

Annex C – Criteria for EDP Sentence

First Scenario – First-Time Offenders	Second Scenario – Repeat Offenders
<p>The criteria in (a) to (c) must be met:</p> <p>a. The offender committed a Qualifying Offence (see Annex B);</p> <p>b. It is in the interest of the protection of the public that the offender be detained for at least the minimum incarceration period, and be released only if the offender is suitable for release; and</p>	
<p>c. The offender constitutes a serious threat to the life, safety or physical or mental well-being of other persons.</p>	<p>c. The offender was previously convicted of 2 or more distinct Qualifying Offences, and, for each Qualifying Offence, was sentenced to: (i) imprisonment for 2 years or more; or (ii) CT or PD.</p>
<p>For first-time offenders, it will be mandatory for the Court to call for pre-sentencing reports prepared by the Institute of Mental Health (IMH) and Singapore Prison Service (SPS) to assess the offender’s risk of causing serious physical or sexual harm to others. The offender may be remanded for these assessments.</p> <p>In determining criterion (c), the Court shall take into account the risk of the offender causing serious physical or sexual harm to others, defined as the “actual, attempted or threatened sexual harm or physical harm of another person which is life threatening and/or traumatic”.</p> <p>Criterion (c) shall be presumed to be satisfied if the offender is assessed by the IMH <u>and</u> the SPS to have a “high” risk of causing serious physical or sexual harm to others.</p> <p>The offender may attempt to rebut the presumption by raising arguments or evidence that he does not constitute such a threat.</p>	<p>Previous convictions for Qualifying Offences show a propensity to re-offend. Hence, it will not be mandatory for the Court to call for pre-sentencing reports by the IMH and SPS. However, the Court may still call for such reports if it wishes to do so.</p> <p>In view of the offender’s previous convictions for Qualifying Offences [criterion (c) above], the Court need not further be satisfied that the offender constitutes a serious threat to the life, safety or physical or mental well-being of other persons (unlike in the First Scenario).</p>

First Scenario – First-Time Offenders	Second Scenario – Repeat Offenders
<p>The presumption will not operate if the conclusions of the two reports by IMH and SPS are different, or both reports conclude that the offender does not pose a “high” risk of causing serious physical or sexual harm to others.</p> <p>However, the Court may still conclude that the offender constitutes a serious threat to the life, safety or physical or mental well-being of other persons, based on other evidence tendered in court, such as the circumstances in which the offences were committed.</p>	
<p>The Court maintains discretion not to impose the EDPP sentence if there are special reasons not to do so, which include the following non-exhaustive scenarios:</p> <ol style="list-style-type: none"> a. The sentence is <u>gravely disproportionate</u> in all the circumstances; or b. The Court is satisfied on a balance of probabilities by evidence adduced by either party that <u>a lesser measure will adequately protect the public against the threat posed by the offender.</u> 	