court first gives directions for the filing of the CFP, but before the first day of the trial. The maximum reduction in sentence is 10% (i.e. the maximum reduction for Stage 3).
- Scenario 3 The accused person makes an application for criminal legal aid,⁶ early during Stage 1. The criminal legal aid lawyer is only assigned during Stage 2. The accused pleads guilty during Stage 2, shortly after the criminal legal aid lawyer has been assigned. The court may apply the maximum reduction in sentence of up to 30%.
- Scenario 4 The accused person informs the court during Stage 1 that he intends to plead guilty, but wishes to obtain a psychiatric report for the purpose of mitigation. The court may fix a later date for the plead-guilty hearing to allow the accused person to obtain the report. The maximum reduction in sentence is 30% (subject to the exception in relation to *Newton* hearings as set out at [paragraph 13\(a\)](#) below). The court may apply a lower reduction in sentence if it assesses that the accused person unreasonably delayed his guilty plea.

12. Where the accused person pleads guilty following an amendment to the charge⁷ which has a material bearing on the sentence – such as an amendment of a charge to a different offence or a substantial amendment to the particulars of the charge – the court may exercise its discretion to award an appropriate reduction in sentence irrespective of the recommended reductions stipulated in Table 2, subject to a maximum reduction of 30%.⁸ In doing so, the court should take into account factors including: (a) the significance and extent of the amendment to the charge; and (b) the impact of the accused person’s plea of guilt, e.g. on victims and witnesses.

⁵ An accused person qualifies his guilty plea if he does not admit to at least one of the elements of the charge. For example, an accused person who admits to causing hurt to the victim, but does not admit to having done so intentionally, has qualified his guilty plea, if it is an element of the charge that the accused person had caused hurt intentionally.

⁶ For the avoidance of doubt, this includes an application for criminal defence aid made to the Public Defender’s Office.

⁷ This paragraph will also apply to cases where the accused person pleads guilty to an altered charge after the court exercises its powers to alter the charge to a different offence.

⁸ Subject to the discretion of the court, this paragraph generally does not apply to: (a) any change in the plea offer that does not involve an amendment to the charge (e.g. to proceed on a lesser number of charges); or (b) any change in the prosecution’s sentencing position.

IV. EXCEPTIONS TO TABLE 2

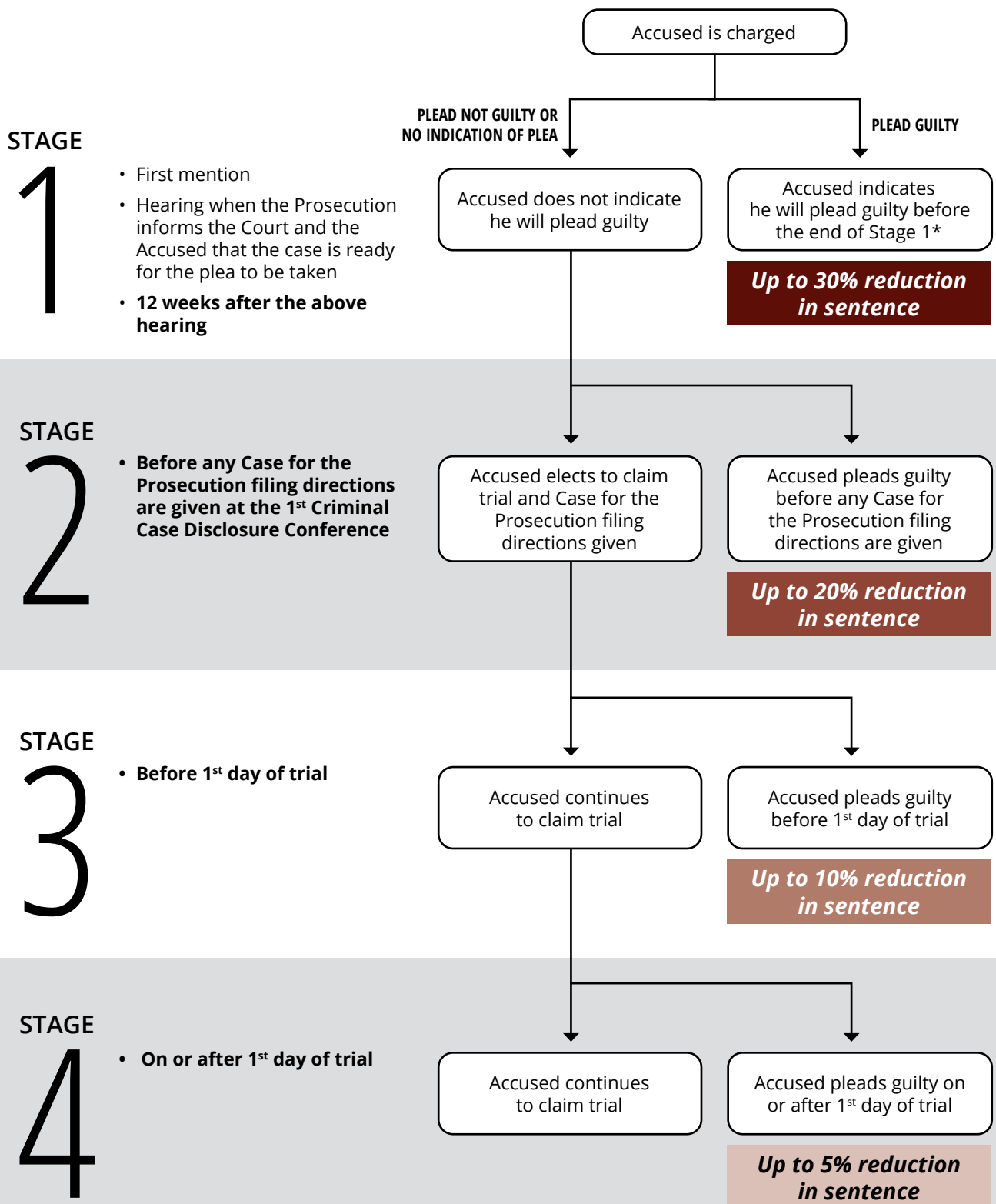
13. There are some situations where the maximum reductions in sentence in Table 2 do not apply. These include the following:

- (a) Where a **Newton hearing**⁹ is conducted, and where the accused person's version of events or assertion is rejected by the court following the hearing. This is because the conduct of a *Newton* hearing generally undercuts the benefits stated at [paragraph 4](#) of these guidelines. In such a situation, the court should consider applying a reduction in sentence that is just and proportionate without reference to Table 2, taking into account: (i) the conduct of the defence; (ii) the nature of the issue raised in the *Newton* hearing; and (iii) the court's findings in the *Newton* hearing.
- (b) Where the court is of the view that it would be **contrary to the public interest** for these guidelines to be applied, given the circumstances of the specific case. In such a situation, the court may apply a reduction in sentence which is just and proportionate without reference to Table 2.

Where either party to the criminal proceeding takes such a view, it should provide clear notice of its intention to make a submission to this effect to the court and the other party at the earliest possible opportunity.

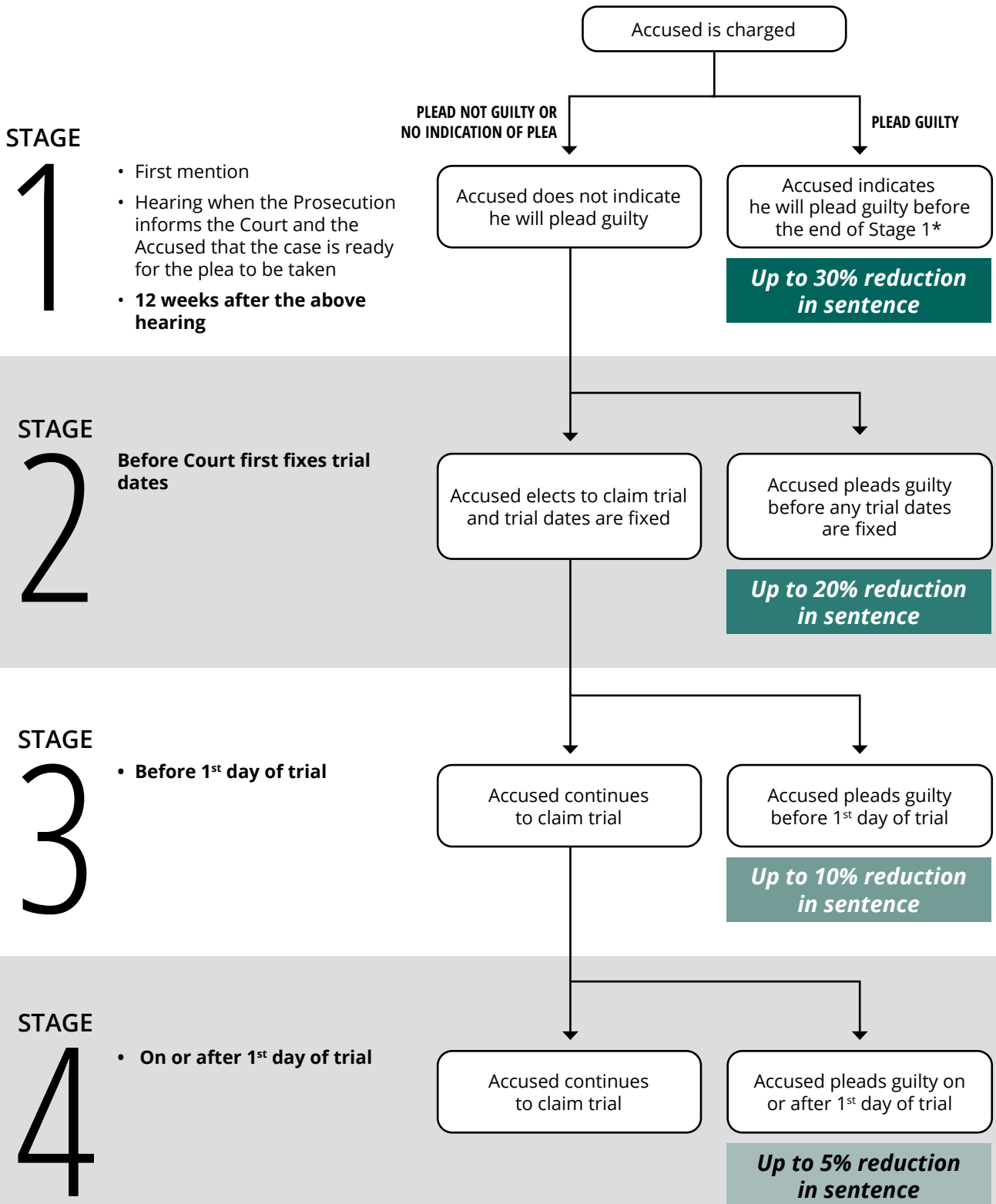
⁹ In exceptional cases, the court may convene a hearing if necessary to resolve a difficult question of fact that is material to the court's determination of the sentence. This hearing is called a *Newton* hearing. It is similar to a trial: both sides will be able to call witnesses, adduce evidence and make submissions in support of their position on the disputed issue which is material to sentence. The court will then make a finding on the disputed issue.

FLOWCHART FOR CRIMINAL CASE DISCLOSURE CASES



* There is no need for a guilty plea to be taken in Stage 1 as long as the Accused follows through by pleading guilty without resiling from his indication of plea of guilt.

FLOWCHART FOR NON-CRIMINAL CASE DISCLOSURE CASES



* There is no need for a guilty plea to be taken in Stage 1 as long as the Accused follows through by pleading guilty without resiling from his indication of plea of guilt.