



Niacro Response to Criminal Justice (Sentencing etc) Bill (as introduced)

May 2026

Niacro is a regional voluntary organisation working across Northern Ireland since 1971 to reduce crime and its impact on people and communities. Our vision is of a society in which the needs and rights of all people are equally respected and protected.

Our Strategic Plan 2024-29 guides our work, and our goals are as follows:

1. Crime Reduction through support.
2. Safer & Inclusive Communities.
3. Reduction of Young People entering the criminal justice system.
4. Insight driven influencing.
5. An effective & efficient organisation.

Niacro contributes to reducing crime and safer communities by providing bespoke, coproduced and trauma-informed services focused on desistance and stabilising lives. We work alongside those we support to help them to make the positive changes they want, by focusing on their potential and strengths and achieving positive outcomes.

Our programmes also support families and children, through challenging experiences.

In 2025/26 we delivered **28 services** supporting circa **7,800 beneficiaries** (children, adults and families) and facilitated over **55,000 prison visits** at our Visitors Centres, located at each of the 3 prison sites.

See www.niacro.co.uk and www.disclosureni.com for more information on our range of supports, policy priorities and previous consultation responses.

We strive to ensure that policy, practice, and legislation take account of the needs and views of the people who use Niacro services and that their, often unheard, voices are amplified. Our comments are informed by 55 years of active experience in delivering a suite of services and programmes to adults, children and families – including those serving sentences in prison and in the community and living with a criminal record.



INTRODUCTION

This legislative reform has been developed after many years of careful consideration by the Department of Justice via extensive public consultation on all aspects contained in the draft Bill.

Niacro served on the Sentence Review Core Reference Group and formally responded to the Department of Justice (DOJ) Sentencing Review consultation in early 2020. We welcome this opportunity to respond to the Criminal Justice (Sentencing etc) Bill as introduced. We also understand that this draft legislation is just one step in an incremental “reform” of sentencing within the Northern Ireland Criminal Justice System.

Sentencing is important

For victims it represents the conclusion to what is often an arduous and retraumatising process and often the nature and length of the sentence fall short of victim’s expectations. Media reports can reinforce or contribute to the perception that people are “getting away with it”, as often articles on sentences are not accompanied by the detail and complexity the judge has had to weigh up i.e. the offence, harm caused as well as the risks and needs of the convicted person. Niacro welcomes the aspects of the Bill that will see a greater emphasis on transparency and information on court sentencing decisions for victims.

For people who are convicted the nature of the sentence and the conditions surrounding it are very often misunderstood or not understood at all. In a Niacro 2019 research paper “Survived...but at what cost? A study of women in the criminal justice system who experienced domestic abuse and the potential for change”, 20 women included in the study lacked understanding about the process by which they were sentenced or whether mitigating factors (particularly their experiences of domestic abuse) were taken into account at sentencing. Information and explanation are key to supporting rehabilitation outcomes, and fuller explanation will support this.

For the public sentences especially in more high-profile cases, maybe the only information available to them since the date of the crime or incident. It is our view that there is a general lack of public awareness as to the existing efficacy of custodial sentences, particularly short-term ones in reducing re-offending, and the rigour of community sentences e.g. a Probation Order, as a preferable option to incarceration. Niacro understand that the introduction of this Bill and its enactment will be accompanied with a public awareness campaign, to better explain the reasons for sentences, and provides an ideal opportunity to highlight community sentencing.

Overall, it is our view that the Bill has the potential to address some issues with sentencing as follows:



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- Consistency of sentencing by placing the purpose and principles on a statutory footing
- Transparency and an opportunity for an improved understanding of sentencing policy and practice, including with victims, people who are convicted, their families and the wider public
- Meeting needs, managing risks and supporting rehabilitation following a suspended sentence
- Addressing more niche issues e.g. with Charlottes Law; while these cases are small, they carry an incalculable weight for victims and impact on wider community support for and confidence in the criminal justice system
- Presenting an opportunity to establish essential legal mechanisms to help support the delivery of the proposed Programme for Government cross-departmental strategy to reduce offending and reoffending, currently being led by the DoJ.

Niacro supports greater use of community sentences given their effectiveness and the opportunity provided to the person to continue in employment and community health supports, retain accommodation and support families. Community sentences, specifically Enhanced Combination Orders (ECOs) contain restorative, reparative, and retributive principles and can also provide windows of opportunities to involve victims of crime in the sentencing process and account for their needs.

However, we are concerned that implementation of the new legislation also has the potential to move sentencing to be more punitive, longer and somewhat feeds into the public perception that current sentences are insufficient and that the system is “soft on crime”. Again, the role and robustness of community sentences and the role of Probation Board Northern Ireland (PBNI) in collaboration with the voluntary and community sector in delivering justice outcomes, and longer-term desistance cannot be underestimated.

COMMENTS

PART 1

EXERCISE OF COURT’S DISCRETION WHEN SENTENCING

Purposes and principles of sentencing: adults

Niacro recognises this Bill provides an opportunity to place the 5 purposes on a statutory footing for the first time, and it is our view that they are indeed appropriate for courts to have regard to, while they play an important role in delivering justice and outcomes for victims of crime. They are as follows:

1. the punishment of offenders
2. the protection of the public (including victims of crime)



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3. the reduction of crime by deterrence
4. the rehabilitation of offenders
5. the making of reparation by offenders to persons affected by their offences.

It is our view that all sentences can and should achieve a balance of these priorities.

We also note the 3 principles also being placed in statute for the first time are:

1. the principle that sentencing should be proportionate;
2. the principle that sentencing should be fair;
3. the principle that sentencing should be transparent.

We are disappointed to note that the legislation does not include the **“sparing use of punishment” principle**, which had been reflected in the DoJ consultation.

In our previous consultation response in early 2020 we had stated *“Under the use of punishment sparingly principle, we welcome the acknowledgement that “harsher punishment does not necessarily help to address offending behaviour”. This reflects Niacro’s experiences of supporting people who have been through the justice system. (Niacro, February 2020).*

Niacro would like to see a revision of the principles to include this provision, in the belief that this will better:

- inform the public as to the benefits of alternatives to incarceration
- support rehabilitation
- reduce re-offending

Duty to follow and give reasons in relation to sentencing guidance

Niacro supports the strengthening of sentencing “frameworks”, as this should achieve a fairer, consistent approach by the judiciary, while retaining their independence. It should help victims and the public to better understand the rationale and process which led to the sentencing decision, as well as for the person convicted and their families.

Niacro have already promoted the concept of a Sentencing Council for Northern Ireland and note that the Bill as introduced falls short of that. We do acknowledge that the measures contained within the draft do represent a bolstering of the Lady Chief Justice’s Sentencing Group, and that in and of itself should lead to more consistency.

As we noted in our introduction, Niacro are cognisant that this draft Bill under consideration is a step toward incremental reform of sentencing in our court system and could provide a stepping stone to the formation of a Sentencing Council in a future mandate.



PART 2

SUSPENDED SENTENCES

It is our view that the introduction of a New Suspended Sentence Order (SSO) is one of the most significant legislative developments contained in the Bill. Section 4(2) of the Bill states “A suspended sentence order may also specify one or more community requirements with which the offender must comply during the supervision period.”

This will have a significant impact on:

- People who are convicted – opportunities for additional supports to address risks and needs while subject to a suspended sentence
- Niacro Service users and their families – potential for more structured support focussed on addressing accountability, reparation and rehabilitation while maintaining community stability – housing, jobs and relationships
- Victims – a greater sense of/reassurance that the sentence has tangible “consequences” for people who offended toward them
- The public – an improved perception of sentencing to address issues of accountability and punishment – justice seen to be done!

Niacro would take this opportunity to also highlight the value and importance of **trauma-informed support** both for victims and people who offend.

We believe that a criminal justice system that prioritises rehabilitation is vital to reducing reoffending, and there is much work for us all to do to ensure that all pathways and services are delivered from a trauma informed perspective.

For people who are sentenced trauma informed approaches will:

- Address Root Causes: Recognises the impact of trauma on behaviour, helping people who offend process and heal from past experiences
- Reduce Reoffending: By addressing underlying trauma, it can break cycles of offending and promote long-term rehabilitation
- Improve Engagement: People in the criminal justice system are more likely to engage with programmes that acknowledge their experiences and treat them with empathy
- Bring a Holistic Approach: Focussing on mental health, emotional well-being, and social reintegration, leading to more comprehensive rehabilitation

The Bill, as introduced, and specifically with the potential advent of SSOs highlights the merits and evidence of **community Based sentencing**.



Community-based sentencing in Northern Ireland has a strong rehabilitation focus and evidence suggests that individuals subject to community sentences are less likely to reoffend compared to those serving short custodial sentencesⁱ.

Niacro are supportive of greater community-based sentencing across the range of disposals available, and increasing the use of non-custodial sentences, such as community service or restorative justice programmes which can reduce the stigma of imprisonment, promote reintegrationⁱⁱ by sustaining housing, employment and maintaining key family relationships.

We recognise the extensive work completed each year by colleagues within PBNI and if more community sentences/orders were made available, their resourcing will have to increase to meet the demand of additional caseloads, as well as to the development of databases to promote data collection and data linkages to other parts of the system to support the monitoring of outcomes. We have also taken note of the oral evidence provided by PBNI senior leadership team to the Committee for Justice on the 21st of May 2026, which provided details on the resource implications for delivering on SSOs, their views on the Financial Memorandum attached to this Bill and their ongoing communication and openness to the Department of Justice to deliver on this vital piece of legislative change.

In addition, **Niacro would recommend further resourcing of the voluntary and community sector to provide wrap around and mentoring support to people subject to community sentences/orders** e.g., our PBNI funded Transitions programme, which works with people after custody or our Aspire Community Engagement support service, also funded by and delivered in partnership with PBNI. The funding for Aspire is due to cease from March 2027, and Niacro would take this opportunity to highlight our concerns around the lack of support which will be available for up to 500 people per year in the absence of EPPOC funding, and the consequential impact on both quantitative and qualitative outcomes with regards to reoffending.

PART 3

LIFE SENTENCES

Niacro note that the term “life sentence” can be confusing for victims, people convicted and the wider public. The release of people from custody who have been serving a “life sentence” can lead to significant concerns for victims of crime and their families.

Misunderstanding or complete lack of awareness of the conditions (and supervision) attached to release e.g. Parole and Licence conditions, can further exacerbate community fears.



It is also important to highlight here the barriers faced by life sentence prisoners as they navigate release – finding a home, a job, being accepted back into families/communities and finding ways to resettle away from custody.

Niacro supports a transparent system which requires a plain explanation of tariffs set, both for victims and people who have been sentenced.

PART 4

UNDULY LENIENT SENTENCES

We note that the Draft Bill seeks to extend the availability of appeal beyond the scope of the existing legislation, to include ALL Crown Court cases as opposed to very specific cases which are currently referred.

Niacro understand that the right to appeal is a fundamental tenet of our legal system, but that this should be balanced with the function of the judge, which is to weigh up the offence, the harm presented in the evidence as well as the profile, risks and needs of the person convicted – again often based on nuanced, technical and unique factors.

We would raise some concerns as to the *potential* that judges *may*, because of greater scrutiny and challenge to their decisions, veer away from lower sentencing ranges at their disposal, and thus this Bill could lead to a more punitive sentencing regime overall.

We also note that the widening of appeals in this regard will have further financial resource implications for the system, albeit that the number of existing appeals based on leniency are small.

PART 5

FAILURE TO DISCLOSE INFORMATION ABOUT VICTIM'S REMAINS

Niacro participated in the Department of Justice review of “Charlotte’s Law”.

We reiterate the importance of this piece of legislation in addressing the ongoing harm caused to families where the person convicted has not disclosed the whereabouts of the body. We understand that this legislation relates to a very small number of cases, but none the less is a highly emotive one. It proposes additional custodial periods for non-disclosure, and a reduction of the same if a disclosure is subsequently made.

Niacro would encourage anyone in custody to make these disclosures to achieve accountability and work toward reparation.

PART 6

PARTICULAR PERSONS OR GROUPS – aggravation by hostility

Niacro would note comments made by Dr Kevin Brown, QUB in his article in the Irish Legal News “*Although aggravating factors do not alter the maximum penalty for an*



offence, they require courts to treat certain features of offending as warranting a more severe sentence. In practice, such provisions are in part designed to exert an upward pressure on sentencing outcomes". (Irish Legal News, 20 March 20206).

While Niacro welcome increased deterrence to reduce hate motivated crime, which has a characteristic of exploiting vulnerabilities or targets marginalised groups or individuals this aspect of the Bill has the potential to increase and extend sentences, leading to potential increased demand on prison and probation services, including the need to support staff training and support interventions to modify attitudes and behaviours.

Niacro supports the development of restorative justice in which victims and those who offend can be better supported through an appropriately managed diversionary restorative practice approach to hate crime. We are members of the Department of Justice Steering Group supporting the implementation of the Adult Restorative Justice strategy and remain committed to supporting the system to find alternative ways of addressing the impact of aggravated crimes on victims and support desistance.

PART 7

ROAD TRAFFIC OFFENCES

Niacro have taken note of the Explanatory and Financial Memorandum as introduced which details the proposed additional sentencing in these types of cases including:

*"increase the maximum sentence of imprisonment for the offence of causing death or grievous bodily injury by dangerous driving or by careless driving while under the influence of drink or drugs from the current **fourteen years to twenty**, with a discretionary life sentence as the maximum sentence for a repeat offender"*

"increase the maximum sentence for causing death or serious injury when driving while disqualified to 4 years when tried on indictment and 12 months when tried summarily;"

The new legislation will place a requirement on the court to take into consideration the matter of repeat offences.

We understand the feedback on this matter received by the Department of Justice contained in the previous consultation responses but note that this aspect of the bill does see another step toward more lengthy sentencing in Northern Ireland.

ADDITIONAL COMMENTS – Rehabilitation of Offenders Order 1978

We would ask the Committee for Justice also consider Niacro's response and oral evidence given to the Committee in May 2025 in respect of the ongoing Justice Bill and specifically our comments on the reform of the 1978 Rehabilitation of Offenders Order which pertains to sentences given to both adults and children. The proposed change to that Order presents a revised schedule of existing sentences, as well as the



introduction of new categories, which in our view provides the simplification of the spent conviction regime which Niacro has been calling for many decades.

We raise this as pertinent because while sentences (based on the purposes and principles set out in the earlier sections of this Bill) are a vital tool in the delivery of justice, having a criminal record and a sentence does already have other and long lasting impacts on people who have been convicted, and their families who tend to experience “unseen sentences” on the outside. Many people, many years after their convictions and who have not gone on to reoffend, are being held back by the existing spent conviction regime. The progress to remove systemic barriers to rehabilitation should be considered alongside the public debate relating to this Bill as sentence lengths are extended.

CONCLUSION

We remain concerned that the new legislation has the potential to reinforce a “soft on crime” message potentially hardening the rhetoric toward people who offend by expanding the length of sentences, resulting in a more punitive sentencing landscape. The enactment and implementation of the legislation will require adequate resourcing of prisons, probation and the voluntary and community sector to ensure that the criminal justice system can deliver on the commitments set out in the draft Bill.

Niacro thanks the Committee for Justice for the opportunity to respond to this draft Sentencing Bill. We are happy to provide any further information or commentary on request.

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ⁱ “Improving Resettlement Support for Prison Leavers to Reduce Reoffending - National Audit Office (NAO), June 19, 2023, <https://www.nao.org.uk/reports/improving-resettlement-support-for-prison-leavers-to-reduce-reoffending/>.

ⁱⁱ Source: DoJ Sentencing Review, 2019 - [chapter-6----community-sentencing-22.10.19.pdf](#)