

Committee for Justice

Roundtable event, 05 June 2025

Note of the Discussions

Participants

Assembly Members

Joanne Bunting MLA (Chairperson), Deirdre Hargey MLA (Deputy Chairperson), Danny Baker MLA, Maurice Bradley MLA, Stephen Dunne MLA, Connie Egan MLA.

Attendees

[REDACTED]

Part 1 – Biometrics

- Overall, there was broad support for the need to change the retention periods for biometric material.
- Some attendees considered that the 75/50/25-year retention model was broadly proportionate, and that it was difficult to strike the right balance between public protection and citizens' rights. It was noted the model takes account of age, severity of offence and outcome of the case.
- 5-year period for under-18s for minor offences also viewed as proportionate by some.
- Others were unsure if the retention regime strikes the right balance between privacy and crime detection at the top end - 75 years is effectively life retention and they did not consider that would always be proportionate, especially for those around 18 years old.
- There were also some questions about diversionary disposals and the retention of materials for under-18s who have completed a restorative justice scheme or diversionary youth conference, received a caution or an informed warning. Similarly, the retention periods of 75 or 25 years may also apply to adults who receive a caution or complete a restorative justice scheme, depending on the offence the disposal relates to.
- There were some concerns about how the data is shared between agencies and the security of this.
- Some participants agreed that the Bill should contain a review mechanism under which the Chief Constable must carry out reviews of long-term retained DNA profiles and fingerprints. They also took the view that individuals should

be able to request reviews but that clear parameters would need to be placed around the operation of any review mechanism.

- The need for a Commissioner for the Retention of Biometric Material to have independent oversight of the review mechanism was emphasised.
- Attendees noted that the Commissioner should have the power to keep emerging technologies under review; and the power to advise the police.
- There was some uncertainty as to whether there was a need for photographs to be included within the definition of biometric data given that these can change over time and may decline in usefulness for police.
- Some questions were raised about the scale and scope of the role of the Biometrics Commissioner – should this post have more powers to enforce regulation or is it just a reporting mechanism?
- There were also some concerns about the security and safeguarding of biometric material in the digital age.
- It was questioned whether the Bill is sufficiently future-proofed given the speed at which technology changes.

Part 2 – Children

- There was broad support for this part of the Bill and, in particular, strengthening the presumption of bail for young people.
- Many attendees agree that it is not acceptable to keep children in custody simply due to lack of accommodation.
- However, the lack of suitable accommodation is a huge factor. There needs to be investment and consideration of other options such as expanding fostering and greater joined-up approach with the Department of Health. In addition, issues around appropriate accommodation have a disproportionate impact for children in care.
- There were concerns that the new Youth Custody and Supervision order seems like too broad a brush – how can this be tailored to take into account different circumstances of offending?
- The capacity to understand and comply with conditions of bail was highlighted as a key consideration. There is a need to focus on police training for this and it was suggested that a multi-agency approach might be of benefit and alleviate pressures on the PSNI.
- The Juvenile Justice Centre name could be changed to something less negative, such as Children's Justice Centre. There should be a tailored approach to admission depending on circumstances of the individual.
- It was highlighted that it is important to take special educational needs into consideration.
- It was also noted that young people may be influenced by those who are older.

- There is a need for a joined-up approach across departments to achieve efficiencies.
- There is a particular need more investment/focus “downstream” to tackle causes of crime and prevent young people from entering the criminal justice system in the first place.
- There should be learning from examples of good early intervention and funds directed towards communities to achieve results.
- It was suggested that aspects of a “social contribution” could be included as part of the bail conditions.
- Concerns were expressed about ‘mob rule’ potentially dictating if bail will be granted.

Part 3 and Amendment – Live Links

- There was broad support for these changes and embracing technology to make systems quicker and more efficient.
- It will also enable easier access for rural areas and will assist with police resourcing.
- Should there be an age bracket consideration for use of live links? Older and younger people have different understanding.
- There were concerns about security and capacity to understand – will the experience be the same as if the participants were there in person?

Part 4 – Administration of Justice

- There was support for expanding the use of intermediaries to different courts.
- The need to have safeguards and clear communication about the change to the statutory charge register was raised – some were unsure about how this will improve transparency or access to justice.
- There was some support for the change to the taxation of legal costs if it improves monitoring and accountability of how public money is spent.
- Support was expressed for the automatic review of criminal record certificates.
- There were some concerns about spending more money on improving court security at premises and buildings being closed and consolidated – how will this work?

Amendment - AccessNI Filtering

- Streamlining is welcome but there were some suggestions that a wider review is needed.

- Wider concerns were expressed at the costs of checks, particularly for the community and voluntary sector. Some suggested that it seems like a “cash-cow” and questioned why multiple checks are required for different organisations at the same level/working in the same field.
- It was pointed out that checks are static so they are only good at a specific point in time. Can the Bill not change the process to a register to be checked as and when needed and that can be updated in real time if clearance changes?

Amendment – Serious Organised Crime

- Concerns were raised that the “sentence of 4 year” threshold may be too high.
- Questions were asked about future-proofing and if this includes digital crime.
- Some deemed the definitions to be too vague for those orchestrating and participating in organised crime.
- There could be potential problems with children being exploited/groomed by those involved in organised crime and there could be a need for them to be seen as victims rather than active criminals.
- It was suggested by some that the maximum sentence for directing serious organised crime activities appears to be too low.

Amendment – Restorative Justice

- Concerns were raised regarding widening the scope of restorative justice practitioners.
- There were some concerns about lowering standards and the process being about money and not outcomes.
- Some attendees felt that Criminal Justice Inspection Northern Ireland’s role should still be both pre- and post-accreditation.
- There were concerns about funding not being available in the long term so outcomes will be lowered.
- There is a need to ensure access is not a “geographic lottery” and it needs to work for rural areas too.
- It was also pointed out that restorative justice approaches may differ between urban and rural areas, and what works in one location may not necessarily be an appropriate approach in another.

Amendment – Repeal of Vagrancy Legislation

- Attendees were broadly supportive of the proposal to repeal vagrancy legislation but there were still some concerns about how the system will cope with begging and rough sleeping.
- The lack of resources elsewhere to deal with issues was noted. Concerns were expressed that it could result in a lack of support for people and that there is a need for other agencies to fill any potential gaps.
- There were concerns about lack of suitable hostels and some refusing to take people.
- Trafficking and enforced begging were also raised as concerns.
- It was felt by some that there is a correlation between homelessness and crime and there were questions about the capacity of the police to deal with this.

Amendment – Rehabilitation of Offenders

- There was broad support for this amendment but it was stressed that the voice of the victim must still be heard.
- It was suggested that the current system does not seem to support rehabilitation.
- Resolution rather than punishment is a key issue.
- Education and employment need to be addressed to help with rehabilitation.
- Complex needs have to be considered – there are links with health and other areas of public services.

Other issues not covered by the Bill or the proposed amendments

Minimum Age of Criminal Responsibility (MACR)

- There was general agreement that the current age of 10 is too low.
- MACR needs to be looked at but maybe a sliding scale approach – different for 11-14 and then again until 18 – consensus to raise but some not sure on age.
- Others suggested that MACR should be raised to 14 with exceptions or other safeguards for certain crimes that are more serious.
- The need for early interventions to prevent criminality is crucial.
- Underlying issues with deprivation need to be addressed.
- Disproportionate number of young people in care entering the justice system needs to be looked at.

Equal Protection/Reasonable Chastisement

- There is no wish to interfere with parental rights but there does need a limit on what is deemed as “reasonable” and greater support for parents, which is lacking currently.
- Issues with support for parents of children with special educational needs.
- Disparity with the rest of the UK.
- Some noted the best interests of the child.
- There were concerns about the lack of funding to drive change and make necessary early interventions.
- Concerns were expressed that this could criminalise parents who might just be struggling and need support.