

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

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JCP\26\13

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

3 February 2026

Dear Kathy,

Further to the Committee's letter of 13 May 2025, and the Department's response of 29 May 2025, I am writing to provide an update on the operation of the Independent Custody Visiting Scheme (ICVS), specifically in relation to the issues identified regarding access by Independent Custody Visitors (ICVs) to custody records.

In its correspondence, the Committee sought details of any engagement the Department has undertaken with relevant justice partners and clarification on how the concerns raised by the Northern Ireland Policing Board (NIPB) regarding delivery of the ICVS would be addressed.

As the Committee will be aware, the Chief Executive of the NIPB, outlined last year that a number of operational challenges have arisen, particularly in respect of access to custody records in circumstances where detainee consent cannot be obtained. In response, Departmental officials have engaged extensively with key organisations, including the Policing Board, the PSNI, the NI Human Rights Commission and other stakeholders, to consider how these issues might be addressed within the existing legislative framework.

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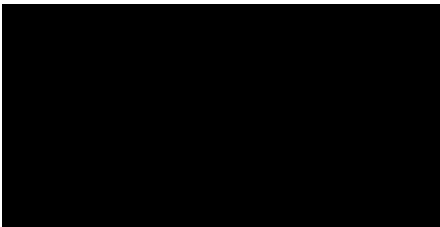
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I can now confirm that it is the Minister's intention to bring forward an amendment to the Justice Bill in relation to the ICVS, as the only legislative vehicle available to make this change within this mandate. The proposed amendment will make provision to Section 73 of the Police (Northern Ireland) Act 2000 and is aimed at addressing the identified gap in access to custody records, particularly in cases where detainees are not capable of providing consent for their custody record to be reviewed.

The policy intent of the amendment is to ensure the continued effective delivery of the ICVS and to maintain the integrity of independent oversight arrangements in police custody.

I will, of course, write to the Committee again once the amendment has been formally tabled, and officials are content to provide further information or briefing to support the Committee's scrutiny of this provision.

Yours sincerely



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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
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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.

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I would appreciate a response by 27 May 2025.

Yours sincerely

Kathy O'Hanlon

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