

Response ID ANON-Z841-1VC3-M

Submitted to Justice Bill

Submitted on 2025-02-10 14:49:21

Introduction

What is your name?

Name:

██████████

What is your email address?

Email:

██

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

N/A

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I would like my views to be anonymous and understand that my name and organisation details will be withheld but my views will still be published.

Clause 1: Retention of fingerprints and DNA profiles

Do you believe Bill clearly defines what biometric data is?

No

Is the definition of biometric data clear?:

While it does not provide a clear definition, the text mentions forms of biometric data such as DNA and fingerprints. A definitive reference definition could promote accurate interpretation and understanding.

The Bill proposes to replace the current indefinite retention period for biometric data with a "75/50/25 year" model. Do you agree with the proposed retention periods for biometric data?

Yes

Please provide information to support your answer here::

Article 63S provides for a court to extend the retention period of material held under 63I to 63R for up to two years at a time. Do you support the extension of retention periods in certain circumstances?

Yes

Please provide information to support your answer here::

Articles 63Z and 63Z1, together with Schedule 1 to the Bill, relate to the establishment of a Northern Ireland Commissioner for the Retention of Biometric Material. Do you agree that a Commissioner for the Retention of Biometric Material should be appointed?

No

Please provide information to support your answer here::

Surely, this role could be filled within the existing Justice Department structures rather than adding extra layers to the already bloated and wasteful bureaucracy?

The Commissioner for the Retention of Biometric Material will be required to: keep under review the operation of the PACE NI biometric retention framework, including the review process of long-term retained material to be set out in regulations made by the Department; keep under review the acquisition, retention and use of biometric material under the terms of this Bill; review the use and development of existing and new biometric technologies; issue guidance on the use of biometric technologies in a law enforcement setting; and report annually, or further as appropriate, on the Commissioner's functions. Do you agree with these being appropriate to the role of the Commissioner?

Yes

Please provide information to support your answer here::

See my comment above.

Nevertheless, the aforementioned description would be appropriate to their role if a commissioner were appointed.

Do you have anything further to add on Clause 1 of the Bill?

No

Please provide any further information relating to Clause 1 here::

Clause 2: Retention of fingerprints and DNA profiles: amendments

Do you have any comments on Clause 2 of the Bill?

No

Please provide any comments on Clause 2 here::

Clause 3: Retention of fingerprints and DNA profiles: supplementary

Do you have any comments on Clause 3 of the Bill?

No

Please provide any comments on Clause 3 here::

Part 1: Biometrics - Other

Do you have any other comments or information you would like to be considered by the Committee on Part 1: Biometrics?

Yes

Please provide information to support your answer here::

A clear definition of biometrics should be provided.

Clause 4: Duties of a custody officer after charge

Do you agree that a custody officer should take into account a juvenile's age, maturity, needs and their capacity to understand and comply with any conditions of bail before making a decision to grant bail or not?

Yes

Please provide information to support your answer here::

These factors should be equally considered alongside any potential risks to the public or individuals involved.

Do you have any other comments on Clause 4 of the Bill?

No

Please provide information to support your answer here::

Clause 5: Police bail after arrest

Do you agree that any conditions of bail after arrest should require the custody officer to consider the circumstances of the individual and be proportionate to the risk?

Yes

Please provide information to support your answer here::

Do you have any comments on Clause 5 of the Bill?

No

Please provide information to support your answer here::

Clause 6: Court bail

Do you support the presumption of bail for children in all but very specific circumstances?

Yes

Please provide information to support your answer here::

Do you agree with the conditions in Article 10G that must be met if bail is to be refused?

Yes

Please provide information to support your answer here::

Do you agree with the rules relating to the imposition, variance and removal of the conditions attached to bail?

Yes

Please provide information to support your answer here::

Do you have any further comments on Clause 6 of the Bill?

No

Please provide information to support your answer here::

Clause 7: Arrest for absconding or breaking conditions of bail

Do you have any comments on Clause 7?

No

Please provide information to support your answer here::

Clause 8: Conditions relevant to bail: accommodation

Do you have any comments on Clause 8?

Yes

Please provide information to support your answer here::

Suppose a juvenile does not have adequate accommodation. In that case, the justice system should take responsibility for the juvenile and contact family members, guardians, or hostels that may offer sufficient accommodation. If none of these conditions can be satisfied, the juvenile should be remanded in custody for their health and safety.

This seems more compassionate than leaving the juvenile wandering the streets, becoming attached to the wrong crowd, and committing further crimes.

Clause 9: Place of detention following sentencing

Do you agree that children under the age of 18 should only be held in a juvenile justice centre?

Yes

Please provide information to support your answer here::

Do you have any further comments on Clause 9 of the Bill?

No

Please provide information to support your answer here::

Clause 10: Powers to sentence child to detention: amendment

Do you have any comments on Clause 10 of the Bill?

No

Please provide information to support your answer here::

Clause 11: Powers to sentence child to detention: removal

Do you support raising the minimum age for detention in a young offenders' centre to 18?

No

Please provide information to support your answer here::

Crime is increasingly being committed by younger juveniles today, and the justice system should have measures in place to address this. Age should not prevent punishment or justice.

Do you have any other comments on Clause 11?

No

Please provide information to support your answer here::

Clause 12: Youth custody and supervision orders

Do you agree with the introduction of Youth Custody and Supervision Orders?

Yes

Please provide information to support your answer here::

Do you agree with the duration of the Youth Custody and Supervision Orders as proposed in subsection 38B?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clause 12 of the Bill?

No

Please provide information to support your answer here::

Clause 13: Place of detention following remand in custody

Do you have any comments on Clause 13 of the Bill?

No

Please provide information to support your answer here::

Clause 14: Remand in custody exceeding three months

Do you have any comments on Clause 14 of the Bill?

No

Please provide information to support your answer here::

Clause 15: Consideration of time spent on remand in custody

Do you have any comments on Clause 15 of the Bill?

No

Please provide information to support your answer here::

Clause 16: Place of detention in custody for contempt of court

Do you have any comments on Clause 16 of the Bill?

No

Please provide information to support your answer here::

Clause 17: Removal of powers to remand or commit a child to custody

Do you have any comments on Clause 17 of the Bill?

No

Please provide information to support your answer here::

Clause 18: Minor and consequential amendments; and Clause 19: Transitional provisions and savings: custody of children

Do you have any comments to make on Clause 18 or Clause 19 of the Bill?

No

Please provide information to support your answer here::

Part 2: Children - Other

Do you have any other comments or information you would like to be considered by the Committee in relation to Part 2: Children?

No

Please provide information to support your answer here::

Clause 20: Interviews

Do you support the use of live links in police interviews to allow an officer who is not at the same location as a detainee to conduct the interview?

Yes

Please provide information to support your answer here::

Do you believe there are sufficient safeguards in place for the use of live link interviews involving young people or vulnerable adults?

Yes

Please provide information to support your answer here::

Do you have anything further to add on Clause 20 of the Bill?

No

Please provide information to support your answer here::

Clause 21: Detention

Do you support the use of live links for extending detention and issuing warrants for further detention?

Yes

Please provide information to support your answer here: :

Do you have anything further to add on Clause 21 of the Bill?

No

Please provide information to support your answer here: :

Part 3: Live links - Other

Do you have any other comments or information you would like to be considered by the Committee on Part 3: Live links?

No

Please provide information to support your answer here: :

Clause 22: Delegation of functions of the Policing Board

Do you support the delegation of functions from the Policing Board to Board members and Board staff, where appropriate?

Not Answered

Please provide information to support your answer here::

Do you have anything further to add on Clause 22 of the Bill?

No

Please provide information to support your answer here::

Clause 23: Removal of requirement to audit performance plans etc.

Do you support the removal of the requirement for the Comptroller and Auditor General to audit the Policing Board's performance plans and reviews?

No

Please provide information to support your answer here::

Do you have anything further to add on Clause 23 of the Bill?

No

Please provide information to support your answer here::

Clause 24: Consent for Prosecution in cases of conspiracy to commit offence outside Northern Ireland

Do you have comments on Clause 24 of the Bill?

No

Please provide information to support your answer here::

Clause 25: Death of a child or vulnerable adult: limitation of power to "No Bill" alternative charge

Do you support the change to limit the power to "No Bill" under the specific circumstances relating to the death of a child or vulnerable adult?

Yes

Please provide information to support your answer here::

Clause 26: Examination in criminal proceedings through intermediary

Do you support the extension of the use of Registered Intermediaries for appeal proceedings?

Yes

Please provide information to support your answer here::

Clause 27: Legal aid charges to be registrable in the statutory charges register

Do you agree that the Legal Services Agency Northern Ireland should be able to register charges on the Statutory Charges Register?

Not Answered

Please provide information to support your answer here::

Clause 28: Restriction on ordering of taxation of legal costs

Do you agree with the changes made under Clause 28 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 29: Automatic review of certain criminal record certificates

Do you agree that all certificates containing spent convictions or other disposals for a person under 18 years of age should automatically be considered by the Independent Reviewer?

Not Answered

Please provide information to support your answer here::

Do you have any other views on Clause 29 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 30: Security at buildings used for courts and tribunals etc

Do you have any comments on Clause 30 of the Bill?

No

Please provide information to support your views here::

Part 4: Administration of Justice - Other

Do you have any other comments or information you would like to be considered by the Committee on Part 4: Administration of Justice?

No

Please provide information to support your answer here::

Clause 31: Further Provision

Do you have any comments on Clause 31 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 33: Commencement

Do you agree that the sections of the Bill should be commenced as outlined in Clause 33 of the Bill?

Yes

Please provide information to support your answer here::

Clause 32 : Interpretation and Clause 34: Short title

Do you have any comments on Clause 32 or Clause 34 of the Bill?

No

Please provide information to support your answer here::

Any other comments on the Bill?

Do you have any other comments or views on the Justice Bill?

No

Please provide any other comments or views you have on the Justice Bill here::

Justice Bill - Departmental Amendments

Amendment: Biometrics

Do you have comments on the proposed biometric amendment to the Bill?

No

Please provide information to support your answer here::

Amendment: Restorative justice

Do you have any comments on the proposed restorative justice amendment to the Bill?

No

Please provide information to support your answer here::

Amendment: Rehabilitation of offenders

Do you have any comments on the changes proposed to the rehabilitation periods in the proposed amendment to the Bill?

No

Please provide information to support your answer here::

Amendment: Repeal of vagrancy legislation

Do you have any comments on the proposed vagrancy amendment to the Bill?

No

Please provide information to support your answer here::

Amendment: AccessNI filtering of criminal record certificates

Do you have any comments on the proposed AccessNI filtering amendment to the Bill?

No

Please provide information to support your answer here::

Amendment: Organised crime

Do you have any comments on the proposed organised crime amendment to the Bill?

No

Please provide information to support your answer here::

Amendment: Use of live links

Do you have any comments on the proposed live links amendment to the Bill?

Yes

Please provide information to support your answer here::

It is encouraging to see Northern Ireland finally move into the 21st century, embracing modern technologies to enhance the transparency and accountability of our public services.