

**CONSULTATION ON POLICY PROPOSALS FOR NEW PROVISIONS TO TACKLE ORGANISED CRIME IN NORTHERN IRELAND**

Consultation on policy proposals

July 2020

**Closing date for responses: 2 October 2020**

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**Section 1: About this consultation**

1.1 The Department of Justice has carried out a review of the current law relating to serious organised crime in Northern Ireland. The Executive Action Plan on Tackling Paramilitary Activity, Criminality and Organised Crime[[1]](#footnote-1) committed the Department to *“…review the legislation relating to serious and organised crime in Northern Ireland to make sure that it is as effective as possible, with a view to introducing draft legislation…”*

1.2 This consultation document seeks views on a range of proposals to reinforce the response to organised crime through the introduction of specific legislative provisions, including a statutory definition of serious organised crime and new offences of ‘*directing*’ organised crime; ‘*participating*’ in organised crime and provision for relevant offences to be ‘*aggravated*’ by a connection with organised crime. These proposals are set out in more detail in Section 3.

1.3 This work is part of a wider strategic approach to tackling serious organised crime and also contributes to delivery of the current Outcomes Delivery Plan, in particular, Outcome 7: We have a safe community where we respect the law and each other. The policy intent is to ensure that law enforcement in Northern Ireland is able to avail of robust and appropriate legislative tools to investigate, disrupt, prosecute and bring to justice those involved in serious organised crime. We want to send a strong message to criminals that we will not tolerate the harm they cause to individuals and communities within Northern Ireland.

**Responding to this consultation**

1.4 The best way to access this consultation is online at https://consultations.nidirect.gov.uk/doj-corporate-secretariat/organised-crime-offences/.

1.5 In Section 3 there are a number of questions posed within the text to assist consideration of the draft proposals. A Consultation Response Questionnaire with all of the questions in sequence is attached at **Annex A**.  In order to aid our analysis of responses it would be helpful if you could use the Response Questionnaire when responding to the consultation.

Duration and closing date

1.6 The consultation will remain open until 2 October 2020 and responses will be welcomed up to that date. Respondents are asked to respond using the consultation response sheet at Annex A.

Alternative formats and further information.

1.7 An electronic version of this document is available at <https://www.justice-ni.gov.uk/consultations/policy-new-provisions-tackle-organised-crime-ni>. Hard copies of this consultation document and, copies in other formats, including Braille, large print etc., can be made available upon request. If you require an alternative format or a language other than English, please let us know and we will do our best to assist you. If you require any further information on the consultation process or the content of this document, or any other assistance to make a response, please contact the Department.

We can be contacted using the details provided below:

By Phone: 02890 522957

By Email: [OCB.enquiries@justice-ni.x.gsi.gov.uk](mailto:OCB.enquiries@justice-ni.x.gsi.gov.uk)

In writing: Organised Crime Branch

Protection and Organised Crime Division

Department of Justice

Castle Buildings

Stormont Estate

Belfast

BT4 3SG

Impact Assessments

1.8 These policy proposals have been screened for equality impact and rural needs impact. No adverse impacts have been identified. Copies of these screening assessments are available on our website along with the consultation document. We welcome any comments you might have on these screening documents. These screening assessments will be revisited as necessary if there are significant changes to the policy proposals as a result of consultation comments.

Freedom of Information and General Data Protection Regulations

1.9 Please note that responses to this consultation will be subject to the Freedom of Information Act 2000, which gives the right of access to much of the information held by public authorities. Before you submit your response, please read the advice in **Annex D** about the effect of the Freedom of Information Act 2000 on the confidentiality of responses to public consultation exercises.

1.10 Before you submit a response, please also read the Privacy Notice at **Annex E** which shows how we will use personal information as part of the processing of consultation responses.

Complaints

1.11 If you have any concerns about the way this consultation process has been handled, please submit your complaint by email to [standardsunit@justice-ni.x.gsi.gov.uk](mailto:standardsunit@justice-ni.x.gsi.gov.uk) or write to the following address:

Standards Unit

Department of Justice

Knockview Buildings

Stormont Estate

Belfast BT4 3SL

**Section 2: Introduction**

***Overview***

2.1 Serious organised crime has a daily impact on individuals, public services, businesses, institutions, as well as national infrastructure and reputation. It has been estimated to cost the UK economy at least £37 billion a year[[2]](#footnote-2), with this cost increasing year on year. Organised crime can take many forms, including but not limited to, cyber-crime, drug trafficking, modern slavery, counterfeiting, fuel laundering, tobacco smuggling, fraud or money laundering. A large amount of serious organised crime remains hidden or under-reported, meaning that the true scale is likely to be greater than we currently know. The proposals set out in this paper present an opportunity to improve our response to tackling serious organised crime.

***Serious Organised Crime in Northern Ireland***

2.2 In Northern Ireland, at the time of publication of this consultation 82 Organised Crime Groups (OCGs) are being monitored by the Police Service of Northern Ireland (PSNI). The numbers can fluctuate for different reasons, including disruption through action by law enforcement. It is also worth noting that in some cases, serious organised crime is facilitated by networks rather than structured groups.

2.3 Organised crime groups are involved in a range of crime types and are agile in their ability to adapt to find new ways to make a profit with the least associated risk. In Northern Ireland OCGs are involved in multiple types of organised criminality, including those crime types that pose the most harm to communities such as drug-related criminality, paramilitary activity and firearm offences.

2.4 As The Fresh Start Panel acknowledged, despite the landmark ceasefires of 1994, ‘…*paramilitary groups continue to exist and the activities of their members continue to impact adversely upon everyday life for many individuals, businesses, public services and communities in Northern Ireland’[[3]](#footnote-3).* Whilst the lines are often blurred between those involved in organised crime and paramilitary activity, the harm they cause is universal; they exert control over communities through violence or the threat of violence and exploit those communities for their own criminal means.

2.5 Paramilitary groups are engaged in a wide range of criminality including extortion, illegal money lending, money laundering and the importation and distribution of drugs and contraband goods. They are associated with violent activities including murder, attempted murder, paramilitary style attacks and other forms of intimidation.

2.6 These threats cannot be dealt with sustainably in isolation. They require a whole-of-system response that unites the public and private sectors, communities and individuals to ensure that there is no space for those engaged in organised crime and paramilitary activity to act in Northern Ireland. The proposed new offences should therefore be understood as part of a wider strategic response to serious and organised crime in Northern Ireland, detailed at paragraph 2.15. The proposed offences are intended to provide additional legislative tools for law enforcement to draw on to tackle organised criminality and ultimately protect individuals, communities and businesses from the harm caused by those involved in organised criminality.

2.7 Throughout this consultation we want to seek views on the proposals to ensure that law enforcement is able to avail of an effective suite of robust and appropriate legislative tools to investigate, prosecute, disrupt and punish those involved in serious organised crime in Northern Ireland. The proposals covered by this consultation are intended to provide *additional* tools to complement and supplement existing measures. In particular, we propose to:

* provide a statutory definition of serious organised crime;
* create new offences of ‘*directing’* seriousorganised crime and, ‘*participating’* in serious organised crime and provide for offences to be *‘aggravated’* by serious organised crime; and
* protect the public through a robust sentencing framework for those successfully prosecuted under the new proposals*.*

***Background to this review***

2.8 The Executive Action Plan on tackling paramilitary activity, criminality and organised crime committed the Department of Justice (DoJ) to reviewing *“…the legislation relating to serious and organised crime in Northern Ireland to make sure it is as effective as possible, with a view to introducing draft legislation to the Assembly…” [[4]](#footnote-4)*

2.9 This commitment stemmed from the Fresh Start Panel’s Report on the Disbandment of Paramilitary Groups in Northern Ireland[[5]](#footnote-5) that recognised that specific legislation for tackling serious organised crime in other parts of the UK and Ireland, along with corresponding sentences, is not in place in Northern Ireland.

2.10 The panel were particularly impressed with the legislative model available in Scotland and recommended that the Department should draw on best practice and lessons learned in that jurisdiction along with England and Wales, Ireland, the United States and Canada, whilst making sure any proposals would meet the specific requirements in Northern Ireland.

2.11 The Department has worked with partners in law enforcement and prosecutors in Northern Ireland and engaged with officials and law enforcement agencies from other jurisdictions in order to inform these proposals, which are tailored to the specific needs of Northern Ireland and which we believe will enhance law enforcement’s ability to tackle serious organised crime.

***Analysis of legislation in other jurisdictions***

2.12 In order to develop the proposals contained in this document the Department conducted a desk top review of legislation relating to serious and organised crime in four jurisdictions, Scotland; England and Wales; Ireland and Canada, as summarised in the table below.

|  |  |  |
| --- | --- | --- |
| Jurisdiction | Legislative Provisions | Offence |
| Scotland | Sections 28-31 Criminal Justice and Licensing (Scotland) Act 2010 | * s28 Involvement in serious organised crime * s29 Aggravating factor * s30 Directing serious organised crime * s31 failure to report organised crime |
| England and Wales | Section 45 Serious Crime Act 2015 | * s45 A person who *participates* in the criminal activities of an organised crime group commits an offence. |
| Ireland | Sections 71-74 Criminal Justice Act 2006 (as amended 2009) | * Directing * Participating * Aggravated offence/factor. |
| Canada | Sections 467.1 (1) Revised Statutes of Canada, 1985 | * Directing * Participating * Recruitment |

A more detailed overview of the different legislative models in these jurisdictions is set out at **Annex B**.

***Existing statutory framework in Northern Ireland***

2.13 As discussed, there is currently no statutory definition of serious organised crime that applies in Northern Ireland, nor are there specific organised crime offences in Northern Ireland law. Offenders are routinely prosecuted for offences relating to the organised crime type they are involved in, for example, drug-related offences under the Misuse of Drugs Act 1971 or modern slavery related offences under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, etc. In addition, law enforcement also rely on offences of conspiracy and of aiding and abetting to prosecute those who are suspected of directing and/or participating in organised crime. The Proceeds of Crime Act (POCA) 2002 also allows law enforcement to pursue and recover assets obtained by criminal means. More details on these existing legislative tools are provided below:

The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983

The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983[[6]](#footnote-6) deals with the offence of conspiracy. Article 9 states that an offence is committed where a person agrees with any other person or persons that a course of conduct will be pursued which, if carried out in accordance with their intentions, will either:

* amount to the commission of an offence by one or more of the parties to the agreement, or
* amount to the commission of an offence but for the existence of facts which render the commission of the offence or any of the offences impossible.

In terms of penalties, a person convicted of conspiracy to commit an offence is liable to the maximum sentence for that offence (or in the case of more than one offence, the longest term is the limit). Separately, the Criminal Justice (Northern Ireland) Order 2008[[7]](#footnote-7) provides that anyone convicted of conspiring to commit a serious offence, as listed in Schedule 1 to the Order, can be sentenced to an extended custodial sentence, an indeterminate sentence or a life sentence. As the Order is focussed on sexual and violent offences, not all of which are typically associated with organised crime, these sentencing options are not available in relation to a number of organised crime types.

Accessories and Abettors Act 1861

Section 8 of the Accessories and Abettors Act 1861[[8]](#footnote-8) states that a person who aids, abets, counsels or procures the commission of any offence (except treason) can be tried, indicted and punished as a principal offender. If tried and convicted as a principal offender, the individual would be liable to the maximum sentence for the particular crime. For example, a person convicted as a principal offender in a human trafficking case would be liable to the maximum sentence for that offence, which is life imprisonment.

Proceeds of Crime Act 2002

Powers under the Proceeds of Crime Act 2002 (POCA) allow law enforcement agencies and accredited financial investigators to pursue and recover assets that they reasonably suspect to be the proceeds of, or intended for use in, crime. Provisions under POCA and are really important tools to disrupt and deter organised criminals, by removing stripping them of criminal assets and thereby removing the financial motivation that drives much organised crime. POCA tools also help to send a powerful message that crime does not pay.

Criminal Finances Act 2017

In addition to a number of powers already available under POCA, the Department is currently involved in a programme of work to secure additional legislative tools available under the Criminal Finances Act 2017 to reinforce the ability of specified law enforcement agencies to recover the proceeds of crime and tackle money laundering. This work is a key priority for the Department and it is hoped the provisions will be available to law enforcement before the end of 2020.

2.14 Together, the conspiracy and aiding and abetting offences, the powers under POCA, and in due course provisions under the Criminal Finances Act 2017, currently provide important measures to enable law enforcement to disrupt criminal activity and bring organised criminals to justice. The introduction of the additional specific organised crime offences proposed here would provide law enforcement agencies and Public Prosecution Service with further and explicit means of prosecuting suspected organised criminals. A statutory definition is necessary in order to set out the set out the circumstances under which these proposed offences could apply.

***Current strategic responses to serious organised crime***

2.15 Ensuring that we have a robust and effective legislative framework is a vital part of the strategic response to tackling serious organised crime. However, this legislative response needs to be supported by a range of other strategic and non-legislative measures. Within Northern Ireland, a number of structures and partnership arrangements are currently in place to support a joined up approach to confront serious organised crime.

*The Organised Crime Task Force*

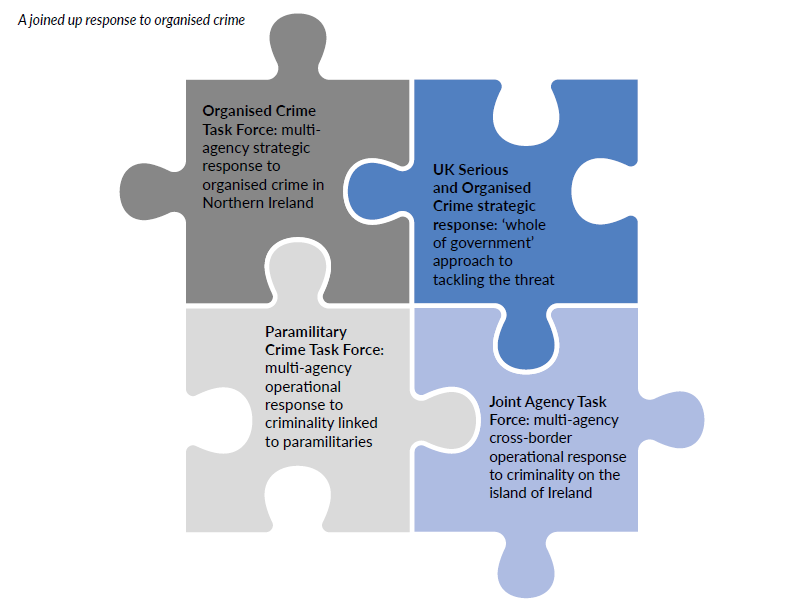
The Organised Crime Task Force (OCTF) is a strategic multi-agency partnership aimed at tackling organised crime in Northern Ireland. Established in 2000, OCTF provides the strategic direction for confronting organised criminality and is a forum for government, law enforcement, statutory agencies, NGOs and the private sector to work collaboratively to identify emerging issues and threats, develop policy and strategic responses and share information to mitigate risk from organised crime. The OCTF complements the operational focus of both the Paramilitary Crime Task Force (PCTF) and cross-jurisdictional Joint Agency Task Force (JATF).

*Paramilitary Crime Task Force*

The Paramilitary Crime Taskforce (PCTF), consisting of the PSNI, NCA and HMRC, was established on foot of a recommendation of the Fresh Start Panel, to provide a dedicated, co-located law enforcement response to tackle the particular issue of criminality related to paramilitary groups. Creating this dedicated investigative resource means that a long term consistent focus can be applied to the investigation of paramilitary groups. PCTF has also been supporting wider community based strategies aimed at promoting a culture of lawfulness.

Joint Agency Task Force

The Cross Border Joint Agency Task Force (JAFT) was established under ‘A Fresh Start, the Stormont Agreement and Implementation plan’[[9]](#footnote-9), as part of a concerted and enhanced effort to tackle organised and cross jurisdictional crime. Partner agencies include PSNI, AGS, NCA, Criminal Assets Bureau, Irish Customs Revenue, HM Customs & Revenue and Immigration enforcement. JATF tackles organised crime collaboratively in six priority areas affecting rural crime, drugs, financial crime, trafficking in human beings including children, excise fraud and immigration crime.



***Summary of proposals for new measures to tackle organised crime***

2.16 As noted, this consultation document seeks views on legislative proposals for Northern Ireland aimed at reinforcing the response to serious organised crime in this jurisdiction. For ease of reference, these proposals are summarised below, with more detailed information on how we anticipate each of the proposals would operate in practice set out in the subsequent sections, along with a series of questions on which we particularly welcome views. **The proposed measures are intended to complement and supplement the existing powers of law enforcement, not replace them.**

*Definition of serious organised crime*

2.17 **We propose to create a statutory definition for serious organised crime, to mean crime involving two or more people acting together with one of their main purposes or activities being the commission or facilitation of a serious offence or a series of serious offences. For the purposes of this legislation, we want to ensure that a serious offence means any offence under Schedule 1, Part 2 of the Serious Crime Act; Schedule 5 of the Proceeds of Crime Act 2002; or Schedule 9 of the Terrorism Act 2000 that is committed with the intention of obtaining a gain or benefit. We propose that the legislation should include a clarification that it is not necessary for the gain or benefit to be financial in nature. We propose to include a discretionary power to add to the list of relevant offences, by regulations, should that be considered necessary. We are also particularly interested in views in response to this consultation as to whether there are other offences, criminal activities or regulatory breaches that should be included in the list of relevant offences.**

*Offence of directing serious organised crime*

2.18 **We propose to create an offence of *directing* serious organised crime. A person would be guilty of this offence where they direct another person to participate in serious organised crime. This is intended to criminalise behaviour where an individual has not themselves committed a ‘serious offence’ as specified under the definition of serious organised crime, but where they have directed another person or persons to do so or to participate in serious organised crime. For the purposes of this offence we propose that it should not be necessary that the direction results in the commission of an offence, for the offence of directing serious organised crime to have been committed. We also propose to clarify that, again for the purposes of this offence, the meaning of “directs” should include “controls, supervises the activities, gives an order, instruction, guidance, or makes a request with respect to participating in serious organised crime.**

*Offence of participating in serious organised crime*

2.19 **We also propose to create an offence of *participating* in serious organised crime. A person would be guilty of this offence where they do or agree to do something that they know, suspect, or could be reasonably expected to know or suspect, is likely to enhance or facilitate the commission of serious organised crime. We proposed to include a clarification that, for the purposes of this offence, doing, or agreeing to do something, should also include omitting, or agreeing to omit to do something. In addition, we propose to include a clarification that it is not necessary to establish that the activity that has been done, or agreed to, has actually enhanced or facilitated the commission of serious organised crime.**

*Offences aggravated by serious organised crime*

2.20 **We propose to make provision so that, where an offence is committed as part of, or in furtherance of serious organised crime, then, for the purposes of determining the sentence, this should be treated as an aggravating factor. This will provide the court with the opportunity to reflect the serious nature of harm caused by organised crime associated with the offence in the sentence.**

2.21 **We are also interested in the views of respondents as to whether there should be any recording requirements placed on courts in such cases.**

*Sentencing*

2.22 **We are proposing that the sentencing framework associated with these proposed offences should reflect the serious nature and impact of organised criminality. To this end we propose:**

* **a maximum tariff of 14 years for the proposed offence of directing serious organised crime; and**
* **a maximum tariff of ten years for the proposed offence of participating in serious organised crime.**

**These tariffs match those set by Scotland for offences of directing serious organised crime (14 years) and for involvement in serious organised crime (10 years).**

2.23 **We are also proposing that the offences should be specified as Serious Offences under Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008 with the effect that, where the court was satisfied that an individual convicted of these offences was dangerous[[10]](#footnote-10), he or she could receive a discretionary life sentence, an indeterminate sentence, or an extended custodial sentence[[11]](#footnote-11). Individuals convicted of these offences would be subject to public protection sentences and to the associated release arrangements, including supervision in the community on release (on licence).**

2.24 **Financial gain is one of the key drivers for organised crime, and therefore the ability to remove criminal assets under the Proceeds of Crime Act 2002 (POCA) is a valuable tool for law enforcement in deterring and disrupting organised criminals.  As such, we are proposing that the proposed offences of “directing serious organised crime” and “participating in organised crime” should be specified as criminal lifestyle offences under POCA.  POCA sets out a strict chronology for making confiscation orders and the question of whether a person has a criminal lifestyle is central to this legal process.  If an individual is convicted of a lifestyle offence which his specified under POCA then the courts can find that they have obtained the benefit of “general criminal conduct” which then allows the court to undertake an enquiry beyond the normal statutory six year limitation period into all prior criminal activities.  Essentially, by specifying these offences as “lifestyle offences” we will improve the court’s ability to confiscate criminal assets and so help to undermine the economic motivation that fuels most serious organised crime.**

2.25 **We also propose to add the offences of “directing serious organised crime” and “participating in organised crime” to the list of offences which can be referred to the Court of Appeal by the Director of Public Prosecutions where a sentence is considered to be unduly lenient.**

**Section 3: Proposals**

***Overview***

3.1 Our proposals are intended to strengthen law enforcement’s approach to tackling serious organised crime by introducing new measures, including specific organised crime offences for Northern Ireland. These are intended to complement and supplement the existing suite of offences that law enforcement can rely on to prosecute and bring to justice those involved in serious organised crime.

3.2 Details of our proposals, along with an explanation of the policy rationale supporting them, are set out below. **We have embedded key questions in respect of these proposals throughout this section. However we would ask that you respond to this consultation using the consolidated response sheet that is attached at Annex A.**

***Definition of organised crime***

3.3 The Department considers that a statutory definition of serious and organised crime is necessary in order to set out the set out the circumstances under which the proposed offences could apply. We therefore are proposing to provide that serious organised crime, for the purposes of these proposed offences, should mean:

*“****crime involving two or more people acting together with one of their main purposes or activities being the commission or facilitation of a serious offence or a series of serious offences****”.*

*How many people need to be involved?*

*3.4* Following discussion with Stakeholders, we have concluded that the proposed definition should use the terminology of an organised crime ‘*group*’. This is intended to reflect that in some cases serious organised crime is facilitated by *networks* rather than structured groups and that therefore reference to an “organised crime group” in the legislation could be limiting. Through discussions with stakeholders we have concluded that a definition that focuses on the *activity* (organised crime) rather than the structures (organised crime groups) would most accurately reflect the nature of organised crime.

3.5 As noted we have considered a number of existing legislative models. In some of these (e.g., England and Wales, Ireland, Canada) serious organised crime is defined as being where three or more people are acting together. Others (including the Scottish model) organised crime involves two or more people. We have concluded that the preferred Northern Ireland model should be based on a definition of serious organised crime where *two* or more people are acting together. We believe this would allow the legislation to have a wider application and more appropriately reflect the diverse and agile nature of organised criminality.

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| **Q1. Do you support the proposal that the definition of serious organised crime should relate to TWO or more people acting together with one of their main purposes or activities being the commission or facilitation of a serious offence or a series of serious offences?** |

*Motivation / purpose*

3.6 A number of the existing legislative models define serious organised crime according to the *purpose (or principle purpose)* of the people acting together to commit serious offences. Having looked at a range of options we have concluded that the preferred approach in Northern Ireland definition should to refer to purpose *or activity (i.e., “*two or more people acting together ***with one of their main purposes or activities*** being the commission or facilitation of a serious offence or a series of serious offences”).This approach broadly reflects the model in place in Canada, which we believe offers greater flexibility in terms of how the legislation may be applied to tackle and mitigate harm caused by organised criminals.

3.7 We considered whether the definition of organised crime should also apply where the purpose or activity of the organised criminals is to carry out a single offence in addition to multiple offences. In most of the existing legislative models that we looked at the definitions refer to ‘criminal activities’ or to ‘the commission of serious offences’ (i.e. only to multiple offences). In discussions with law enforcement partners, we have concluded that, whilst we would expect serious organised crime to *usually* involve more than one offence, we want to avoid ruling out cases where two or more people act together with the intention of committing a single offence, which may nonetheless result in high harm to individuals or communities. As such, we have proposed that the preferred model for Northern Ireland should have the flexibility to cover the commission or facilitation of *one or more serious offence*.

*What offences/activities should fall within scope*

3.8 We have engaged with law enforcement about what range of criminal activity should be covered by this definition, i.e., what is intended by “a serious offence or series of serious offences”. Working with partners we have concluded that the best way to capture these would be for a serious offence, for the purposes of this legislation*, to mean any offence that is committed with the intention of obtaining a gain or benefit under*:

* Part 2 of Schedule 1 to the Serious Crime Act 2007 (“Serious offences in Northern Ireland”);
* Schedule 5 to the Proceeds of Crime Act 2002; and
* Schedule 9 to the Terrorism Act 2000.

3.9 This would ensure that those criminal activities most associated with serious and organised crime, such as drug trafficking, people trafficking, controlling prostitution, armed robbery, fraud, money laundering, etc., would fall under the statutory definition of serious organised crime, for the purposes of this legislation, where they are committed with the intention of obtaining a gain or benefit. Further details of the range of offences included under these schedules are set out at **Annex C**.

3.10 We also propose to take a discretionary power that would allow us to make regulations to add to the list of relevant offences that fall under this definition, should that be considered necessary.

3.11 Our proposed definition is focused on serious offences. However we recognise that there may be other types of activity or regulatory breaches (for example, in respect of environmental crime or illegal money lending) which may be perpetrated by organised criminals but which fall outside the current proposed list of scheduled offences. As such, *we particularly invite views of respondents on what offences and activities should fall within the scope of the proposed statutory definition of serious organised crime*.

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| **Q2. Do you agree with the proposed listed serious offences?**  **Are there other offences / activities / regulatory breaches that should fall under the proposed definition of organised crime?** |

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| **Q3. Do you support the proposal to include a discretionary power to add to the list of relevant offences, should that be considered necessary, by regulations?** |

3.12 Each of the existing models that we looked at referred to the commission of relevant offences *with the intention or view of obtaining gain or benefit*. Following discussion we law enforcement we concluded that the additional clarification (included in the legislative model for England and Wales) that the gain or benefit involved does not need to be financial in nature is helpful. We believe this is particularly relevant in the context of Northern Ireland, where the gain or benefit in question may relate to coercive control of communities or individuals by paramilitary groups involved in organised crime. As such as we propose that the legislation should clarify that it is not necessary for any gain or benefit to be financial in nature.

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| **Q4. Do you agree that the definition of organised crime should refer to the commission or facilitation of offences *with the intention of obtaining a gain or a benefit*?**  **And should the definition include a clarification that it is not necessary for any gain or benefit to be financial in nature?** |

***Offence of directing serious organised crime***

3.13 We have considered the range of offences available in other jurisdictions and which of these might be useful to tackle serious organised crime in Northern Ireland.

3.14 Informed by discussions with law enforcement and prosecutors, we propose to create a new offence of ***directing serious organised crime***. A person would be guilty of this offence where they directed another person to participate in serious organised crime. This is intended to criminalise behaviour where an individual may, not, themselves, have committed a ‘serious offence’ as specified under the proposed definition of serious organised crime, but where they have directed another person or persons to participate in serious organised crime.

3.15 The Irish legislative model includes a clarification that a person can direct at any level of an organisations structure. Since we do not intend to define serious organised crime by reference to a group or organisation, we do not believe that we need to include such a clarification. However our policy intent is similar in that we wish to ensure that any person who directs another person or persons to participate in serious organised crime would be guilty of this offence, regardless of their level of power within a criminal network or hierarchy.

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| **Q5. Do you agree with the overarching policy intent to create an offence of directing serious organised crime?** |

3.16 The equivalent organised crime offence in Irish legislation includes a useful clarification that, for the purposes of this offence, the meaning of “directs” should include “controls, supervises the activities, gives an order, instruction or guidance, or makes a request with respect to carrying out serious organised crime”. We propose to include a similar clarification for the directing serious organised crime offence in Northern Ireland.

3.17 Again, mirroring the approach that has been taken across a number of other jurisdictions, we propose to clarify that such a direction does not need to result in the commission of an offence for the offence of directing serious organised crime to have been committed.

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| **Q6. Do you agree with the proposal that the offence of directing serious organised crime should include a clarification that it is not necessary for any such direction to result in the commission of an offence, for the offence of directing serious organised crime to have been committed?** |

***Offence of participating in organised crime***

3.18 We also propose to create an offence of ***participating in serious organised crime***. A person would be guilty of this offence where they do, or agree to do, something that they know, suspect, or could be reasonably expected to know or suspect, is likely to enhance or facilitate the commission of organised crime.

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| **Q7. Are you supportive of the overarching policy intent to create a new offence of participating in serious organised crime?** |

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| **Q8. Do you agree with policy intent that a person should be guilty of this offence where they ‘do’ or ‘agree to do’ something that they know, suspect, or could be reasonably expected to know or suspect, is likely to enhance or facilitate the commission of serious organised crime?** |

3.19 Working with partners in law enforcement we have considered existing models across a range of jurisdictions. We concluded that there were a number of measures included in the equivalent Irish offence of participating in organised crime which would be useful to replicate within our proposals. To this end, we propose to include a clarification that, for the purposes of this offence, “doing or agreeing to do something” should include omitting or agreeing to omit to do something.

3.20 In addition, again mirroring the approach in the Irish Criminal Justice Act 2006, we also propose to include a clarification that it is not necessary to establish that the activity that has been done or agreed to has actually enhanced or facilitated the commission of organised crime, in order for the offence of participating in serious organised crime to have been committed.

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| **Q9. Do you agree that it should not be the necessary to establish that the action in question (done or agreed to) has actually enhanced or facilitated the commission of serious organised crime, for the offence of participating in serious organised crime to have been committed.** |

***Offences aggravated by serious organised crime***

3.21 In addition to the two proposed offences of directing and participating in serious organised crime, a number of the legislative models that we looked at also included provision for aggravated offences. Following discussions with law enforcement, prosecutors and with policy officials from other jurisdictions we have concluded that such aggravated offences are a helpful additional tool with which to tackle serious organised crime, particularly since they could have a wider application than the *participation offence*, where prosecutors were able to establish and evidence a ***connection*** with organised crime, but not the full participating offence.

3.22 We looked at two models in particular:

* the Scottish model, under which an offence is aggravated by a connection with serious organised crime if the person committing the offence is motivated by the objective of committing or conspiring to commit serious organised crime; and
* the Irish model, under which if an offence is committed as part of or in furtherance of the activities of a criminal organisation it should be treated, for the purposes of determining the sentence, as an aggravating factor.

3.23 Again, following detailed policy discussions with stakeholders we have concluded that a variation of the Irish model will best meet the specific needs of Northern Ireland.

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| **Q10. Do you agree that we should make provision for offences aggravated by connection with serious organised crime?** |

3.24 We therefore propose to make provision that where an offence is committed as part of, or in furtherance of, serious organised crime that for the purposes of determining the sentence, this should be treated as an aggravating factor.

3.25 We are particularly interested in the views of respondents as to whether there should be any recording requirements placed in courts in such cases.

|  |
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| **Q11. Do you agree that there should be recording requirements on the courts?** |

***Sentencing***

*Existing arrangements*

3.26 Paragraphs 2.13 and 2.14 of this consultation paper outlined existing legislative tools in respect of those suspected of being involved in serious organised crime. It is essential that those convicted of serious organised criminality receive appropriate sentences that reflect the serious nature of their crimes. We believe the proposals under this section would enhance public protection against the harm caused by those involved in serious organised crime and send a strong signal to OCGs operating within our jurisdiction that they will be subject to the full force of the law.

3.27 We are proposing that the sentencing framework associated with these proposed offences should reflect the serious nature and impact of organised criminality. To this end we propose:

* a maximum tariff of 14 years for the proposed offence of directing serious organised crime; and
* a maximum tariff of ten years for the proposed offence of participating in serious organised crime.

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| **Q12. Do you agree that** **a maximum tariff of 14 years for the proposed offence of directing serious organised crime is appropriate?** |

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| --- |
| **Q13. Do you agree that** **a maximum tariff of ten years for the proposed offence of participating in serious organised crime is appropriate?** |

These tariffs match those set by Scotland for offences of directing serious organised crime (14 years) and for involvement in serious organised crime (10 years).

3.28 We are also proposing that the offences should be specified as Serious Offences under Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008 with the effect that, where the court was satisfied that an individual convicted of these offences was dangerous, he or she could receive a sentence for public protection, either a discretionary life sentence, an indeterminate sentence, or an extended custodial sentence. These public protection sentences also have associated release arrangements, including supervision in the community on release (on licence).

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| **Q14. Do you agree that the proposed offences of “directing serious organised crime” and “participating in organised crime” should be specified as Serious Offences under Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008?** |

3.29 Financial gain is one of the key drivers for organised crime, and therefore the ability to remove criminal assets under the Proceeds of Crime Act 2002 (POCA) is a valuable tool for law enforcement in deterring and disrupting organised criminals. As such, we are proposing that the proposed offences of “directing serious organised crime” and “participating in organised crime” should be specified as criminal lifestyle offences under POCA. POCA sets out a strict chronology for making confiscation orders and the question of whether a person has a criminal lifestyle is central to this legal process. If an individual is convicted of a lifestyle offence which his specified under POCA then the courts can find that they have obtained the benefit of “general criminal conduct” which then allows the court to undertake an enquiry beyond the normal statutory six year limitation period into all prior criminal activities. Essentially, by specifying these offences as “lifestyle offences” we will improve the court’s ability to confiscate criminal assets and so help to undermine the economic motivation that fuels most serious organised crime.

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| **Q15. Do you agree that the proposed offences of “directing serious organised crime” and “participating in organised crime” should be specified as criminal lifestyle offences under POCA, thereby improving the court’s ability to confiscate criminal assets?** |

3.30 We also propose to add the offences of “directing serious organised crime” and “participating in organised crime” to the list of offences which can be referred to the Court of Appeal by the Director of Public Prosecutions where a sentence is considered to be unduly lenient.

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| **Q16. Do you agree that the offences of “directing serious organised crime” and “participating in organised crime” should be added to the list of offences which can be referred to the Court of Appeal by the Director of Public Prosecutions where a sentence is considered to be unduly lenient?** |

**Annexes**

A – Consultation Response Questionnaire

B – Summary of serious organised crime legislation in other jurisdictions

C – Proposed scheduled serious offences

D – Freedom of Information Act 2000 – Confidentiality of consultations

E – Privacy Notice

**Annex A**

**Consultation Response Questionnaire**

*Definition of serious organised crime*

**We propose to create a statutory definition for serious organised crime, to mean crime involving two or more people acting together with one of their main purposes or activities being the commission or facilitation of a serious offence or a series of serious offences.**

**For the purposes of this legislation, we want to ensure that a serious offence means any offence under Schedule 1, Part 2 of the Serious Crime Act; Schedule 5 of the Proceeds of Crime Act 2002; or Schedule 9 of the Terrorism Act 2000 that is committed with the intention of obtaining a gain or benefit.  We propose that the legislation should include a clarification that it is not necessary for the gain or benefit to be financial in nature.**

**We propose to include a discretionary power to add to the list of relevant offences, by regulations, should that be considered necessary.  We are also particularly interested in views in response to this consultation as to whether there are other offences, criminal activities or regulatory breaches that should be included in the list of relevant offences.**

|  |  |
| --- | --- |
| **Q1. Do you support the proposal that the definition of serious organised crime should relate to TWO or more people acting together with one of their main purposes or activities being the commission or facilitation of a serious offence or a series of serious offences?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

|  |  |
| --- | --- |
| **Q2. Do you agree with the proposed listed serious offences? Are there other offences / activities / regulatory breaches that should fall under the proposed definition of organised crime?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

|  |  |
| --- | --- |
| **Q3. Do you support the proposal to include a discretionary power to add to the list of relevant offences, should that be considered necessary, by regulations?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

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| --- | --- |
| **Q4. Do you agree that the definition of organised crime should refer to the commission or facilitation of offences *with the intention of obtaining a gain or a benefit*?**  **And should the definition include a clarification that it is not necessary for any gain or benefit to be financial in nature?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

***Offence of directing serious organised crime***

**We propose to create an offence of *directing* serious organised crime. A person would be guilty of this offence where they direct another person to participate in serious organised crime.  This is intended to criminalise behaviour where an individual has not themselves committed a ‘serious offence’ as specified under the definition of serious organised crime, but where they have directed another person or persons to do so or to participate in serious organised crime.**

**For the purposes of this offence we propose that it should not be necessary that the direction results in the commission of an offence, for the offence of directing serious organised crime to have been committed.**

**We also propose to clarify that, again for the purposes of this offence, the meaning of “directs” should include “controls, supervises the activities, gives an order, instruction, guidance or makes a request with respect to participating in serious organised crime.**

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| **Q5. Are you supportive of the overarching policy intent to create an offence of directing serious organised crime?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

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| --- | --- |
| **Q6. Do you agree with the proposal that the offence of directing serious organised crime should include a clarification that it is not necessary for any such direction to result in the commission of an offence, for the offence of directing serious organised crime to have been committed?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

***Offence of participating in serious organised crime***

**We also propose to create an offence of *participating* in serious organised crime.  A person would be guilty of this offence where they do or agree to do something that they know, suspect, or could be reasonably expected to know or suspect, is likely to enhance or facilitate the commission of serious organised crime.**

**We proposed to include a clarification that, for the purposes of this offence, doing, or agreeing to do something, should also include omitting, or agreeing to omit to do something.**

**In addition, we propose to include a clarification that it is not necessary to establish that the activity that has been done, or agreed to, has actually enhanced or facilitated the commission of serious organised crime.**

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| **Q7. Are you supportive of the overarching policy intent to create a new offence of participating in serious organised crime?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

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| --- |
| **Q8. Do you agree with policy intent that a person should be guilty of this offence where they ‘do’ or ‘agree to do’ something that they know, suspect, or could be reasonably expected to know or suspect, is likely to enhance or facilitate the commission of serious organised crime?** |
| **Yes** |
| **No** |
| **Other comments:** |

|  |  |
| --- | --- |
| **Q9. Do you agree that it should not be the necessary to establish that the action in question (done or agreed to) has actually enhanced or facilitated the commission of serious organised crime, for the offence of participating in serious organised crime to have been committed.** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

***Offences aggravated by serious organised crime***

**We propose to make provision so that, where an offence is committed as part of, or in furtherance of serious organised crime, then, for the purposes of determining the sentence, this should be treated as an aggravating factor.  This will provide the court with the opportunity to reflect the serious nature of harm caused by organised crime associated with the offence in the sentence.**

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| **Q10. Do you agree that we should make provision for offences aggravated by connection with serious organised crime?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

|  |  |
| --- | --- |
| **Q11. Do you agree that there should be recording requirements on the courts?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

**Sentencing**

**We are proposing that the sentencing framework associated with these proposed offences should reflect the serious nature and impact of organised criminality. To this end we propose:**

* **a maximum tariff of 14 years for the proposed offence of directing serious organised crime; and**
* **a maximum tariff of ten years for the proposed offence of participating in serious organised crime.**

|  |  |
| --- | --- |
| **Q12. Do you agree that** **a maximum tariff of 14 years for the proposed offence of directing serious organised crime is appropriate?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

|  |  |
| --- | --- |
| **Q13. Do you agree that** **a maximum tariff of ten years for the proposed offence of participating in serious organised crime is appropriate?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

**We propose that the offences should be specified as Serious Offences under Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008 with the effect that, where the court was satisfied that an individual convicted of these offences was dangerous, he or she could receive a sentence for public protection, either a discretionary life sentence, an indeterminate sentence, or an extended custodial sentence.  These public protection sentences also have associated release arrangements, including supervision in the community on release (on licence).**

|  |  |
| --- | --- |
| **Q14. Do you agree that the proposed offences of “directing serious organised crime” and “participating in organised crime” should be specified as Serious Offences under Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

**We propose that the proposed offences of “directing serious organised crime” and “participating in organised crime” should be specified as criminal lifestyle offences under POCA. By specifying these offences as “lifestyle offences” we will improve the court’s ability to confiscate criminal assets and so help to undermine the economic motivation that fuels most serious organised crime.**

|  |  |
| --- | --- |
| **Q15. Do you agree that the proposed offences of “directing serious organised crime” and “participating in organised crime” should be specified as criminal lifestyle offences under POCA, thereby improving the court’s ability to confiscate criminal assets?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

**We also propose to add the offences of “directing serious organised crime” and “participating in organised crime” to the list of offences which can be referred to the Court of Appeal by the Director of Public Prosecutions where a sentence is considered to be unduly lenient.**

|  |  |
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| **Q16. Do you agree that the offences of “directing serious organised crime” and “participating in organised crime” should be added to the list of offences which can be referred to the Court of Appeal by the Director of Public Prosecutions where a sentence is considered to be unduly lenient?** | |
| **Yes** |  |
| **No** |  |
| **Other comments:** | |

|  |  |
| --- | --- |
| **Q17. Do you have any other comments that you would like to record in respect of this consultation?** | |
| **Yes** |  |
| **No** |  |
| **Reason for your response:** | |

Annex B

Summary of serious organised crime legislation in other jurisdictions

|  | **England and Wales**  **Section 45 Serious Crime Act 2015** | **Scotland**  **Sections 28-31 Criminal Justice and Licensing (Scotland) Act 2010** | **Republic of Ireland**  **Section 71-74 Criminal Justice Act 2006 (amended 2009)** |
| --- | --- | --- | --- |
| Definition of organised crime ‘group’ | A group that has as its purpose, or as one of its purposes, the carrying on of criminal activities.  Consists of **three or more persons** who act, or agree to act, together to further that purpose. | Crime involving **two or more persons** acting together for the principal purpose of committing or conspiring to commit a serious offence or a series of serious offences. | A structured group that has as its main purpose or activity the commission or facilitation of a serious offence.  A structured group means a **group of 3 or more persons** which is not randomly formed for the immediate commission of a single offence, and the involvement in which by **two or more persons with a view to their acting in concert.** |
| Definition of serious/organised crime | Activities that constitute an offence punishable on conviction on indictment with imprisonment for a term of **7 years or more**. | **An indictable offence** committed with the intention of obtaining a material benefit for any person, or an act of violence or a threat made with the intention of obtaining such a benefit in the future. | An offence punishable by imprisonment for a term of **four years of more**. |
| Participation offence | A person who participates in the criminal activities of an organised crime group commits an offence.  An offender is liable on conviction on indictment to **maximum imprisonment of 5 years**. | A person who agrees with at least one other person to become involved in serious organised crime commits an offence.  On summary conviction, an offender is liable to **maximum imprisonment of 12 months**, a fine, or both.  On conviction on indictment, an offender is liable to **maximum imprisonment of 10 years**, a fine, or both. | A person who know about the existence of the criminal organisation and participates in, or contributes to any activity (whether an offence or not), which enhances the ability of or facilitates a criminal organisation to commit a serious offence.  A maximum sentence of **15 years imprisonment** on indictment |
| Directing offence | No specific offence.  Prosecuting authorities rely on conspiracy offences. | A person commits an offence by directing another person to commit a serious offence.  On summary conviction, an offender is liable to **maximum imprisonment of 12 months**, or to a fine, or to both.  On conviction on indictment, an offender is liable to imprisonment for a **maximum term of 14 years imprisonment**, or to a fine, or to both. | A person who directs the activities of a criminal organisation is a guilty of an offence.  An offender is liable on conviction on indictment to **imprisonment for life or to a lesser term of imprisonment**. |
| Other offences or comments | N/A | *Failure to report serious organised crime*  A person who knows or suspects that another person is involved in or directs organised crime, and fails to report this to police, commits an offence.  This applies to people who gain this information in the course of their trade, profession, business or employment, or as a result of a close personal relationship between them and the other person.  A person guilty of an offence is liable on summary conviction to maximum imprisonment of 5 years, a fine, or to both. On summary conviction, a person to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both.  *Offences aggravated by connection with organised crime*  Committing an offence in connection with serious organised crime is regarded as an aggravating factor.  If proved the offence was aggravated by serious organised crime, the court must state and record the aggravation; take the aggravation into account when sentencing; and explain the reasons for any or no difference in sentencing | *Aggravating factor: serious offence committed as part of, or in furtherance of, activities of a criminal organisation*  If a serious offence was committed as part of, or in furtherance of, the activities of a criminal organisation, the court must impose a greater sentence than would otherwise have been imposed (unless the sentence is life imprisonment). |

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| --- | --- | --- |
| **Schedule 1, Part 2 of the Serious Crime Act** | **Schedule 5 of the Proceeds of Crime Act 2002** | **Schedule 9 of the Terrorism Act 2000** |
| Drug trafficking  People trafficking  Firearms offences  Prostitution and child sex  Armed robbery etc.  Money laundering  Fraud  Offences in public revenue  Bribery  Counterfeiting  Blackmail  Computer misuse  Intellectual property  Environment  Financial sanctions legislation  Inchoate offences  (Earlier offences preceding the Act) | Drug Trafficking  Money laundering  Directing terrorism  Slavery etc.  People trafficking  Arms trafficking  Counterfeiting  Intellectual property  Pimps & brothels  Blackmail  Inchoate offences | Murder  Manslaughter  Riot  Kidnapping  False imprisonment  Malicious Damage Act 1861  OAP Act 1861  Explosives Substances Act 1883  Prison (NI) Act 1953  Theft Act (NI) 1969  Hijacking  Criminal damage  Firearms  Hostages  Nuclear offences  Computer Misuse Act 1990  Aviation & Maritime Security  Fraud Act 2006 |

Proposed scheduled serious offences Annex C

Annex D

**FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS**

The Department intends to publish a **summary** of responses following completion of the consultation process.

Your response, and all other responses to the consultation, may also be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this public consultation.

Subject to certain limited provisos, the Freedom of Information Act gives members of the public a right of access to any information held by a public authority, in this case, the Department. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor’s Code of Practice on the Freedom of Information Act provides that:

* the Department should only accept information from third parties “in confidence” if it is necessary to obtain that information in connection with the exercise of any of the Department’s functions and it would not otherwise be provided;
* the Department should not agree to hold information received from third parties “in confidence” which is not confidential in nature;
* acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

Further information about confidentiality of responses is available by contacting the Information Commissioner’s Office (or at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk/)).

Annex E

**Privacy Notice**

Data Controller Name: Department of Justice (DoJ)

Address: Department of Justice, Castle Buildings, Stormont Estate, BELFAST, BT4 3SG

Telephone: 02890 378617

Email: [FOI@justice.x.gsi.gov.uk](mailto:FOI@justice.x.gsi.gov.uk)

Data Protection Officer Name: DoJ Data Protection Officer

Telephone: 02890 378617

Email: [DataProtectionOfficer@justice-ni.x.gsi.gov.uk](mailto:DataProtectionOfficer@justice-ni.x.gsi.gov.uk)

**Why are you processing my personal information?**

* + DoJ is seeking comments from interested parties as part of its public consultation on the Consultation on policy proposals for new offences to tackle organised crime in Northern Ireland. DoJ is not seeking personal data as part of the consultation but is likely to receive names and addresses/e-mail addresses as part of a consultee’s response.
  + Consultation is a requisite part of the development of public policy and strategy.
* ***ONLY if you are relying on consent to process personal data.***

DoJ is not relying on consent for processing the data supplied by the applicant. DoJ is required to seek consultation responses as part of policy development.

**What categories of personal data are you processing?**

* + Responses to the consultation will include names and addresses and/or e-mail addresses.

**Where do you get my personal data from?**

* + The personal data will originate from the person responding to the consultation.

**Do you share my personal data with anyone else?**

* + We will not share your personal data with other organisations.

**Do you transfer my personal data to other countries?**

* + No.

**How long do you keep my personal data?**

* + We will retain your data in line with 5.7 of Schedule 5 of the DoJ Retention and Disposal Schedule (<https://www.justice-ni.gov.uk/publications/doj-retention-and-disposal-schedule> ).

**(If you use automated decision making or profiling) How do you use my personal data to make decisions about me?**

* + DoJ will not use automated processing for responses to this consultation.

**What rights do I have?**

* You have the right to obtain confirmation that your data is being [processed, and access to your personal data](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-of-access/)
* You are entitled to have personal data [rectified if it is inaccurate or incomplete](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-rectification/)
* You have a right to have personal data erased and to prevent processing, [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-erasure/)
* You have the right to ‘block’ or suppress processing of personal data, [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-restrict-processing/)
* You have the right to data portability, [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-data-portability/)
* You have the right to object to the processing, [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-object/)
* You have rights in relation to[automated decision making and profiling](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/rights-related-to-automated-decision-making-and-profiling/)

**How do I complain if I am not happy?**

Complaints should be submitted to:

Freedom of Information Unit

Department of Justice

Castle Buildings

Stormont Estate

BELFAST

BT4 3SG

Telephone: 02890 378617

Email: [FOI@justice.x.gsi.gov.uk](mailto:FOI@justice.x.gsi.gov.uk)

**If you are unhappy with any aspect of this privacy notice, or how your personal information is being processed, please contact the *Departmental Data Protection Officer at:***  [DataProtectionOfficer@justice-ni.x.gsi.gov.uk](mailto:DataProtectionOfficer@justice-ni.x.gsi.gov.uk)

**If you are still not happy, you have the right to lodge a complaint with the Information Commissioner’s Office (ICO):**

**Information Commissioner’s Office**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

<https://ico.org.uk/global/contact-us/>

1. <https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/Executive%20Action%20Plan%20-%20Tackling%20Paramilitary%20Activity.pdf> [↑](#footnote-ref-1)
2. Home Office, ‘Understanding Organised Crime Estimating the scale and the social and economic costs’, November 2018 and also the National Strategic Assessment of serious organised crime 2019: <https://nationalcrimeagency.gov.uk/who-we-are/publications/296-national-strategic-assessment-of-serious-organised-crime-2019/file> [↑](#footnote-ref-2)
3. Page 7 of the Fresh Start Panel report - https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/The%20Fresh%20Start%20Panel%20report%20on%20the%20disbandment%20of%20paramilitary%20groups.pdf [↑](#footnote-ref-3)
4. https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/Executive%20Action%20Plan%20-%20Tackling%20Paramilitary%20Activity.pdf [↑](#footnote-ref-4)
5. https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/The%20Fresh%20Start%20Panel%20report%20on%20the%20disbandment%20of%20paramilitary%20groups.pdf [↑](#footnote-ref-5)
6. The Order can be found at <http://www.legislation.gov.uk/nisi/1983/1120/2010-02-01?view=extent> [↑](#footnote-ref-6)
7. The Order can be found at: <http://www.legislation.gov.uk/nisi/2008/1216/contents> [↑](#footnote-ref-7)
8. The Act can be found at: <http://www.legislation.gov.uk/ukpga/Vict/2425/94/enacted?timeline=true&view=plain+extent> [↑](#footnote-ref-8)
9. Fresh start report – see footnote 3 [↑](#footnote-ref-9)
10. The court must be of the opinion that there is a significant risk to members of the public of serious harm, occasioned by the offender, of further offences. [↑](#footnote-ref-10)
11. Discretionary life sentences and determinate sentences are provided for by Article 13 of the Criminal Justice (Northern Ireland) Order 2008. Article 14 of the 2008 Order provides for an extended custodial sentence. [↑](#footnote-ref-11)