



Ref: Criminal Justice Sentencing etc Bill (NIA Bill 26/22-27)

Response to the Justice Committee

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Room 242

Parliament Buildings

Stormont

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Community Restorative Justice Ireland and Northern Ireland Alternatives

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Dear Kathy,

Thank you for your letter requesting our views on the Criminal Justice Sentencing etc Bill that is currently being reviewed by the Committee for Justice , we thank the committee for reaching out to gather our thoughts. Please find attached our response below which highlights our key thoughts on the bill with specific reference to areas we believe could improve the structuring of suspended sentences. The response touches on the following key areas:

- Overview of CRJI and NIA: Pgs. 3-4
- Purposes and principles of sentencing: Pg. 5
- The case for Community-Based Restorative Justice in Sentencing- Community Requirements Sections 4 and 8- Pgs. 5-6
- Use of Community Requirements to reduce the reliance of punitive custodial sanctions Pgs. 6-9
- Considering previous projects between NIA, CRJI and Probation Board Northern Ireland (PBNI) for continuing best practice in community requirements – Enhanced Combination Orders (ECO’s) Pgs. 9-10
- Allocated investment and resourcing of community requirements as part of suspended sentences. Pg.10
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The community-based restorative justice sphere and its expandable role in sentencing provisions

Northern Ireland Alternatives (**NIA**) and Community Restorative Justice Ireland (**CRJI**) are both governments accredited restorative justice organisations. Working to promote restorative practices and processes by providing community-based collaborative solutions to the hurt and harm caused by conflict and crime.

This impactful undertaking is rooted in the belief that restorative justice can significantly repair harm for both those who cause harm (offenders) and those who have been harmed (victims) whilst improving social and criminal justice outcomes both in the short and long term. Established in 1998, we can provide a holistic community-based response that is rooted in local but wide-spread presence. From a social perspective, CRJI and NIA use restorative practices to enhance relationships and create greater social bonds in communities, that has a lasting impact on community cohesion. The restorative justice approach we use has effectively evolved since our inception, allowing us to respond to a range of matters through purpose-orientated community-based solutions (Magill and Payne, 2026). From a criminological perspective, working through a community-based restorative lens ensures the criminal justice system is not prioritising punitive measures and instead provides a voice for the victim while also restoring and reintegrating offenders in society, reducing the need for custodial sentences that have negative collateral consequences for all parties.

The community-based restorative justice work of NIA and CRJI is directly relevant to the Criminal Justice Sentencing etc Bill 26/22-27 as it offers a well-established, government-accredited alternative framework that can meaningfully inform and expand the bill's sentencing provisions. As organisations with nearly three decades of operational experience, NIA and CRJI have demonstrated that restorative justice is not merely a theoretical ideal but a practically deliverable mechanism that produces measurable outcomes for victims, offenders, and the wider community, similar to other jurisdictions with community restorative justice provisions (Tauri, 2016). The bill presents a legislative opportunity to formally embed and expand the role of restorative justice within the sentencing process, moving the justice system away from an overreliance on custodial

sentences which carry well-documented negative collateral consequences . Towards approaches that prioritise the voice of the victim, offender rehabilitation, and long-term community cohesion .Given that CRJI and NIA operate within a government-accredited framework, the infrastructure and credibility required to scale this work within a sentencing context is already well established, particularly in reintegrating offenders back into society. From our perspective, the Criminal Justice Sentencing etc Bill represents a critical moment to institutionalise restorative principles that have already proven their social and criminological value across Northern Ireland's communities.

1) Purposes and principles of sentencing – part 1

- CRJI and NIA acknowledge the purposes of sentencing put forward in part 1 of the Criminal Justice Sentencing etc Bill and *specifically support the aims of protecting the public, deterring criminal behaviour, rehabilitating offenders and the making of reparation by person affected by their offences*. Offenders having an opportunity to repair harm caused by crime sits at the heart of restorative justice and is fundamental to NIA and CRJI's approach in keeping people safe, restoring relationships and helping to reduce recidivism.

Overall, we support this inclusion within the bill and recommend:

- The Criminal Justice Sentencing etc Bill moves beyond legislation and strategically plans how such guiding principles of sentencing (detering, rehabilitating and reparation) are practically carried out and disposed of. While we support these provisions, we emphasise the need to incorporate restorative principles not just theoretically but as a formal processed disposal.
- The inclusion of rehabilitation and reparation is particularly welcomed by CRJI and NIA, as we offer an effective, accredited mechanism available to the courts in order to fulfil those sentencing principles.

2) Support of Recommendation- *The case for Community-Based Restorative Justice in Sentencing- Community Requirements Sections 4 and 8*

- CRJI and NIA significantly welcome the introduction of *community requirements within suspended sentences* as part of this bill, particularly in reference to: **Subsections (4) and (5)** where the suspended sentence order imposes one or more community requirements, the court must explain to the offender in ordinary language— (a) why it is imposing any such community requirements and (b) the effect of any such requirements.

- CRJI and NIA welcome the inclusion of subsections (4) and (5) as they represent a meaningful step toward a more transparent, person-centred, and rehabilitative approach to sentencing that closely aligns with the core values underpinning restorative justice practice. The requirement that courts explain in plain language both the reasoning behind, and the effect of community requirements reflects a foundational restorative principle, that those who have caused harm must genuinely understand the purpose and impact of the obligations placed upon them if meaningful accountability and behaviour change are to follow. From our perspective, an offender who understands why a requirement has been imposed is far more likely to engage with it meaningfully and take genuine ownership of their role in repairing harm. *This provision acknowledges that the justice process should not be something that simply happens to an offender, but something they are actively and voluntarily part of, a principle that sits at the heart of how CRJI and NIA deliver our community-based programmes.*

3) Recommendation: Use of Community Requirements to reduce the reliance of punitive custodial sanctions

- Several studies have shown offenders who engage in restorative justice reduce their levels of offending (Robinson and Shapland, 2007; Prison Reform Trust, 2009; House of Commons Justice Committee, 2016), leading to substantial cost benefits for the criminal justice system due to a reduction in offences (Jones et al., 2023).
- The evidence of using community approaches in Northern Ireland also reports similar benefits, according to Department of Justice reoffending statistics for 2021–2022, adults who received non-custodial disposals demonstrated significantly lower rates of proven reoffending than those released from custody. Those receiving a diversionary disposal, recorded a one-year reoffending rate of 14%, rising to 17% for those subject to a community disposal without supervision such as a fine or suspended sentence, and 28% for those on a supervised community disposal such as a Probation Order. *Each of these figures stands in stark contrast to the 45% reoffending rate recorded among adults released from custody, providing compelling*

evidence that community-based disposals consistently and substantially outperform custodial sentences in reducing reoffending across all categories (DOJ, 2024).

Overall, we support this inclusion and encourage the committee to:

- Consider the research and evidence supporting the use of non-custodial sanctions when appropriate.
- Extensively consider the design and delivery of the community requirement and the effectiveness of having NIA and CRJI already embedded in communities as this will underpin effectiveness.
- Consider formal disposals through NIA and CRJI of *community requirements* for activity-based requirements, for example, unpaid work, curfews, and electronic monitoring.
- Ensure pre-sentence reports explicitly consider suitability for community-based restorative interventions and include clear referral pathways into accredited organisations such as CRJI and NIA, enabling tailored and needs-led community requirements.

CRJI and NIA would also encourage the committee to consider:

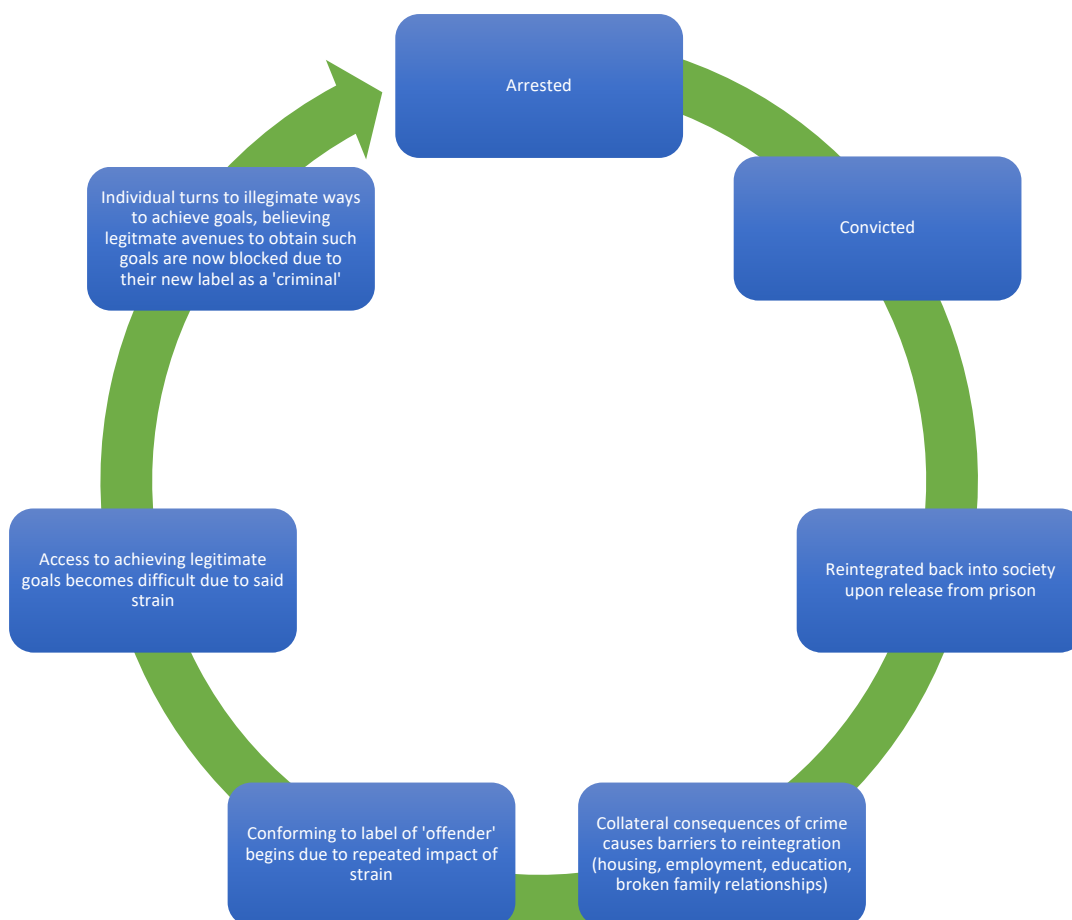
Expanding *community requirement* activities to actively reduce the collateral consequences of crime including:

- Restorative Conferencing
- Conflict/ healing circles
- Trauma informed group interventions
- Victim impact work
- Employment and educational support for offenders

Rather than acting as a deterrent, custodial sentences can often exacerbate future offending. Imprisonment can be criminogenic in nature and present additional collateral consequences upon release impacting housing, strained family relationships,

unemployment and broken educational attainment, all of which are linked to increased rates of recidivism (Gazal-Ayal and Roberts, 2019).

When such strain factors are faced after a custodial sentence, it can become more straightforward to understand how imprisonment can potentially result in further offending. We have all heard of the self-fulfilling prophecy (see example illustration below), but it is important to highlight the extent to which NIA and CRJ have seen first-hand how young people and adults can transcend into a cycle of offending after a period in custody.



While NIA and CRJI welcome the restorative principle of accountability, we emphasise the importance of addressing the root causes of crime and believe community-based, and restorative justice, has an underestimated role in the space of reintegration for offenders upon release from prison.

We therefore encourage the committee to expand the activities included under 'community requirements' to include holistic wrap around support for the purposes of rehabilitating, reparation and encouraging desistance from criminality outside of the criminal justice mechanisms (in community).

4) Recommendation: Consider previous projects between NIA, CRJI and Probation Board Northern Ireland (PBNI) for continuing best practice in *community requirements* – Enhanced Combination Orders (ECO's).

- **As part of the Criminal Justice Sentencing etc Bill, NIA and CRJI would welcome the committee's reflection on previous work that has already been done in the area of ECO's.** In October 2015, The Lord Chief Justice requested PBNI to establish a community sentence as a means of addressing the high number of custodial sentences imposed for a duration of 12 months or less. ECO's focused on restorative practice and interventions that encourage desistance through family support work and accredited programmes, ending in 2021 due to funding constraints. **The Evaluation of the Enhanced Combination orders from 2015 to 2021 (which found 95% of service users agreed ECOs helped them address their offending behaviour), acknowledged the specific benefits CRJI and NIA provided for the disposal of community sentences (PBNI,2022):**

- CRJI and Alternatives provide a bridge back to the community where the person has committed the offence.
- Availability of therapeutic support with no waiting lists.
- Employment support.
- Support available outside scheduled appointments, including on a 'first responder' basis to crises outside of office hours.
- Provision of support to family members such as help with benefit applications.
- Service users more likely to 'open up' as community based.
- Support available after ECO has ended and for as long as required.

Based on this evidence, CRJI and NIA would advocate for the reinstating of this model or a similar provision due to the specific benefits brought for suspended sentences. The formal

partnership between CRJI, NIA and PBNI has shown demonstrable unique advantage that the Department of Justice and the criminal justice system would benefit from funding.

5) Recommendation: allocated investment and resourcing of *community requirements* as part of suspended sentences.

- While CRJI and NIA are supportive of community requirements within the sentencing guidelines, we believe the effectiveness of such requirements requires key investment and funding to ensure robust outcomes. Without specific funding allocations for community requirements, the documented aims within the bill risk becoming diluted.

CRJI and NIA would therefore encourage the Committee for Justice to support an allocation of funding to facilitate the community requirements set out as part of suspended sentences.

6) Summary of recommendations:

- **Put guiding sentencing principles from into practice**
CRJI and NIA recommend deterrence, rehabilitation, and reparation are accompanied by a strategic plan for how these are practically delivered. Restorative justice should be formally embedded as a processed disposal within sentencing rather than a guiding principle.
- **Embed community-based restorative justice within sentencing provisions**
CRJI and NIA welcome the formal recognition of community-based restorative justice delivery mechanisms for community requirements under suspended sentences.
- **Expand community requirement activities**
CRJI and NIA recommend the broadening of activities qualifying as community requirements beyond punitive measures to include restorative conferencing, healing circles, trauma-informed group interventions, victim impact work, and employment

and educational support. This holistic wrap-around approach addresses the root causes of offending and supports long-term desistance.

- **Reduce reliance on custodial sentences**

CRJI and NIA recommend serious weight is given to the evidence that non-custodial disposals consistently outperform custodial sentences in reducing reoffending.

- **Reinstate the Enhanced Combination Order model**

The committee should consider reinstating the ECO model, or a similar provision, building on the formally evaluated partnership between CRJI, NIA, and the Probation Board Northern Ireland.

- **Allocate dedicated funding for community requirements**

CRJI and NIA believe the effectiveness of community requirements within suspended sentences depends on adequate funding/resources. We recommend the committee support a dedicated funding stream to resource community requirements properly.

7) Conclusion

CRJI and NIA welcome the Criminal Justice etc Sentencing Bill 26/22-27 as a landmark and timely legislative opportunity to embed restorative and rehabilitative principles at the heart of Northern Ireland's sentencing framework. Across each of the provisions responded to in this submission, there is a clear message that community-based restorative justice is not a peripheral consideration to this bill, but a central mechanism through which its stated purposes of rehabilitation, reparation, and protection of the public can be meaningfully and effectively delivered. CRJI and NIA believe the evidence base for utilising community-based restorative justice is compelling and the infrastructure within both our organisations is established through our track record of nearly three decades of accredited practice. The statutory recognition of community requirements, the past demonstrated success of Enhanced Combination Orders, along with high rates of recidivism continues to expose the limitations of custodial sentencing. CRJI and NIA therefore call on the Committee for

Justice to seize this opportunity, moving beyond theoretical principles and towards formal, funded, and legislatively embedded restorative practice at the centre of sentencing in Northern Ireland.

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