

## **INAUGURAL PUBLIC PROSECUTION OUTREACH PROGRAMME 2013**

**1 NOVEMBER 2013**

**KEYNOTE ADDRESS BY THE ATTORNEY-GENERAL STEVEN CHONG S.C.**

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### **I. Introduction**

1. It is my pleasure to extend, on behalf of my Chambers, a warm welcome to all of you to this Public Exhibition. This exhibition marks the conclusion of the inaugural Public Prosecution Outreach Programme. The outreach programme commenced on 14 October 2013 and was designed to enable members of the public to have a better understanding and appreciation of the work that prosecutors do. This outreach programme is not intended to be one-off. Instead I plan to hold this event on an annual basis because it is essential for this public education to be carried out on a continual and sustainable footing. This introductory event is a significant step in reaching out to the public to demystify who we are, what we stand for and what we do.

### **II. The criminal process and the criminal justice system**

2. Crime and the criminal justice system's response to crime have long fascinated the public. Stories relating to criminal justice are always in or never far away from the headlines. It is constantly the subject matter of best-selling novels and box-office movies. This is hardly surprising given that the criminal process is at the heart of the criminal justice system. It is not merely a subject of practical importance; it is also a reflection of society's ideals and values as to the way in which we can accord justice to both the innocent and the guilty.

3. The criminal process typically begins when a crime is reported to the police. So usually, it is initiated by a member of the public. It ends with the final disposition of the case against the accused for the commission of that offence with the court

arriving at a verdict – innocent or guilty. In between the enforcement and the judicial processes lies an important element of the criminal justice system. That is where we play our critical role in evaluating the evidence and assessing the public interest in deciding whether the accused should be charged and if so for what offence.

4. It is essential to highlight that enforcement agencies such as the police are separate and distinct from the prosecutors. We have a system that is respected internationally for effecting swift justice, being independent and corruption-free. I believe that our system does what it is supposed to do and that is to enforce the rule of law. I can appreciate that there will inevitably be differences in our individual assessment of how specific cases are dealt within the criminal justice system. However, despite the differences, there are four fundamental principles that I think most of us can agree with:

- (a) If one is accused of committing a crime, that person should be taken before a court and be subjected to a process that is fair and transparent;
- (b) One is innocent until he is proven guilty;
- (c) There is a compelling need for justice to be administered efficiently and swiftly taking into account the interests of the accused, the victim and the community; and finally,
- (d) Whenever accused persons require assistance, they should, as far as possible, be helped.

### **III. The role of the Public Prosecutor in upholding the rule of law**

5. As the Attorney-General, I am also the Public Prosecutor. The Attorney-General and Public Prosecutor have different functions. As the Public Prosecutor, I have control and direction of all criminal prosecutions. Deputy Public Prosecutors and Assistant Public Prosecutors are appointed to assist me in my function as the

Public Prosecutor. As the Attorney-General, I am the Government's chief legal advisor and counsel in all legal matters except criminal prosecutions.

6. The pole star of our criminal justice system is the rule of law and it is the rule of law that my Chambers seeks to uphold everyday. The rule of law is an important topic which directly affects our lives. It is not just lawyers, litigants, and academics who should be concerned about the rule of law. It means different things to different people. When it is spoken about in the context of criminal proceedings, it is usually equated with upholding justice by ensuring that legal procedures are followed, that trials are fair, and that criminal laws are clear and unambiguous. In simple terms, we can instantly condemn wrongdoing and commend what is fair. We study notions of justice and fairness in school. One of literature's greatest heroes is Atticus Finch from the iconic novel *To Kill A Mockingbird*. We remember Atticus Finch as a passionate lawyer who argued for a black man wrongly accused of rape. He did so despite knowing that the verdict was against the accused even before the trial commenced.

7. What is the role of the prosecutor in the criminal justice system? Most of you would have watched popular TV programmes such as Law and Order and would have some understanding about the trials and tribulations of prosecutors. Let me briefly explain our role to you. A prosecutor's primary duty is to uphold the rule of law. The role of a prosecutor excludes any notion of winning or losing a case. Unlike sportsmen and stock brokers who tend to describe their day either as a "winning day" or a "losing day", it is futile for prosecutors to think along those lines. His role is not simply one of crime control. His role is to seek and achieve justice, and not merely to convict. The role is to be discharged with an ingrained sense of dignity and integrity. And just an example consistent with this role, following the decision of Chief Justice Chan in a related case, we recently took the initiative to file for criminal revision to seek the acquittal of Thomas Tay who had pleaded guilty to a charge. We did so simply because it was the right thing to do.

8. The decisions taken by a prosecutor have the potential to significantly impact the lives of the accused and his/her family. I am acutely conscious of the consequences. That is precisely why great care and consideration are accorded to every case. It undergoes several levels of internal scrutiny before a charging decision is made. We do not prosecute unless we are satisfied that there is a reasonable prospect of a conviction based on the available evidence. As the guardian of public interest, we do not work for personal interests or gain. Instead we only work in the public interest.

#### **IV. Importance of high standards of prosecution**

9. In my view, there is a one basic truth that underpins a fair system. And that is prosecutorial independence. The office of the Attorney-General is not a political one. I am not a Member of Parliament. It is entirely independent. The decision to prosecute or not must ultimately be taken by the Public Prosecutor acting independently of anyone. This view is based on constitutional propriety and common sense. The rule of law dictates that *nobody* is above the law. The rule of law can only be upheld if a decision is made independently, without fear, favour, or prejudice.

10. Upholding the rule of law and achieving high standards of prosecution does not mean initiating prosecution in every case. It also does not mean arguing for the maximum possible sentence to be imposed on an offender. There are offenders who require treatment rather than punishment. Prosecution – despite what its ordinary meaning may connote – does not necessarily entail sending an individual to prison.

11. The protection of the vulnerable is but another facet of the rule of law. My Chambers has, for a long time, collaborated with other parties to protect the vulnerable amongst us. For example, my Chambers was involved in the revisions to the Criminal Procedure Code. These revisions now equip courts with calibrated tools to deal with offenders who have offended as a result of mental disorder or illness. The courts are also now equipped with community-based sentencing options. The existence of community-based sentencing options ensures that the offender can be

sentenced to a punishment where he or she remains plugged in to the wider society. Ultimately the punishment must always fit the crime.

12. More recently, my Chambers launched a pilot project to cater for the special needs of persons with intellectual disabilities or mental disorders. Under this project, a simple screening test is administered to identify persons with intellectual disabilities. These persons would then receive appropriate assistance from a group of adults appropriately called 'Appropriate Adults'. The 'Appropriate Adults' are people from the community who are equipped with special skills to assist vulnerable persons. Their role is to facilitate the communication of information between the investigation officer and the person with intellectual disabilities. This ensures that the questions asked and the answers provided are not misunderstood. The reliability of statements taken from persons with intellectual disabilities is therefore enhanced. More importantly, the rule of law is upheld by ensuring that this group of vulnerable offenders is provided with ample access to justice.

## **V. Importance of engaging the public**

13. I will now turn my attention to talk about you. Each of you can play a role in the criminal justice system. What is that role? We all have a common purpose: to ensure that Singapore remains crime-free and that justice is dispensed to both the innocent and the guilty. We want our streets to be crime free. We want to remain confident for our children to be able to take public transport at any time of the day and night.

14. As the public grows more discerning and increasingly rely on the use of social media to deliver and receive information, it is no longer sufficient for my Chambers to maintain high standards of competency and quality in our work. We need to engage with the public in order to create greater awareness of what we do and why we do it. We live in a digital era where information is exchanged almost instantaneously. The exchange of information is, of course, to be welcomed. However, it is essential to guard against distortion or misrepresentation of information. Apart from having

access to the mainstream media, the public also has access to the 'New Media'. An interactive and often anonymous community that can generate and spread incomplete or plainly inaccurate information.

15. A case in point would be the public backlash following the conviction and sentencing of the prominent plastic surgeon Dr Woffles Wu. I remember this case well because its perceived controversy greeted me into the office in June last year. There was intense public debate surrounding the decision to charge him under the Road Traffic Act instead for a more serious offence of obstructing the course of justice under the Penal Code. Much of the debate, after I analysed it, stemmed from a misunderstanding of the law. Under my directions, my Chambers issued a public statement to explain the charging decision in that case.

16. Rather than perpetuating the distortion and misrepresentation of information by remaining silent, I believe it is vital for my Chambers to explain what and why we do certain things. To some extent, my Chambers has sought to address this by releasing press statements in appropriate cases. The objective of these statements is simply to inform and explain certain decisions we have arrived at. Since taking office, I have issued many press statements ranging from explaining the revisions to the Mandatory Death Penalty regime, to educating the public about the nature of the Coroner's Inquiry in relation to the death of Shane Todd, the prosecution of SMRT service leaders and clarifying the law on contempt of court.

## **VI. Efforts in reaching out to the public**

17. As part of our efforts in reaching out to the public, we have implemented several programmes.

18. Over the last two weeks, my prosecutors and staff visited 28 schools to deliver presentations on the role of the Public Prosecutor in the administration of criminal justice reaching out to more than 7,000 students. During these presentations, students played the roles of prosecutors and defence counsel. In

addition, there were also one-day attachments held over three days. Some 75 students from 25 schools signed up for the attachment. While they were at my Chambers, my prosecutors spoke to them about what we do on a daily basis. During the students' visit to the Subordinate Courts, they observed the conduct of court proceedings. In the afternoon, they visited the Criminal Investigation Division where they learnt how investigations are carried out. We have received very encouraging feedback from the participants of this programme. Prosecutors are also human beings, we also require encouragement from time to time. And we have decided, because of the positive response, that we will continue to hold such one-day attachments twice a year during the school holidays. Thank you very much for your kind and positive comments to the Facebook page that was set up just for this programme.

19. In addition, my Chambers has published a booklet entitled "Giving Evidence in Court". This booklet explains what a criminal trial is and what happens before, during, and after a person gives evidence. The booklet has been published in the English language and will subsequently be published in the other 3 official languages.

20. We are also looking at providing more information on our website for the benefit of the general public. We cannot provide legal advice to you, but we can offer some general information. Currently, we have an article on sentencing in Singapore. We will gradually be having more topics in the coming months. We have also embarked on translating common terms used in criminal proceedings into Mandarin, Malay and Tamil. The English and Mandarin versions went online yesterday. The Malay and Tamil versions will follow very soon.

## **VII. Conclusion**

21. In conclusion, I wish to reiterate our efforts to reach out to the public will not and must no end here. As I have said, you, members of the public, are an important stakeholder in the criminal justice system and we are united in purpose. I thank the

organising committee and every one of you for your time. I wish to accord my deep appreciation to our partners, the Ministry of Education, Singapore Prisons, CID and the Central Narcotic Bureau for their unstinting support, without which this event would not have been possible.

It is now my pleasure to invite our next speaker, Mr Darren Tan. Darren is an inspiration to all of us and a symbol of the rehabilitative efforts that our partners in the administration of criminal justice have put in. Darren's life journey has been no less than a remarkable one. When he was 14 years old, he experimented with drugs. When he was 15 years old, he registered himself with a secret society. After dropping out of school at 17 years old, Darren spent the next 13 years of his life going in and out of prison spending more than 10 years collectively in prison. While he was in prison, something clicked and he will share with us more about his life story. He renewed his interest in academic studies. In 2009, Darren gained admission into the Faculty of Law of the National University of Singapore— one of the top law schools in the world. He graduated this year and is currently doing his Bar exams and soon will become a member of the legal profession. Darren is someone that our community is extremely proud of. On that note, please join me in welcoming Darren to share his extraordinary life journey with us.