

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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JCP\26\150

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

28 August 2026

Dear Kathy,

**CRIMINAL JUSTICE (SENTENCING ETC) BILL – MATTERS NOT INCLUDED IN
THE BILL; JONNY'S LAW; FURTHER INFORMATION FROM PBNI; OMISSION OF
REPEAL OF THE OFFENCE OF ASSAULT ON AN AMBULANCE WORKER**

Thank you for your letters of 17 June and 7 July seeking an update from the Department on any work conducted or consideration given to a range of matters not in the Sentencing Bill, but that have been raised in response to the Committee's call for evidence. I am also taking the opportunity to provide the Department's position on the matters raised by PBNI in their letter of 18 June, which you kindly shared by letter of 7 July; and your email of 6 July in which you asked about the repeal or amendment of section 54 of the Justice (NI) Act 2016.

As the correspondence received by the Committee illustrates, sentencing policy is a constantly evolving area and one that cannot be addressed for once and for all in a single legislative piece. The current Sentencing Bill, which, in the main, addresses decisions taken following the Department's 2019/20 Sentencing Review consultation, should be regarded as one in an ongoing series of legislative change that will continue to develop as need is identified and evidenced. As a result of repeated Executive collapses, this Bill is long overdue. The purpose of launching the Department's new Review of Sentencing

Policy in January 2026, so overlapping with the work on the current Bill, was to accelerate work on a range of issues which have presented since the 2019/20 consultation, to prepare the basis of the next tranche of reforms that will be taken forward, thus maintaining momentum in this important area. I trust the following update will be helpful.

Jasmin's Law – aggravated sentences for drug dealing.

The Minister has repeatedly made it clear that the dealing of illegal drugs is not a victimless crime and has committed to exploring potential ways in which this can be reflected as part of the sentencing process in relevant cases.

Following the tragic death of her daughter in February 2023, Pauline Duddy has been tirelessly campaigning for “Jasmin's Law”, a proposed statutory aggravator, to be considered in sentencing someone found guilty of supplying illegal drugs to a vulnerable person where a death resulted.

In light of lobbying from Pauline and others about sentencing for drug-related deaths, the Department's Review of Sentencing Policy is considering the adequacy of the current sentencing framework for drug misuse offences and any necessary legislative change to address any shortcomings.

Both the Minister and officials from the Department have met on a number of occasions with the Jasmin's Law campaigners to establish the legislative aims of the campaign and to help clarify the respective responsibilities and powers of the judiciary, the Department and, because the content of the Misuse of Drugs Act 1971 is a reserved matter, the UK Government.

The Department has commenced a structured analysis of sentencing trends in Northern Ireland for misuse of drugs offences, to allow a comparison against other jurisdictions, if possible, and to determine if any amendments to the sentencing process are required, including the introduction of a statutory aggravator.

It is further intended that the Department will seek advice about the legality of introducing a statutory aggravator attached to offences related to reserved matters, and will engage

with counterparts in Scotland, England and Wales to discuss the approach to enforcing offences within the Misuse of Drugs Act 1971.

It therefore remains unclear at this stage what, if any, legislative change may be required or within the Assembly's competence. These difficult considerations need to be fully explored, before any recommendations or decisions can be made.

Jonny's Law – equality of treatment for victims and families in drug related deaths.

The Committee received an initial response to the call for evidence, dated 12 May, and an addendum from Laura Ramsey dated 15 June.

The e-mail sent on 12 May 2026 sets out the following "Principles for Jonny's Law":

1. Universal Equality: All families, regardless of voice or visibility, must be treated equally by the justice system.
2. No More 'Tick-Box' Investigations: Recognition and justice must not depend on the volume of a campaign or the circumstances of a death.
3. Support for the 'Quiet' Grievors: As a result of Jonny's death, I suffer from anxiety, depression, PTSD, and social anxiety. I am unable to protest or meet in person, which is why Jonny's Law is so vital for those who cannot speak or spell out their pain for themselves, or those who cannot engage publicly due to health. Justice must be automatic, not something you have to be "loud" enough to win.
4. Universal Application: Any policy addressing drug-related deaths must apply to all families, not just widely publicised cases.

The Minister has immense sympathy for Jonny's family, and their very worthwhile campaign. However, these important principles do not fit in the context of sentencing policy and would not be within the scope of the Sentencing Bill.

As regards concerns relating to the investigation into Jonny's death, these are operational matters for the Chief Constable, who is accountable to the Northern Ireland Policing

Board, and this has been made clear in correspondence. The Police and Criminal Evidence (NI) Order 1989 (PACE) sets out the powers available to the PSNI to support the conduct of criminal investigations, supported by the PACE Codes of Practice.

The addendum dated 15 June seeks the inclusion of a statutory aggravator where those present during acute, life-threatening episodes wilfully or neglectfully fail to seek immediate emergency medical assistance. It is the Department's view that the proposals for Jonny's Law require significant further unpacking and development, and with current policy and legislative priorities, consideration of the issues raised will extend into the next Assembly mandate.

Proposals by the Commissioner Designate for Victims of Crime

Increased Offender Levy

Statutory provision for the offender levy is found at sections 1 to 6 of the Justice Act (Northern Ireland) 2011 ('the Act').

The principal aim of the levy is to make offenders more accountable for the harm which their actions cause by requiring them to make a financial contribution to the delivery of support services to victims and witnesses of crime. The levy is not a penalty for the offence, nor does it form part of any sentence, but its imposition, by statute, is mandatory. Its provision enables it to be enforced in the same way as a fine and, in terms of collection, it ranks second in the priority order after a Compensation Order and before the court fine itself, for example.

The levy is ring fenced from the Consolidated Fund, through an agreement with the Department of Finance and is fed into a non-statutory Victims of Crime Fund which is used to deliver victim services. While the amount of funding is dependent on the level of disposal to which it is attached, it has consistently accrued, on average, c.£500k per year since its introduction.

A need to review the offender levy scheme in its entirety has recently been considered against the current range of Departmental priorities and resourcing capacity to deliver this work. Such a comprehensive review would require significant Departmental staff

resource and will therefore have to wait until the next mandate. However, the Minister is mindful of increasing pressure on budgets, and the urgent need to improve services for victims of crime. Therefore, she believes she can take a first step in this mandate by increasing the current levy rates. This can be done by draft affirmative Statutory Rule and will require a public consultation and engagement with stakeholders. The Department will progress this work with a view to bringing a Statutory Rule to the Assembly for consideration before the end of the mandate.

Free Access to Sentencing Remarks

The Victims and Witnesses of crime strategy 2026-2032 contains an action for the Department to progress preparatory work to develop a pilot scheme to provide victims in agreed categories of serious offence cases with transcripts of sentencing hearings ensuring appropriate supports are available.

The Department plans to establish a working group to look at the potential scope and costs for introducing a pilot. This will be progressed in collaboration with Departmental colleagues and key stakeholders including the Commissioner Designate. The pilot will focus on providing transcripts of sentencing remarks to victims in certain categories of serious offence cases in the Crown Court, with the potential for this to be expanded following evaluation of the pilot and subject to available funding. The initial categories of offences included in the pilot will be decided by the Minister after considering recommendations from the working group. We do not consider that primary legislation is required to progress a pilot.

Attention is also being paid to an ongoing pilot in Scotland and the recent pilot in England & Wales and, to learn from their experiences particularly in relation to volume of applicants, transcription and redaction processes, and any interim data that may be available on the progress and success of their pilots. HMCTS have also recently commenced work looking at the use of AI transcribing in the criminal justice system, which we are following to identify any learning or potential solutions that we might be able to apply in Northern Ireland to support provision of sentencing remarks.

The Department will continue to monitor and engage with developments in other jurisdictions and work with the Northern Ireland Courts and Tribunals Service to identify best practice and inform options for improving access to sentencing remarks for victims and witnesses in Northern Ireland.

We note that the Commissioner Designate has also raised concerns that the magistrates' court is not currently a court of record and suggests that this is considered in the Sentencing Bill.

The Department and NICTS are currently taking forward work to consider extending the remit of the magistrates' court to include more serious offences. If it is agreed that such changes should be made, this would require a wide range of considerations across the system, extending beyond the recording of sentencing remarks. The legislation required to give effect to any proposed changes would also address the appeals process, which would subsequently require the introduction of "For the Record" (which provides digital court recording and transcription technology) to be utilised in the magistrates' court tier. We recognise the need to improve transparency in the magistrates court and so these changes remain our ambition, but are longer-term in nature.

Victim Information Scheme (VIS) Opt-out

Section 68 of the Justice (Northern Ireland) Act 2002 placed a duty on the Secretary of State (now the Department of Justice) to create the Prisoner Release Victim Information Scheme (PRVIS). The Act envisioned the overall purpose of the scheme "to make available information about the discharge or temporary release of persons serving sentences of imprisonment in Northern Ireland imposed in respect of the commission of offences to victims of the offences who wish to receive it." The Prisoner Release Victim Information (Northern Ireland) Scheme 2003 sets out the detail of the scheme and came into operation on 1 July 2003.

The opt-in design of the Victim Information Scheme ensures that all eligible victims are contacted at the point of sentence and are provided with information about the Scheme. This ensures that they are fully informed of what the Scheme involves and what information they may be entitled to, allowing them to opt-in based on informed consent.

The Department is not aware of any earlier representations being made to switch the scheme to an opt-out basis. Any change to an opt-out approach would necessitate legislative amendment and consideration of a range of factors, including the resources required to increase capacity of the Victims Information Unit, as well as the potential need for increased support to be made available to victims.

The Department continues to monitor the operation of the Scheme and, following a recent internal review, has adopted new procedures to encourage victims to register:

- Appreciating that victims don't feel ready to register or give this option full consideration immediately upon conclusion of the trial, we have started writing to victims 6 months after the conviction (if the prisoner is still in custody and the victim is still eligible) to check their wishes; and
- As attitudes can change over time, we now write annually to those who have registered to ensure they still wish to be registered.
- To make registering easier, invitations to register now include a QR code that takes you immediately to the application form that only takes a couple of minutes to complete before sending back to PRVIS staff electronically

In addition, in life sentence cases, we will soon start writing to all non-registered victims before the 3-year pre tariff stage to ask them if they would now like to register. It is at this point where information around pre-release testing and final release tends to create most interest for victims.

These changes are designed to address concerns such as those raised by the Commissioner Designate around risks of excluding victims who were not aware of the scheme, were not in a position to engage at the relevant time, or did not fully understand the long-term significance of receiving post-sentence information.

While there are arguments both for and against an opt-out scheme, the Department has invested significant effort in improving the current scheme as outlined above. It is the Department's intention that these measures will avoid the potential issues of an opt-out scheme while still providing a quality service to eligible victims. We would be open in the

future to an external review of how the scheme operates, once these changes have had a chance to bed in.

Early Guilty Pleas

The law in Northern Ireland requires a court, when determining a person's sentence, to take into account any plea of guilty, the reasons or circumstances behind it, and the timing of that plea. Reductions of up to around a third can be applied to what the sentence would otherwise have been, depending on the point at which the plea was made and other surrounding circumstances. The current reduction rates are established in key judgments from the Northern Ireland Court of Appeal.

The Committee will be aware of the Department's recent consultation on Earlier Guilty Pleas. This was undertaken following concerns around consistency, transparency and the levels of reduction being applied, and sought views on three broad options:

- retain the current arrangements with no change;
- a requirement for sentencing guidelines to be placed in law; or
- statutory provision setting specific sentence reduction scales in primary legislation.

The consultation also posed a series of questions about policy issues related to sentence reductions for guilty pleas, including the Gillen Review recommendation about special reductions for "really early" guilty pleas.

The Department has completed its analysis of the responses to the consultation and is now finalising advice to the Minister with a view to agreeing and publishing a way forward in the near future. The Department will write to the Committee once the Way Forward has been approved by the Minister.

Presumption of victim ability to read out a Victim Personal Statement (VPS)

In line with the Victims and Witnesses of Crime Strategy 2026–2032 commitment to empower victims, improve their experience of the justice system and ensure their voices

are heard, the Department is working with partners to review the use of Victim Personal Statements (VPS) in court, to ensure every victim has the opportunity to make a VPS and to express their preference as to how it is communicated in court subject to judicial consideration.

A task and finish group looking at the Commissioner Designate's recommendations on Victim Personal Statements includes PPSNI, PSNI and the witness support services. The Office of the Lady Chief Justice and NICTS have agreed to participate in this work as required. Terms of Reference for this group have been circulated and work is ongoing.

Offenders refusing to attend sentencing hearings

In England and Wales, the Victims and Courts Act 2026 has made provision (known as 'Olivia's Law' after the 9-year-old girl tragically murdered in Liverpool in 2022) enabling the Crown Court to order an offender to attend court for their sentencing hearing. The provisions further allow the use of reasonable force if necessary and proportionate to deliver an adult offender to the court when such an order is made.

An offender who fails to comply will be guilty of contempt and, for adult offenders, the court may make a prison sanctions order. Sanctions will be specified in regulations to be made by the Secretary of State, and they must correspond to punishments that can be imposed by prison governors under prison rules for disciplinary offences.

The provisions have not yet come into operation.

As far as the Department is aware, attendance at sentencing hearings has not presented as an issue in Northern Ireland. It is the Department's view that an offender who refused to appear before the court would be committing a contempt and could be dealt with under existing contempt arrangements for such a refusal.

The Department has some concerns about the provision to allow the use of reasonable force to compel attendance, and intends to monitor the use of the new powers in England and Wales once they are commenced, and consider whether there is a pressing need for similar legislation in Northern Ireland over a longer period.

Sentencing Council

Current sentencing guidance emanates either from the Court of Appeal or from the administratively established Lady Chief Justice's Sentencing Group.

Guidance may relate to the appropriate sentence range, including factors that may increase or diminish seriousness of an offence; some legal principle relevant to sentencing; or some guidance about the approach to be taken by the courts, with advice or direction directed to the prosecution service, practitioners or the judiciary as to various steps within the sentencing process.

The courts are not under an obligation to follow guidance but generally do have regard to any that is considered relevant.

In England and Wales, independent Sentencing Councils issue definitive guidelines in relation to various categories of offences. Every court must follow any sentencing guideline which is relevant to the offender's case unless the court is satisfied that it would be contrary to the interests of justice to do so. This approach, which aims to ensure transparency and uniformity, is reflective of the size of those jurisdictions, and the fact that opportunities for discussion across each jurisdiction between experienced judges about sentencing issues is consequently limited. This contrasts starkly with the small judiciary serving Northern Ireland's courts.

The Department accepts the need in Northern Ireland to improve transparency and understanding of sentencing and sees the provisions contained within the Sentencing Bill as a first legislative step. The Bill aims to make the current approach more robust, transparent and predictable by including provision, at Clause 2, creating an obligation for the judiciary to follow relevant guidelines unless satisfied that to do so would be contrary to the interests of justice; and to provide reasons if or when they have reason to depart from the guideline.

The Department's Review of Sentencing Policy continues this work, scoping out the next steps, one of which might be an independent Sentencing Council for NI. This work will require detailed consideration of the respective arrangements in Ireland, Scotland, England and Wales where each jurisdiction has its own version of an independent body.

The Review will also assess the likely costs associated with the creation of such an organisation. In this regard it is of note that the business plan for the year 2024/25 for England and Wales Sentencing Council indicates staff costs of £1.65 million and non-staff costs £250k; while the Scottish Council has cost £4.6 million over the last ten years. For 2024/25 the allocation was £1.025 million, with estimated staff costs of £800k, and £200k for research projects. Even if the Review does recommend the establishment of a Northern Ireland Sentencing Council, it will have to be considered amongst the many serious priorities faced by the Department in the context of ever-increasing financial pressures.

Good character references

Good character evidence can be a feature of the evidence in chief during a trial, where it is typically called by the defendant to support their propensity to commit similar crimes, or to support their truthfulness.

A good character reference may also be submitted to the court for consideration as a mitigating factor when setting the sentence.

While good character evidence can feature across a broad range of offence categories, guidance from the Court of Appeal provides that its value diminishes as the seriousness of the offence increases, and in fact the absence of a criminal record is a neutral factor in the majority of cases.

Nonetheless, the Department recognises that it is distressing for victims to listen to good character references given in relation to the perpetrator who has harmed them and to feel that these could in some way could influence the outcome of the trial and/or sentencing.

It is the Minister's stated preference to end or to limit their use, and she has not ruled out making use of the Victims and Witnesses Bill if a straightforward legislative fix can be

identified. This will require careful policy development to ensure that any resultant legislation is compliant with ECHR rights, including the Article 6 rights of the defendant.

Accordingly, the Review of Sentencing Policy has prioritised the consideration of the use of good character evidence and references at sentencing, particularly in relation to cases involving sexual offences.

The Department will keep the Committee apprised of developments.

Harper's Law

Harper's Law was introduced as part of the Police, Crime, Sentencing and Courts Act 2022 in England and Wales following a campaign by the family of PC Andrew Harper, who was killed in the line of duty in 2019. There are no equivalent provisions in Scotland or in Ireland.

Harper's Law requires a mandatory life sentence for anyone convicted of unlawfully killing an emergency worker acting in the exercise of their functions, unless there are exceptional circumstances. It does not apply in manslaughter by gross negligence cases or cases where a partial defence to murder results in a manslaughter conviction.

The Review of Sentencing Policy is considering Harper's Law, with early development work including analysis of the current sentencing framework for such offences in Northern Ireland as well as searches to establish whether there have been recent instances of such killings and whether these provisions have yet been used.

We note that a written submission to the Committee's Call for Evidence (Response ID ANON-E8XJ-D7UA-G) cites the cases of Sergeant Matt Ratana and PC Sharon Beshenivsky as cases which were "both tried under Harper's Law and received whole life sentences".

The Department does not believe this to be the case as, in accordance with sections 258A, 274 and 285A of the Sentencing Act 2020, the provisions of Harper's Law can only apply to an offence which was committed on or after its commencement date, which was 28 June 2022. According to reports, the offences in both of these cases took place before

the date of commencement – Sergeant Ratana was murdered on 25 September 2020 and PC Beshenivsky on 18 November 2005.

Additionally, the Department's research indicates that the defendants in both of these cases were convicted of murder, whereas Harper's Law applies only in cases of manslaughter.

The Department has not identified any reports of cases where Harper's Law has been applied.

In Northern Ireland a life sentence is already mandatory in any murder case, and, in circumstances considered appropriate by the Court, can be imposed where a defendant is found guilty of manslaughter. Current sentencing guidance, whether in magistrates' courts or the Crown Court, also specifically addresses the aggravating effect of attacks on public servants, where the victim is engaged in providing a service to the public, and sentences are expected to reflect that. In addition, the Committee will be aware of clause 38 of the Sentencing Bill, under which the fact that the victim of manslaughter was a public worker will become a statutory aggravating factor.

The Department will continue to consider the need to make provision equivalent to Harper's Law in Northern Ireland.

Matters raised by PBNi

Thank you for sharing the letter of 18th June 2026 from PBNi in which they outline areas which, in their view, add significant value in supporting effective sentencing, rehabilitation, and public protection.

Taking the areas set out in turn, the Department would comment as follows.

Presumption against short custodial sentences

Creation of a presumption against short sentences was considered as part of the Department's last sentencing policy review, the outcome of which led to the 2019/20 consultation. The Department examined the position in neighbouring jurisdictions and paid particular attention to the presumption which existed in Scotland since 2011 of a

presumption against sentences of 3 months or less. That was reviewed in 2019 and replaced with a presumption against sentences of 12 months or less, with a view to reducing prison receptions. Critics of the presumption highlighted evidence of the negative (unintended) phenomenon of ‘up-tariffing’ whereby the courts avoided the presumption by imposing sentences longer than they ordinarily would. The Department has continued to monitor the position. A further Scottish review, concluded in 2025, recommends extending the presumption to 24 months and banning sentences of 12 months or less. A consultation launched on 25 June will close on 20 August 2026. It is clear that this is not a straightforward issue.

In England and Wales, a presumption against short sentences (of 12 months or less) has been introduced for the first time via the Sentencing Act 2026, following the outcome of the independent review of sentencing carried out by David Gauke.

It should be noted that the arrangements in England rely on the already-established attachment of community requirements to suspended sentences and are to be supported by significant additional funding to the probation service.

The Department has committed to considering the recommendations of the Gauke Review in its Review of Sentencing Policy and will continue to monitor the position in neighbouring jurisdictions.

In the interim, it should be remembered that existing legislation in Northern Ireland requires the court only to impose a custodial sentence where the offence is considered so serious that only a custodial sentence can be justified.

Strengthening suspended sentence orders

The Department notes the comments made by PBNI in relation to the future effectiveness of suspended sentence orders and agrees that it will be important to ensure judicial confidence, sufficient capacity and the effective implementation of the measures.

Victim information scheme opt-out provision

The Department notes the comments made by PBNI in relation to an opt-out scheme. While the comments made by PBNI have merit, the Department's position is as outlined earlier in this letter.

Impact of Friday and Saturday releases from prison for rehabilitation and desistance

The Department notes the comments made by PBNI and shares its concern about offenders' access to accommodation, services, and support at the point of release. It is for these reasons that clause 70 of the Justice Bill, as amended at Consideration Stage before the summer, includes provision to ensure that offenders are not released on Saturdays, Sundays or other public holidays, and to allow the Department to direct that prisoners are not released on Fridays.

It is envisaged that bringing forward release dates from Fridays could give individuals more time to link in with community-based service providers, for example Jobs and Benefits Offices, the Housing Executive, Community Mental Health and Addiction Services, General Practitioner surgeries and Social Services, and that this could be particularly beneficial to those who do not enjoy formal Probation Board support upon release from custody.

It is therefore intended that this provision will help to minimise the issues caused when offenders cannot access these essential support frameworks.

Omission of amendment or repeal of section 54 of the Justice Act 2016

Clause 37 of the Sentencing Bill creates a new offence of assaulting a public worker. The new offence is intended to replace existing occupation-specific assault offences and to expand the protections of the offence to all those whose work brings them into contact with the public.

Chapter 1 of Part 6 of Schedule 7 to the Bill repeals the existing offences of assault on police and assault on fire and rescue officers, and should also include repeal of the offence of assault on ambulance workers (section 54 of the Justice (NI) Act 2016). By

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

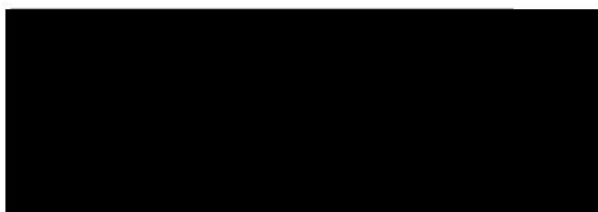
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way of explanation, we can advise that such a repeal had been included in earlier drafts of the Bill, but was lost in the version as finalised for Introduction. This appears to have been a clerical error.

We would like to thank the Committee for identifying this unintentional omission, and can advise that we have drawn this to OLC's attention and will seek to bring a remedial

Departmental amendment. A draft has been prepared as can be seen at **Annex A**, attached.

Yours sincerely



DALO

Criminal Justice (Sentencing) Bill — Consideration Stage

Schedule 7, Page 64, Line 24

At end insert—

‘Justice Act (Northern Ireland) 2016

36A. Section 54 of the Justice Act (Northern Ireland) 2016 is omitted.’

Minister of Justice



**Northern Ireland Assembly
Committee for Justice**

[REDACTED]
DALO
Department of Justice
Castle Buildings
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17 June 2026

Dear [REDACTED]

**CRIMINAL JUSTICE (SENTENCING ETC) BILL – MATTERS NOT INCLUDED IN
THE BILL**

At its meeting on 11 June 2026, the Committee for Justice considered submissions from respondents to the call for evidence on the Criminal Justice (Sentencing etc) Bill.

The Committee agreed to write to the Department to seek an update from the Department of Justice on any work conducted or consideration given to those matters not in the Sentencing Bill that have been raised in the written submissions.

These matters included:

- i. Jasmine's Law – aggravated sentences for drug dealing.
- ii. Jonny's Law – equality of treatment for victims and families in drug related deaths.
- iii. Proposals by the Commissioner Designate for Victims of Crime:
 - Increased Offender Levy

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- Free Access to Sentencing Remarks
- Victim Information Scheme (VIS) Opt-out
- Early Guilty Pleas
- Presumption of victim ability to read out a Victim Personal Statement (VPS)
- Offenders refusing to attend sentencing hearings
- Sentencing Council
- Good character references

Harper's Law was also raised in some submissions. The Committee notes that this was included in the Review of Sentencing Policy launched by the Minister of Justice in January, and would welcome any update that there may be on this matter.

I would be grateful if the Committee could receive a response 28 August 2026.

Yours sincerely



Kathy O'Hanlon
Clerk to the Committee for Justice



**Northern Ireland Assembly
Committee for Justice**

██████████
DALO
Department of Justice
Castle Buildings
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BT4 3SQ

7 July 2026

Dear ██████████

PBNI Criminal Justice (Sentencing etc.) Bill – Further Information

At its meeting on 2 July 2026, the Committee for Justice noted correspondence from the Probation Board for Northern Ireland providing information requested by the Committee during an oral evidence session on the Sentencing Bill.

The Committee agreed to forward this correspondence to the Department for your information and consideration.

Yours sincerely

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

Enc

Date: 18 June 2026

Kathy O'Hanlon
Clerk to the Committee for Justice
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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,



Amanda Stewart OBE
Chief Executive