



Northern Ireland  
Assembly

**Committee for Justice**

# **OFFICIAL REPORT (Hansard)**

**Review of the Criminal Records Regime in  
Northern Ireland: Part 2: Draft  
Consultation**

**26 April 2012**

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

### Review of the Criminal Records Regime in Northern Ireland: Part 2: Draft Consultation

**26 April 2012**

**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Sydney Anderson  
Mr Tom Elliott  
Ms Jennifer McCann  
Mr Patsy McGlone  
Mr Peter Weir

**Witnesses:**

Mr Tom Clarke	Access NI
Mr Gary Archibald	Department of Justice
Ms Maura Campbell	Department of Justice
Ms Debbie Pritchard	Department of Justice

**The Chairperson:** I welcome Maura Campbell from the criminal justice development division of the Department of Justice; Gary Archibald, who is also from the criminal justice development division; Debbie Pritchard from the protection and organised crime division; and Tom Clarke from Access NI. Maura, I think that you are leading off for us, so I will hand over to you.

**Ms Maura Campbell (Department of Justice):** Thank you very much. Good afternoon. We are grateful to the Committee for giving us the opportunity to brief it on how we plan to respond to Mrs Mason's part 2 report, about which you just heard. We thought that it would be helpful to update you at the same time on the two related recommendations from her part 1 report that she also spoke about, for which I am joined by Debbie and Tom.

As the Committee is aware, the Minister extended an invitation to Mrs Mason last year to undertake a review of the framework for managing criminality information. At that time, he could have simply asked the Home Secretary to extend the scope of a similar review already under way for England and Wales to include Northern Ireland, but he decided that a bespoke review would be more appropriate since it would allow Mrs Mason to consider our local circumstances in more depth. We believe that Mrs Mason has succeeded very well in identifying and responding to those local differences and that she has balanced them very carefully against the need for a measure of consistency across jurisdictions in the interests of public protection. She consulted widely and took the time to understand our unique

features in Northern Ireland, the main one being the Causeway system, which shares information electronically between the main criminal justice agencies and supports the operation of the criminal record viewer.

As you heard, Mrs Mason completed her review in two parts. She mentioned the consultation undertaken by colleagues from the safer communities directorate on the outcomes from part 1. My division in the access to justice directorate has lead responsibility for the matters she covered in part 2 of her review, which are the management of criminal records information and access to that information.

I will now turn to the part 2 report. We are very grateful to Mrs Mason for undertaking what we think is a very comprehensive review. We welcome her endorsement of Causeway as our principal mechanism for managing criminality information. We are also encouraged to note that a number of her recommendations simply ask for the continuance of existing good practice.

The Minister is minded to accept all Mrs Mason's recommendations, subject to consulting on the three matters that we regard as representing new policy. First, she highlighted earlier the issue of offences that should be recordable or non-recordable. At this point, we are not consulting on the detail of that, because a comprehensive review still needs to be undertaken on how those offences should be designated. That work has begun and is being taken forward in partnership with colleagues from the Home Office and in Scotland. At this point, we are asking for views on the principle of continuing to distinguish in that way between recordable and non-recordable offences. We plan to undertake a further consultation on that detailed work on recordability once the review has been completed.

The second issue is the definition of a criminal record. It probably surprised you, as it would many people, to learn that we do not already have a clear definition of what constitutes a criminal record, although that is also the case in England and Wales and in Scotland. We want to consult on the working definition that Mrs Mason has offered, which mirrors the one she recommended for England and Wales.

The third issue relates to the length of time for which an individual's criminal record should be retained. As Mrs Mason said, currently, records can be retained indefinitely. Her proposal is that records should be retained for 100 years from the date of the subject's birth.

I mentioned that there are two related recommendations from the part 1 report. The reason why those were not included in the earlier consultation is that it seemed sensible to consider first what a criminal record should be and what should be in it before seeking views on what information should be disclosed from or filtered out of it. We are now consulting on recommendation 9 in the part 1 report on the routine disclosure by Access NI of criminal information, such as cautions, in standard and enhanced checks. We are also consulting on recommendation 10 in the part 1 report, which proposes that criminal information, such as cautions and convictions that are both old and minor, should be filtered out for disclosure purposes.

As for the next steps, we have circulated to you a copy of the draft consultation document in advance of today's meeting. Subject to your views, we hope to be in a position to launch the consultation next month. We will, of course, share a summary of the consultation responses with you and would be happy to come back in due course to brief you on how we propose to respond to the outcome of the consultation.

Gary and I are happy to take any questions on the part 2 report. Debbie and Tom are happy to respond to questions on the part 1 recommendations.

**The Chairperson:** Thank you very much. I have no issue with the document as drafted going out for consultation. I do not want to prolong things any more than is necessary. However, I have one question on the recommendation to enhance co-operation arrangements with the Republic of Ireland, which states:

*"these ... should be appropriately enhanced to aid public protection for both jurisdictions."*

The Department's response is that current arrangements are considered to be effective. I am trying to understand that a bit more. The recommendation is that co-operation be enhanced, but it is your view that the current arrangements are adequate.

**Ms M Campbell:** We think that, currently, there is good co-operation between police forces on both sides of the border. In fact, we saw a good practical example of that earlier this week. Certainly, when I was at a working group of North and South officials earlier this week in Armagh, the police and the Garda Síochána said that they find that current information-sharing arrangements are working very well. What we are thinking about relates more to the further work that Mrs Mason plans to do in an EU context. If something comes through in her future work to indicate that there may be opportunities to build further on that relationship, we would obviously want to take the benefit of that.

**The Chairperson:** Are Members content with the document as drafted to go out for consultation?

*Members indicated assent.*