

Date: 18 June 2026

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 345, Parliament Buildings
Ballymiscaw, Stormont
BELFAST
BT4 3XX

By email: committee.justice@niassembly.gov.uk

Dear Kathy,

Criminal Justice (Sentencing etc.) Bill – Further Information

Thank you for your correspondence of 5 June 2026 following the Probation Board for Northern Ireland's (PBNI) oral evidence session on 21 May 2026 regarding the Criminal Justice (Sentencing etc.) Bill.

As requested, I have set out below areas which, in PBNI's view, are not currently included within the Bill but would add significant value in supporting effective sentencing, rehabilitation, and public protection.

1. Presumption Against Short Custodial Sentences

PBNI remains of the view that the introduction of a presumption against short custodial sentences would represent a positive and evidence-based reform, complementing the intent of the Bill to modernise and strengthen sentencing practice. Short sentences, particularly those under 12 months, are linked to limited opportunities for rehabilitation, disruption to stability in areas such as employment and housing, and higher rates of reoffending compared to community-based disposals.

A legislative presumption would:

- encourage fuller use of the more flexible and structured community sentencing options provided for within the Bill;
- reinforce a shift towards proportionate, rehabilitative outcomes; and
- ensure that custody is reserved for cases where it is necessary for public protection or where no suitable alternative exists.

Such a provision should retain judicial discretion to depart from the presumption in appropriate cases, supported by confidence in the availability and effectiveness of community interventions. This position would also be consistent with the Sentencing Act 2026 in England and Wales legislated for a presumption to suspend short custodial sentences under 12 months and expanding community-based orders.

2. Strengthening Suspended Sentence Orders

Linked to the above, and as highlighted during the oral evidence session, the provision in the Bill for supervised Suspended Sentence Orders (SSOs) provides an important opportunity to further embed community-based sentences as a central feature of the sentencing framework.

Evidence and experience from other jurisdictions demonstrate that these orders are most effective where courts can apply a flexible range of requirements, tailored to individual risk and need, and supported by robust probation supervision. The effectiveness of these disposals depends on constructing the right combination of interventions, informed by high-quality pre-sentence advice.

Community-based sentences can deliver better reoffending outcomes than short custodial sentences, while also representing a more cost-effective use of public resources. They are not a lesser option; they carry clear expectations, with enforcement action including custody available in cases of breach.

To maximise the impact of the provisions within the Bill, it will be important to ensure:

- judicial confidence in the availability and robustness of requirements;
- sufficient probation and programme capacity; and
- effective implementation, particularly if use increases alongside a presumption against short custodial sentences.

3. Victim Information Scheme – Opt-Out Provision

During the evidence session, a member highlighted the absence of an opt-out model for the Victim Information Scheme (VIS). We recognise that the current opt-in approach may inadvertently exclude a proportion of victims, particularly those who are most vulnerable or least able to navigate criminal justice processes.

Introducing an opt-out approach could:

- improve victim engagement and awareness by reducing reliance on victims taking proactive steps at a time of stress or trauma;
- ensure more consistent access to information, particularly for vulnerable victims as evidence shows that opt-out models lead to substantially higher participation rates than opt-in systems; and
- better align with a trauma-informed approach by minimising the burden placed on victims to engage with complex systems and recognising the cognitive and emotional impacts of victimisation.

Furthermore, an opt-out model can enhance safeguarding, ensuring that victims at risk, including those experiencing coercion, intimidation, or vulnerability, are not unintentionally excluded from receiving key information.

Any change should include clear communication and accessible mechanisms for victims to exercise choice.

4. Impact of Friday and Saturday Releases from Prison for Rehabilitation and Desistance

PBNI would welcome a stronger and more explicit emphasis within the Bill on rehabilitation and desistance, recognising the importance of addressing the underlying causes of offending and supporting individuals to reintegrate successfully into the community.

In this context, PBNI is currently undertaking work to examine the impact of Friday and Saturday releases from custody on reoffending outcomes. This includes assessing access to accommodation, services, and support at the point of release, and how these factors influence an individual's ability to stabilise in the community.

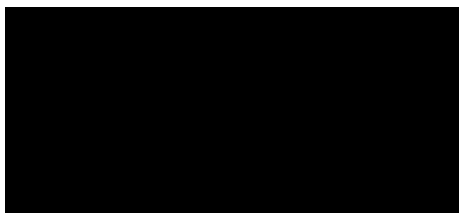
Improving the alignment between release practices and access to support may contribute to better outcomes and, over time, could merit consideration within the broader policy and legislative framework associated with the Bill.

Conclusion

PBNI supports the overall direction of the Bill and recognises the opportunity it presents to strengthen sentencing policy. The inclusion of a presumption against short custodial sentences aligned with the Bill's provisions and consideration of operational factors such as release practices would, in our view, enhance its effectiveness in reducing reoffending and improving outcomes for communities and victims.

I hope this information is helpful to the Committee. PBNI would be pleased to provide any further clarification if required.

Yours sincerely,



Chief Executive



**Northern Ireland Assembly
Committee for Justice**

[REDACTED]
Probation Board for Northern Ireland
80-90 North Street,
Belfast
BT1 1LD

05 June 2026

Criminal Justice (Sentencing etc) Bill – oral evidence

Dear [REDACTED]

Thank you for attending the Committee for Justice meeting on 21 May 2026, to provide oral evidence on the Criminal Justice (Sentencing etc) Bill.

During the evidence, you agreed to provide the Committee with further information on what, in your view, is not contained within the Bill but would be beneficial to be included. Examples highlighted during the session included a presumption against short sentences and an opt-out process for the Victim Information Scheme.

I would be grateful if the Committee could receive a response by 19 June 2026.

Yours sincerely

Kathy O'Hanlon

**Kathy O'Hanlon
Clerk to the Committee for Justice**