



Department of
Justice

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UNDULY LENIENT SENTENCES

SUMMARY OF RESPONSES

1. Background

1.1 In July 2016, following publication of the Fresh Start Panel's Report on the Disbandment of Paramilitary Groups¹, the Executive published an Action Plan² setting out how the 43 recommendations made in the Report should be taken forward. One of the recommendations was that the Department of Justice (DoJ) should:

'ensure that an appropriate mechanism is in place to enable the Director of Public Prosecutions to refer sentences he believes to be unduly lenient, particularly to include offences linked to terrorism and organised crime groups'

1.2 In response to the recommendation and to meet the commitment made in the Executive Action Plan, the Department developed proposals for public consultation. The consultation document *Unduly Lenient Sentences: A Response to the Fresh Start Panel's Recommendation on Offences linked to Terrorism and Organised Crime Groups* was published last year and can be accessed at:

<https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/uls-consultation-aug-18.pdf>

2. Summary of Responses

2.1. This document provides a summary of the responses received to the consultation.

2.2 The public consultation opened on 7 August 2018 and ran for eight weeks, closing on 2 October 2018. Notice of the consultation was placed on the DOJ website and Twitter feed and a press notice was also issued. In addition, an email was sent to those on our DoJ mailing list, including leaders of the political parties, MLAs, MPs, PCSPs, NGOs, Charities, Community Groups and local councils, amongst others.

2.3 As set out in the consultation document, the Department identified and listed a range of offences linked to terrorism, organised crime groups and paramilitary crime. The consultation sought views on whether the identified offences properly reflected the type of offending behaviour envisaged by the recommendation in the Fresh Start Panel Report. Respondents were also asked to consider whether to include all identified offences within the scope of the unduly lenient sentence provisions or to exclude offences with a maximum penalty of 2 years and under.

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<https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/The%20Fresh%20Start%20Panel%20report%20on%20the%20disbandment%20of%20paramilitary%20groups.pdf>

² <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/tackling-paramilitary-activity-action-plan.pdf>

2.4 In total, five responses were received to the consultation, four of which were substantive. The non-substantive response considered the proposals but had no extended comment to make on the issues. A list of respondents is attached at Annex A. The summary below relates only to the substantive responses.

2.5 All agreed that the list of identified offences reflected the type of offending behaviour envisaged by the Fresh Start Panel. One respondent thought that further offences might need to be added in the future, highlighting offences linked to licensing of pubs and clubs. Another respondent considered that the DoJ should give consideration to the penalties available for hate crime where there is paramilitary involvement in sectarian attacks and attacks against ethnic minorities. (Hate crime is one of the issues being considered in a current Review of Sentencing Policy.)

2.6 Only one respondent thought that offences with a maximum penalty of two years and under should be excluded from the scope of the unduly lenient sentence provisions, on the grounds that these were less likely to be referred as unduly lenient. The remaining respondents considered that the inclusion of all identified offences was necessary to maintain public confidence in sentencing.

3. Next Steps

3.1 Relevant offences identified in the consultation will be brought within the scope of the unduly lenient sentence provisions. This does not require primary legislation and can be implemented by means of a statutory order which is subject to a negative resolution process.

List of Respondents

Alliance Party of Northern Ireland

Northern Ireland Council for Racial Equality

Sinn Féin

The Law Society of Northern Ireland

Ulster Unionist Party