

A Study of District Court Judges Views on Sentencing and the Sentencing of Relationship Violence

As part of its ongoing work, the Sentencing Guidelines and Information Committee (SGIC) of the Judicial Council identified sentencing in the District Court as an area in need of research. In that regard it contracted the services of Dr Niamh Maguire of the South East Technological University to carry out this project.

The SGIC is please to publish the research, which will support the drafting of its first sentencing guideline, in relation to violence in the context of a relationship, in early 2025.

The intention of the research was, on a confidential basis, to identify District Court Judges' views on the sentencing process in the District Court.

The study explored both systemic issues and particular issues related to sentencing in cases of Relationship Violence and Abuse. It had three research objectives:

- (a) To ascertain judges' views on the issues of concern and challenges in approaches to and arriving at sentencing in criminal matters in the District Court.
- (b) To ascertain the concerns and challenges in approaches to arriving at decisions in specific cases of Relationship Violence and Abuse, including exploring the following
 1. sentencing for breaches of barring, safety and protection orders- i.e. offences under s.33 Domestic Violence Act 2018
 2. sentencing in cases of coercive control (s. 39 Domestic Violence Act 2018)
 3. applying section 40 Domestic Violence Act 2018 (relationship between Defendant and Victim as aggravating factor in sentencing)

and the following themes, insofar as they relate to the sentencing decision

4. decisions on bail
 5. how to deal with withdrawal of complainant's cooperation
 6. understanding dynamics of family violence both generally and in specific cases when reaching a decision on sentencing
 7. judges' access to information regarding the parties involved and affected by the offences
 8. charging s. 33 Domestic Violence Act 2018 in cases where other criminal offences could have been charged instead
 9. the role of probation officers in assisting the court
 10. the role of probation officers in monitoring sentences
 11. the role of other professionals in assisting the court
 12. issues related to ss. 2 and 3 of the Non-Fatal Offences Against the Person Act 1997 insofar as such prosecutions relate to relationship abuse and violence.
- (c) To ascertain views on how sentencing in the District Court might be better supported, including their views regarding sentencing guidelines and sentencing information and the role of the SGIC.

The committee has adopted all of the key recommendations in the Executive Summary.