

**Date:** 13 May 2026

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**By email:** [committee.justice@niassembly.gov.uk](mailto:committee.justice@niassembly.gov.uk)

Dear Kathy,

### **Criminal Justice (Sentencing etc.) Bill**

Thank you for the opportunity to provide evidence to the Justice Committee on the Criminal Justice (Sentencing etc.) Bill. I have attached a submission on behalf of the Probation Board for Northern Ireland (PBNI) and we look forward to engaging with the Committee as part of its consideration of the Bill.

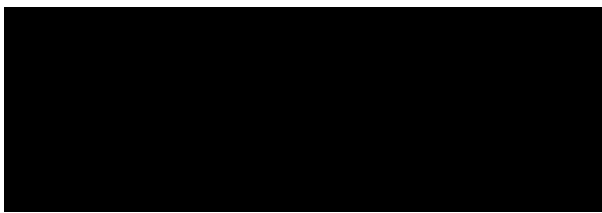
A central aspect of PBNI's role is to supervise community sentences. Public understanding of probation therefore is intrinsically linked to understanding of sentencing and in particular sentences served in the community. An individual who has been made the subject of an eighteen-month probation order has not 'walked free' - but, on the contrary, remains subject to a significant curtailment of liberty and is indeed liable to be placed in custody for a breach of the terms of his/her order. Community sentencing can be a highly effective tool to prevent reoffending, reduce the numbers of people coming into the justice system, reduce the number of victims of crime and keep communities safer. We therefore welcome the opportunity to have a wider public conversation about sentencing, its purpose and how we ensure a system of sentencing which achieves outcomes which are both effective and commensurate and that the victim's place in the process is properly affirmed.

If the purpose of sentencing is to be effective and commensurate with, i.e. proportionate to, the seriousness of the crime, there will be occasions where the proportionate response to a level of offending may take the form of a well thought through robust, process of probation supervision over an extended period. Commensurability and effectiveness may be achieved in a variety of ways, and the Bill recognises that fact in expanding the range of non-custodial options available in statute.

That said, the provisions in the Bill relating to suspended sentence orders will have significant resource implications for probation and will also require investment in other services such as accommodation, addiction and mental health services.

We hope this Bill presents an opportunity for further public debate and discussion about what effective sentencing looks like and how we can best reduce reoffending, rehabilitate people and better protect the public and victims of crime.

Yours sincerely,



**Amanda Stewart OBE**  
**Chief Executive**

Enclosure

## **Probation Board for Northern Ireland (PBNI)**

### **Submission on Criminal Justice (Sentencing etc.) Bill - May 2026**

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#### **Introduction**

The Probation Board for Northern Ireland (PBNI) welcomes the opportunity to provide evidence to the NI Assembly Justice Committee in relation to the Criminal Justice (Sentencing etc.) Bill. Sentencing is fundamental to public confidence in the justice system. As set out in the Department of Justice's (DoJ) 2019 Review of Sentencing, sentences must be effective to meet society's expectations and should be commensurate with the seriousness of the offence. This Bill represents the widest ranging reform of Northern Ireland's sentencing framework since the devolution of justice powers in 2010. It introduces statutory purposes and principles of sentencing, strengthens the role of sentencing guidelines, reforms Suspended Sentence Orders, provides statutory starting points for murder tariffs, extends unduly lenient sentence provisions, creates new offences and statutory aggravators, introduces Charlotte's Law and increases penalties for driving offences causing death or serious injury. Taken together, these reforms represent a significant opportunity to enhance transparency and public debate and understanding of sentencing.

PBNI supports the overall direction of the Bill and believes that, if properly implemented and resourced, it can contribute to improved public confidence, reduced reoffending and better outcomes for victims, families and communities. Given PBNI's statutory responsibilities, this submission focuses on:

- The importance of community-based sentencing where risk can be safely managed.
- A greater focus on the causes of crime and on the rehabilitation of people who offend.
- Effective multi-agency working to reduce reoffending and protect the public.
- The need for sufficient resourcing of probation and partner services to deliver the ambitions of the Bill.

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## Principles and Purposes of Sentencing

PBNI welcomes the inclusion of a statutory statement of the principles and purposes of sentencing. The articulation of proportionality, fairness and transparency as core principles provides an important foundation for consistent and legitimate sentencing, while preserving necessary judicial discretion to respond to the individual circumstances of each case. What we mean by judicial discretion is that each case which comes before the court depends on a whole range of facts and circumstances specific to the offending, the victim, and person who committed the offence. Judges have a role to consider all these factors in the sentencing process leading to potentially different sentencing outcomes.

PBNI supervises a wide range of community sentences. Properly constructed community-based disposals are credible and demanding, while actively managing risk and addressing the underlying causes of offending behaviour. In PBNI's view, the principles and purposes of sentencing should continue to support the appropriate use of community-based disposals. PBNI welcomes the recognition within the Bill of the purposes of punishment, protection of the public (including victims of crime), reduction in crime by deterrence, rehabilitation, and reparation. These purposes are not mutually exclusive and should not be regarded as hierarchically ordered. International experience<sup>1</sup> demonstrates the value of making this clear in statute, ensuring that no single purpose is treated as automatically predominant over others.

Victims are central to the sentencing process. It is of critical importance that sentences acknowledge the harm suffered, respect victims' voices where they wish to engage, and affirm victims' place within the justice system. Community sentences can contribute meaningfully to this regard by combining rehabilitation, accountability and

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<sup>1</sup> Sentencing Act 2002 (New Zealand), s7(2) < <https://www.legislation.govt.nz/act/public/2002/0009/latest/DLM135543.html> >

<sup>1</sup> Scottish Sentencing Council, Principles and purposes of sentencing guideline, p.4 (2018) < <https://www.scottishsentencingcouncil.org.uk/media/j1jo1tw2/guideline-principles-and-purposes-of-sentencing.pdf> >

opportunities for reparation, while also protecting the public when risk is appropriately managed.

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## **Sentencing Guidance**

PBNI supports the Bill's provisions relating to sentencing guidelines and the requirement for courts to have regard to them. Clear, accessible and evidence-informed guidelines can promote consistency, fairness and transparency, all of which are essential to maintaining public confidence in sentencing. Sentencing guidelines are particularly valuable where they clearly explain the rationale for different sentencing outcomes, including the use of community-based disposals. The evidence base demonstrates that, for many people, such disposals are more effective than short custodial sentences at reducing reoffending and future victimisation.

PBNI plays a critical role in the sentencing process. In most cases where custody is being contemplated, a probation officer will prepare a pre-sentence report providing the court with detailed information on background, offending behaviour, risk, and suitability for different sentencing options. The report is based on interviews with the defendants, often a visit to their home and family, and verification from other appropriate sources, including pre-offending history. Probation Officers will also, where applicable, carry out an assessment of a person's risk of serious harm based on the statutory definitions aimed at managing risk and protecting the public. While these assessments are not binding on the Court's assessment of dangerousness, high-quality pre-sentence reports and structured risk assessments are integral to assisting sentencers in determining the type of sentence as well as its length and type and number of additional requirements that might be imposed.

PBNI welcomes a sentencing framework that supports proportionate decision-making, encourages the appropriate use of community sentences where risk can be safely managed, and strengthens public confidence by linking sentencing to improved outcomes for victims and communities. It is important to note, however, that the requirement to follow sentencing guidance may increase demand for pre-sentence

reports, with potential consequent investment implications for probation capacity and training to ensure staff are fully equipped to operate within the revised framework.

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### **Suspended Sentence Orders (SSOs)**

PBNI provides structured supervision that supports individuals to address the underlying causes of their offending, with the aim of reducing the likelihood of reoffending in the future. Supervision can include a range of robust, evidence-based programmes and interventions aimed at rehabilitating people who offend and protecting the public. While custody will of course continue to be necessary in serious cases and can be critical to safeguard victims of domestic abuse or violence against women and girls (VAWG), community-based sentences can provide an effective and proportionate alternative where imprisonment is otherwise considered. If the purpose of sentencing is to be effective and commensurate with the seriousness of the crime, there will be occasions where the commensurate response to a level of offending may take the form of a well thought through robust, process of probation supervision over an extended period. Commensurability and effectiveness may be achieved in a variety of ways, and the Bill recognises that fact in expanding the range of non-custodial options available in statute.

PBNI supports the introduction of supervised suspended sentence orders (SSOs) as they can combine clear accountability with structured probation supervision designed to address the underlying causes of offending. The custodial sentence element can act as an additional deterrent and can be particularly effective for addiction and mental health problems, to allow people who have offended the chance to address the root causes of offending behaviour. Sentencers are right to consider, in appropriate cases, the full range of disposals which the law has made available to them. Reparation and rehabilitation can be central and very proper considerations in the sentencing process.

To be effective, however, SSOs must be used proportionately and targeted at cases that would otherwise result in immediate custody, rather than 'widening the net' (i.e., creating a new structure of community supervision where the custody threshold has

not been met). The conditions attached should be individually tailored, realistic and linked to assessed risk and need, with scope for recognising progress as well as addressing non-compliance. Similarly, if there are too many additional requirements on an order, this can increase the likelihood of a breach, with a penal consequence likely as a result. This emphasises the need for ongoing judicial engagement and participation in sentencing training and workshops facilitated for judges by the Judicial Studies Board for Northern Ireland. The Judicial Studies Board periodically hosts Probation Board staff at sessions designed to inform judges about the rationale and methodology of the new initiatives, or new programmes of rehabilitation aimed at specific types of offending, thereby affording sentencers a fuller understanding of what these interventions might achieve.

Experience in other jurisdictions indicates that SSOs can reduce reoffending and relieve pressure on prisons when used appropriately. However, careful monitoring will be required to ensure they do not expand supervision numbers without a commensurate reduction in incarceration.

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## **Resourcing Implications**

Effective probation supervision is resource-intensive. The success of suspended sentence orders (SSOs), alongside other community-based measures, will depend on PBNI being adequately resourced, with access to a full range of interventions. This includes services delivered by other Departments and community partners, as well as clear operational guidance and training to support proportionate, graduated responses to non-compliance. The Department recognises that implementation of SSOs will carry significant resource implications and would require substantial additional capacity within PBNI. PBNI's view is that a criminal justice system which manages more individuals safely and effectively in the community and which demonstrably reduces reoffending represents far better value for money for the taxpayer than continued expansion of the prison population.

While community supervision is significantly less costly, it nonetheless requires sustained and meaningful investment to be effective. Comparable developments in

neighbouring jurisdictions offer valuable insight. The UK Ministry of Justice received additional funding to enable probation services to deliver the recommendations of the Independent Sentencing Review led by David Gauke. Similarly, Budget 2026 in the Republic of Ireland provided an almost 12 per cent increase in funding for the Irish Probation Service, aimed at expanding community-based sanctions and increasing the availability and use of alternatives to custody.

By way of context for implementation of SSOs, courts in Northern Ireland imposed approximately 4000 suspended sentences on adults in 2024. The extent to which these will translate into SSOs is uncertain and will depend on judicial uptake. As a result, precise forecasting is inherently variable; however, indicative cost modelling can be provided to illustrate the potential scale of the resource requirement.

Indicative modelling of the PBNI costs associated with SSOs suggests that:

- **1,000 SSOs with an Unpaid Work Requirement only** would require additional funding of approximately **£1.5 million**. This reflects the costs of placement provision, supervision, health and safety compliance, and overall management of the orders.
- **1,000 SSOs with a Supervision Requirement** would require a minimum of approximately **£4.5 million**, reflecting the staffing and infrastructure necessary to deliver structured and sustained supervision.

These figures are indicative baseline estimates. Actual costs will depend on a range of factors, including the volume of SSOs imposed, the combination of requirements attached to each order, and the complexity of service users' needs. PBNI also recognises that an expansion in community supervision will have implications for policing and wider criminal justice system capacity, which will need to be considered as part of implementation planning.

In summary, while SSOs offer a valuable mechanism for structured community-based sentencing, their effectiveness will depend on commensurate investment. Without adequate resourcing, there is a risk that the intended rehabilitative, supervisory and public protection benefits of SSOs will not be fully realised.

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## **Statutory Starting Points for Life Sentence Tariffs (Murder)**

While tariff setting is primarily a matter for the courts, PBNI contributes through pre-sentence reports that assist the court in understanding the individual circumstances of the offence and the individual who committed the offence. From this perspective, PBNI welcomes the aim of improving clarity and transparency through statutory starting points, provided sufficient judicial discretion is retained to reflect aggravating and mitigating factors in individual cases. Pre-sentence reports for tariff setting play an important role in this process, particularly in presenting information relevant to risk, background, and personal history that may not be evident from the offence alone. PBNI therefore supports an approach to statutory starting points that provides a clear framework while continuing to allow courts to reach just and proportionate decisions informed by comprehensive assessment.

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## **Unduly Lenient Sentence Provisions**

PBNI notes that the provisions relating to unduly lenient sentences are primarily concerned with appellant and prosecutorial functions and do not directly involve probation in either referral or decision-making processes. However, PBNI recognises that the existence and operation of the unduly lenient sentencing provisions form part of the wider sentencing framework within which probation operates and contributes to public confidence in the criminal justice system by providing a safeguard against sentences that are perceived to fall significantly below an appropriate level.

It is important that any extension or reform of the unduly lenient sentencing provisions continues to respect the principles of proportionality, fairness and transparency in sentencing. PBNI therefore supports an approach to unduly lenient sentence provisions that reinforces confidence in sentencing while avoiding unintended consequences, such as perceptions of pressure towards greater severity, and which preserves the ability of courts to impose sentences that are individualised, evidence-informed and focused on long-term public protection. We note that the

arrangements do not extend to the Magistrates' Court tier, given the volume of cases that progress through a Court of summary jurisdiction. On balance given the Magistrates' Court is not a Court of Record, we support this position, but we would caution that consideration should be given to cases involving domestic abuse or offences against vulnerable persons, and whether they are remitted to the Crown Court, a matter for the PPS.

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### **Charlotte's Law and Related Provisions**

PBNI recognises the intent behind provisions of Charlotte's Law in addressing the profound ongoing harm experienced by families where information about a victim's remains has not been disclosed. PBNI acknowledges the Bill's aim of increasing transparency, accountability and victim focus within sentencing and recognises the importance of ensuring that the sentencing framework appropriately reflects the seriousness of non-disclosure and its ongoing impact on victims' families. From an operational perspective, Parole submissions prepared by PBNI will need explicit consideration of disclosure factors which is something that will require guidance and training although it is recognised that it will likely be some years before such a case comes to the parole stage.

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### **New Offence of Assaulting a Public Worker**

PBNI welcomes the creation of a new offence of assaulting a person delivering a public service or performing a public duty. Probation officers have a dual role which is to provide support and assistance to help people, many of whom present with complex needs and challenging behaviours, move away from crime. They also however have significant enforcement powers, a role to challenge people about their behaviours and return them to court if they can no longer be safely managed in the community. This can be a difficult environment to operate in and over the course of 2025/26 PBNI recorded 24 incidents of violence against probation staff. This ranges from aggressive

and abusive behaviour to physical assaults. PBNI therefore welcomes the added protection for public workers and deterrent that this legislative provision will bring. It is important that there is consistent and proportionate application of the new offence. PBNI emphasises the need for sentencing to continue to take account of individual circumstances, including factors such as mental health, substance misuse and person specific contexts, while maintaining a firm response to unacceptable behaviour. PBNI supports an approach that upholds the safety of public workers, preserves judicial discretion, and aligns sentencing decisions with longer-term goals of public protection, rehabilitation and reduced reoffending.

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### **Aggravators Relating to Public Workers, Vulnerable Victims and Particular Groups**

PBNI recognises the introduction of statutory sentencing aggravators relating to offences against public workers, vulnerable victims and particular groups as an explicit acknowledgement of the heightened harm associated with such offending. PBNI acknowledges that these provisions are intended to ensure sentencing properly reflects the seriousness of targeting individuals because of their role, vulnerability or personal characteristics, and to promote confidence that the criminal justice system responds robustly and consistently to such offending.

It is important however to recognise the frequent interaction between the vulnerability of victims and the complexity of those who offend. In many cases, victims who are identified as vulnerable are harmed by individuals who themselves present with multiple and intersecting needs, including mental ill-health, addiction, learning disability, trauma and social exclusion. Pre-sentence reports play a critical role in outlining this context to courts, supporting the proportionate and informed application of aggravating factors while preserving judicial discretion.

PBNI supports an approach that appropriately recognises increased seriousness and harm, while ensuring sentencing outcomes are aligned with long-term public protection, rehabilitation and the reduction of future harm.

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## **Driving Offences Causing Death or Serious Injury**

PBNI acknowledges that increased maximum penalties reflect the seriousness of these offences and their devastating impact on victims and families. These provisions may contribute to public confidence that such offending is treated with appropriate gravity.

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## **Conclusion**

Sentencing, as with the wider administration of justice, is a publicly owned process operated for the good of society in which many participants have their roles and with those roles come responsibilities. Criminal Justice (Sentencing etc.) Bill is an opportunity to have a wider public conversation about sentencing, its purposes and how we achieve outcomes which are both effective and commensurate and that the victim's place in the process is properly affirmed. PBNI look forward to working with the Justice Committee, the Department of Justice, the judiciary and wider partners to ensure reforms to sentencing deliver safer communities, reduced reoffending and improved outcomes for victims.

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**Probation Board for Northern Ireland**

**14 May 2026**