

Response ID ANON-FW7S-87AQ-8

Submitted to Criminal Justice (Sentencing etc) Bill
Submitted on 2026-03-31 14:03:19

Introduction

What is your name?

Name:
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If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:
Private Opinion

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Exercise of court's discretion when sentencing

Clause 1 outlines the purposes and principles of sentencing. It sets out the factors that the court must have regard to for the purposes of sentencing, which are: the punishment of offenders; for the protection of the public; the reduction of crime by deterrence; the rehabilitation of offenders; and, the making of reparations by offenders to persons affected by their offences. Do you agree with the purposes of sentencing as outlined above?

No

Please provide information to support your answer here::

Several sources highlight reoffending as a major system weakness—nearly 80% of NI prisoners are repeat offenders—yet the upcoming legislation does not contain strong rehabilitative or systemic reforms that directly address this crisis.

The 23 June 2025 Assembly debate emphasised that emergency reforms to sentencing alone cannot meaningfully reduce repeat offending without structured rehabilitation and support services.

The Bills focus heavily on sentencing severity, not on housing, employment support, addiction treatment, family stability, or education, which research consistently shows are key to crime prevention.

Flaw:
Punitive changes without parallel rehabilitation frameworks may increase the prison population without reducing reoffending.

Clause 1 also defines the principles of sentencing as proportionate, fair and transparent. Do you agree with these being set as the principles of sentencing?

No

Please provide information to support your answer here::

The Sentencing Bill significantly increases penalties (e.g., dangerous driving maximum rising from 14 to 20 years). While these measures may improve public confidence, evidence presented to the Assembly shows sentencing length is rarely an effective deterrent, especially for impulsive or addiction-driven offences.

Flaw:
Longer sentences may raise costs and prison overcrowding without delivering measurable crime reduction impact.

Do you have anything further to add on Clause 1 of the Bill?

No

Please provide any further information relating to Clause 1 here::

Clause 2 imposes a duty to follow guidance relevant to the case when sentencing an offender, unless it would be contrary to the interests of justice to do so and to give reasons in relation to sentencing. Do you support the objectives of this clause?

No

Please provide information to support your answer here::

The Justice Bill includes changes to child bail and detention policy.

However, it does not provide new prevention-oriented interventions such as: [niassembly.gov.uk]

early-intervention programmes
trauma-informed youth justice practices
mental health support
community-based alternatives to custody

Assembly Committee evidence ("Why Riot" youth violence inquiry) stressed the need for deeper structural prevention measures for at-risk children, but these are not embedded in the Bill.

Flaw:

Failure to address youth crime drivers risks long-term continuation of cycles of offending.

Do you have anything further to add on Clause 2 of the Bill?

Yes

Please provide information to support your answer here::

The NIHRC warned that proposed organised-crime measures may inadvertently criminalise people who are exploited by gangs, including children and trafficking victims.

This undermines prevention because: [nihrc.org]

criminalising exploited persons discourages cooperation with law enforcement
it fails to disrupt the true drivers (high-level organised criminals)

Flaw:

Lack of safeguards for coerced offenders may reduce intelligence gathering and harm genuine crime-disruption efforts.

Part 1 - Exercise of court's discretion when sentencing - Do you have anything further to add on Part 1 of the Bill?

No

Please provide information to support your answer here::

Availability and effect of suspended sentence orders

Clause 3 sets out when suspended sentence orders may be made and Clause 4 sets out what a suspended sentence order is and how it will be activated. Do you support the provisions around when suspended sentences can be used and what a suspended sentence order is in Clauses 3 and 4 of the Bill?

Yes

Please provide information to support your answer here::

Clause 5 sets out the operational period and supervision period which apply to a suspended sentence. Do you agree with the periods and requirements outlined in the clause?

Yes

Please provide information to support your answer here::

Clause 6 sets out that a court must explain to an offender, in language the offender can understand, the reason why it is imposing requirements and the effect of them. Do you agree with the provision of copies of orders and explanation of effect as laid out in Clause 6?

Yes

Please provide information to support your answer here::

Clause 7 sets out how a suspended sentence is to be treated. Do you agree with the intent of Clause 7?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 3 to 7 of the Bill?

No

Please provide information to support your answer here::

Community requirements

The Minister of Justice has stated that the intention behind adding community-based requirements to suspended sentences is to allow rehabilitative work to be carried out where it might be helpful to do so and to add a visible element to making reparations that could be realised via a community based sentence. Do you agree with the intent behind enacting Clauses 8-10?

No

Please provide information to support your answer here::

The Justice Bill includes changes to child bail and detention policy. However, it does not provide new prevention-oriented interventions such as: [niassembly.gov.uk]

early-intervention programmes
trauma-informed youth justice practices
mental health support
community-based alternatives to custody

Assembly Committee evidence ("Why Riot" youth violence inquiry) stressed the need for deeper structural prevention measures for at-risk children, but these are not embedded in the Bill.

Flaw:

Failure to address youth crime drivers risks long-term continuation of cycles of offending.

Do you have any other comments on Clauses 8 to 10 of the Bill?

Yes

Please provide information to support your answer here::

While the Bill touches on restorative justice, evidence submitted to the Committee suggests:

no guaranteed funding for community-based restorative programmes
no clear legislative framework expanding their use in low- and medium-risk cases
no integration with sentencing or post-release supervision systems [nihrc.org]

Flaw:

Missed opportunity to expand proven, low-cost prevention models that reduce reoffending and repair community harm.

Responsible Officer

Do you have any comments on Clauses 11 to 13 of the Bill?

No

Please provide information to support your answer here::

Activation of sentence and amendment of order etc.

Do you have any comments on Clause 14 of the Bill?

No

Please provide information to support your answer here::

Supplementary (Suspended sentences)

Do you have any comments on Clauses 15 to 17 of the Bill?

No

Please provide information to support your answer here::

Part 2 - Suspended Sentences. Do you have anything further to add on Part 2 of the Bill?

No

Please provide information to support your answer here::

Life sentences

Clause 18 makes provision so that, where a court makes an order under paragraph (1) or (3) of the Life Sentences (Northern Ireland) Order 2001 (the 2001 Order), the court must state in ordinary language the reason for imposing a life sentence and explain in ordinary language to the offender the effect of such a decision. Do you agree with the intention behind this clause?

Yes

Please provide information to support your answer here::

Clause 19 inserts new Article 5B and Schedule A1 into the 2001 Order on the determination of tariffs in cases of mandatory life sentences for adult offenders. This includes the starting point of 15 years where there are no aggravating factors and 20 years as the starting point where the seriousness of the offence is exceptionally high. Do you agree with the provisions of this clause?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 18 or 19 of the Bill?

No

Please provide information to support your answer here::

Part 3 - Life sentences. Do you have anything further to add on Part 3 of the Bill?

No

Please provide information to support your answer here::

Unduly lenient sentences

Three options were consulted on for the reform of unduly lenient sentence review: • Option A – All Crown Court and Magistrates' Courts sentences are made referable• Option B – All Crown Court sentences are made referable• Option C – All Crown Court sentences and sentences for offences with a maximum penalty of 12 months or more when tried in a Magistrates' Court are made referable. No clear preference for any option emerged as a result of the consultation. The review team concluded that to extend the arrangements to some Magistrates' Courts sentences would risk diminishing their purpose and would add to confusion over which offences were included, so it was decided to only make the referrals applicable to Crown Court sentences. Do you agree with the approach as provided for in Clause 20?

Yes

Please provide information to support your answer here::

Clause 21 allows for the Director of Public Prosecutions for Northern Ireland to refer a case to the Court of Appeal where it appears to them that the sentencing has been unduly lenient and the case is one which is applicable under Clause 20.Do you agree with the intent behind this Clause?

Yes

Please provide information to support your answer here::

Do you have any comments on Clauses 20 to 23 of the Bill?

No

Please provide information to support your answer here::

Part 4 - Unduly lenient sentences. Do you have anything further to add on Part 4 of the Bill?

No

Please provide information to support your answer here::

Failure to disclose information about victim's remains: Increase to sentence following failure to disclose

Part 5 of the Criminal Justice (Sentencing etc) Bill, covering Clauses 24 to 27, proposes to introduce a statutory aggravating factor, adding a minimum of 30% to the notional custodial period, for failure to disclose the location of a victim's remains or how a victim was disposed of. Do you agree with the introduction of this aggravating factor as an additional tariff to sentencing in "no body" cases?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 24 to 27 of the Bill?

No

Please provide information to support your answer here::

Reduction to sentence following disclosure

Clauses 28 to 30 of the Bill deal with applying a reduction to the additional aggravating tariff where disclosure of the location or detailing what happened to a victim's remains is made post conviction. The principle is that the amount of any reduction will never exceed the aggravation applied at the point of sentencing but provides an incentive for the offender to disclose information about the victim's remains or how they were disposed of. Do you agree with the principles behind Clauses 28 to 30 of the Bill?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 28 to 30 of the Bill?

No

Please provide information to support your answer here::

Parole Commissioners

Clause 31 places a duty on Parole Commissioners to consider a failure by a prisoner to disclose the location of victim's remains or how a victim's remains have been disposed of, when considering their release as part of the public interest decision making. Do you agree that this should form part of the consideration for the Parole Commissioners when making a determination?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clause 31 of the Bill?

No

Please provide information to support your answer here::

Supplementary (Failure to disclose)

Do you have any comments on Clause 32 of the Bill?

No

Please provide information to support your answer here::

Part 5 - Failure to disclose about a victim's remains. Do you have any further comments on Part 4 of the Bill?

No

Please provide information to support your answer here::

Particular persons or groups: Aggravation by hostility

Clause 33 introduces an aggravator to an offence if the offence is aggravated by the person's race, religion, sexual orientation or as a result of disability. Do you agree with this being an appropriate list of groups for the aggravators included in this Clause?

Yes

Please provide information to support your answer here::

Clause 34 sets out the consequences of aggravation by hostility. Do you agree with the consequences outlined in the Clause?

Yes

Please provide information to support your answer here::

Clause 35 provides the Department of Justice with the power to add, amend or revoke the kinds of hostility by which an offence may be aggravated if the hostility relates to a group or characteristic. Do you agree that the Department should be able to amend the groups for whom an aggravator applies?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 33 to 35 of the Bill?

No

Please provide information to support your answer here::

Aggravation by reason of vulnerability

Clause 36 introduces a new aggravator by reason of the victim being vulnerable, following a consultation which originally included older age and vulnerability as potential aggravators. Do you agree with including vulnerability as an aggravator in this Clause?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clause 36 of the Bill?

No

Please provide information to support your answer here::

Public Workers etc

Clause 37 introduces a new offence of assault on a public worker and defines a public worker as being a person employed or engaged to provide a service to the public, performing a public duty or delivering a public service. Do you agree with the new offence of assault on a public worker?

Yes

Please provide information to support your answer here::

Do you agree with the definition of a public worker as defined in Clause 37?

Yes

Please provide information to support your answer here::

Clause 37 proposes that a person found guilty of assaulting a public worker could receive a fine and/or be sentenced to up to 2 years imprisonment. Do you believe the penalties for this offence are appropriate?

Yes

Please provide information to support your answer here::

Clause 38 proposes introducing a new aggravator if an offence is committed against a public worker who is acting in the exercise of functions as a public worker. Do you agree with the inclusion of an offence of aggravation by assault on a public worker?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 37 to 39 of the Bill?

No

Please provide information to support your answer here::

Part 6 - Particular persons or groups. Do you have any further comments on Part 6 of the Bill?

No

Please provide information to support your answer here::

Road Traffic Offences

Clause 40 increases the maximum penalty for causing death or grievous bodily injury by driving while disqualified to 12 months or the statutory maximum fine or both when tried summarily, and 4 years or a fine or both when tried on indictment. Do you agree with the proposed increased sentences?

No

Please provide information to support your answer here::

The Sentencing Bill significantly increases penalties (e.g., dangerous driving maximum rising from 14 to 20 years). While these measures may improve public confidence, evidence presented to the Assembly shows sentencing length is rarely an effective deterrent, especially for impulsive or addiction-driven offences.

Flaw:

Longer sentences may raise costs and prison overcrowding without delivering measurable crime reduction impact.

Clause 41 of the Bill proposes to increase the maximum sentences for driving offences that cause death or grievous bodily injury, through dangerous driving or while under the influence of drink or drugs, from 14 years to 20 years. Do you agree with the increase in maximum sentencing for these offences?

No

Please provide information to support your answer here::

The Sentencing Bill significantly increases penalties (e.g., dangerous driving maximum rising from 14 to 20 years).

While these measures may improve public confidence, evidence presented to the Assembly shows sentencing length is rarely an effective deterrent, especially for impulsive or addiction-driven offences.

Flaw:

Longer sentences may raise costs and prison overcrowding without delivering measurable crime reduction impact.

Clause 42 of the Bill proposes to increase the maximum sentences available for certain repeat offences which occur within 10 years of the person serving the required custodial period for the earlier offence. Do you agree with the increase to the maximum sentence periods for certain repeat offenders?

No

Please provide information to support your answer here::

The Sentencing Bill significantly increases penalties (e.g., dangerous driving maximum rising from 14 to 20 years).

While these measures may improve public confidence, evidence presented to the Assembly shows sentencing length is rarely an effective deterrent, especially for impulsive or addiction-driven offences.

Flaw:

Longer sentences may raise costs and prison overcrowding without delivering measurable crime reduction impact.

Clauses 43 to 45 provide for disqualification periods for certain offences and for certain repeat offences and increase the mandatory minimum disqualification period. Do you agree with the introduction of new mandatory minimum disqualification periods included in these clauses of the Bill?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 40 to 45 of the Bill?

No

Please provide information to support your answer here::

Part 7 - Road Traffic Offences. Do you have anything further to add on Part 7 of the Bill?

No

Please provide information to support your answer here::

General

Do you have comments on Clauses 46 to 49 of the Bill?

No

Please provide information to support your answer here::

Commencement

Do you agree that the sections of the Bill should be commenced as outlined in Clause 50 of the Bill?

Yes

Please provide any other comments or views you have here::

Short Title

Do you have any comments on Clause 51 of the Bill?

No

Please provide any other comments or views you have here::

Any Other Comments on the Bill

Do you have any other comments or views on the Criminal Justice (Sentencing etc) Bill?

Yes

Please provide any other comments or views you have on the Criminal Justice (Sentencing etc) Bill here::

Insufficient clarity on how new biometric retention powers affect prevention vs. rights

The Justice Bill amends retention/destruction rules for fingerprints and DNA.

The Northern Ireland Human Rights Commission (NIHRC) noted concerns about: [niassembly.gov.uk]

unclear oversight mechanisms

risk of disproportionate retention

limited explanation of how expanded retention explicitly enhances prevention outcomes [nihrc.org]

Flaw:

Expanded data retention may create rights-based risks without a proven link to sustained crime reduction.

Gaps in protection for coerced or exploited individuals (risk of criminalising victims)

The NIHRC warned that proposed organised-crime measures may inadvertently criminalise people who are exploited by gangs, including children and trafficking victims.

This undermines prevention because: [nihrc.org]

criminalising exploited persons discourages cooperation with law enforcement

it fails to disrupt the true drivers (high-level organised criminals)

Flaw:

Lack of safeguards for coerced offenders may reduce intelligence gathering and harm genuine crime-disruption efforts.

6. Restorative justice is referenced but not structurally strengthened

While the Bill touches on restorative justice, evidence submitted to the Committee suggests:

no guaranteed funding for community-based restorative programmes

no clear legislative framework expanding their use in low- and medium-risk cases

no integration with sentencing or post-release supervision systems [nihrc.org]

Flaw:

Missed opportunity to expand proven, low-cost prevention models that reduce reoffending and repair community harm.

7. Lack of a sentencing council or unified guidance framework

Assembly debates strongly criticised inconsistency and leniency in certain sentencing decisions and called for a NI Sentencing Council to improve transparency, proportionality, and public clarity.

However, neither the Justice Bill nor Sentencing Bill creates such a body. [theyworkforyou.com]

Flaw:

Failure to establish a sentencing council perpetuates inconsistency, reducing public trust and weakening sentencing's deterrence and rehabilitative signalling.

8. Over-reliance on punitive hate-crime reforms without community-based prevention strategy

The Sentencing Bill modernises hate-crime laws and introduces stronger penalties.

But: [justice-ni.gov.uk]

there is no corresponding investment in early-stage interventions, community cohesion programmes, or de-escalation strategies. Without these, tougher sentences may address symptoms but not underlying social tensions.

Flaw:

Punishments alone do not reduce hate-motivated offending; preventative strategies are needed.

9. Limited focus on post-release supervision and reintegration

Neither Bill significantly expands:

probation resources

structured re-entry support

addiction treatment continuation

housing stability programmes

Given NI's high repeat-offending rates, this is a critical omission.

Committee evidence repeatedly emphasised reintegration as essential for preventing reoffending. [theyworkforyou.com]

Flaw:

Reoffending risk stays high without systematic post-release support.

Potential for unintended consequences in policing changes (e.g., live links)

The Justice Bill allows broader use of police "live links" for certain functions.

Concerns include: reduced oversight of decisions made remotely possible weakening of procedural fairness risk of undermining legitimacy, which is essential for crime prevention through community trust

Flaw: Efficiency gains may come at the cost of legitimacy and trust, which are central to long-term crime reduction.