

Dear Assembly Member,

I hope this finds you well. My name is Emmet Doyle, a local area representative of Aontú. Whilst we may not agree with each other on some issues, I think we can agree that the Criminal Justice (Sentencing) Bill currently being scheduled for Committee Stage is an opportunity not just to apply the outcomes of the sentencing review, but to add to it elements that address other key issues in our communities, namely violence against women and girls, domestic violence and the scourge of drugs.

As such, we have drafted a number of amendments (attached) that we feel can address, within the limited scope of the Bill, the issues we have referred to.

In essence, the amendments propose:

1. To include 'gender' as an aggravating factor to protect women and girls
2. To require that domestic violence cases are no longer heard in Magistrate's Courts where the maximum sentence is two years, and that domestic violence be listed as an aggravating factor in sentencing.
3. To require domestic violence perpetrators to undertake a rehabilitation programme as part of their sentence, even in cases of a suspended sentence. (You will know that offenders who are jailed for less than six months do not currently require the undertaking of behavioural programmes)
4. To include provisions around those charged with possession of drugs with intent to supply and connected affairs.

We would ask you to consider introducing these amendments at Committee Stage, either yourself or via your Committee member colleagues.

We are happy to discuss further if you feel it would be helpful.

Sincerely

Emmet Doyle

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**Proposed new subsection in Clause 33 (Aggravation by Hostility)** and consequential changes:

Insert after Clause 33(1)(d): “(e) hostility related to sex.”

**Amendment to ensure domestic violence cases are dealt with in the Crown Court (not Magistrates’ Court)**

**New Clause (to be inserted after Clause 39, before Part 7):** “Domestic abuse offences: mode of trial (1) Notwithstanding anything in the Magistrates’ Courts (Northern Ireland) Order 1981 or any other enactment, an offence that is triable either way and that is alleged to have been committed in the context of domestic abuse (within the meaning given by section 2 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021) shall be tried on indictment in the Crown Court. (2) The Director of Public Prosecutions may direct that subsection (1) does not apply if the case is of a minor nature and it is in the interests of justice to do so. (3) This section does not apply to summary-only offences.”

**Amendment to introduce a mandatory perpetrator rehabilitation programme for DV convictions**

**New community requirement** (insert as a new paragraph in Schedule 1 to the Bill, which lists community requirements for suspended sentences, or as a new Clause 17A in Part 2):

“Domestic abuse perpetrator programme requirement (1) A requirement that the offender must attend and complete an approved domestic abuse perpetrator programme. (2) In this paragraph “approved domestic abuse perpetrator programme” means a programme approved by the Department of Justice for the purposes of this section (which may include programmes addressing coercive control, violence, and attitudes towards gender). (3) Where a court is sentencing an offender for an offence committed in the context of domestic abuse (within the meaning of section 2 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021), the court **must** include a domestic abuse perpetrator programme requirement unless it is satisfied that there are exceptional circumstances making it inappropriate (in which case it must state its reasons). (4) The requirement may be combined with other community requirements or imposed as a licence condition following a custodial sentence.”

**Proposed New Clause (to be inserted after Clause 39, before Part 7 – Aggravation for drug supply offences)**

**Aggravation of offences of possession of controlled drug with intent to supply (1)** This section applies where a court is considering the seriousness of an offence under article 5(3) of the Misuse of Drugs (Northern Ireland) Order 1977 (possession of a controlled drug with intent to supply it to another). **(2)** If the court determines that the offence was aggravated by one or more of the factors listed in subsection (3), the court— (a) must treat the aggravation as increasing the seriousness of the offence, and (b) must state in open court that the offence is so aggravated. **(3)** The factors are— (a) the offence involved a **commercial** scale of supply or was part of organised criminal activity (including "county lines" operations or paramilitary-linked supply); (b) the offender exploited a vulnerable person (including a person under the age of 18, a person with a dependency on controlled drugs, or a person with impaired mental capacity) in the commission of the offence; (c) the offence took place in or within the vicinity of a school, youth facility, or other place where children or vulnerable persons are likely to be present; (d) the controlled drug was of high purity or was adulterated with particularly harmful substances;

(e) the offender has one or more previous convictions for offences involving the supply or production of controlled drugs. **(4)** In subsection (3)(e), "previous conviction" includes a conviction in any part of the United Kingdom or elsewhere for an equivalent offence. **(5)** The Department of Justice may by regulations amend subsection (3) by— (a) adding further factors, or (b) modifying or omitting any factor, but only if the Department considers it appropriate for the purpose of reflecting evidence on the harm caused by drug supply offending or changes in patterns of such offending. **(6)** Regulations under subsection (5) are subject to negative resolution procedure. **(7)** Nothing in this section prevents a court from treating any other matter as an aggravating factor in relation to an offence to which this section applies.