

Book Review

BEYOND PRISON: ALTERNATIVE SENTENCING IN SINGAPORE¹

by Senthilkumaran Sabapathy

Kumaralingam **AMIRTHALINGAM**

PhD, LLB (Hons) (Australian National University);

Professor, Faculty of Law, National University of Singapore.

1 Senthilkumaran Sabapathy's book, *Beyond Prison: Alternative Sentencing in Singapore*, was published recently as part of Academy Publishing's monograph series. Sabapathy, who is Deputy Director of the Criminal Policy Division of the Ministry of Law Singapore and was formerly a prosecutor at the Attorney-General's Chambers Singapore and a justice's law clerk, no doubt has considerable practical experience with sentencing. However, this book is not merely a practice text, but is a well-researched work that provides excellent insights into sentencing theory and practice. Sabapathy provides three normative arguments in favour of alternatives to incarceration. First, alternative sentences are inherently more flexible and can be tailored to provide a proportionate punishment. Secondly, these can be designed to target the causes of criminal behavior and are more effective at reducing reoffending. Finally, and perhaps his most profound argument, these sentences are more humane and reflective of the evolution of Singapore's criminal justice system to one that emphasises rehabilitation.

2 The book itself is broadly divided in three parts with a standalone conclusion contemplating future directions. Part I encompasses the first three chapters which set out the general aims and principles of criminal punishment, the limitations of incarceration, and the key features of selected alternative sentences. Part II, comprising Chapters 4 to 6, explores three examples of alternatives to incarceration – probation, reformative training, and community sentences. Part III focuses on the importance of alternative sentencing options in two categories of offenders – youth offenders and mentally disordered offenders.

3 The work draws on theory, empirical data, and history to provide an analytical and descriptive narrative that is thought-provoking. The book starts off on a strong note with Chapter 1, in which Sabapathy examines the rationales for punishment. Instead of a standard,

1 Academy Publishing, 2021.

descriptive overview, Sabapathy takes the reader through a sophisticated yet highly accessible analysis of the literature on punishment, drawing on local cases and context to illustrate key arguments and to point out certain misconceptions. For example, contrary to the populist claim that harsher punishments have greater deterrence, Sabapathy demonstrates empirically that the greater impact on crime rates comes from enforcement and targeted strategies. Using data on theft, Sabapathy points out that the rates for theft fell over the decade from 2010 to 2019 even though there was no significant increase in sentencing both in terms of imprisonment or fines.² The success in reducing rates of theft is attributed to enhanced enforcement, surveillance, and community engagement.³

4 Marginal deterrence is a fallacy, yet it is embraced by policymakers and a large segment of the populace. Instead of increasing punishment, a better strategy would be to enhance enforcement – it is the certainty of punishment rather than the extent of punishment that has greater deterrent effect. In Chapter 2, Sabapathy effectively demonstrates that over-imprisonment is counterproductive, as imprisonment has a criminogenic effect. Drawing on data from the Ministry of Social and Family Development and the National Council of Social Services, he points out that prison sentences lead to intergenerational offending, noting that children of convicted parents are three times more likely to come in contact with the criminal justice system.⁴ In Chapter 3, the pros and cons of alternative sentencing are examined, setting the scene for an analysis of selected alternative sentencing options in Singapore. The chapters on probation,⁵ reformatory training,⁶ and community sentences⁷ are rich in detail, examining the jurisprudence in Singapore.

5 If a second edition is planned, Sabapathy may wish to consider two points, offered not as criticism of the work but as suggestions. First, the book, while on alternative sentencing generally, is focused on alternative sentencing for youth offenders, and less so, mentally disordered offenders. It would be interesting to examine the scope for alternative sentencing in the mainstream. Second, it may be worthwhile to dedicate a chapter

2 Senthilkumaran Sabapathy, *Beyond Prison: Alternative Sentencing in Singapore* (Academy Publishing, 2021) ch 1, at para 1.6.

3 Senthilkumaran Sabapathy, *Beyond Prison: Alternative Sentencing in Singapore* (Academy Publishing, 2021) ch 1, at para 1.6.

4 Senthilkumaran Sabapathy, *Beyond Prison: Alternative Sentencing in Singapore* (Academy Publishing, 2021) ch 2, at para 2.17.

5 Senthilkumaran Sabapathy, *Beyond Prison: Alternative Sentencing in Singapore* (Academy Publishing, 2021) ch 4.

6 Senthilkumaran Sabapathy, *Beyond Prison: Alternative Sentencing in Singapore* (Academy Publishing, 2021) ch 5.

7 Senthilkumaran Sabapathy, *Beyond Prison: Alternative Sentencing in Singapore* (Academy Publishing, 2021) ch 6.

for discussion on diversionary programmes as such programmes have been adopted in Singapore, especially for youth offenders and mentally disordered offenders.

6 Overall, I found this to be an excellent work that was carefully researched, engages admirably with theory, is highly accessible, and provides practical insights and examples. It should be read by all judges and penal policymakers, and it is highly recommended to practitioners, academics, and students. I learnt a lot reading the book.
