

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Minister's Office
Castle Buildings Block C
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

29 May 2025

Dear Kathy,

NIPB MISCONDUCT AND INDEPENDENT CUSTODY VISITING SCHEME (ICVS)

Thank you for your letter of 13 May 2025 regarding the Misconduct Review and the Independent Custody Visiting Scheme.

In terms of the Misconduct Review, I should like to advise the Department has been considering the regulatory framework within which the police officer misconduct process operates and sought initial stakeholder views in June 2024 regarding the following seven issues:

1. Chairing of Police Officer Misconduct Hearings;
2. Amendment to Section 59(3) of the Police (NI) Act 1998 to remove the requirement for the Ombudsman to wait for criminal proceedings to conclude before issuing a memorandum relating to progress of discipline;
3. Misconduct Hearings in Public;
4. Introduction of vetting regulations;
5. Barred and Advisory Lists;
6. Former Officer Misconduct Process; and
7. Joint Misconduct Proceedings.

This initial stakeholder engagement was undertaken to ensure any proposals brought forward by the Department were meaningful and appropriate. The seven proposals were based upon recommendations made in the Ombudsman's five-year review and the Northern Ireland Policing Board's Review of PSNI Professional Standards, as well as

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observed practice in England and Wales and discussions during regular engagement between the Department and stakeholders, both formally and informally.

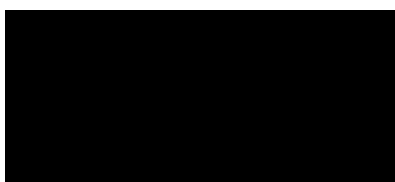
All the above listed proposals will require either primary or secondary legislative amendment, and in some cases both. The Department is presently seeking legal advice and once this is received intends to commence a formal consultation exercise prior to Autumn 2025, in accordance with statute. Consultation will include key stakeholders and is expected to last a minimum of 8 weeks and will consider any holiday period. The consultation will include all proposals.

Turning to the Independent Custody Visiting Scheme, I wish to inform the Committee that the Department is actively considering the Policing Board's request to amend Section 73 of the Police (NI) Act 2000. Given the nature of the proposed amendment and its potential implications for data protection, the Department has engaged with key organisations to seek advice and input.

At present, the Department is awaiting updated legal advice, as well as information from the PSNI. Once all relevant information has been received and reviewed, the Minister will determine the most appropriate course of action.

The Department recognises the importance of this issue to the Policing Board and remains committed to ongoing collaboration to secure a positive resolution. The Board will be updated on the Minister's decision at the earliest practicable opportunity.

I hope this information is of assistance to the Committee.



**DAVID GRAHAM
DALO**



**Northern Ireland Assembly
Committee for Justice**

David Graham
DALO
Department of Justice
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

13 May 2025

Justice Bill – Northern Ireland Policing Board oral evidence

Dear David

At its meeting on 1 May 2025, the Committee for Justice received oral evidence on the Justice Bill from officials from the Northern Ireland Policing Board.

While not included in the Justice Bill, the officials advised that the Policing Board had made recommendations in relation to a review of Police Misconduct Regulations. The Committee agreed to ask the Department for an update on and timeline for any work to review the Misconduct Regulations; if it will take into account recent changes made by the Government regarding policing misconduct in England and Wales; and whether any consideration was given to including provisions for any necessary legislative change in the Justice Bill.

The officials also advised of difficulties in the operation and delivery of the Independent Custody Visitors Scheme (ICVS), particularly with regard to access to custody records by the Independent Custody Visitors. The Committee agreed to ask the Department for details of any engagement the Department has had with relevant justice partners on this issue and what plans there are to address the issues raised by the Policing Board in relation to the ICVS.

Room 345, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX
Telephone: (028) 905 21033

E-mail: committee.justice@niassembly.gov.uk

I would appreciate a response by 27 May 2025.

Yours sincerely

Kathy O'Hanlon

Kathy O'Hanlon
Clerk to the Committee for Justice

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Telephone: (028) 905 21033

E-mail: committee.justice@niassembly.gov.uk