Niacro Response to the 'DoJ Consultation on Sentence Reduction for Guilty Pleas (2025)

Submitted: 11 July 2025

Introduction:

Niacro welcomes the opportunity to respond to the Department of Justice's (DoJ) 2025 consultation on sentence reduction for guilty pleas. As a voluntary organisation working for over 50 years to reduce crime and its impact on people and communities, we bring a unique perspective grounded in direct service delivery, systemic advocacy, and cross-sector collaboration.

General Comments

We support the consultation's aim to improve the efficiency and fairness of the justice system. However, we urge that any reforms prioritise *early case resolution* over simply incentivising guilty pleas. This framing better protects the presumption of innocence, centres the search for truth, and promotes just outcomes for all parties.

Key Recommendations

1. **Reframe the Policy Language -** the term "sentence reduction for guilty pleas" risks reinforcing a transactional view of justice. We recommend adopting the language of *early case resolution*, which encourages timely, informed decisions without undue pressure on the accused.
2. **Ensure Informed Decision-Making** - we strongly support proposals that ensure the accused receives a clear summary of the case against them at the earliest opportunity. This enables meaningful engagement with the process and narrows the scope of contested issues, reducing unnecessary delay.
3. **Balance efficiency with fairness:** early guilty pleas can ease victim trauma and streamline courts but must never erode defendants' rights. Judicial discretion - vital in complex or sensitive cases - should be preserved. Introducing a "really early" plea window (e.g. 14 days) could cut delays and spare victims prolonged stress yet may leave those in custody too little time for legal advice or evidence review. Niacro therefore calls for robust safeguards guaranteeing prompt disclosure and timely legal support so defendants can make informed decisions within that period.
4. **Enhance Victim Engagement and Transparency** - victims should be informed and consulted about plea decisions, especially where charges are amended or reduced. This transparency is essential to maintaining public confidence and ensuring victims feel respected and heard.
5. **Avoid Over-Reliance on Sentence Discounts** - the proposed statutory reduction scales (Option Three) risk creating a rigid framework that may not reflect the nuances of individual cases. We favour Option Two - statutory guidelines with judicial discretion - as a more balanced approach.
6. **Promote a Whole-System Perspective** - we reiterate our 2012 recommendation to reimagine the criminal justice system as a *Criminal Justice Service* - a cohesive, victim-centred, and outcome-focused system that serves the whole community.
7. **Safeguarding institutional independence** – we support the introduction of a statutory protection clause that explicitly prohibits executive interference with the Sentencing Council's recommendations and imposes a legal duty to give effect to them unless demonstrably unlawful.

Should current arrangements remain unchanged, whereby guidance is drawn from NI Court of Appeal judgements?

Niacro's view: No.
We believe relying solely on Court of Appeal case-law to guide sentence reductions for early pleas entrenches inconsistency, lacks transparency for both accused and victims, and fails to drive the cultural shift toward genuine Early Case Resolution that our 2012 response urged. In terms of rationale, the key reasons for our position are:

- **Inconsistency and unpredictability** – judicial guidance via judgment only trickles down over time, leading to uneven practice across Courts and uncertainty for defendants weighing a plea.
- **Limited transparency for victims** – case-law doesn't require victims to be informed when plea bargains amend charges or discount sentences, undermining their confidence in the process.
- **Missed opportunity for early resolution** – without a clear, statutory framework that combines published guidelines with preserved judicial discretion, there's insufficient impetus to narrow issues, share case summaries early, and engage all parties in a solution-focused dialogue.

Instead, Niacro recommends:

1. A statutory framework setting out guideline ranges for reductions, with mandatory early disclosure of key evidence to the defence.
2. A requirement for courts to notify and consult victims whenever charges are altered or discounts applied.
3. Built-in judicial discretion to depart from guideline scales where justice demands.

This hybrid approach retains the benefits of principled case-law while ensuring clarity, fairness and a real focus on resolving cases as early - and as justly - as possible.

Does the current system encourage timely guilty pleas in Northern Ireland?

Niacro's view: No.

The current arrangements do not reliably encourage timely guilty pleas in Northern Ireland.

Despite the statutory duty on courts to consider the timing of a plea - and the possibility of up to one-third off sentence - the mechanics are opaque and inconsistently applied. Victims often endure lengthy and anxious trial preparations only to see cases resolved at the eleventh hour, undermining confidence in the process and inflicting avoidable trauma.

We believe the following are key shortcomings:

- **Unclear timing bands** – the Court of Appeal has defined "early" vs "late" pleas, but without published schedules or firm deadlines, defendants and practitioners can't reliably gauge the benefit of pleading at each stage.
- **Delayed disclosure** – early case resolution is hampered when the defence only sees key evidence at committal or shortly before plea, limiting meaningful engagement.
- **Victim impact** – last-minute pleas leave victims disillusioned, having invested time, emotional energy and sometimes expense preparing for trial.
- **Variable practice** – different courts handle plea discounts unevenly, creating unpredictability for defendants and inequity across jurisdictions.

Niacro recommends the following actions – aimed to drive genuinely timely resolutions:

1. Statutory discount bands with clear cut-offs (e.g. “really early,” “early,” “standard”) published in advance.
2. Mandatory early disclosure of key prosecution evidence and an initial case conference within 28 days of charge.
3. Compulsory victim notification and consultation whenever a plea alters charge or discount level.
4. Retained judicial discretion to adjust discounts where strict bands would produce injustice.

This hybrid approach - combining transparent incentives with retained judicial oversight - would transform sentence reduction into a true driver of early case resolution rather than a last-minute bargaining chip.

Does the current system support public confidence in sentencing?

Niacro’s view: No.
The current sentencing framework in Northern Ireland neither inspires consistent public confidence nor delivers transparent, victim-centred justice.

Our key concerns include:

- **Leniency in serious cases** – high-profile decisions (especially in sexual offences) fuel widespread perception that sentences don’t match harm caused, eroding deterrence and victim trust.
- **Inconsistent practice** – without a dedicated Sentencing Council or published guideline ranges, sentencing varies widely across courts. The resulting “perplexity” undermines legitimacy in the eyes of the public.
- **Lack of transparency** – victims often receive no written reasons or sentencing remarks unless they ask, and the wider community has no ready access to explanations for sentence decisions.
- **Limited engagement** – the system doesn’t routinely involve victims in understanding how and why particular sentences are reached, leaving them feeling sidelined and distrustful.

Niacro proposes the following recommendations to rebuild confidence:

1. Establish an independent Sentencing Council for Northern Ireland to:
   – Develop and publish clear guideline ranges aligned to offence seriousness,
   – Consult victims, practitioners and community groups on guideline design.
2. Mandate publication and dissemination of sentencing remarks –provide victims (and the public) with written, jargon-free explanations of how sentences were determined, at no cost and without delay.
3. Compulsory judicial CPD on public expectations and “sentencing legitimacy” – embed training on aligning sentencing language and outcomes with community standards, supported by regular review of practice patterns.
4. Embed victim engagement in sentencing – require courts to inform victims when plea-led sentence reductions apply and invite their input on whether the proposed outcome reflects harm suffered.

Together, Niacro believes these measures will deliver a more consistent, transparent and victim-focused sentencing process that the public can understand - and trust.

Does the current system provide enough clarity on how sentences may be adjusted for pleas of guilty?

Niacro’s view: No.

Niacro believes the current framework for adjusting sentences following guilty pleas in Northern Ireland lacks the clarity defendants, practitioners and victims need to make informed decisions.

Clarity is insufficient because:

- **Reliance on case-law guidance only creates patchy practice**. Courts "may" reduce sentences by up to one-third based on plea timing, but without published bands or firm benchmarks, neither lawyers nor accused can reliably gauge the likely discount.
- **Opaque timing categories.** Terms like "early plea" and "late plea" derive from appellate decisions rather than statute, so their practical cut-off points vary by court and judge, breeding uncertainty.
- **Hidden victim impact**. Victims are rarely alerted in writing to the scale of discount their offender might receive, or the timing thresholds that trigger it, leaving them in the dark about how plea timing affects outcomes.
- **Inconsistent recording.** Sentencing remarks often omit clear reference to the plea discount applied and the rationale for its level, undermining transparency and trust.

Niacro proposes the following recommendations aimed to create greater clarity:

1. **Publish statutory discount bands** – define clear percentage ranges (e.g. up to 40%, 30%, 20%, etc) linked to precise stages ("really early," "early," "standard") so all parties know the stakes.
2. **Issue consolidated guidance** – an official DoJ manual, with illustrative case examples, summarising how and when each discount applies.
3. **Mandate victim notification** – require courts to write to victims whenever a plea-led reduction is proposed, explaining the timing band and likely sentence impact.
4. **Standardise sentencing remarks** – judges should record the exact discount rate applied and the reasons for deviating from guideline bands, ensuring a clear public record.

This combination of published bands, practical guidance, victim engagement and documented judicial reasoning will transform sentence reductions from an opaque art into a transparent, predictable tool for early case resolution.

Are the levels of reductions that can currently be applied correct in Niacro's opinion?

Niacro's view: No

The current headline maximum of one-third off sentence for a truly "early" plea is broadly appropriate, but the absence of defined intermediate bands and flexibility for individual circumstances means the system falls short of clarity, fairness and its aim of early case resolution.

Niacro believes the existing levels aren't enough on their own because of:

- **Lack of granularity** – a single top-end discount with no published mid-point or lower tiers forces all non-"really early" pleas into the same grey area, even though pleading just before trial imposes very different burdens on victims and the system than pleading shortly after charge.
- **Opaque thresholds** – defendants, practitioners and victims can't map plea timing to discount levels, leading to last-minute pleas as a "risk hedge" rather than genuine early resolution.
- **One-size-fits-all** – different offence types and case complexities warrant different incentive scales; a rigid one-third cap doesn't reflect that nuance.
- **Victim confidence** – without clear, published scales, victims feel excluded from understanding how plea timing affects sentence length.

Niacro recommends the following actions to create calibrated, transparent reductions:

1. Statutory discount bands:
   – "Really early" plea (e.g. within 14 days of charge): up to 40% off.
   – "Early" plea (e.g. by first Preliminary Hearing/Case Conference): up to 30% off.
   – "Standard" plea (e.g. by Final Case Management Hearing or 14 days before trial): up to 20% off.
   – "Late" plea (e.g. any plea during a trial, but before the conviction): up to 10% off.
2. Preserve judicial discretion: allow departure upwards or downwards where strict bands would produce injustice (e.g. complex fraud, or cases involving vulnerable victims).
3. Tie bands to clear timepoints: publish definitive cut-offs so all parties know exactly which discount applies and when.
4. Offence-specific calibration: consider higher or lower caps for particular categories (e.g. domestic violence, sexual offences) after formal stakeholder consultation.
5. Mandatory transparency: require courts to record and publish the exact discount applied and the timing band, so victims and the public can track consistency.

With these calibrated bands plus built-in flexibility, Northern Ireland can retain the deterrent and efficiency benefits of sentence discounts while fostering genuine early case resolution, upholding fairness and boosting confidence in the system.

Are the current points in time when differing reduction levels apply appropriate - as per the table in the consultation document?

Niacro's view: No.

Niacro believes the current "cut-off" points for applying different plea discounts are too blunt, inconsistently applied and fail to drive genuine early resolution.

We have identified the following issues concerning existing timings:

- **Lack of fixed deadlines** – terms like "earliest opportunity" or "at committal" depend on court listing practices, so plea windows shift unpredictably between jurisdictions.
- **Insufficient differentiation** – only two or three timing bands (e.g. "really early," "early," "late") lump very different stages together, offering the same discount whether a plea is entered 1 day or 30 days before trial.
- **Misaligned with case flow** – discounts don't map onto key procedural milestones (disclosure, pre-trial review), so the system misses chances to incentivise resolution at the moments when case narrowing would be most effective.
- **Victim-centred gaps** – victims receive little advance notice of when a discount band applies, meaning they're often blindsided by last-minute pleas that trigger the same tariff as protracted negotiations.

Niacro proposes the following recommendations for more appropriate timing bands:

1. Publish clear, stage-based timepoints:
   - Stage 1 ("Really Early"): within 14 days of charge (up to 40% off)
   - Stage 2 ("Early"): by first Preliminary Hearing/Case Conference (up to 30% off)
   - Stage 3 ("Standard"): by Final Case Management Hearing or 14 days before trial (up to 20% off)
   - Stage 4 ("Late"): any plea during a trial, but before the conviction (up to 10% off).
2. Tie bands to procedural events, not court lists - ensure all parties know the exact deadlines linked to disclosure and case-management hearings.

3. Embed mandatory early case conferences - within 28 days of charge to spotlight contested issues and encourage plea discussions under judicial oversight.
4. Strengthen victim notifications - courts must write to victims whenever a plea is entered in a higher-discount window, explaining timing and impact on sentence.
5. Retain judicial flexibility - allow departures from these bands where case complexity or vulnerability concerns warrant a higher or lower reduction.

By shifting to fixed, procedure-linked timepoints and bolstering transparency for victims, Northern Ireland can transform sentence reductions into a genuine catalyst for timely, fair and victim-centred case resolution.

Should there be a statutory requirement for guidance on sentence reductions for guilty plea?

Niacro's view: Yes.

Niacro believes there should be a statutory requirement for guidance on sentence reductions for guilty pleas which is not rigid. We believe statutory guidance is essential because of the following:

- **Clarity and consistency** – embedding discount scales and timing bands in legislation (rather than leaving them to case-law) ensures every court applies the same rules, reducing uncertainty for defendants, victims and practitioners.
- **Transparency and trust** – a statutory mandate to publish clear guidance (with illustrative examples) means victims and the public can see exactly how plea timing translates into reductions, bolstering confidence in the system.
- **Early case resolution** – when guidance is both mandatory and well-publicised, it becomes a genuine incentive for early engagement. Defendants understand their window for each discount; prosecutors and defence counsel can structure case-management accordingly; courts can steer parties towards timely resolution.
- **Judicial accountability** – legally-binding guidance that courts "must follow unless there are good reasons to depart" preserves judicial discretion while requiring any deviation to be transparently justified in open court and in writing.

Key elements of a statutory framework should include:

1. Mandatory publication of discount bands and precise cut-off dates, tied to procedural milestones (e.g. charge, disclosure, case conference).
2. A legal duty on the Department (or an independent Sentencing Council) to review and update guidance every 3–5 years, following full stakeholder consultation.
3. A requirement that judges record in both oral sentencing remarks and a brief written note: the discount band applied, the percentage reduction, and the reasons for any departure.
4. A statutory victim-notification duty whenever a plea-led reduction is proposed, explaining the timing band and impact on sentence.

By placing guidance on a statutory footing, Niacro believes Northern Ireland would move from an ad-hoc, case-law driven approach to a coherent, transparent system that genuinely promotes early case resolution, upholds fairness, and restores public and victim confidence. Moreover, it still retinas judicial discretion to take account of particular circumstances.

Who should be responsible for issuing this guidance?

Niacro's view: Other

Niacro believes the responsibility for drafting and issuing statutory guidance on sentence reductions for guilty pleas should rest with an **independent Northern Ireland Sentencing Council**, backed by the Department of Justice.

We believe an independent Northern Ireland Sentencing Council is important because:

- **Independence** – a standalone Sentencing Council, legislated for Northern Ireland, ensures guidance is developed free from day-to-day political pressures while remaining publicly accountable. Furthermore, it is imperative to bolster statutory protections for the independence of the sentencing council. This includes enshrining in legislation a clear prohibition on executive interference with its recommendations. A statutory duty should also be imposed on the to give effect to such recommendations unless demonstrably unlawful.
- **Expertise** – by bringing together judges, prosecution and defence representatives, victim advocates, probation, and academics, the Council can craft balanced, evidence-based guidelines.
- **Transparency** – a Council-produced Code, published and regularly reviewed, signals to offenders, victims and practitioners exactly how reduction bands and timing cut-offs operate.
- **Consistency** – Courts across all divisions will apply the same framework, reducing regional and individual judge variance.
- **Stakeholder buy-in** – a statutory duty on the Council to consult victims, defendants, defence counsel and community groups before each revision embeds legitimacy and public confidence.

Niacro would propose the following approach:

1. Legislation to establish a Northern Ireland Sentencing Council with a clear remit to:
    - Develop and publish a Code on plea-based sentence reductions.
    - Set discount bands linked to precise procedural stages.
    - Review and update the Code every 3–5 years following public consultation.
2. Furthermore, we propose safeguarding the Council's independence by introducing a statutory protection clause that expressly forbids executive interference with its recommendations and creates a legal duty to implement them unless they are demonstrably unlawful.
3. Department of Justice to provide secretariat support and lay the Council's Code before the Assembly.
4. Ministerial regulation-making power to ensure the Code has statutory force "unless there are good reasons to depart," with any departure fully recorded in sentencing remarks.
5. Mandatory victim-notification mechanism underpinned by the Council's Code, so victims are alerted in writing whenever a plea reduction is applied.

By vesting guidance in an independent Sentencing Council, Northern Ireland would secure clarity, consistency and stakeholder confidence - turning plea-based discounts into a genuine catalyst for early, fair, victim-centred case resolution.

Would statutory guidance assist with any of the following – timing of guilty plea, public confidence in sentencing, clarity in sentencing or if there's another – please specify?

Niacro's view: Yes.

A statutory-guidance model would materially assist across all three dimensions - and beyond - by embedding clarity, consistency, and confidence into the plea-discount regime.

1. **Timing of Guilty Pleas**
   Fixed, statute-backed cut-off points (e.g. "within 14 days of charge," "by first case conference," "14 days before trial") give defendants and practitioners clear windows for each discount band, incentivising genuinely early engagement rather than last-minute risk hedges.

2. **Public Confidence in Sentencing**
   Published, consultative guidance reassures the public that discounts aren't arbitrary but follow a transparent, democratically-informed framework, reducing perceptions of leniency or "judge-to-judge" lottery.

3. **Clarity in Sentencing**
   Clearly articulated percentage bands and procedural triggers—backed by illustrative case examples—mean all stakeholders (courts, defence, prosecution, victims) understand exactly how plea timing translates into sentence reduction, removing the current "black box" of case-law alone.

In addition, we would also recommend a fourth option for inclusion: Victim Engagement & Early Case Resolution

4. **Victim Engagement & Early Case Resolution**
   A statutory Code can mandate victim notification whenever discounts are applied and require early case conferences to narrow issues and focus dialogue on truth, not just tactics. That pivot from adversarial plea-bargaining to collaborative case-management is at the heart of Niacro's Early Case Resolution approach.

By legislating guidance - ideally through an independent NI Sentencing Council - Northern Ireland would harness plea discounts as a genuine catalyst for timely, transparent, and victim-centred justice.

Should specific reduction rates and the points in time when they might apply be specific in legislation?

Niacro's view: Yes.

Niacro believes specific reduction rates and their precise trigger-points should be set out in legislation. This is important because of the following:

1. **Uniform application** – embedding, for example, "up to 40% for a plea within 14 days of charge; up to 30% for a plea by first case conference; up to 20% for a plea by final case management hearing" and up to 10% for a plea entered during the trail and up to conviction in statute ensures every court applies the same yardstick, eliminating the current "judge-to-judge" and jurisdictional variations.
2. **Early case resolution** – defendants and practitioners know exactly when each discount window opens and closes, making the incentive real rather than a vague "may get up to one-third off" promise.
3. **Victim and public confidence** – when victims see the law itself spelling out how plea timing maps to sentence reduction, it dispels suspicions of back-room deals and reinforces that justice is both predictable and fair.
4. **Judicial accountability** – if judges depart from statutory bands, they must do so on the record, explaining in open court why a higher or lower percentage was necessary - strengthening transparency.

As such, Niacro would recommend the following:

- Schedule of plea-discount rates and clear cut-offs linked to defined procedural milestones (e.g. charge, disclosure stage, case conference, trial listing).
- A sunset-review clause requiring the Department (or a Sentencing Council) to revisit rates and timing every 3–5 years with full stakeholder consultation.
- A requirement that any departure from statutory bands be recorded in both oral sentencing remarks and a brief written note, stating the rate applied and the justification.
- A parallel statutory duty to notify victims in writing whenever a plea falls within a given band, outlining the timing and the likely sentence impact.

By legislating both "how much" and "when," Northern Ireland would move from an opaque, case-law only model to a clear, consistent, and victim-centred scheme that truly drives early, fair resolutions.

Would such a legislation-based scheme address any of the following – timing of guilty plea, public confidence in sentencing, clarity in sentencing and if other – please specify?

Niacro's view: Yes

We believe a legislation-based scheme would not only sharpen incentives for early pleading, but also bolster public confidence, deliver clarity in sentencing - and bring a host of additional benefits around victim engagement, judicial accountability and systemic fairness.

1. **Timing of Guilty Pleas**
    - Clear, statutory cut-offs (e.g. "within 14 days of charge," "by first case conference," "14 days before trial") turn a vague promise into a real deadline.
    - Defence lawyers and prosecutors can synchronise case-management and disclosure to meet those deadlines, transforming plea-discounts into a genuine driver of early case resolution.

2. **Public Confidence in Sentencing**
    - When the law itself spells out "who, when, how much," the public sees that discounts aren't ad-hoc or back-room deals but transparent, democratically mandated rules.
    - Mandatory judicial explanations on any departure from those rules reassure the community that discretion isn't exercised in secret.

3. **Clarity in Sentencing**
    - Publishing precise percentage bands in legislation removes the current "black box" of appellate case-law alone.
    - Judges, defence, prosecution and victims all know exactly how plea timing maps to reduction levels - cutting out guesswork and mixed messages.

In addition to the benefits above, we also have identified the following additional benefits:

- **Victim Engagement** – a statutory duty to notify victims in writing about which discount band applies, and why, gives them foresight and a voice.
- **Judicial Accountability** – any departure from the statutory rates must be recorded in open court and in writing, strengthening transparency and appeal-readiness.
- **Resource Efficiency** – predictable plea windows let courts plan sittings and prosecutors prioritise files, saving public money and reducing backlogs.
- **Systemic Fairness** – a uniform, legislated scheme prevents "postcode" or judge-to-judge disparity, ensuring every defendant and victim is treated equitably.

In short, embedding discount rates and timing points in primary legislation transforms plea reductions from an opaque courtesy into a clear, consistent, victim-centred tool for achieving timely, fair justice.

In reference to the Gillen Recommendation – Should there be special reductions for 'really early' guilty pleas?

Niacro's view: Yes

Niacro has stated yes, however there should only be special reduction for really early guilty pleas, only if it is part of a calibrated, safeguards-driven framework that truly advances Early Case Resolution without pressuring ill-informed pleas.

Niacro has taken this position, because we believe it:

- **Encourages timely engagement** – A "really early" plea band (e.g. within 14 days) can reduce delay and spare victims the stress of prolonged proceedings. However, 14 days may be too short - especially for those in custody - to access legal advice or review key evidence. Niacro therefore urges safeguards to ensure timely legal access and prompt disclosure, enabling informed decisions within that window.
- **Reflects Gillen's intent** – The Gillen Review recommended enhanced recognition for those who accept responsibility almost immediately, especially in cases where victim trauma is acute. Embedding that spirit encourages truth-seeking, not tactical plea-bargains.
- **Protects rights and fairness** – Enhanced discounts must come with mandatory early disclosure, access to advice, and a judicial check to ensure pleas are informed, voluntary and proportional to offence gravity.
- **Strengthens victim confidence** – Victims should be told in writing when a "really early" discount is on the table, with the chance to highlight any concerns before it's applied.

Niacro recommends the following model:

1. **"Really Early" Band** – up to 40% off for a plea entered within 14 days of charge, subject to:
   – Full, early case disclosure;
   – Confirmation by defence counsel that advice has been given; and
   – Judicial certification that the plea is voluntary and informed.
2. **Importance of safeguards** - we are supportive of Gillen's recommendation as long as there are safeguards to ensure timely legal access and prompt disclosure, to enable informed decisions to be made within that window.
3. **Victim Notification** – courts write to victims whenever a "really early" reduction is sought, outlining timing, discount level and impact on sentence.
4. **Judicial Oversight** – any departure from the "really early" rate must be justified on the record, ensuring accountability.
5. **Regular Review** – the Sentencing Council (or DoJ) reviews the impact and appropriateness of this band every 3 years, consulting victims and practitioners.

By building special "really early" reductions into a transparent, protective statutory scheme, Northern Ireland can honour Gillen's recommendation in a way that drives timely, just outcomes without compromising fairness or victim trust.

Which offences should this apply to?

Niacro's view:

Niacro believes that "really-early" enhanced reductions should be targeted at offences where the victim trauma, public harm and court resource-saving are greatest - namely those involving vulnerable or traumatised victims and high-harm conduct. For example:

- **Sexual and Child-Related Offences**
  - Rape, sexual assault and related indecency offences.
  - Child sexual exploitation and grooming.

  We believe this because victims face profound barriers to giving evidence; early resolution spares them cross-examination and re-traumatisation.

- **Domestic Abuse and Stalking Offences**
  - Coercive and controlling behaviour.
  - Domestic violence (physical, psychological or financial abuse).
  - Stalking and harassment.

We believe this because repeatedly bringing victims into court can jeopardise their safety and mental wellbeing; a "really early" plea minimises ongoing risk and distress.

- **Hate Crime and Offences Against the Vulnerable**
  - Hate-motivated assaults and criminal damage.
  - Modern slavery, human trafficking and exploitation.

We believe as these offences target identity or extreme vulnerability - early admission demonstrates genuine responsibility and reduces collateral harm to affected communities.

- **Serious Violence Offences**
  - GBH or wounding with intent.
  - Attempted murder.

We believe that serious violence offences such as GBH or attempted murder should also be included because although less victim-centric than the above, early resolution of major violence cases can free up Crown Court capacity and spare victims' lengthy pre-trial anxiety.

In addition, to future proof the introduction of new offences and determine suitability for inclusion within the really early offences schedule, Niacro would recommend further consultation and engagement with key stakeholders and specifically victims.

In terms of implementation or application, we would recommend the following:

- Legislate a schedule of "really-early" offences within the primary plea-discount scheme.
- Require full early disclosure and judicial certification of informed, voluntary pleas.
- Embed a review clause for the Sentencing Council to consider adding or removing offences every 3–5 years following stakeholder consultation.
- Include consultation and engagement with key stakeholders on the introduction of new offences for inclusion within the really early offences schedule.
- By focusing superior discounts where they deliver the greatest victim and system benefits, Northern Ireland can honour Gillen's intent without diluting the integrity of "really-early" incentives.

What point in the proceedings do you consider to be 'really early?

Niacro's view:

Niacro believes "really early" should be tied to a fixed, front-loaded window in proceedings - specifically, a plea entered **within 14 days of charge** (or by the date of the first Case Conference/Preliminary Hearing), and crucially **before full disclosure** is served to the defence. However, we would **re-emphasise the importance of safeguards** to ensure timely legal access and prompt disclosure, to enable informed decisions to be made within that window.

Our rationale for this is as follows:

1. It locks in a clear, statute-backed deadline that defendants, practitioners and victims can all understand.
2. It comes before the bulk of evidence is exchanged, so victims avoid protracted prep and cross-examination and cases can be fast-tracked.
3. It captures the moment when offenders first confront allegations, maximising the incentive to engage honestly and early.
4. It aligns with our Early Case Resolution ethos - linking the greatest discount to the stage when narrowing issues and resolving cases quickly delivers biggest system and victim benefits.

Do you have a view on what the sentence reduction for a 'really early' guilty pleas should be?

Niacro's view:
Niacro believes "really-early" guilty pleas should attract a **higher maximum discount of up to 40%**, subject to robust safeguards to ensure fairness and informed decision-making. Our rationale for this position is as follows:

- **Strong incentive for true early resolution** – an up to 40% ceiling markedly rewards those who confront allegations almost immediately, maximising savings in court time, prosecution resources and victim trauma.
- **Reflects system and victim benefit** – early pleas spare victims' lengthy preparation and cross-examination; a noticeably larger discount recognises that societal and personal gain.
- **Builds on Gillen's spirit** – by exceeding the standard one-third cap, it gives real force to Gillen's call for "really early" concessions where the impact is greatest.

In terms of additional safeguards to accompany a 40% cap, we would propose the following:

1. **Full early disclosure** – all core evidence served before any plea is entered.
2. **Legal advice certification** – defence counsel must confirm the accused understands the charge, evidence and consequences.
3. **Judicial oversight** – judge to certify in open court that the plea is informed, voluntary and proportionate.
4. **Victim notification** – courts to write to victims outlining the timing window, discount level and sentence impact.

With these protections in place, we believe an up to 40% "really-early" discount strikes the right balance between incentivising prompt admissions and upholding the integrity of justice.

Do you think raising awareness of the sentence reduction arrangements is needed?

Niacro's view: Yes, very important.

Niacro believes raising awareness of sentence-reduction arrangements is essential to make discounts a genuine incentive for early case resolution, to demystify the process for victims and defendants, and to bolster public confidence in sentencing.

In our experience, we believe awareness is low because:

- **Opaque case-law basis** – with no statutory code or consolidated guidance, information on discount rates and timing is scattered across judgments, leaving practitioners, defendants and victims unsure where to look.
- **Limited victim information** – victims routinely learn of plea-based reductions only after the event, often by word of mouth or press report, compounding their sense of exclusion.
- **Public misunderstanding** – communities hear "up to a third off" but rarely the precise windows, safeguards or judicial checks that apply, fuelling perceptions of arbitrary leniency.

We believe the benefits of a targeted awareness campaign would include:

- **Incentivises genuinely early pleas** – if defence agents and accused know "you'll get up to 40% off if you plead by day 14," discounts become a real deadline, not a vague promise.
- **Empowers victims** – providing clear leaflets or online guides at first hearing means victims understand how and when plea discounts work, so they can make informed representations before pleas are entered.
- **Builds public trust** – proactive DoJ/Justice Council communications strategy - featuring infographics, FAQs and case studies - shows the system is transparent, principled and designed to save victims' time and distress.

We would recommend the following awareness measures:

1. **Statutory "Sentence Reduction Info Pack"** – Mandatory at charge stage for all indictable offences, containing:
   • the statutory discount bands and cut-off dates;
   • an explanation of safeguards (disclosure, legal advice, judicial certification);
   • victim rights on notification and consultation.
2. **Court-based publicity** – Noticeboards, digital screens and pamphlets in court foyers summarising plea-discount timelines and rates.
3. **Practitioner CPD and toolkit** – DOJ-commissioned webinars and written toolkits for defence counsel, prosecutors and judges, ensuring consistent messaging in conferences and hearings.
4. **Public-facing digital resources** – A dedicated DoJ webpage with interactive timelines, video explainers and downloadable PDFs tailored to lay audiences.
5. **Annual reporting** – Include "awareness metrics" in the DoJ's criminal justice annual report (e.g. number of Info Packs issued, webpage hits, toolkit downloads), so progress is tracked and reviewed.

By actively publicising how, when and why guilty-plea discounts operate, Niacro believes Northern Ireland can turn sentence reductions from an obscure courtesy into a transparent, victim-centred, and confidence-restoring tool for early case resolution.

Any other comments

In terms of additional comments, Niacro would like to include the following key points:

1. **Embed robust monitoring and review** – we urge the Department to commit to annual, published metrics on plea-timing, sentence reductions applied, court-time saved, victim satisfaction and demographic breakdowns. This data will show whether reforms truly drive early case resolution and equitable outcomes.
2. **Safeguard vulnerable defendants** – "Early" and "really-early" windows must not penalise those with limited capacity to instruct solicitors, non-English speakers, or people with mental health needs. We recommend statutory provision for enhanced access to legal aid, interpreting services and case-navigation support so the incentive isn't just for those best resourced.
3. **Align with digital disclosure reforms** - as Northern Ireland moves toward electronic case files and remote hearings, plea-discount cut-offs should sync with digital disclosure deadlines and pre-trial review dates. That alignment will maximise efficiencies and ensure all parties have sufficient time to review evidence.
4. **Strengthen cross-system coordination** - early plea incentives work best alongside improved case management: judicial case conferences, designated plea courts and streamlined "plea and directions" hearings. A whole-system approach - linking timepoints to those procedural milestones - will sharpen focus on truth-seeking, not tactical bargaining.
5. **Consider wider community impacts** - we recommend targeted analysis of how plea reductions affect marginalised communities (e.g. PPANI, ethnic minorities) to guard against unintended disparities. Consultation responses should explicitly address any disproportionate impacts and propose mitigations.

6. **Victim support and communication** – beyond notification of plea discounts, victims need clear guidance on how and when they can engage—through Victim Support NI or the PPS—to express views on proposed reductions. Embedding that in protocol (and the forthcoming Victims' Code review) will reinforce victim confidence.
7. **Co-ordinate with Gillen implementation** – reforms to guilty-plea discounts should form part of the wider Gillen Review recommendations on case management, disclosure and pre-trial processes. A joined-up implementation plan will ensure gains in one area aren't undermined by delays elsewhere.
8. **Specific needs of children in the criminal justice system -** Niacro would welcome clarity in relation to how the proposals or any reform measures specifically relate to or impact on children?

By attending to these areas - monitoring, access to justice, digital alignment, systemic coordination, equity and victim engagement – Niacro believes the consultation can yield a truly transformative, transparent and fair scheme for sentence reductions in Northern Ireland.

Conclusion

Niacro supports reforms that promote timely justice, reduce harm, and uphold the integrity of the legal process. We welcome further engagement with the Department to ensure that any changes reflect the lived realities of those most affected by the justice system.

For more information about this submission, please contact: pact@niacro.co.uk